

Title 21 Rewrite

Public Review Draft #1

Municipality of Anchorage

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- 21.01: General Provisions
- 21.02: Boards, Commissions, and Municipal Administration
- 21.03: Review and Approval Procedures
- 21.04: Zoning Districts
- 21.05: Use Regulations
- 21.06: Dimensional Standards and Measurements
- 21.07: Development and Design Standards
- 21.08: Subdivision Standards
- 21.09: Girdwood
- 21.10: Signs
- 21.11: Nonconformities
- 21.12: Enforcement
- 21.13: Definitions

TABLE OF CONTENTS

CHAPTER 21.01: GENERAL PROVISIONS	6
21.01.010 Title and Effective Date	6
21.01.020 Authority	6
21.01.030 Purpose of this Title	6
21.01.040 Applicability and Jurisdiction	7
21.01.050 Official Zoning Map	7
21.01.060 Conflicting Provisions	8
21.01.070 Severability	9
21.01.080 Comprehensive Plan	9
21.01.090 Transitional Provisions	11
CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION	16
21.02.010 Purpose	16
21.02.020 Boards and Commissions Generally	16
21.02.030 Assembly	24
21.02.040 Planning and Zoning Commission	25
21.02.050 Platting Board	26
21.02.060 Zoning Board of Examiners and Appeals	27
21.02.070 Board of Adjustment	27
21.02.080 Urban Design Commission	28
21.02.090 Geotechnical Advisory Commission	29
21.02.100 Municipal Staff	29
CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES	34
21.03.010 Purpose and Structure of this Chapter	34
21.03.020 Common Procedures	34
21.03.030 Comprehensive Plan Amendments	44
21.03.040 Amendments to Text of Title 21	48
21.03.050 Rezoning (Zoning Map Amendments)	50
21.03.060 Subdivisions and Plats	56
21.03.070 Conditional Uses	67
21.03.080 Site Plan Review	70
21.03.090 Public Facility Site Selection	74
21.03.100 Special Flood Hazard Permits	76
21.03.110 Land Use Permits	78
21.03.120 Certificate of Zoning Compliance	83
21.03.130 Sign Permits	84
21.03.140 Temporary Uses	85
21.03.150 Record of Survey Maps	85
21.03.160 Vacation of Plats and Rights-of-Way	86
21.03.170 Verification of Nonconforming Status	88
21.03.180 Minor Modifications	89
21.03.190 Variances	91
21.03.200 Appeals	95
21.03.210 Use Classification Requests	103
21.03.220 Assembly Alcohol Approval	106

21.03.230	Administrative Permits	108
21.03.240	Master Planning	108
CHAPTER 21.04: ZONING DISTRICTS		128
21.04.010	General Provisions	128
21.04.020	Residential Districts	129
21.04.030	Commercial and Office Districts	134
21.04.040	Mixed-Use Districts	142
21.04.050	Industrial Districts	150
21.04.060	Other Districts	151
21.04.070	Overlay Zoning Districts	153
CHAPTER 21.05: USE REGULATIONS		177
21.05.010	Tables of Allowed Uses	177
21.05.020	Generally Applicable Use Standards	197
21.05.030	Residential Uses: Definitions and Use-Specific Standards	198
21.05.040	Public/Institutional Uses: Definitions and Use-Specific Standards	210
21.05.050	Commercial Uses: Definitions and Use-Specific Standards	230
21.05.060	Industrial Uses: Definitions and Use-Specific Standards	251
21.05.070	Accessory Uses and Structures	270
21.05.080	Temporary Uses and Structures	295
CHAPTER 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS		306
21.06.010	Dimensional Standards Tables	306
21.06.020	Measurements and Exceptions	316
CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS		333
21.07.010	General Provisions	333
21.07.020	Natural Resource Protection	335
21.07.030	Open Space	345
21.07.040	Drainage, Stormwater Runoff, Erosion Control	347
21.07.050	Utility Distribution Facilities	348
21.07.060	Transportation and Connectivity	353
21.07.070	Neighborhood Protection Standards	359
21.07.080	Landscaping, Screening, and Fences	360
21.07.090	Off-Street Parking and Loading	380
21.07.100	Residential Building Standards	412
21.07.110	Public/ Institutional and Commercial Building Standards	420
21.07.120	Large Commercial Establishments	425
21.07.130	Exterior Lighting	433
21.07.140	Operational Standards	439
CHAPTER 21.08: SUBDIVISION STANDARDS		451
21.08.010	Purpose	451
21.08.020	Applicability	451
21.08.030	Design Standards	451
21.08.040	Dedication	457
21.08.050	Improvements	459
21.08.060	Subdivision Agreements	468
21.08.070	Conservation Subdivisions	477

CHAPTER 21.10: SIGNS	485
21.10.010 Purpose	485
21.10.020 Application of This Section	485
21.10.030 Relationship of This Section to State Law	486
21.10.040 Computations, Rules of Measurement, and Definitions	487
21.10.050 Signs In Residential Districts (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, R-10, RMX, TA(a))	490
21.10.060 Signs in the Public Lands and Institutions (PLI), Office (O), Watershed (W), Open Lands (OL), and Parks and Recreation (PR) Districts	493
21.10.070 Signs in the Nonresidential Districts (CBD, AC, MC, IC, I-1, I-2, MI, NMU-1, NMU-2, CCMU, RCMU, MMU, AD, and TA(a) Districts)	499
21.10.080 Prohibited Signs	505
21.10.090 Supplemental Sign Standards	505
21.10.100 Regulations for Nonconforming Signs	509
21.10.110 Variances	511
CHAPTER 21.11: NONCONFORMITIES	514
21.11.010 General Provisions	514
21.11.020 Nonconforming Uses of Land or Structures	516
21.11.030 Nonconforming Structures	517
21.11.040 Nonconforming Lots of Record	518
21.11.050 Nonconforming Characteristics of Use	519
21.11.060 Nonconforming Signs	519
CHAPTER 21.12: ENFORCEMENT	524
21.12.010 General Provisions	524
21.12.020 Responsibility for Enforcement and Inspections	524
21.12.030 Violations	525
21.12.040 Remedies and Penalties	526
21.12.050 Procedures for Public Enforcement Actions	529
21.12.060 Procedures for Private Enforcement Actions	531
CHAPTER 21.13: RULES OF CONSTRUCTION AND DEFINITIONS	538
21.13.010 Interpretations	538
21.13.020 Rules of Construction and Interpretation	538
21.13.030 Definitions	540

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TABLE OF CONTENTS

1

2

3 **CHAPTER 21.01: GENERAL PROVISIONS 6**

4 **21.01.010 Title and Effective Date 6**

5 **21.01.020 Authority 6**

6 **21.01.030 Purpose of this Title..... 6**

7 **21.01.040 Applicability and Jurisdiction 7**

8 A. General 7

9 B. Application to Governmental Units 7

10 C. Compliance Required 7

11 **21.01.050 Official Zoning Map..... 7**

12 A. Incorporation Into this Ordinance 7

13 B. Changes to Official Zoning Map 7

14 C. Interpretation of District Boundaries 7

15 **21.01.060 Conflicting Provisions 8**

16 A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits..... 8

17 B. Conflict with Comprehensive Plan..... 8

18 C. Conflict with Private Agreements 9

19 **21.01.070 Severability 9**

20 **21.01.080 Comprehensive Plan 9**

21 A. Purpose 9

22 B. Elements..... 9

23 C. Periodic Review..... 11

24 **21.01.090 Transitional Provisions 11**

25 A. Violations Continue..... 11

26 B. Uses, Characteristics of Use, Structures, and Lots Rendered Conforming 11

27 C. Uses, Characteristics of Use, Structures, and Lots Rendered Nonconforming 11

28 D. Processing of Applications Commenced or Approved Under Previous Ordinances.. 12

29

30

31

CHAPTER 21.01: GENERAL PROVISIONS

21.01.010 TITLE AND EFFECTIVE DATE

This title shall be officially known as "Title 21, Land Use Planning, of the Anchorage Municipal Code of Ordinances." It also may be called "Title 21," the "Zoning Ordinance," or "the Land Use Ordinance," and is referred to throughout this document as "this title." This title shall become effective on [insert effective date].

21.01.020 AUTHORITY

This title is adopted pursuant to authority granted generally by the Alaska Constitution, the Alaska Statutes (A.S.), and the Municipal Charter, and specifically by:

- A. Alaska Constitution, Article X, Sect. 11 (Home rule powers);
- B. Municipal Charter, section 10.02(7) (Requires ordinances for land use controls);
- C. Municipal Charter, section 12.02 (Requires a planning commission); and
- D. A.S. 29.35.180(b) (Requires a home rule borough to provide for planning, platting, and land use regulation).

21.01.030 PURPOSE OF THIS TITLE¹

The purpose of this title is to protect the public health, safety, and welfare, and to implement the Anchorage Comprehensive Plan, by:

- A. Encouraging the efficient use of the available land supply in the Municipality, including redevelopment of underutilized land;
- B. Promoting a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;
- C. Promoting a balanced supply of non-residential land uses that are compatible with adjacent land uses and have good access to transportation networks;
- D. Promoting well-planned development based on a design aesthetic that creates a sense of place and reflects Anchorage's unique northern setting;
- E. Providing appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development in Anchorage;
- F. Conserving the value of buildings and land;
- G. Protecting existing trees and vegetation, floodplains, river and stream corridors, wildlife habitat, scenic views, and other areas of environmental and cultural significance by minimizing the adverse impacts of land development;
- H. Protecting development and residents of Anchorage from flooding, wildfires, seismic risks, and other hazards;
- I. Encouraging development of a sustainable and accessible system of recreational facilities, parks, trails, and natural open space that meets year-round neighborhood and community-wide needs; and

- 1 J. Facilitating the adequate and safe provision of transportation, water, sewage,
2 drainage, schools, parks, and other public facilities.

3 **21.01.040 APPLICABILITY AND JURISDICTION**

4 **A. General**

5 The provisions of this title shall apply to all land, buildings, structures, and uses
6 thereof located within the Municipality of Anchorage, unless an exemption is provided
7 by the terms of this title.

8 **B. Application to Governmental Units²**

9 To the extent allowed by law, the provisions of this title shall apply to all land,
10 buildings, structures, and uses owned by government agencies, including all
11 municipal, state, and federal lands, within the corporate limits of the Municipality of
12 Anchorage. Where the provisions of this title do not apply to such land, buildings,
13 structures, and uses, such agencies are encouraged to meet the provisions of this
14 title.

15 **C. Compliance Required**

16 No building or structure shall be erected, converted, enlarged, reconstructed, or
17 altered for use, nor shall any land, building, or structure be used or changed, except in
18 accordance with all of the applicable regulations established by this title. No lot of
19 record that did not exist on the effective date of this title shall be created, by
20 subdivision or otherwise, that does not conform to the applicable requirements of this
21 title, unless allowed by section 21.01.090, *Transitional Provisions*.

22 **21.01.050 OFFICIAL ZONING MAP**

23 **A. Incorporation Into this Ordinance**

24 The official zoning map designates the location and boundaries of the various zone
25 districts established in this title. It consists of a series of map pages adopted by
26 ordinance and any subsequent amendments in accordance with this title. The official
27 zoning map is incorporated herein by reference and referred to as the “zoning map” in
28 this title. The zoning map shall be kept on file in the office of the Department³ and is
29 available for public inspection during normal business hours. The map shall be the
30 final authority as to the current zoning status of lands, water areas, buildings, and
31 other structures in the Municipality.

32 **B. Changes to Official Zoning Map**

33 Changes made in zone district boundaries or other matters portrayed on the official
34 zoning map shall be made only in accordance with the provisions of section
35 21.03.050, *Rezoning (Zoning Map Amendments)*.

36 **C. Interpretation of District Boundaries⁴**

37 In the case of any dispute regarding the zoning classification of property subject to
38 this title, the official zoning map contained in the Department shall control, or other
39 official records as provided below. The Director shall use the rules set forth below to

1 interpret the map. Appeals shall be made to the Zoning Board of Examiners and
2 Appeals, pursuant to section 21.03.200, *Appeals*.

3 1. Where the zoning map shows a zoning district boundary line located within or
4 following a street or alley right-of-way, utility line right-of-way, easement, or
5 waterway, the district boundary shall be considered to be in the center of the
6 right-of-way, easement, or waterway. If the actual location of such right-of-
7 way, easement, or waterway, as indicated in a recorded legal description of
8 such, varies slightly from the location shown on the Zoning Map, then the
9 actual location shall control.

10 2. Where the zoning map shows a boundary line as being located a specific
11 distance from a street line or other physical feature, this distance shall control.

12 3. Where the zoning map shows a district boundary to coincide with a property
13 line or municipal border, the legal property line or municipal border shall be
14 considered to be the district boundary, unless otherwise indicated on the map.

15 4. Where the zoning map shows a district boundary to not coincide or
16 approximately coincide with any street, alley, waterway, or property line, and
17 no dimensions are shown, the location of the boundary shall be determined
18 by use of the scale appearing on the zoning map.

19 5. Where the zoning map shows a district boundary dividing a lot, each part of
20 the lot shall be used in conformity with the standards established by this title
21 for the zoning district in which that part is located.

22 6. Where the case record conflicts with the zoning map, the case record shall
23 control. For example, if the zoning map shows a property to be zoned R-1,
24 yet the case record shows that the property was actually zoned I-1, the case
25 record would control and the map would be changed to reflect the case
26 record. Any permits issued in reliance on the erroneous designation shall be
27 considered valid under this title.⁵

28 **21.01.060 CONFLICTING PROVISIONS**

29 **A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits**

30 This title is intended to complement other municipal, state, and federal regulations that
31 affect land use. This title is not intended to revoke or repeal any other public law,
32 ordinance, regulation, or permit. However, where conditions, standards, or
33 requirements imposed by any provision of this title are either more restrictive or less
34 restrictive than comparable standards imposed by any other public law, ordinance, or
35 regulation, the provisions that are more restrictive or that impose higher standards or
36 requirements shall govern.

37 **B. Conflict with Comprehensive Plan⁶**

38 Where conditions, standards, or requirements imposed by any provision of this title
39 are either more restrictive or less restrictive than any provision found in the
40 Comprehensive Plan, the provision of this title shall govern.

C. Conflict with Private Agreements

This title is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this title are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this title shall govern. Nothing in this title shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this title. In no case shall the Municipality be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

21.01.070 SEVERABILITY

- A. If any court of competent jurisdiction invalidates any provision of this title, then such judgment shall not affect the validity and continued enforcement of any other provision of this title.
- B. If any court of competent jurisdiction invalidates the application of any provision of this title, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- C. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

21.01.080 COMPREHENSIVE PLAN'

A. Purpose

The purpose of the Comprehensive Plan is to set forth the goals, objectives, strategies, and policies governing land use development of the Municipality. As adopted, this section and the documents incorporated in this section constitute the Comprehensive Plan of the Municipality of Anchorage.

B. Elements

1. Adopted Elements

The Comprehensive Plan consists of the adopted elements identified in the following table, and which are incorporated in this chapter by reference. Plans or other elements that are not listed below are not official elements of the Comprehensive Plan, though they may be valid planning tools. If elements of the Comprehensive Plan conflict, the element most recently adopted shall govern.

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS		
Area/Topic	Plan	Adoption Date
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	February 20, 2001
	Spenard Commercial District Development Strategy	June 1986
	Tudor Road Public Lands and Institutions Plan	April 1986

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date
	Anchorage Central Business District Comprehensive Development Plan	Fall 1983
	Utility Corridor Plan	February 27, 1990
	Section 36 Land Use Study (recommending Alternative 2)	March 1991
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	June 3, 1991
	Potter Valley Land Use Analysis	1999
	University-Medical District Plan ⁸	October 21, 2003
	2006 Anchorage Bowl Land Use Plan Map	Proposed 2006
Turnagain Arm	Turnagain Arm Comprehensive Plan	June 6, 1987
	Girdwood Area Plan	February 1995
	Glacier-Winner Creek Access Corridor Study Final Routing Report	December 1996
	Girdwood-Iditarod Trail Route Study	May 1997
	Girdwood Commercial Areas and Transportation Master Plan	February 20, 2001
Chugiak; Eagle River; Eklutna	Chugiak-Eagle River Comprehensive Plan	January 1993 (amended by Alternative 1 of HLB Parcel 1-085 Land Use Study March 1996)
	Eagle River Greenbelt Plan	April 1985
	Chugiak-Eagle River Transportation Plan	May 1996
	Eagle River Central Business District Revitalization Plan	October 2003
Environmental Quality	Anchorage Coastal Zone Management Plan	July 1979
	208 Areawide Water Quality Management Plan	August 1979
	Eagle River PM-10 Control Plan	September 1991
	1992 Air Quality Attainment Plan for Anchorage, Alaska	December 1992
	Anchorage Wetlands Management Plan	April 1995
Transportation	Street and Highway Landscape Plan	November 1981
	Areawide Trails Plan	January 1996
	Official Streets and Highways Plan	August 1996; June 3, 1997; August 15, 2000
	AMATS 1997 Anchorage Bowl Long-Range Transportation Plan	1998
Parks, Greenbelts, and Recreational Facilities	Anchorage Park, Greenbelt, and Recreation Facility Plan	December 17, 1985
	Areawide Library Facilities Plan	April 1984
	Updated Far North Bicentennial Park Plan	1985
	Campbell Creek Park System Acquisition and Development Plan	1986
	Rabbit Creek Greenbelt Plan	October 1986
	Chester Creek Greenbelt	[No date listed in original code text]

1 2. **New Elements⁹**

2 Procedures for amending the Comprehensive Plan are set forth in section
3 21.03.030, *Comprehensive Plan Amendments*. That process may be used to
4 amend existing elements of the plan or to adopt new plan elements, including,
5 but not limited to:

- 6 a. Plan elements that address new topic areas, such as, but not limited
7 to, housing or public utilities;
- 8 b. Neighborhood plans;
- 9 c. Town center, district, or small-area plans; and
- 10 d. Land use maps or residential intensity maps.

11 **C. Periodic Review**

12 The Comprehensive Plan shall be subject to periodic review in accordance with the
13 procedure described in section 21.03.030, *Comprehensive Plan Amendments*.

14 **21.01.090 TRANSITIONAL PROVISIONS**

15 The purpose of transitional provisions is to resolve the status of properties with pending
16 applications or recent approvals, and properties with outstanding violations, at the time of the
17 adoption of this title.

18 **A. Violations Continue**

19 Any violation of the previous title 21 ordinance shall continue to be a violation under
20 this title and shall be subject to the penalties and enforcement set forth in chapter
21 21.12, *Enforcement*, unless the use, development, construction, or other activity
22 complies with the provisions of this title. Payment shall be required for any civil
23 penalty assessed under the previous title 21, even if the original violation is no longer
24 considered a violation under this title.

25 **B. Uses, Characteristics of Use, Structures, and Lots Rendered Conforming**

26 A use, characteristic of use, structure, or lot not lawfully existing at the time of the
27 adoption of this title is deemed lawful as of the effective date of this title, provided it
28 conforms to all of the requirements of this title.

29 **C. Uses, Characteristics of Use, Structures, and Lots Rendered Nonconforming**

30 1. When a lot is used for a purpose that was a lawful use before the effective
31 date of this title, and this title no longer classifies such use as an allowed use
32 in the zoning district in which it is located, such use shall be considered
33 nonconforming and shall be controlled by chapter 21.11, *Nonconformities*.

34 2. Where any characteristic of use, building, structure, or lot that legally existed
35 on the effective date of this title does not meet all standards set forth in this
36 title, such building, structure, or lot shall be considered nonconforming and
37 shall be controlled by chapter 21.11, *Nonconformities*.

1 **D. Processing of Applications Commenced or Approved Under Previous**
2 **Ordinances**

3 **1. Pending Applications**

4 a. Any complete application that has been submitted for approval, but
5 upon which no final action has been taken by the appropriate
6 decision-making body prior to the effective date of this title, shall,
7 within six months¹⁰ of the date of acceptance for completeness, be
8 reviewed in accordance with the provisions of the ordinance in effect
9 on the date the application was deemed complete. However, in such
10 cases, if the applicant fails to comply with any applicable required
11 period for submittal or other procedural requirements, the application
12 shall expire and subsequent applications shall be subject to the
13 requirements of this title. Any re-application for an expired project
14 approval shall meet the standards in effect at the time of re-
15 application.

16 b. For multi-phase projects, this subsection shall apply only to those
17 phases for which complete applications have been submitted for
18 approval but upon which no final action has been taken by the
19 appropriate decision-making body prior to the effective date of this
20 title.¹¹

21 c. An applicant with an approved pending application may waive review
22 available under prior ordinances through a written letter to the
23 Director and request for review under this title.

24 **2. Preliminary Plats¹²**

25 a. Any complete preliminary plat application that has been submitted for
26 approval, but upon which no final action has been taken by the
27 appropriate decision-making body prior to the effective date of this
28 title, shall, within six months of the date of acceptance for
29 completeness, be reviewed in accordance with the provisions of the
30 ordinance in effect on the date the application was deemed complete.
31 Subsequently, the final plat for such subdivision applications also
32 shall be processed and reviewed according to the provisions of the
33 ordinance applicable at the time of submission of the complete
34 application for preliminary plat.¹³

35 b. An application for which preliminary approval of a plat was granted
36 prior to the effective date of this title may be processed for a final
37 decision in accordance with the preliminary approval, applicable
38 terms of the ordinance in place at the time of preliminary approval,
39 and any other approved permits and conditions, even if the
40 application does not comply with one or more requirements set forth
41 in this title. Preliminary approvals granted under the previous title 21
42 may be extended no more than once, and for no longer than 18
43 months, pursuant to the extension procedures applicable under the
44 previous ordinance.¹⁴

45 **3. Approved Projects**

46 a. Conditional use permits, subdivision plats, site plan approvals,
47 grading permits, building permits, land use permits, sign permits, and

1 variances, any of which are valid on [--- insert effective date] shall
2 remain valid until their expiration date. Projects with valid approvals
3 or permits may be carried out with the development standards in
4 effect at the time of approval, provided that the permit or approval is
5 valid and has not lapsed.

6 b. Any building or development for which a building permit or land use
7 permit was granted prior to the effective date of this title shall be
8 permitted to proceed to construction even if such building or
9 development does not conform to the provisions of this title.

10 c. If the development for which the building permit or land use permit is
11 issued prior to the effective date of this title fails to comply with the
12 time frames for development established for the permit, the building
13 or land use permit shall expire and future development shall be
14 subject to the requirements of this title.

15 **4. Remanded Cases**

16 If the Board of Adjustment remands a case to another decision-making body,
17 that body shall process the case under the rules applicable at the time the
18 original complete application was submitted for approval, unless the applicant
19 has waived review under previous ordinances pursuant to subsection D.1.c.
20 above.¹⁵

¹ 2005 NOTE: This section has been streamlined based on numerous comments. We've tried to remove all redundancies while at the same time keeping enough purpose statements to convey the wide range of issues addressed in title 21.

² NOTE: This section is written very broadly to cover all levels of government, and encourages compliance by any governmental agencies not subject to MOA laws. Thus, for example, a new federal building would be encouraged to comply with MOA land use laws, even though federal properties are exempt from local land use controls.

³ NOTE: Unless otherwise specified, the term "Department" is defined in the code as the Planning Department.

⁴ NOTE: These are suggested new interpretation rules; there is nothing on this topic in the current title 21.

⁵ NOTE: This is a suggested new policy to deal with any permits that might have been issued in reliance on an incorrect designation.

⁶ 2005 NOTE: This is a new provision, based on questions from staff and ZBEA.

⁷ 2005 NOTE: This 2005 version is much simpler than the previous draft. Detailed "implementation" and "transition" provisions have been removed. With the creation of a new Land Use Plan Map, such provisions are expected to be obsolete. This is based on the existing AMC chapter 21.05.

⁸ 2005 NOTE: Table reorganized so that the key plan for each topic area is listed first, followed by others in chronological order. U-Med plan is new in this draft.

⁹ NOTE: This new section provides broad enabling authority for new plan elements, such as new land use plan maps. The section authorizes the adoption of neighborhood plans as amendments to the comprehensive plan, but it doesn't codify the neighborhood planning process, which is still being developed in Anchorage as a separate project.

¹⁰ 2005 NOTE: Comments on the first draft of this provision questioned what happens if staff fails to meet the deadline – automatic approval, denial, or extension? Further discussion necessary to determine the appropriate policy in Anchorage. (Elsewhere in the 2005 draft code, the provision stating that inaction equals denial has been removed.) OLD NOTE: The six-month provision puts a cap on the time available for the old code to continue, but it also puts a burden on staff to review the applications within a certain period. The six-month period is provided for discussion purposes; a longer period could be used, or the time limit period could be removed altogether.

¹¹ 2005 NOTE: Proposed new provision.

¹² 2005 NOTE: We have removed right-of-way vacation, variance, and conditional uses from this section, since none of those procedures involve a preliminary approval step as drafted in this title.

¹³ 2005 NOTE: Proposed new provision.

¹⁴ 2005 NOTE: The general contractors association strongly suggests that this extension period be extended to 36 months or longer. They believe that that original 12-month period may not be adequate in Anchorage. This draft extends the 12-month provision to 18 months.

¹⁵ 2005 NOTE: Proposed new provision.

TABLE OF CONTENTS

1
2
3 **CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION 16**
4 **21.02.010 Purpose..... 16**
5 **21.02.020 Boards and Commissions Generally 16**
6 A. Summary Table of Major Decision-Making and Review Responsibilities 16
7 B. Composition of Boards and Commissions 19
8 C. Conduct of Boards and Commissions 20
9 **21.02.030 Assembly 24**
10 A. Review and Decision-Making Responsibilities 24
11 B. Other Powers and Duties 25
12 C. Rules of Procedure..... 25
13 **21.02.040 Planning and Zoning Commission..... 25**
14 A. Review and Decision-Making Responsibilities 25
15 B. Other Powers and Duties 25
16 C. Delegation of Authority 26
17 D. Recommended Qualifications 26
18 **21.02.050 Platting Board..... 26**
19 A. Review and Decision-Making Responsibilities 26
20 B. Other Powers and Duties 26
21 C. Delegation of Authority 26
22 D. Recommended Qualifications 27
23 **21.02.060 Zoning Board of Examiners and Appeals 27**
24 A. Review and Decision-Making Responsibilities 27
25 B. Other Powers and Duties 27
26 C. Qualifications 27
27 **21.02.070 Board of Adjustment..... 27**
28 A. Review and Decision-Making Responsibilities 27
29 B. Composition 28
30 C. Qualifications 28
31 **21.02.080 Urban Design Commission 28**
32 A. Review and Decision-Making Responsibilities 28
33 B. Other Powers and Duties 28
34 C. Recommended Qualifications 29
35 **21.02.090 Geotechnical Advisory Commission 29**
36 A. Authority..... 29
37 B. Qualifications 29
38 **21.02.100 Municipal Staff..... 29**
39
40
41

1 **CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL**
2 **ADMINISTRATION**

3 **21.02.010 PURPOSE**

4 This chapter identifies the roles and responsibilities of appointed and elected boards and
5 commissions and the duties of the municipal staff in the administration of this title.

6 **21.02.020 BOARDS AND COMMISSIONS GENERALLY**

7 **A. Summary Table of Major Decision-Making and Review Responsibilities¹**

- 8 1. Table 21.02-1 summarizes the major review and decision-making
9 responsibilities of the Assembly, the municipal staff, and the other entities that
10 have roles in the procedures set forth in chapter 21.03, *Review and Approval*
11 *Procedures*. Such other entities are referred to in this chapter as the “boards
12 and commissions within the scope of this chapter” and include: the Planning
13 and Zoning Commission; the Platting Board; the Zoning Board of Examiners
14 and Appeals; the Board of Adjustment; the Urban Design Commission; and
15 the Geotechnical Advisory Commission.
- 16 2. Table 21.02-1 is a summary tool and includes many, but not all, duties of
17 these entities. Other duties and responsibilities are set forth in subsequent
18 sections of this chapter and this title and other parts of the Municipal Code.
19 Some other duties and responsibilities not listed in the table may require
20 public hearings.
- 21 3. The referenced notes are set forth immediately below the table.
- 22 4. Even though not referenced in this chapter, other boards, commissions,
23 government agencies, and non-governmental agencies may be asked to
24 review some applications, including, but not limited to, rezonings, site plans,
25 and subdivisions. Title 21 matters referred to other agencies will follow the
26 procedures established in chapter 21.03, *Review and Approval Procedures*.

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TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES									
<p>NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.</p> <p>A = APPEAL = Authority to Hear and Decide Appeals D = DECISION = Responsible for Review and Final Decision H = HEARING = Public Hearing Required R = REVIEW = Responsible for Review and/or Recommendation Only</p>									
	Section	ASBLY	PZC	PB	ZBEA	BOA	UDC	GAC	MS
Amendments to Comprehensive Plan, Substantive	21.03.030.B	D-H	R-H					R [4]	R
Amendments to Comprehensive Plan, Cosmetic	21.03.030.C	D	R						R
Amendments to Text of Title 21	21.03.040	D-H	R-H [1]	R-H [1]				R [4]	R
Rezoning (Map Amendments)	21.03.050	D-H	R-H				R [5]		R
Preliminary Plat	21.03.060.C.3		D-H [4]	D-H		A	R [5]	R [4]	R
Final Plat	21.03.060.C.4			D-H [2]					D [2]
Abbreviated Plat	21.03.060.D		A [3]	A-H [6]		A-H [6]			D
Right-of-Way Acquisition Plat	21.03.060.E			A					D
Conditional Uses	21.03.070		D-H			A-H	R [5]		R
Site Plan Review, Administrative	21.03.080.B		A						D
Site Plan Review, Major	21.03.080.C		A-H				D-H	R [4]	R
Public Facility Site Selection (except schools)	21.03.090		D-H					R [4]	R
School Site Selection	25.25	D-H						R [4]	R
Special Flood Hazard Permits	21.03.100				A-H				D
Land Use Permits	21.03.110				A-H				D
Certificates of Zoning Compliance	21.03.120				A-H				D
Sign Permits	21.03.130				A-H				D
Temporary Use Permits	21.03.140				A-H				D
Record of Survey Maps	21.03.150			A					D

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

**A = APPEAL = Authority to Hear and Decide Appeals
 D = DECISION = Responsible for Review and Final Decision
 H = HEARING = Public Hearing Required
 R = REVIEW = Responsible for Review and/or Recommendation Only**

	Section	ASBLY	PZC	PB	ZBEA	BOA	UDC	GAC	MS
Vacation of Public Property Other Than Utilities	21.03.160	A-H		D					R
Vacation of Public Utility Easements	21.03.160	A-H							D
Verification of Nonconforming Use	21.03.180				A-H				D
Minor Modifications	21.03.190				A-H				D
Variances [from all other provisions of this title except chapter 21.08, <i>Subdivision Standards</i>]	21.03.200				D-H				R
Variances [from the provisions of chapter 21.08, <i>Subdivision Standards</i>]	21.03.200			D-H		A			R
Variances [from bulk regulations in CBD Districts]	21.06.020. B.2.K		D-H						R
Other Administrative Decisions					A-H				D
Interpretation Of Zoning District Boundaries	21.01.050.C				A-H				D

NOTES:

- [1] Code amendments relating to chapter 21.08, *Subdivision Standards*, originate with and require a hearing by the Platting Board. All other code amendments originate with and require a hearing by the Planning and Zoning Commission.
- [2] A hearing is required for final plats differing from preliminary plats. Otherwise a final plat may be granted administrative approval.
- [3] See 21.03.060.D.5.d, *Appeals*.
- [4] The entity has review responsibility only when appropriate, as specifically provided in this title.
- [5] The UDC may review and make recommendations on rezonings, conditional uses, and platting cases for sites within the CBD districts and sites within any mixed-use district, if delegated such responsibility by the entity with final decision-making authority for the application.
- [6] The appeal body for decisions on abbreviated plats depends on the body making the initial decision. See section 21.03.060.D., *Abbreviated Plat Procedure*.

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES									
<p><i>NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.</i></p> <p>A = APPEAL = Authority to Hear and Decide Appeals D = DECISION = Responsible for Review and Final Decision H = HEARING = Public Hearing Required R = REVIEW = Responsible for Review and/or Recommendation Only</p>									
Section	ASBLY	PZC	PB	ZBEA	BOA	UDC	GAC	MS	
KEY TO ABBREVIATIONS:									
ASBLY = Anchorage Assembly									
PZC = Planning and Zoning Commission									
PB = Platting Board									
ZBEA = Zoning Board of Examiners and Appeals									
BOA = Board of Adjustment									
UDC = Urban Design Commission									
GAC = Geotechnical Advisory Commission									
MS = Municipal Staff									

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B. Composition of Boards and Commissions²

1. Size of Appointed Bodies

The Planning and Zoning Commission, Platting Board, Zoning Board of Examiners and Appeals, Urban Design Commission, and Geotechnical Advisory Commission shall each consist of nine members. The Board of Adjustment shall consist of three members.

2. Qualifications for Appointive Office

Members of appointed boards and commissions shall be qualified in accordance with AMC section 4.05.035³ and shall also meet any other qualifications for membership to specific boards and commissions set forth in this chapter.

3. Board and Commission Appointment and Confirmation

a. Appointments to boards and commissions within the scope of this chapter shall be made by the Mayor and confirmed by the Assembly in accordance with the rules set forth in section 5.07(b) of the Anchorage Municipal Home Rule Charter and AMC section 4.05.030.

b. When transmitting to the Assembly for confirmation the name of appointees to the boards or commissions within the scope of this chapter, the Mayor shall cause a notice of a ten-day comment period inviting public comment on the qualifications of such appointees to be published in a newspaper of general circulation in the Municipality. The notice shall advise that comments shall be in writing and filed with the municipal clerk. Upon receipt, the municipal clerk shall forward comments received to the Mayor and the Assembly. The Assembly shall not take action on any appointment to the named boards or commissions until after the close of the public comment periods.

1 **C. Conduct of Boards and Commissions⁴**

2 This subsection sets forth procedures that apply, unless otherwise indicated, to all
3 boards and commissions within the scope of this chapter.

4 **1. Absence of Member**

5 Any member of an appointed board or commission anticipating an absence
6 from a meeting of their board or commission shall so advise the chair or
7 secretary prior to the meeting.

8 **2. Agenda**

9 Each board and commission shall adopt a general agenda order for all
10 meetings. The specific agenda for each regular meeting of a board or
11 commission shall be prepared by the secretary and shall be distributed to
12 each member at least seven days prior to the meeting, except for special
13 meetings, the procedure for which is set forth in AMC section 1.25.015.

14 **3. Meeting Time and Location**

15 Each board and commission shall establish a regular meeting time and
16 location for regularly scheduled meetings, and shall adopt procedures for
17 publicizing changes to such time and location when necessary, pursuant to
18 AMC section 4.05.090.

19 **4. Officers**

20 Each board and commission shall have a chair and a vice-chair, pursuant to
21 AMC 4.05.070; shall establish procedures for the selection of such officers;
22 and shall adopt rules assigning the duties of such officers.

23 **5. Code of Ethics**

24 In addition to and amplifying the provisions of AMC chapter 1.15, the Planning
25 and Zoning Commission, the Platting Board, the Urban Design Commission,
26 and the Zoning Board of Examiners and Appeals and their members, in the
27 performance of their quasi-judicial, adjudicatory responsibilities in all matters
28 before them, including all matters which their members should reasonably
29 know or expect to come before them, shall:

30 **a.** Make their decisions solely on the applicable law and the evidence in
31 the record presented to the panel through the clerk or secretary of the
32 board or commission or, when permitted, submitted to the panel in an
33 open hearing on the record;

34 **b.** Be impartial in fact and in appearance in the performance of their
35 functions, which means that the panel and its members shall make
36 their decisions without any actual or seemingly apparent personal or
37 financial bias, prejudice, prejudgment or partiality with respect to any
38 person, party, or principle of law; and

39 **c.** Conduct their proceedings according to the applicable procedures
40 provided by law.

41 **6. Conflict of Interest**

42 **a.** No member of an appointed board or commission under this chapter
43 shall participate in any decision in which the board or commission

- 1 determines either that such member has a conflict of interest, as
2 defined in AMC 3.60.070; or that such member has a personal
3 interest or involvement in the case that would prevent that member
4 from fairly evaluating the case; or that, based on all surrounding
5 circumstances, participation by such member would create the
6 appearance of impropriety in the proceedings.
- 7 **b.** The determination shall take into consideration the interest of the
8 public in boards and commissions that have familiarity with the
9 community and its past and future development. No member shall be
10 excused from participation solely on the basis of personal familiarity
11 with the case or the parties involved.
- 12 **c.** Any member who has a possible conflict of interest in a pending
13 matter shall bring this information to the attention of the chair before
14 the staff begins its presentation or as soon thereafter as the member
15 recognizes his or her possible conflict. It shall be the responsibility of
16 each member to fully disclose facts showing any known conflict of
17 interest or other personal interest or involvement. Where appropriate,
18 the conflict may be discussed in executive session.
- 19 **d.** Immediately upon discovering the existence of any conflict of interest
20 prohibited by this subsection 6., the Municipal Code, or any state law
21 applicable to local government officials, the board or commission
22 member shall fully disclose on the record in open session of the
23 board or commission the nature of and the facts creating the conflict
24 and shall be disqualified from any participation in or communications
25 with other members of the board or commission on the matter with
26 which a conflict exists.
- 27 **e.** A member who has a possible conflict of interest in a matter for
28 decision may participate in the discussion of that matter and the
29 decision upon that matter only upon the affirmative vote of a majority
30 of all remaining Commission members present. Such vote shall be
31 recorded on the public record.⁵
- 32 **f.** Any member found by the Board to have a conflict of interest with
33 regard to a particular matter shall not participate in any manner in that
34 matter.
- 35 **7. Ex Parte Contacts Prohibited⁶**
- 36 **a.** The intent of this subsection is to ensure that applicants in quasi-
37 judicial proceedings required under this title receive fair and impartial
38 hearings. For purposes of this subsection, the term “quasi-judicial”
39 applies to any proceeding in which the Assembly or a board or
40 commission is required to investigate facts, ascertain the existence of
41 facts, hold hearings, weigh evidence and draw conclusions, and
42 exercise discretion of a judicial nature.
- 43 **b.** As established by AMC section 3.60.065, members of boards and
44 commissions acting in a quasi-judicial capacity shall refrain from
45 permitting ex parte contacts or communications⁷ with any person

- 1 regarding any matter pending before or which may be reasonably
2 expected to be pending before them.
- 3 c. If a member of a board or commission, acting in their quasi-judicial
4 capacity, obtains information outside of the public hearing process,
5 whether through inadvertent ex parte communications with interested
6 parties or through specific personal knowledge of a case, they shall
7 fully disclose the information or knowledge to the board or
8 commission during the public hearing, along with the source of that
9 information.
- 10 d. Such ex parte communications or personal knowledge of a case shall
11 not constitute a conflict of interest or other basis for excuse from
12 participation in any case. Ex parte contacts shall be also prohibited
13 for matters under reconsideration by the board.
- 14 e. The prohibition against ex parte contacts remains in effect as long as
15 a matter may reasonably be expected to come before the board or
16 commission, until after all appeals and remands for further
17 consideration and reconsideration have concluded, or the time for
18 such proceedings has expired.
- 19 f. As part of the gathering of evidence to make a quasi-judicial decision
20 under this title, a board or commission may visit the site of a
21 development application.
- 22 i. Such a site visit shall not constitute a formal hearing, and
23 members shall not discuss the case during the visit, unless a
24 quorum of the board or commission is present and a duly
25 noticed hearing is opened pursuant to the rules of the board
26 or commission.
- 27 ii. A member may visit a development site individually, or a
28 group of members that does not constitute a quorum may
29 visit the site. In such cases, such member(s) shall write a
30 report documenting the visit for the other members of the
31 board or commission, and shall provide such report to the
32 Director prior to the hearing for addition to the case record.
33 Such a report is not necessary if a quorum of the members of
34 a board or commission attend the site visit.

- 35 **8. Consent Agenda**
36 Any appointed board or commission within the scope of this chapter may
37 establish a consent agenda. The consent agenda shall consist of all matters
38 brought before the board or commission for action that do not require a public
39 hearing. All items on the consent agenda shall be approved by motion
40 without debate. An item may be removed from the consent agenda prior to
41 the approval at the request of any member of the board or commission
42 present at the meeting. Items removed from the consent agenda shall be
43 considered on the regular agenda.

- 1 **9. Meetings Open to Public⁸**
2 All meetings of the appointed boards and commissions under this chapter
3 shall be open to the public except when executive session is authorized as
4 provided in AMC section 4.05.100. Except when voice votes are authorized,
5 the vote shall be conducted in such a manner that the public may know the
6 vote of each person entitled to vote. This section does not apply to any votes
7 required to be taken to organize a board or commission.
- 8 **10. Quorum – Official Action**
9 a. A majority of the full membership of the board or commission shall
10 constitute a quorum for the transaction of business, as provided in
11 AMC 4.05.080.
- 12 b. Action by the board or commission shall require the favorable vote of
13 a majority of the fully constituted board or commission. The fully
14 constituted board or commission shall include all appointed members
15 not excused for conflict of interest in the board or commission action.
- 16 **11. Removal of Member**
17 A member of a board or commission within the scope of this chapter may be
18 removed from office in the following circumstances:
- 19 a. If the member is found by the Board of Ethics to have participated in
20 any matter with a conflict of interest therein; or
- 21 b. If the member fails to meet the attendance requirements set forth in
22 section 4.05.060; or
- 23 c. If the office becomes vacant pursuant to section 7.01 of the Municipal
24 Charter, *Determining Vacancies*.
- 25 In such cases, the member shall automatically cease to be a member of his or
26 her board or commission and a vacancy shall exist.
- 27 **12. Public Hearings⁹**
28 Public hearings shall be conducted according to the rules adopted by each
29 board or commission.
- 30 **13. Representatives**
31 Persons appearing before a board or commission may appear in person or
32 through a personal representative or attorney. The representative shall
33 provide satisfactory proof of his or her authority upon the request of the board
34 or commission.
- 35 **14. Reconsideration or Rehearing of Decisions¹⁰**
36 a. ***Motion by Board or Commission Member***
37 A member of a board or commission within the scope of this chapter
38 may move to reconsider or rehear a decision made pursuant to this
39 title by that board or commission, so long as such member voted on
40 the prevailing side in the original decision, and so long as such
41 motion is made within 24 hours of the initial vote.

1 applicable laws, shall have the review and decision-making responsibilities set forth in
2 Table 21.02-1, to be carried out in accordance with the terms of this title.

3 **B. Other Powers and Duties**

4 In addition, the Assembly shall have the following powers and duties, to be carried out
5 in accordance with the terms of this title.

- 6 1. Adopt policies, plans, design guidelines, and ordinances to implement the
7 municipal function of planning for the economic, social, and land use needs of
8 the community;
- 9 2. Take any other action not delegated to the Planning and Zoning Commission,
10 Platting Board, Zoning Board of Examiners and Appeals, Board of
11 Adjustment, Urban Design Commission, or municipal staff, as the Assembly
12 may deem desirable and necessary to implement the provisions of this title.

13 **C. Rules of Procedure**

- 14 1. In its exercise of authority over title 21 cases, the Assembly shall adhere to
15 any applicable procedures specified in chapter 21.03, *Review and Approval*
16 *Procedures*.
- 17 2. The rules of the Assembly and conduct of hearings shall be as established
18 under title 2 of the Anchorage Municipal Code.
- 19 3. Where the procedures of this title grant authority to review and/or make
20 recommendations on a land use matter to a board or commission subordinate
21 to the Assembly, the Assembly shall not take final action¹² until it has received
22 and taken notice of the review comments and recommendations of such
23 subordinate body or bodies.

24 **21.02.040 PLANNING AND ZONING COMMISSION**

25 **A. Review and Decision-Making Responsibilities**

26 As authorized by section 12.02 of the Anchorage Municipal Home Rule Charter and
27 section 4.40.100 of the Anchorage Municipal Code, there shall be a Planning and
28 Zoning Commission, which shall have the powers and duties set forth in Table 21.02-
29 1, to be carried out in accordance with the terms of this title.

30 **B. Other Powers and Duties**

31 In addition, the Planning and Zoning Commission shall have the following powers and
32 duties, to be carried out in accordance with the terms of this title:

- 33 1. Develop, review, and make recommendations to the Assembly regarding
34 policies, plans, and ordinances to implement the municipal function of
35 planning for the economic, social, and land use needs of the community;
- 36 2. Review and make recommendations to the Assembly and school board
37 regarding the annual capital improvement program of the Municipality and
38 school district;

3. Review and make recommendations to the Mayor regarding the annual work program of the Department. The Director shall submit the annual work program to the Commission for review before preparing the annual budget;
4. Promulgate regulations to implement or make specific the provisions of this title, except provisions of chapters 21.08, *Subdivision Standards*; and
5. Exercise such other powers, and perform such other duties, as are provided by law.

C. Delegation of Authority¹³

The Planning and Zoning Commission may delegate to other bodies the authority to review and comment upon applications, but the Commission shall retain final decision-making authority over such applications.

D. Recommended Qualifications¹⁴

At least four members of the Planning Commission should possess degrees in architecture, planning, landscape architecture, or law, as well as practical experience and knowledge of planning issues in the Municipality.

21.02.050 PLATTING BOARD

A. Review and Decision-Making Responsibilities

As authorized by section 4.40.110 of the Anchorage Municipal Code, there shall be a Platting Board, which shall have the powers and duties set forth in Table 21.02-1, to be carried out in accordance with the terms of this title.

B. Other Powers and Duties

In addition, the Platting Board shall have the following powers and duties, to be carried out in accordance with the terms of this title:

1. Review and make recommendations to the Assembly regarding all proposed amendments to chapter 21.08, *Subdivision Standards*, and all proposed regulations to implement, interpret, or make specific chapter 21.08, *Subdivision Standards*. The Assembly shall not adopt such an amendment or regulation until it has been reviewed by the Platting Board;
2. Authorize extensions of subdivision agreements as provided in section 21.08.060.C., *Time Limit for Completion of Improvements*;
3. Hear and decide appeals under section 21.03.110.E., *Improvements Associated with Land Use Permits*; and
4. Exercise such other powers, and perform such other duties, as are provided by law.

C. Delegation of Authority¹⁵

The Platting Board may delegate to the Urban Design Commission the authority to review and comment upon a preliminary or final plat, or a site plan subject to review

1 by the Platting Board. However, such delegation shall be limited to issues of site
2 design, landscaping, and structure design, and the Board shall retain final decision-
3 making authority over such applications.

4 **D. Recommended Qualifications¹⁶**

5 No formal qualifications are required for members of the Platting Board. Members
6 shall be provided with training by the Municipality to exercise their responsibilities.

7 **21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS**

8 **A. Review and Decision-Making Responsibilities**

9 As authorized by section 4.40.130 of the Anchorage Municipal Code, there shall be a
10 Zoning Board of Examiners and Appeals, which shall have the powers and duties set
11 forth in Table 21.02-1, to be carried out in accordance with the terms of this title.

12 **B. Other Powers and Duties¹⁷**

13 In addition, the Zoning Board of Examiners and Appeals shall have the following
14 powers and duties, to be carried out in accordance with the terms of this title:

- 15 1. Hear and decide appeals from enforcement orders pursuant to section
16 21.03.210.B., *Appeals to Zoning Board of Examiners and Appeals*;
- 17 2. Adopt general rules or make findings in specific cases regarding proposed
18 changes of nonconforming uses, pursuant to section 21.11.020.B., *Change of*
19 *Use*;
- 20 3. Interpret or make specific the provisions of this title, except provisions of
21 chapters 21.08, *Subdivision Standards*;
- 22 4. Hear and decide appeals relating to section 21.11.030.D., *Legalization of*
23 *Nonconforming Dimensional Yard Setback Encroachments*;
- 24 5. Review and ratify decisions of the Director regarding unlisted uses, pursuant
25 to section 21.03.210, *Use Classification Requests*; and
- 26 6. Exercise such other powers, and perform such other duties, as are provided
27 by law.

28 **C. Qualifications¹⁸**

29 The Zoning Board of Examiners and Appeals shall include at least one attorney
30 (preferably with land use experience), at least one surveyor, at least one civil
31 engineer, and at least one planner.

32 **21.02.070 BOARD OF ADJUSTMENT¹⁹**

33 **A. Review and Decision-Making Responsibilities**

34 As authorized by section 5.07 of the Anchorage Municipal Charter and section
35 4.05.020 of the Anchorage Municipal Code, there is a Board of Adjustment, which
36 shall decide appeals in accordance with chapter 21.03.210, *Appeals*, from:

1. Decisions regarding the approval or denial of a plat or variance from the provisions of chapter 21.08, *Subdivision Standards*; and
2. Decisions regarding the approval or denial of applications for approval of conditional uses.

B. Composition

There shall be a three-member Board of Adjustment, whose members are nominated by the Mayor and confirmed by the Assembly for three-year staggered terms. The Board's seats shall be designated Seats 1, 2, and 3.

C. Qualifications²⁰

The Board of Adjustment shall include at least one attorney and at least one planner.

21.02.080 URBAN DESIGN COMMISSION

A. Review and Decision-Making Responsibilities

There shall be an Urban Design Commission, which shall have the powers and duties set forth in Table 21.02-1, to be carried out in accordance with the terms of this title.

B. Other Powers and Duties²¹

In addition, the Urban Design Commission shall have the following powers and duties, to be carried out in accordance with the terms of this title:

1. Advise the Mayor and Assembly regarding urban design matters;
2. Review and make recommendations regarding special limitations of zoning map amendments, conditional uses, and plats in accordance with authority delegated by the Planning and Zoning Commission or Platting Board under this title;
3. Determine eligibility for a proposed Neighborhood Conservation Overlay District and assist in the preparation of a Neighborhood Conservation Plan pursuant to section 21.04.070D.
4. Review and make recommendations to the Mayor and Assembly regarding any state or municipal plan or program affecting urban design or aesthetics in the Municipality. The Planning and Zoning Commission shall review these plans prior to transmittal to the Mayor and Assembly.
5. Review and make recommendations on design standards and guidelines, ordinances affecting urban design, and urban design studies and plans to the Mayor and Assembly. These standards, ordinances, and plans shall be reviewed by the Planning and Zoning Commission prior to submittal to the Mayor or Assembly.
6. Review, adopt, and recommend to the Mayor and Assembly any updates and amendments to the street and highway landscape plan and the capital improvements plan, and recommend measures to implement those plans.

1 This plan shall be reviewed by the Planning and Zoning Commission prior to
2 submittal to the Mayor and Assembly.

3 7. Exercise such other powers, and perform such other duties, as are provided
4 by law.

5 **C. Recommended Qualifications²²**

6 At least four members of the Urban Design Commission should possess degrees in
7 architecture, planning, landscape architecture, horticulture, engineering or law, or
8 practical experience and knowledge of design issues in the Municipality.

9 **21.02.090 GEOTECHNICAL ADVISORY COMMISSION²³**

10 **A. Authority**

11 1. The Geotechnical Advisory Commission shall serve as a technical advisory
12 board in the Municipality as established in section 4.50.050 of the Anchorage
13 Municipal Code.

14 2. The Commission shall act in an advisory capacity to the Assembly, the Mayor,
15 boards, commissions, and heads of municipal departments and agencies, and
16 shall have the following powers and duties:

17 a. To make recommendations and give advice on geotechnical
18 engineering issues and natural hazards risk mitigation.

19 b. To recommend and review special studies be performed relating to
20 geotechnical engineering and natural hazards risk mitigation issues.

21 c. To act in an advisory capacity regarding proposed development
22 located in high or moderate snow avalanche hazard zones, in areas
23 designated with high or very high susceptibility to seismically induced
24 ground failure, and in areas susceptible to other natural hazards.

25 **B. Qualifications**

26 At least four members of the Geotechnical Advisory Commission shall possess
27 professional civil engineering registration in the State of Alaska and have knowledge
28 of past studies of the natural hazards affecting the Municipality. The remaining
29 members shall have skills and experience that complement the overall mission of the
30 commission (e.g., structural engineering, geology, hydrology, seismology, planning).

31 **21.02.100 MUNICIPAL STAFF²⁴**

32 Municipal departments shall have the review and decision-making responsibilities set forth in
33 Table 21.02-1, to be carried out in accordance with the terms of this title. The departments
34 also shall have such additional powers and duties as may be set forth elsewhere in this title
35 and other ordinances, rules, and operating procedures of the Municipality.

¹ 2005 NOTE: Various edits to the table have been made based on comments received and to conform the table to new text of 21.03. The table is intended as a summary of the major procedures – not an exhaustive list of every possible procedural action under title 21.

² NOTE: Adapted from current AMC 21.10.010.

³ NOTE: This is a new cross-reference to the Boards and Commissions portion (title 4) of the AMC. Many provisions under title 4 pertain to the boards and commissions described in this chapter (e.g., requirement that the appointee be a “qualified voter of the Municipality.”

⁴ 2005 NOTE: Added new material on agenda order, officers, duties of officers, and meeting time and location in the 2005 draft. This section consolidates various common provisions from the resolutions that currently appear outside of title 21. Per staff direction, this section includes materials that are applicable to all bodies and so appear only once in the Code (e.g., how disclosures of potential or actual conflicts of interest are to occur). This consolidation was done so that all the bodies will work under the same general procedural rules, and thus there will be less opportunity for errors.

⁵ 2005 NOTE: Per a comment from the public, this section has been changed in the 2005 version to address both the decision AND the discussion leading up to that decision.

⁶ 2005 NOTE: This section has been edited to include a new intent statement, new description of “quasi-judicial,” and a proposed new subsection dealing with site visits. Staff should review carefully to ensure the new text matches how site visits are actually conducted. Further, the Municipal Attorney’s office should be consulted on the proposed new language.

⁷ 2005 NOTE: Coordinate the previous draft definitions from 21.02 and 21.13. Definition from previous draft: “For purposes of this subsection, “ex parte contacts and communications” are defined as the receipt, either directly or indirectly, of verbal or written communications outside a duly noticed, open hearing on the record at which all parties and all board or commission members have an opportunity to be present.”

⁸ 2005 NOTE: Revised to refer to AMC title 4 for information on executive sessions.

⁹ 2005 NOTE: This subsection has been relocated here; in the previous draft, it was in the Common Procedures in 21.03. Such procedures are quite different for each of the bodies. The procedures should not be in the code itself, but rather should be adopted as part of operating rules for each body.

¹⁰ 2005 NOTE: Per staff request, this section has been changed to distinguish between reconsiderations brought by a prevailing voting member of a board or commission, versus any party of interest.

¹¹ NOTE: New section. No Assembly authority or procedures are described in the current chapter 21.10.

¹² NOTE: This could be made more restrictive by adding “conduct hearings or [take action]...” A more restrictive approach may not be warranted in title 21, since the Assembly or staff may wish to retain some ability to “fast-track” projects.

¹³ 2005 NOTE: This section rewritten to clarify that the other bodies have only review authority and the PZC still makes final decisions.

¹⁴ NOTE: Per staff request, this is a suggested new qualifications statement. The intent behind requiring qualifications in only some members is to provide a balance of those with professional qualifications, also those who have a more general knowledge of the issues being heard by the body.

¹⁵ 2005 NOTE: Rewritten to parallel the delegation of authority language in the Planning and Zoning Commission section.

¹⁶ 2005 NOTE: Proposed new section.

¹⁷ 2005 NOTE: Provisions carried forward from AMC 21.10.025. Cross-references updated in 2005 draft.

¹⁸ 2005 NOTE: Proposed new section.

¹⁹ NOTE: This section reflects changes to the land use code under the recently drafted ordinance AO 2003-58.

²⁰ 2005 NOTE: Proposed new section.

²¹ 2005 NOTE: In 2005 draft, removed sections regarding landscaping review, since such review is replaced by the new landscaping standards in the new code. OLD NOTE: This draft section carries forward the provisions, as amended or proposed for amendment, of AMC 21.10.028. This section reflects modifications based on the proposed changes to the UDC in planning case # 2003-040. Several new UDC authorities are also included, as noted. As discussed in the Diagnosis and Outline, the authority of the UDC is a major policy issue and will continue to require ongoing discussion.

²² NOTE: Per staff request, this is a suggested new qualifications statement. The intent behind requiring qualifications in only some members is to provide a balance of those with professional qualifications, also those who have a more general knowledge of the issues being heard by the body.

²³ 2005 NOTE: This 2005 draft includes edits by GAC members.

²⁴ 2005 NOTE: Per direction from the legal department in May 2003, this section contains generic language about staff responsibilities under the code. Most detail has been removed in this 2005 draft. This approach should allow maximum flexibility, in case duties shift among departments, or in case of reorganization under the new administration.

TABLE OF CONTENTS

1

2

3 **CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES 34**

4 **21.03.010 Purpose and Structure of this Chapter 34**

5 **21.03.020 Common Procedures 34**

6 A. Applicability 34

7 B. Pre-Application Conferences 34

8 C. Authority to File Applications 36

9 D. Application Contents, Submission Schedule, and Fees 37

10 E. Verification of Application Completeness 37

11 F. Community Meetings 38

12 G. Notice 40

13 H. Concurrent Processing 43

14 I. Findings of Fact 44

15 J. Conditions of Approval 44

16 K. Lapse of Approval 44

17 **21.03.030 Comprehensive Plan Amendments 44**

18 A. Levels of Plan Review 44

19 B. Procedure for Substantive Amendments 45

20 C. Procedure for Cosmetic Amendments 47

21 **21.03.040 Amendments to Text of Title 21 48**

22 A. Purpose and Scope 48

23 B. Procedure 48

24 C. Approval Criteria 50

25 D. Successive Applications 50

26 **21.03.050 Rezoning (Zoning Map Amendments) 50**

27 A. Purpose and Scope 50

28 B. Minimum Area Requirements 50

29 C. General Procedure 51

30 D. Approval Criteria 53

31 E. Rezonings with Special Limitations 54

32 F. Rezonings to Create, Alter, or Eliminate Overlay Districts 55

33 **21.03.060 Subdivisions and Plats 56**

34 A. Purpose 56

35 B. Applicability 57

36 C. Review and Approval of Subdivision Plans 59

37 D. Abbreviated Plat Procedure 65

38 E. Right-of-Way Acquisition Plat 67

39 **21.03.070 Conditional Uses 67**

40 A. Purpose 67

41 B. Relationship to Site Plan Requirements 68

42 C. Conditional Uses in Nonconforming Structures or Lots 68

43 D. Procedure 68

44 E. Approval Criteria 69

45 F. Changes to Terms and Conditions of Approval 69

46 G. Platting for Conditional Uses 70

47 H. Abandonment of Conditional Use 70

48 **21.03.080 Site Plan Review 70**

49 A. Purpose 70

50 B. Administrative Site Plan Review 70

51 C. Major Site Plan Review 71

52 D. Expiration 72

53 E. Approval Criteria 72

54 F. Platting for Site Plans 73

1		G. Amendments to Approved Site Plans.....	73
2	21.03.090	Public Facility Site Selection	74
3		A. Purpose	74
4		B. Applicability.....	74
5		C. Required Information	75
6		D. Public Hearing	75
7		E. Approval Criteria.....	75
8	21.03.100	Special Flood Hazard Permits	76
9		A. Applicability.....	76
10		B. Application Contents.....	76
11		C. Evaluation; Additional Information.....	77
12		D. Criteria for Issuance	77
13		E. Time for Acting on Application.....	77
14		F. Notice on Subdivision Plats	78
15		G. Appeals.....	78
16	21.03.110	Land Use Permits	78
17		A. Purpose	78
18		B. Applicability.....	78
19		C. Procedures	78
20		D. Approval Criteria.....	80
21		E. Improvements Associated with Land Use Permits.....	80
22	21.03.120	Certificate of Zoning Compliance.....	83
23		A. Purpose	83
24		B. Applicability.....	83
25		C. Issuance	83
26		D. Standards	83
27	21.03.130	Sign Permits	84
28		A. Applicability.....	84
29		B. Approval Requirements for Signs.....	84
30		C. Application	84
31		D. Review and Approval.....	84
32		E. Appeals.....	84
33	21.03.140	Temporary Uses	85
34		A. Applicability.....	85
35		B. Filing and Contents of Application.....	85
36		C. Filing Deadline.....	85
37		D. Approval Criteria.....	85
38		E. Duration of Permit.....	85
39	21.03.150	Record of Survey Maps	85
40		A. Purpose and Authorization	85
41		B. Use of Record of Survey Maps	85
42		C. Required Submittals	86
43		D. Monuments.....	86
44		E. Approval.....	86
45		F. Appeals.....	86
46	21.03.160	Vacation of Plats and Rights-of-Way	86
47		A. Authority.....	86
48		B. Required Submittals	86
49		C. Decision-Making Responsibilities for Vacations.....	86
50		D. Action.....	87
51		E. Title to Vacated Area	88
52	21.03.170	Verification of Nonconforming Status	88
53		A. Process.....	88
54		B. Exceptions	89
55	21.03.180	Minor Modifications	89

1		A. Purpose and Scope	89
2		B. Applicability.....	89
3		C. Procedure	90
4		D. Approval Criteria.....	90
5	21.03.190	Variations	91
6		A. Purpose and Scope	91
7		B. Decision-Making Bodies Authorized to Consider Variance Requests	91
8		C. Application	92
9		D. Action by the Review Body.....	93
10		E. Approval Criteria.....	94
11		F. Lapse of Approval.....	95
12		G. Appeals.....	95
13	21.03.200	Appeals	95
14		A. Appeals to Board of Adjustment.....	95
15		B. Appeals to Zoning Board of Examiners and Appeals.....	101
16		C. Judicial Appeals.....	103
17	21.03.210	Use Classification Requests	103
18		A. Purpose and Applicability	103
19		B. Procedures for Use Classification Request.....	104
20		C. Standards for Review	104
21		D. Effects of Findings by the Director	105
22		E. Official Record of Use Classification Determinations	106
23	21.03.220	Assembly Alcohol Approval	106
24		A. Applicability.....	106
25		B. General Standards	106
26		C. Application and Review Procedure	106
27	21.03.230	Administrative Permits	108
28		A. Applicability.....	108
29		B. Administrative Permits.....	108
30		C. Regulations.....	108
31	21.03.240	Master Planning	108
32		A. Area Master Planning	108
33		B. Development Master Planning	113
34		C. Institutional Master Plan Review	116
35			
36			
37			

CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES¹

21.03.010 PURPOSE AND STRUCTURE OF THIS CHAPTER

This chapter describes the procedures for review and approval of all applications for development activity in the Municipality of Anchorage. Common procedures, which are applicable to all or most types of development applications, are set forth in section 21.03.020. Subsequent sections set forth additional provisions that are unique to each type of application, including timetables, staff and review board assignments, review standards, and other information.

21.03.020 COMMON PROCEDURES

A. Applicability

The common procedures of this section 21.03.020 shall apply to all applications for development activity under this title unless otherwise stated.

B. Pre-Application Conferences

1. Purpose

The purpose of a pre-application conference is to familiarize the applicant and the municipal staff with the applicable provisions of this title that are required to permit the proposed development.

2. Applicability

a. *Required for New Applications*

A pre-application conference is required prior to submittal of the following types of applications:

- i. Rezoning (Map Amendments) (section 21.03.050);
- ii. Subdivisions and Plats, except for Abbreviated Plats (section 21.03.060);
- iii. Conditional Uses (section 21.03.070);
- iv. Major Site Plan Review (section 21.03.080C);
- v. Public Facility Site Selection (section 21.03.090); and
- vi. Projects involving Class A or B wetlands.

No application for these types of approvals shall be accepted until after the pre-application conference is completed and the applicant receives written notification of the conclusions. This review shall take place prior to any substantial investment, such as land acquisition for a proposed development, site and engineering design, or the preparation of other data.

b. *Exception for Some Changes to Already-Approved Applications²*

Pre-application conferences are not required for changes to already-approved conditional use permits, variances, major site plans, and subdivision plans if the following conditions are met:

- 1 i. For non-residential development, the proposed increase in
2 building square footage is less than 25 percent of the existing
3 building square footage.³
- 4 ii. For residential development, the proposed increase in the
5 number of units or lots is not more than 25 percent of the
6 existing number of units or lots.
- 7 c. **Optional for All Other Applications**
8 A pre-application conference is optional prior to submission of any
9 other application under this title not listed in subsection a. above.
- 10 d. **Waiver⁴**
11 The Director may waive the pre-application requirement if the Director
12 finds that the projected size, complexity, anticipated impacts, or other
13 factors associated with the proposed development clearly, in his or
14 her opinion, support such waiver. The waiver shall be made in writing
15 and shall become a part of the case record for the application.
- 16 3. **Initiation of Pre-Application Conference**
17 The potential applicant shall request a pre-application conference, in the
18 manner prescribed in the User's Guide, with the Director.⁵ Prior to the pre-
19 application conference, the applicant shall provide to the Director a
20 description of the character, location, and magnitude of the proposed
21 development and any other supporting documents such as maps, drawings,
22 models, and the type of development permit sought. It is the applicant's
23 responsibility to provide sufficiently detailed plans and descriptions of the
24 proposal to enable staff to make the informal recommendations discussed
25 below.
- 26 4. **Pre-Application Conference Content⁶**
27 The Director shall schedule a pre-application conference after receipt of a
28 proper request. At the conference, the applicant, the Director, and any other
29 persons the Director deems appropriate and available to attend shall discuss
30 the proposed development. Based upon the information provided by the
31 applicant and the provisions of this title, the parties should discuss in general
32 the proposed development and the applicable requirements and standards of
33 this title.
- 34 5. **Checklist Of Pre-Application Conference⁷**
35 Within ten days after the date of the pre-application review, the Director shall
36 notify the applicant in writing of the staff's informal recommendation regarding
37 the desired development activity with respect to the following items:
- 38 a. Applicability of Municipality policies, plans, and requirements as they
39 apply to the proposed development.
- 40 b. Appropriateness of the development with respect to the policies set
41 forth in the comprehensive plan and the regulations in this title.
- 42 c. Need, if any, to prepare a subdivision plat.
- 43 d. Any site plan considerations or requirements.

- 1 e. Any concerns or requirements related to the anticipated impact upon
2 public rights-of-way and public improvements, and appropriate
3 requirements to mitigate those impacts, including but not limited to
4 traffic impact assessments.
- 5 f. Any concerns related to neighborhood impacts, land use, landscaping
6 concepts, and overall project design.
- 7 g. Possible alternatives or modifications related to the proposed
8 application.
- 9 h. Procedures that will need to be completed to review and act on the
10 proposed change.

11 **6. Informal Recommendations Not Binding**
12 The informal recommendations of the Director are not binding upon the
13 applicant or the Municipality, but are intended to serve as a guide to the
14 applicant in making the application and advising the applicant in advance of
15 the formal application of any issues which will or may subsequently be
16 presented to the appropriate decision-making body. Because a pre-
17 application conference precedes the actual application, some key issues
18 relating to a specific proposal may not be apparent at the pre-application
19 conference.

20 **7. Application Required Within Six Months**
21 After a pre-application conference has been completed, an application must
22 be submitted within six months, unless one extension is granted by the
23 Director not to exceed an additional six months. If a complete application is
24 not submitted within six months or an extension has not been granted, a new
25 pre-application conference shall be required prior to submitting an application.

26 **C. Authority to File Applications**

- 27 1. Unless otherwise specified in this title, applications for review and approval
28 may be initiated by:
- 29 a. The owner of the property that is the subject of the application;
- 30 b. The owner's authorized agent; or
- 31 c. Any review or decision-making body.
- 32 2. When an authorized agent files an application under this title on behalf of a
33 property owner, the agent shall provide the Municipality with written
34 documentation that the owner of the property has authorized the filing of the
35 application.
- 36 3. When a review or decision-making body initiates action under this title, it does
37 so without prejudice toward the outcome.

1 **D. Application Contents, Submission Schedule, and Fees**

2 **1. Title 21 User’s Guide**

3 The Mayor shall compile the requirements for application contents, forms,
4 fees, and the submission and review schedule (including recommended time
5 frames for review) in a User’s Guide, which shall be made available to the
6 public. The Mayor may amend and update the User’s Guide from time to
7 time, upon recommendation of the Director.

8 **2. Form of Application**

9 Applications required under this chapter shall be submitted in a form and in
10 such number as required in the User’s Guide.

11 **3. Processing Fees**

12 Applications shall be accompanied by the fee amount that is listed in the
13 User’s Guide.

14 **4. Waivers**

15 The Director may waive certain submittal requirements in order to reduce the
16 burden on the applicant and to tailor the requirements to the information
17 necessary to review a particular application. The Director may waive such
18 requirements where he or she finds that the projected size, complexity,
19 anticipated impacts, or other factors associated with the proposed
20 development clearly, in his or her opinion, support such waiver.

21 **E. Verification of Application Completeness⁸**

22 **1.** The Director shall only initiate the review and processing of an application if
23 such application is complete. The Director shall make a determination of
24 application completeness within 15 days of application filing.⁹ If the
25 application is determined to be complete, the application shall then be
26 processed according to this title. If an application is determined to be
27 incomplete, the Director shall provide notice to the applicant along with an
28 explanation of the application’s deficiencies. No further processing of an
29 incomplete application shall occur until the deficiencies are corrected in a
30 future re-submittal. If the applicant receives no notice within 20 days, the
31 application shall be considered complete and processed according to this title.

32 **2.** An application shall be considered complete if it is submitted in the required
33 form, includes all mandatory information, including all supporting materials
34 specified in the Title 21 User’s Guide, and is accompanied by the applicable
35 fee. A pre-application conference shall have been held, if required, pursuant
36 to section 21.03.020.B, *Pre-Application Conferences*.

37 **3.** Any supplemental technical reports, special studies, and/or revised
38 application materials that are submitted following the original application must
39 be received at least thirty days prior to a public hearing. The Municipality may
40 postpone and reschedule a public hearing or approval deadline if such reports
41 and studies are submitted less than thirty days prior to a public hearing,
42 unless the applicable board or commission waives this time limit in a specific
43 case for cause. Copies of such additional materials shall be delivered to all
44 reviewers who received the original application packet.¹⁰

- 1 4. As a consequence for any false or misleading information submitted or
2 supplied by an applicant on an application, that application will be deemed
3 incomplete.

4 **F. Community Meetings¹¹**

5 1. **Purpose**

6 The purpose of a community meeting shall be to provide an informal
7 opportunity to inform the affected neighborhood(s) and community council(s)
8 of the details of a proposed development and application, how the developer
9 intends to meet the standards contained in this title, and to receive public
10 comment and encourage dialogue at an early time in the review process.

11 2. **Applicability¹²**

12 a. ***Types of Applications***

13 A community meeting shall be required following the submittal of any
14 of the following types of applications, unless a waiver is granted by
15 the Director pursuant to subsection b. below.

- 16 i. Rezoning;
- 17 ii. Subdivisions and Plats, except for Abbreviated Plats (section
18 21.03.060);
- 19 iii. Conditional Uses;
- 20 iv. Major Site Plan Review; and
- 21 v. Public Facility Site Selection (including schools).

22 b. ***Waiver***

23 The Director may waive the community meeting requirement if he or
24 she determines that the proposed development or subdivision will not
25 have significant community impacts in any of the areas listed below.
26 The waiver shall be in writing and shall be included as part of the
27 case record.

- 28 i. Traffic;
- 29 ii. Impacts upon natural resources protected under chapter
30 21.07 of this code;
- 31 iii. Provision of public services such as safety, schools, or parks;
- 32 iv. Compatibility of building design or scale; or
- 33 v. Operational compatibility, such as lighting, hours of operation,
34 odors, noise, litter, or glare.

35 3. **Timing and Number of Community Meetings**

36 a. When required, there shall be at least one community meeting held
37 prior to preparation of the staff report and/or recommendation, if
38 required; and at least 14 days prior to any public hearing.

- 1 b. If more than one community council has boundaries within or
2 adjacent to a proposed development subject to this section, the
3 Director shall require that representatives from all affected councils be
4 notified.
- 5 c. The Director may also require that additional community meetings
6 occur based on consideration of the proposed development's mix of
7 uses, density, complexity, potential for impacts, or the need for off-site
8 public improvements created by the development.
- 9 **4. Notice of Community Meeting**
10 The applicant shall give written notice of the community meeting to the
11 affected community council(s) at least 21 days prior to the community
12 meeting, pursuant to the general notice provisions of section 21.03.020.G.
- 13 **5. Attendance at Community Meeting**
14 a. If a community meeting is required, the applicant or applicant's
15 representative shall attend the community meeting. The applicant
16 shall be responsible for scheduling the community meeting,
17 coordinating the community meeting, and for retaining an
18 independent facilitator if needed.
- 19 b. The Director may choose to have a staff member attend the meeting
20 in order to provide guidance on applicable municipal requirements. If
21 so, the Director shall advise the applicant of such decision in writing
22 within seven days of making a determination of application
23 completeness. If a staff member is directed to attend, the applicant
24 shall be responsible for scheduling the meeting at a time when the
25 staff member can attend.¹³
- 26 c. All community meetings shall be convened at a place in the vicinity of
27 the proposed development.
- 28 **6. Summary of Community Meeting**
29 The applicant shall prepare a written summary of the community meeting(s),
30 which shall be submitted to the Director no later than seven days after the
31 date of the meeting. The written summary shall be included in the
32 Director/staff report provided to the decision-making body at the time of the
33 first public hearing to consider the application. At a minimum, the written
34 summary shall include the following information:
- 35 a. Dates and locations of all meetings where citizens were invited to
36 discuss the applicant's proposals;
- 37 b. Content, dates mailed, and number of mailings, including letters,
38 meeting notices, and any other written material;
- 39 c. The number of people that participated in the meetings;
- 40 d. A summary of concerns, issues, and problems expressed during the
41 meetings, including:
- 42 i. The substance of the concerns, issues, and problems;

- ii. How the applicant has addressed or intends to address concerns, issues, and problems expressed at the meetings; and
- iii. Concerns, issues, and problems the applicant is unwilling or unable to address and why.

G. Notice¹⁴

1. Content of Notices

Notice of all public hearings required under this chapter shall, unless otherwise specified in this title:

- a. Identify the date, time, and place of the public hearing;
- b. If applicable, describe the property involved in the application by street address or by legal description and nearest cross street;
- c. Describe the nature, scope, and purpose of the proposed action;
- d. Indicate that interested parties may appear at the hearing and speak on the matter; and
- e. Indicate where additional information on the matter may be obtained.

2. Summary of Notice Requirements¹⁵

The following Table 21.03-1 summarizes the notice requirements of the procedures set forth in this chapter.

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS				
Type of Application or Procedure	Section	Notice Required		
		Mailed	Published	Posted
Amendments to the Comprehensive Plan, Substantive	21.03.030.B	-	✓	-
Amendments to the Comprehensive Plan, Cosmetic	21.03.030.C	-	-	-
Amendments to Text of Title 21	21.03.040	-	✓	-
Rezoning (Map Amendments)	21.03.050	✓	✓	✓
Subdivisions (with existing physical access)	21.03.060	✓	✓	✓
Subdivisions (<i>without</i> existing physical access)	21.03.060	✓	✓	-
Abbreviated Plats	21.03.060.D	-	✓	-
Conditional Uses	21.03.070	✓	✓	✓
Administrative Site Plan Review	21.03.080.B	-	-	-

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS				
Type of Application or Procedure	Section	Notice Required		
		Mailed	Published	Posted
Major Site Plan Review	21.03.080.C	✓	✓	✓
Public Facility Site Selection	21.03.090	✓	✓	✓
Special Flood Hazard Permits	21.03.100	✓	✓	✓
Land Use Permits	21.03.110	-	-	-
Certificates of Zoning Compliance	21.03.120	-	-	-
Sign Permits	21.03.130	-	-	-
Temporary Uses	21.03.140	-	-	-
Record of Survey Maps	21.03.150	-	-	-
Vacation of Plats and Rights-of-Way	21.03.160	✓	✓	✓
Street Name Alterations	21.03.170	✓	✓	-
Verification of Nonconforming Status	21.03.180	-	-	-
Minor Modifications	21.03.190	-	-	-
Variances	21.03.200	✓	✓	✓
Appeals to Board of Adjustment	21.03.210.A	✓	✓	-
Appeals to ZBEA	21.03.210.B	✓	✓	-

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3. Published Notice

When Table 21.03-1 requires that notice be published, the Director shall cause a notice to be published in a newspaper having general circulation. The notice shall be published at least 21 days before the scheduled hearing date. In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.

4. Written (Mailed) Notice

When Table 21.03-1 requires that written notice be provided, the Director shall deposit such notice into first class mail at least 21 days prior to the scheduled date of the hearing. In computing such period, the day of mailing shall not be counted, but the day of the hearing shall be counted. Written notice shall be provided to the following persons or groups:

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- a. **Owners of Subject Property**
All persons listed on the records of the municipal assessor as owners of land subject to the application, at the mailing addresses of such persons in the records of the municipal assessor.
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- b. **Adjacent Property Owners**
All persons listed on the records of the municipal assessor as owners of any land within 500 feet of the outer boundary of the land subject to the application, or owners of the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor.
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- c. **Community Councils**
Any officially recognized community council whose boundary includes land described in paragraph a. of this subsection, and any additional such council whose boundaries lie within 1,000 feet of any part of the subject property.¹⁶ Furthermore, the Department shall provide notice to additional community councils in the following instances:
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- i. Each recognized community council within the Municipality shall receive written notice where the subject parcel is one of the following regional public lands or facilities: a public airport; a designated regional or urban park; or a public school or public university with areawide attendance.
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- ii. If the subject parcel is a branch public facility that serves a specific delineated area, such as a public school or fire station, then any community council whose boundaries lie within the delineated district of service of a branch public facility shall receive written notice.
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- iii. Any community council whose boundaries lie beyond the minimum notification distance shall receive notice regarding proposals of potentially major scope or controversy that, in the opinion of the director, are likely to have a significant impact on the residents of the community council beyond the minimum notification distance.
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- d. **Additional Persons**
Such additional persons or geographic areas as the Director may designate.¹⁷
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5. **Posted Notice**
When Table 21.03-1 requires that notice be posted, the applicant shall cause a notice to be posted on the property for at least 21 days before the scheduled hearing date. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way. Posted notices shall include all the content specified in subsection 1. above except for the legal description. Before the public hearing, the applicant shall submit to the Department an affidavit, signed by the person who did the posting or the

1 person who caused the posting to be done, that notice was posted as
2 required by this subsection. Posted notices shall be removed by the applicant
3 within 30 days of the hearing on the application.

4 **6. Constructive Notice**

5 Minor defects in any notice shall not impair the notice or invalidate
6 proceedings pursuant to the notice if a bona fide attempt has been made to
7 comply with applicable notice requirements. Minor defects in notice may
8 include, but are not limited to, errors in a legal description or typographical or
9 grammatical errors that do not impede communication of the notice to
10 affected parties. Failure of a party to receive written notice shall not invalidate
11 subsequent action. In all cases, however, the requirements for the timing of
12 the notice and for specifying the time, date, and place of a hearing shall be
13 strictly construed. If questions arise at the hearing regarding the adequacy of
14 notice, the decision-making body shall make a formal finding as to whether
15 there was substantial compliance with the notice requirements of this title.

16 **7. Presumption of Notice**

17 When the records of the Municipality document the publication, mailing, and
18 posting of notices as required by this subsection, it shall be presumed that
19 notice of a public hearing was given as required by this subsection.

20 **H. Concurrent Processing**

21 Where possible without creating an undue administrative burden on the Municipality's
22 decision-making bodies and staff, this title intends to accommodate the simultaneous
23 processing of applications for different permits and approvals that may be required for
24 the same development project in order to expedite the overall review process.
25 Review and decision-making bodies considering applications submitted
26 simultaneously shall render separate reports, recommendations, and decisions on
27 each application based on the specific standards applicable to each approval.

28 **1.** Examples of concurrent filing and processing of applications include, but are
29 not limited to:

- 30 **a.** A site plan along with a conditional use;
31 **b.** A subdivision plan along with a site plan or variance or vacation;
32 **c.** A variance along with a conditional use or site plan.

33 **2.** Some forms of approval depend on the applicant having previously received
34 another form of approval, or require the applicant to take particular action
35 within some time period following the approval in order to avoid having the
36 approval lapse. Therefore, even though this title intends to accommodate
37 simultaneous processing, applicants should note that each of the permits and
38 approvals set forth in this title has its own timing and review sequence.

39 **3.** The expected time frame and approval process for a consolidated application
40 shall follow the longest time frame and approval process required from among
41 the joined application types.

1 **I. Findings of Fact¹⁸**

2 Unless otherwise specified, every decision made under this chapter shall be based
3 upon written findings of fact, and every finding of fact shall be supported in the record
4 of the proceedings. The approval criteria required to exist on any matter upon which a
5 board or commission is required to act under this chapter are limitations on the power
6 of the board or commission to act. A mere finding or recitation of the approval criteria
7 unaccompanied by findings of specific facts shall not be deemed findings of fact and
8 shall not be deemed compliance with this title.

9 **J. Conditions of Approval**

10 Some procedures set forth in this title authorize the decision-making body to impose
11 such conditions upon the premises benefited by the approval as may be necessary to
12 reduce or minimize any potential adverse impact upon other property in the area, or to
13 carry out the general purpose and intent of the comprehensive plan and this title. In
14 such cases, any conditions attached to approvals shall be directly related to the
15 impacts of the proposed use or development and shall be roughly proportional in both
16 extent and amount to the anticipated impacts of the proposed use or development.
17 No conditions of approval, except for those attached to variance approvals, shall be
18 less restrictive than the requirements of this title or applicable special limitations.

19 **K. Lapse of Approval**

20 The lapse of approval time frames established by the procedures of this title may be
21 extended only when all of the following conditions exist:

- 22 1. The provisions of this title must expressly allow the extension;
- 23 2. An extension request must be filed prior to the applicable lapse-of-approval
24 deadline;
- 25 3. The extension request must be in writing and include justification; and
- 26 4. Unless otherwise noted, authority to grant extensions of time shall rest with
27 the decision-making body that granted the original approval (the one being
28 extended).

29 **21.03.030 COMPREHENSIVE PLAN AMENDMENTS¹⁹**

30 **A. Levels of Plan Review**

31 The Comprehensive Plan should be reviewed and reassessed regularly in order to
32 evaluate its effectiveness and adequacy in guiding the growth of the Municipality and
33 to determine whether or not the plan continues to meet the long-term planning needs
34 of the Municipality. Because this review need not necessarily result in the complete
35 revision of the plan, several levels of review are contemplated in this section.

36 1. **Complete Plan Revision (20-year Intervals)**

37 The Director shall initiate a full review and complete revision of the
38 Comprehensive Plan at least once every 20 years, preferably following the
39 decennial census. As part of this review, the Director shall provide the
40 Planning and Zoning Commission with an overall assessment of the
41 adequacy and effectiveness of the existing plan, including identification of

1 new issues not adequately addressed, issues which require further study and
2 investigation, and suggested improvements. The Planning and Zoning
3 Commission shall consider the staff assessment and shall recommend
4 amendments or issues that the Commission feels should be pursued or
5 investigated. Any amendments shall follow the procedures of subsections B.
6 and C. below.

7 **2. Targeted Plan Review (5-year Intervals)**

8 The Director shall initiate a targeted review of the plan at least once every five
9 years, or at the time of an area-wide rezoning, in order to make it consistent
10 with economic and demographic trends, recent and proposed land use
11 decisions, and adopted studies and plans. Any amendments shall follow the
12 procedures of subsections B. and C. below.

13 **3. Other Plan Amendments**

14 In addition to the regularly scheduled reviews described above, any review or
15 decision-making body, or the director of any municipal department, or any
16 citizen may propose a plan amendment at any time to reflect changing
17 circumstances. All such proposals shall be processed in accordance with the
18 procedures in subsections B. and C. below.

19 **B. Procedure for Substantive Amendments**

20 **1. Procedure**

21 **a. *Initiation; Determination by Commission***

22 i. Proposals for substantive amendments to the Comprehensive
23 Plan shall be submitted to the Director. The Director shall,
24 within a reasonable time, submit a report and
25 recommendation to the Planning and Zoning Commission
26 regarding whether or not the proposed substantive
27 amendment should be reviewed by the Assembly and the
28 Planning and Zoning Commission. Upon receiving the report
29 and recommendation, the Commission shall, by majority vote,
30 determine whether or not to proceed and review the proposed
31 amendment.

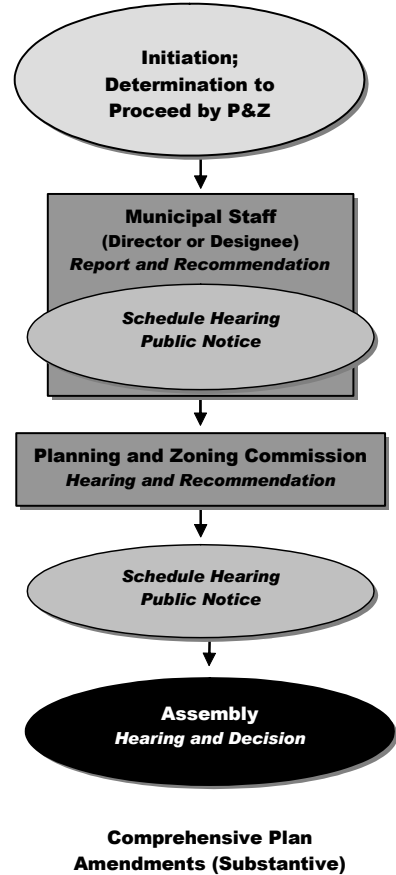
32 ii. A proposal for a substantive amendment may be submitted
33 concurrently with a rezoning request that conflicts with the
34 Comprehensive Plan, under subsection 3. below.

35 **b. *Public Hearings and Public Notice***

36 Two public hearings shall be held on each proposed substantive
37 amendment, the first before the Planning and Zoning Commission
38 and the second before the Assembly. Notice of the hearings shall be
39 provided in accordance with sections 21.03.020.G.

c. **Hearing and Recommendation by Planning and Zoning Commission**

The Director shall review each proposed substantive amendment in light of the review considerations set forth in subsection 2. below and distribute the application, as deemed necessary, to other reviewers. Based on the results of those reviews, the Director shall provide a report and recommendation to the Planning and Zoning Commission at the first public hearing on the proposed substantive amendment. This report shall include a discussion of all plans and policies that have been adopted by the Municipality and are relevant to the proposed amendment. Based on testimony received, the staff report, and the review considerations in subsection 2. below, the Commission shall recommend that the Assembly approve, approve with modifications, or deny the proposed amendment.



d. **Hearing and Action by Assembly**

Within 90 days following the Commission's action, the Assembly shall hold a public hearing on the proposed amendment. The Assembly shall, within 90 days of the hearing, based on the Commission's recommendation, testimony received, and the review considerations in subsection 2. below:

- i. Approve the amendment by ordinance, either as submitted or with modifications suggested by staff, the Planning and Zoning Commission, or the Assembly;
- ii. Reject the proposed amendment; or
- iii. Refer the proposed amendment back to the Planning and Zoning Commission or to a committee of the Assembly for further consideration.

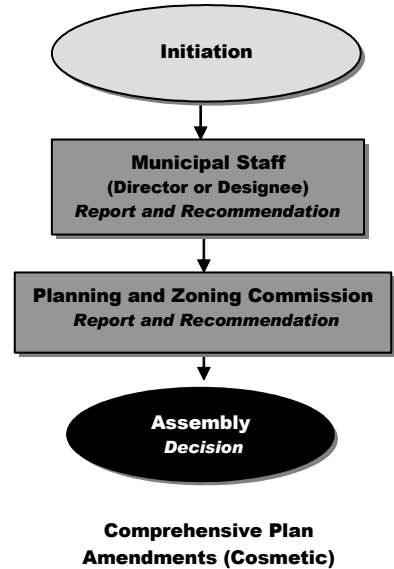
2. **Review Considerations**

Proposals for amendments to the Comprehensive Plan shall be evaluated based upon whether the amendment is necessary in order to address the following:

- a. A change in projections or assumptions from those on which the Comprehensive Plan is based;

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- b. Identification of new issues, needs, or opportunities that are not adequately addressed in the Comprehensive Plan;
- c. A change in the policies, objectives, principles, or standards governing the physical development of the Municipality or any other geographic areas addressed by the Comprehensive Plan; or
- d. Identification of errors or omissions in the Comprehensive Plan.



3. Simultaneous Review of a Rezoning and a Related Substantive Amendment

The Assembly may direct, on their own motion, that a specific substantive amendment proposal be considered by the Planning and Zoning Commission according to the same schedule as a related request for the rezoning of a particular tract or parcel affected by the substantive amendment. In such a case, the Planning and Zoning Commission shall submit its report and recommendation regarding the substantive plan amendment to the Assembly at the same time it submits the report and recommendation on the rezoning case. The schedule for the review of the rezoning, as set forth in section 21.03.050, *Rezonings*, shall prevail over the schedule in this section. The Assembly and Planning and Zoning Commission shall consider the plan amendment proposal and the rezoning request separately, and shall act separately on the two items.

C. Procedure for Cosmetic Amendments

1. Initiation

Any review or decision-making body, or director of any municipal department, may, at any time on their own motion, request that the Director investigate and evaluate a specific cosmetic amendment proposal.

2. Review by Planning and Zoning Commission

Upon receiving a request for a cosmetic amendment, the Director shall forward the proposed amendment to the Planning and Zoning Commission for consideration, along with a staff report and recommendation. The Planning and Zoning Commission shall submit, within a reasonable time, a report and recommendation to the Assembly regarding whether or not the proposed amendment should be adopted as submitted, adopted with modifications, or rejected.

3. Action by Assembly

The Assembly shall consider the reports and recommendations of the Planning and Zoning Commission and the Director at a regularly scheduled Assembly meeting, and will take action to either: (1) approve or deny the amendment, (2) approve the amendment with modifications, or (3) refer the

1 matter back to the Planning and Zoning Commission for further consideration.
2 No public hearing or public notification is required.

3 **21.03.040 AMENDMENTS TO TEXT OF TITLE 21²⁰**

4 **A. Purpose and Scope**

5 The Assembly may amend the text of this title in accordance with the procedures set
6 forth in this section. The purpose of text amendments is not to relieve particular
7 hardships, nor to confer special privileges or rights on any person, but rather to make
8 adjustments to text that are necessary in light of changed conditions or changes in
9 public policy, or that are necessary to advance the general welfare of the Municipality.

10 **B. Procedure**

11 **1. Initiation of Amendments and Filing of Applications**

12 A petition for amendment to the text of this title may be initiated by any review
13 or decision-making body, any owner of a legal or equitable interest in land
14 located in the Municipality, or any resident of the Municipality. Petitions for
15 text amendment shall be filed with the Director in a form established by the
16 Director in the User's Guide.

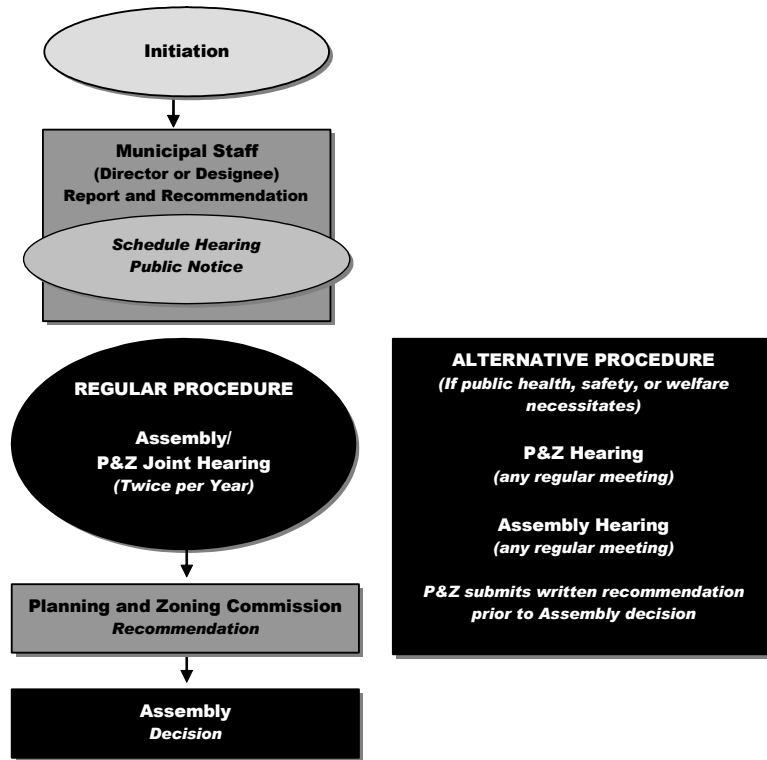
17 **2. Director Review, Report, and Recommendation**

18 The Director shall review each proposed text amendment in light of the
19 approval criteria of subsection C. below and distribute the application to other
20 reviewers as deemed necessary. Based on the results of those reviews, the
21 Director shall provide a report and recommendation to the Planning and
22 Zoning Commission.

23 **3. Joint Public Hearing²¹**

24 **a.** Written and published notice of public hearings on text amendments
25 shall be provided pursuant to the general notice provisions of section
26 21.03.020.G.

27 **b.** Text amendments shall be considered two times per year at a joint
28 public hearing of the Planning and Zoning Commission and the
29 Assembly. However, where the Assembly determines by a majority
30 vote that the public health, safety, or welfare necessitates, text
31 amendments may be considered at any regularly scheduled meeting
32 of the Assembly, provided that the Assembly holds a public hearing
33 on the proposed amendment and the Planning and Zoning
34 Commission holds a public hearing and provides a written report and
35 recommendation on the proposed amendment prior to the Assembly's
36 decision.



Amendments to Text
of Title 21

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4. Planning and Zoning Commission Review and Recommendation

- a. As soon as possible after the public hearing, but no later than 60 days, the Planning and Zoning Commission shall make a recommendation to the Assembly to approve or deny the text amendment based on the approval criteria of subsection C. below.
- b. If the Commission recommends approval of the amendment, the Director shall draft an ordinance effectuating the recommendation and shall submit the ordinance to the Assembly.
- c. If no recommendation is made within 60 days, then the Planning and Zoning Commission may request an extension of time from the Assembly. If no recommendation is made and no extension is granted, then the Assembly may act on the proposed amendment without a recommendation from the Planning and Zoning Commission.

5. Assembly Action

After reviewing the reports and recommendations of the Director and the Planning and Zoning Commission, the Assembly shall vote to approve, approve with amendments, or deny the proposed amendment, based on the

1 approval criteria of subsection C. below. The Assembly also may refer the
2 proposed amendment back to the Planning and Zoning Commission or to a
3 committee of the Assembly for further consideration. Text amendments shall
4 be approved in the form of ordinances.

5 **C. Approval Criteria²²**

6 Text amendments may be approved if the Assembly finds that all of the following
7 approval criteria have been met:

- 8 1. The proposed amendment will promote the public health, safety, and general
9 welfare;
- 10 2. The proposed amendment is consistent with the Comprehensive Plan and the
11 stated purposes of this title; and
- 12 3. The proposed amendment is necessary or desirable because of changing
13 conditions, new planning concepts, or other social or economic conditions.

14 **D. Successive Applications**

15 Following denial of a text amendment request, no new application for the same or
16 substantially the same amendment shall be accepted within one year of the date of
17 denial. This provision may be waived in an individual case, for good cause shown, by
18 the affirmative vote of three-fourths of the members of the Assembly.

19 **21.03.050 REZONINGS (ZONING MAP AMENDMENTS)²³**

20 **A. Purpose and Scope**

21 The boundaries of any zone district in the Municipality may be changed or the zone
22 classification of any parcel of land may be changed pursuant to this section. The
23 purpose is not to relieve particular hardships, nor to confer special privileges or rights
24 on any person, but to make adjustments to the official zoning map that are necessary
25 in light of changed conditions or changes in public policy, or that are necessary to
26 advance the general welfare of the Municipality. Rezoning shall not be used as a
27 way to legitimize nonconforming uses or structures, and should not be used when a
28 conditional use, variance, or minor modification could be used to achieve the same
29 result.

30 **B. Minimum Area Requirements²⁴**

31 A rezoning shall only be considered for properties of 1.75 acres (76,230 square feet)
32 or more, except for:

- 33 1. A rezoning extending the boundaries of an existing use district; or
- 34 2. A rezoning initiated by the municipal administration to place municipally
35 owned land in a PLI, PR, or OL use district.²⁵

C. General Procedure

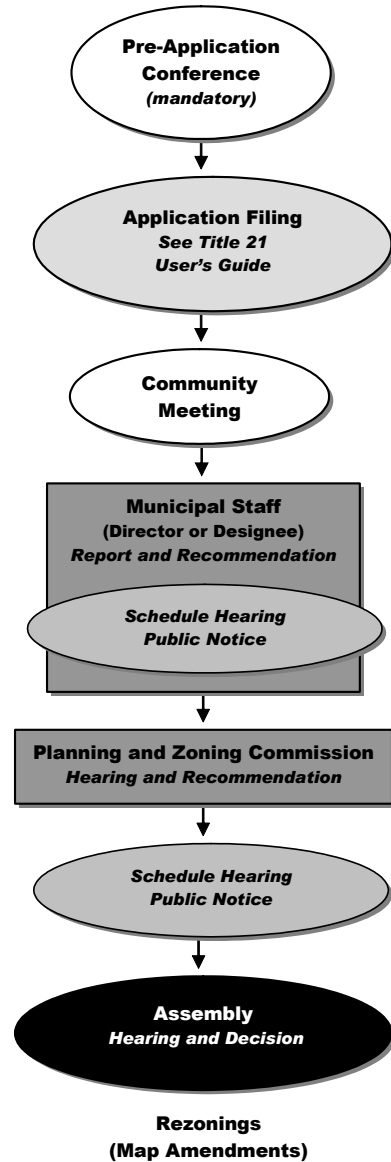
1. Initiation

a. A rezoning may be initiated by the Assembly, the Planning and Zoning Commission, or by the director of any municipal department.

b. In addition, any person may initiate a rezoning by submitting a petition favoring the rezoning signed by the owners of at least 51 percent of the property within the area to be rezoned. For the purposes of this subsection, an owner of property subject to the Horizontal Property Regimes Act (A.S. 34.07) owns a percentage of the appurtenant common areas equal to the percentage for that property stated in the recorded declaration committing the property to the Horizontal Property Regimes Act.

c. A rezoning application shall expire one year after submittal unless a public hearing on the application has been held by the Assembly on or before that date; provided, however, that the Director or designee may extend the application for six months if the reason for the delay was due to circumstances beyond the control of the applicant.

d. Rezoning shall precede Corps of Engineers wetland permit applications.



2. Pre-Application Conference

Before filing an application, a private-party applicant shall request a pre-application conference with the Director. See section 21.03.020.B.

3. Submission Requirements

a. Applicants for a rezoning shall submit the materials specified in the User's Guide. Additional materials may be required for certain types of rezoning, such as rezoning with special limitations.

b. The Planning and Zoning Commission or the Director may require the submission of such other information as may be necessary to permit

1 the informed exercise of judgment under the approval criteria set forth
2 in subsection D. below. Such information shall be related to the scale
3 and location of the rezoning application and may include, without
4 limitation, traffic, soil, hydraulic, visual, aesthetic, water, air quality,
5 noise, and sewage analyses.

6 **4. Public Hearings**

7 Published, written, and posted notice of public hearings on rezonings shall be
8 provided in accordance with section 21.03.020.G. In addition, the notice shall
9 list the protest provisions set forth in subsection 7. below. Where the
10 rezoning has been initiated by someone other than the property owner or his
11 or her designated agent, the Director also shall mail a notice to all owners of
12 the property to be reclassified, as shown in the current municipal assessor's
13 records.

14 **5. Review and Recommendation by Planning and Zoning Commission**

15 a. The Planning and Zoning Commission shall hold a public hearing on
16 the proposed rezoning and, at the close of the hearing, recommend
17 approval, approval with special limitations or other modifications, or
18 denial. The Commission shall base its recommendation on the
19 approval criteria in subsection D. below, and shall include written
20 findings based on each of the approval criteria.

21 b. If the Commission recommends approval or approval with special
22 limitations or other modifications, within 60 days of the Commission's
23 written resolution, the Director shall forward the recommendation to
24 the Assembly with an ordinance to amend the official zoning map in
25 accordance with the recommendation.

26 c. If the Commission recommends denial, that action is final unless,
27 within 15 days of the Commission's written resolution recommending
28 denial, the applicant files a written statement with the municipal clerk
29 requesting that an ordinance amending the zoning map in
30 accordance with the application be submitted to the Assembly. The
31 draft ordinance shall be appended to an Assembly Informational
32 Memorandum (AIM) for consideration by the Assembly.²⁶

33 **6. Action by Assembly**

34 The Assembly shall hold a public hearing on the proposed rezoning and shall,
35 at the close of the hearing, taking into account the recommendations of the
36 Director, Planning and Zoning Commission, and public input, and based upon
37 the approval criteria of subsection D. below:

38 a. Approve the zoning map amendment by ordinance;

39 b. Approve the zoning map amendment by ordinance with special
40 limitations (see subsection E.);

41 c. Deny the amendment; or

42 d. Refer the proposed amendment back to the Planning and Zoning
43 Commission or to a committee of the Assembly for further
44 consideration.

1 **7. Protests**

2 Any owner of property subject to a proposed rezoning may protest the
3 rezoning by filing a written protest with the Clerk pursuant to this subsection.

4 **a.** The protest shall object to the rezoning and shall state the factual
5 and/or legal basis for the protest, contain a legal description of the
6 property on behalf of which the protest is made, and be signed by the
7 owners of at least one-third of the property, excluding rights-of-way,
8 of:

9 **i.** The land to which the amendment applies; or

10 **ii.** The land within 300 feet of the outer boundary of the land to
11 which the amendment applies;

12 Excluding land owned by the Municipality, except where the
13 Municipality joins in the protest.

14 **b.** To be valid, the protest must be received by the municipal clerk after
15 notice of a public hearing before the Assembly on a zoning map
16 amendment and at least one business day before the time set for the
17 Assembly public hearing on the amendment.

18 **c.** Assembly approval of a rezoning subject to a valid protest under this
19 subsection shall require an affirmative vote of eight Assembly
20 members.

21 **8. Waiting Period for Reconsideration**

22 Following denial of a rezoning request, no new application for the same or
23 substantially the same rezoning shall be accepted within one year of the date
24 of denial, unless denial is made without prejudice.

25 **9. Form of Amending Ordinance**

26 An ordinance amending the zoning map shall contain the following:

27 **a.** The name of each zoning district being applied or changed in the
28 ordinance;

29 **b.** The legal description of the subject property;

30 **c.** Any special limitations being applied to the subject property; and

31 **d.** An effective clause.

32 **D. Approval Criteria²⁷**

33 The Assembly may approve a rezoning, and the Planning and Zoning Commission
34 may recommend approval, if the rezoning meets all of the following criteria:

35 **1.** The rezoning will promote the public health, safety, and general welfare;

36 **2.** The rezoning is consistent with the Comprehensive Plan and the purposes of
37 this title;

- 1 3. The rezoning is consistent with the stated purpose of the proposed zoning
2 district;
- 3 4. Facilities and services (including roads and transportation, water, gas,
4 electricity, police and fire protection, and sewage and waste disposal, as
5 applicable) will be available to serve the subject property while maintaining
6 adequate levels of service to existing development;
- 7 5. The rezoning is not likely to result in significant adverse impacts upon the
8 natural environment, including air, water, noise, stormwater management,
9 wildlife, and vegetation, or such impacts will be substantially mitigated; and
- 10 6. The rezoning is not likely to result in significant adverse impacts upon other
11 property in the vicinity of the subject tract.

12 **E. Rezoning with Special Limitations²⁸**

13 Pursuant to this subsection, a rezoning may include special limitations that restrict
14 structures, or the use of land or structures, to a greater degree than otherwise
15 provided for a use district applied by the rezoning.

16 **1. Purposes**

17 A rezoning may include special limitations for one or more of the following
18 purposes:

- 19 a. To prohibit structures, or uses of land or structures, that would
20 adversely affect the surrounding neighborhood or conflict with the
21 comprehensive plan; or
- 22 b. To conform the zoning map amendment to the comprehensive plan,
23 or to further the goals and policies of the comprehensive plan; or
- 24 c. To conform development under the zoning map amendment to
25 existing patterns of development in the surrounding neighborhood; or
- 26 d. To mitigate the adverse effects of development under the zoning map
27 amendment on the surrounding neighborhood and on public facilities
28 and services.

29 **2. Types of Limitations**

30 A special limitation shall do one or more of the following:

- 31 a. Limit residential density; or prohibit structures, or uses of land or
32 structures, otherwise permitted in a use district;
- 33 b. Require compliance with design standards for structures and other
34 site features;
- 35 c. Require compliance with a site plan approved under this title;
- 36 d. Require the construction and installation of improvements, including
37 public improvements; or

- 1 e. Impose time limits for taking subsequent development actions.
- 2 3. **Effect of Approval**
- 3 a. A use district subject to special limitations shall be identified on the
- 4 zoning map by the suffix "SL," and the number of the ordinance
- 5 applying the special limitations shall be printed on the zoning map.
- 6 b. Where a special limitation in a zoning map amendment conflicts with
- 7 any less restrictive provision of this title, the special limitation governs.

8 **F. Rezoning to Create, Alter, or Eliminate Overlay Districts²⁹**

9 1. **Purpose and Applicability**

10 The Assembly may, through the rezoning process, establish overlay districts

11 that supplement the regulations of the underlying base zoning districts, in

12 order to address special land use needs, to meet an objective of the

13 Comprehensive Plan or neighborhood plan, or other specific planning

14 objective. A rezoning for an overlay district may be applied to the zoning map

15 in order to:

- 16 a. Permit, require, prohibit or restrict structures or the use of land or
- 17 structures;
- 18 b. Alter the provisions of the use-specific regulations as applied to
- 19 property within the overlay district;
- 20 c. Require new development or attributes of new development to
- 21 conform to a specific architectural or design theme;
- 22 d. Require a design review approval process; and/or
- 23 e. Alter the development standards of the underlying district by
- 24 decreasing or increasing the requirements with regard to building
- 25 height, yards, lot area, lot width, lot coverage, and lot densities of the
- 26 underlying district.

27 2. **Minimum Area Requirements**

28 No overlay district zoning map amendment shall be considered or approved

29 that applies an overlay district to an area less than 2.00 acres, excluding

30 rights-of-way, except for an amendment extending the boundaries of an

31 existing overlay district.

32 3. **General Procedure for Creating, Altering, or Eliminating Overlay**

33 **Districts**

34 Overlay districts shall be established, altered, or eliminated using the general

35 rezoning procedure set forth in subsection C. above, *General Procedure*,

36 except as modified by the following provisions:

37 a. **Contents of Adopting Ordinance**

38 An ordinance amending the zoning map for an overlay district shall

39 contain the following:

- 40 i. The name of the overlay district that the ordinance applies;

1 **B. Applicability**

2 **1. General**

3 The procedures of this section, and the standards and requirements set forth
4 in chapter 21.08, *Subdivision Standards*, shall apply to all subdivisions or
5 resubdivisions that result in the portioning, dividing, combining, or altering of
6 any lot, parcel, or tract of land, including subdivisions or resubdivisions
7 created by an exercise of the power of eminent domain by an agency of the
8 state or Municipality.

9 **2. Applicable Review Procedure³²**

10 **a. General Procedure**

11 All subdivisions applications shall be reviewed according to the
12 process set forth in subsection C. below, *Review and Approval of*
13 *Subdivision Plans*, unless they qualify for the abbreviated plat
14 procedure.

15 **b. Abbreviated Plat Procedure**

16 Certain subdivisions may follow the streamlined procedure set forth in
17 subsection D. below, *Abbreviated Plat Procedure*. Eligible preliminary
18 plats are:

19 **i. A movement or elimination of lot lines that does not:**

20 **(A)** Result in an increase in the permitted density of
21 residential units within the area being subdivided or
22 resubdivided.

23 **(B)** Allow a change in the permitted use to which the lot
24 or tract may be devoted under existing zoning.

25 **(C)** Deny adequate access to and from all lots or tracts
26 created by the subdivision or those adjacent to it.

27 **ii. The subdivision of a single tract, parcel, or lot into no more**
28 **than three tracts or eight lots, provided that the subdivision**
29 **does not:**

30 **(A)** Allow a change in the permitted use to which the lot
31 or tract may be devoted under existing zoning.

32 **(B)** Deny adequate access to and from all lots or tracts
33 created by the subdivision or those adjacent to it.

34 **(C)** Divide a tract, parcel or lot:³³

35 **(1)** Created within the previous four years
36 pursuant to the approval of a preliminary plat
37 under this section 21.03.060; or

38 **(2)** Contiguous to or having an owner either in
39 an individual capacity or as an owner of a
40 corporation, partnership, or other legal entity

1 of a preliminary plat approved within the
2 previous 48 months.

3 (3) That is ten acres or more in the R-5, R-6, R-
4 7, and R-10 zoning districts or that is
5 governed by AO 84-21.

6 iii. Vacations and relocations under section 21.03.160.

7 iv. Subdivision of a cemetery into burial plots.

8 v. A plat required by section 21.03.070.G. for final approval of a
9 conditional use, or section 21.03.080.F. for final approval of a
10 site plan.

11 vi. A plat depicting the creation of two attached single-family lots.

12 **3. Subdivision Approval is Prerequisite to Other Approvals**

13 a. No building permit, land use permit, zoning certificate of compliance,
14 or certificate of occupancy may be issued for any building, structure,
15 or improvement located within a subdivision, and no plat for a
16 subdivision may be recorded with the State of Alaska, until a plan for
17 the subdivision has been approved, all required dedications of land
18 have been made, and all required improvements have been installed
19 in accordance with the procedures and requirements of this section,
20 or an approved subdivision agreement is in place pursuant to section
21 21.08.060, *Subdivision Agreements*.³⁴

22 b. The Municipality shall not accept or maintain any street, and shall not
23 extend or connect any street lighting, water service, or sanitary sewer
24 service to any subdivision of land, until and unless a plat for the
25 subdivision has been approved and recorded in accordance with the
26 requirements set forth in this section.

27 **4. Restriction on Sale or Transfer of Subdivided Land Without Approved**
28 **Plat**

29 Any person who transfers or sells any land located within the Municipality by
30 reference to a plat that has not been approved by the Municipality and
31 recorded by the State of Alaska shall be guilty of a violation of this title. The
32 description by metes and bounds in the instrument of transfer or other
33 document used in the process of selling or transferring shall not exempt the
34 transaction from such penalties. The Municipality also may enjoin such
35 transfer or sale by filing an action for an injunction.

36 **5. Existing Lots of Record**

37 No provision of chapter 21.08, *Subdivision Standards*, applies to any lot in a
38 subdivision legally created and filed of record before the effective date of this
39 title, unless the lot is further subdivided or resubdivided.

C. Review and Approval of Subdivision Plans

1. Applicability

This section shall apply to all subdivisions not meeting the eligibility criteria for the abbreviated plat procedure.

2. Pre-Application Conference

A pre-application conference is required prior to submission of a new subdivision application or most modifications to already-approved subdivision plans. See section 21.03.020.B.

3. Submission of Preliminary Plat

a. Unless waived by the Platting Board, a preliminary plat shall include all land under contiguous ownership, unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be part of the preliminary and final plat. Requirements for surveying this remaining tract may be waived at the discretion of the Platting Board. By plat note, development shall not be allowed on the remaining tract until approved under this section.

b. In submitting a preliminary plat application, applicants shall submit the materials specified in the User's Guide to the Department, by the deadlines established in the User's Guide.³⁵

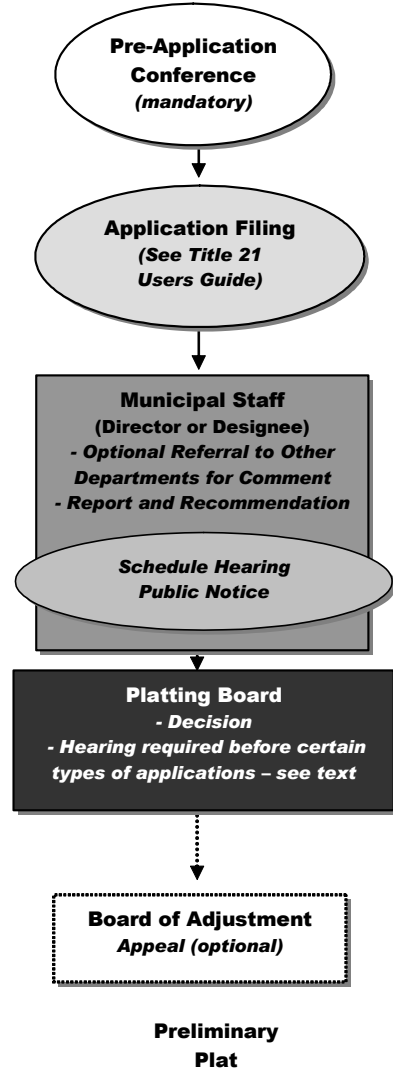
c. For subdivision plats that have A or B wetlands, the applicant shall have initiated Corps of Engineers wetland permitting prior to submitting the preliminary plat.

4. Action on Preliminary Plat

a. Approval or Denial by Platting Board

Subject to paragraph b. below, the Platting Board shall, based on the approval criteria of subsection C.6. below, take action on the preliminary plat within 90 days after the submission date, or shall return the plat to the applicant for modification or correction.³⁶ The reasons for denial of a plat shall be stated upon the records of the Platting Board.

b. Referral to Other Agency



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- 1 If the Platting Board finds that:
- 2 i. It cannot determine whether a preliminary plat conforms to
 - 3 the approval criteria of subsection C.6. below, because a
 - 4 specific controlling land use, public facility, or other public
 - 5 policy issue has not been resolved; and
 - 6 ii. An official board, commission or legislative body of the
 - 7 Municipality or another government has been identified as
 - 8 being responsible for resolving that issue;

9 then, upon an affirmative vote of six members, the Platting Board may
10 refer the issue to the responsible official, board, commission or
11 legislative body and postpone action on the plat for a period not
12 exceeding 90 days or to its next regular meeting after the responsible
13 official, board, commission or legislative body responds to the referral,
14 whichever occurs first.

15 **c. *Public Hearing***
16 The Platting Board shall hold a public hearing before action on the
17 following types of subdivision applications:

- 18 i. Approval of a preliminary plat, except applications allowed to
- 19 use the abbreviated plat procedure;
- 20 ii. Approval of a final plat that differs from the preliminary plat
- 21 (see section 21.03.060.C.4.b.);
- 22 iii. Modification or deletion of a condition of plat approval;
- 23 iv. Granting of a variance from the provisions of chapter 21.08,
- 24 *Subdivision Standards*;
- 25 v. Removal of or modification(s) to plat notes; and
- 26 vi. Vacation of dedicated right-of-way; BLM and section line
- 27 easements; or platted landscape, drainage, slope, or
- 28 protective well radii easements.

29 **d. *Approval Period; Time Extensions***
30 i. Notwithstanding any subsequent change in the subdivision
31 regulations, zoning regulations, and zoning districts, the
32 approval of the preliminary plat shall be effective:

33 (A) For at least 24³⁷ months and up to 60 months from
34 the date of approval when it pertains to a
35 development of no less than ten acres and includes a
36 phasing plan and based upon the Platting Board's
37 evaluation of the size, complexity, and phasing
38 elements of the development.

39 (B) For 24 months from the date of approval when it
40 pertains to a development of less than ten acres.

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- ii. The preliminary plat shall become null and void after the approval period unless an extension of time is granted by the Platting Board. A request for a time extension must be made in writing by the subdivider. The extension request must be received by the Director prior to the expiration of the preliminary plat to be eligible for consideration by the Platting Board.
 - iii. Such a time extension shall be granted only if the Board finds that current conditions are substantially the same as those that existed when the preliminary plat was originally approved. The Director shall conduct the reevaluation for every extension request that does not raise the total time of extension for a particular plat beyond 24³⁸ months and present his or her findings to the Board. Every extension request that raises the total time of extension for a particular plat beyond 24 months shall be evaluated in the same manner as an original plat application, including payment of the applicable fee.
 - iv. Only two time extensions may be approved for a preliminary plat approved by the Platting Board. Approval of the second extension shall require a noticed public hearing.³⁹
 - v. Preliminary plats being finalized in portions or phases shall not be construed to automatically extend the original approval period. Such an extension may only be granted by the Platting Board in accordance with the procedures set out in this subsection.⁴⁰
- e. **Appeals**
All decisions as to approval or denial of a preliminary plat by the Platting Board shall be final unless appealed to the Board of Adjustment.
- f. **Resubmittal Following Denial**
No new application for the same or substantially the same preliminary plat shall be accepted by the Platting Board within one year of denial of the original application. The waiting period required by this section may be waived in an individual case, based upon new evidence or changed circumstances, by the affirmative vote of a majority of the Platting Board.
5. **Final Plat**
- a. **Procedure When Final Plat Corresponds to Preliminary Plat as Approved**
 - i. A hearing on the final plat shall not be required when such plat essentially conforms to the preliminary plat approved by the Platting Board. The final plat shall, in addition, meet all conditions imposed by the Board in approving the preliminary plat.

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- ii. The final plat map shall constitute only that portion of the approved preliminary plat that is proposed to be recorded and developed at the time. If only a portion of the approved preliminary plat is proposed for final plat approval, such portions shall conform to all requirements of this section and chapter 21.08, *Subdivision Standards*.

 - iii. The following procedure shall be followed for the final plat:⁴¹
 - (A) The final plat shall be submitted to the Department for examination as to compliance with all terms of the preliminary plat as approved by the Platting Authority. If all conditions have been met, a statement to that effect, appearing on the final plat, shall be signed by the Director. The final plat shall not be signed until the documents described in paragraph iv. and v. below have been received.

 - (B) Upon acceptance of the final plat, the Department shall forward the final plat to the Project Management and Engineering Department for final checking and inspection before final approval is given. If requested, a subdivision survey shall be submitted to the Project Management and Engineering Department with a complete set of field and computation notes showing the original or reestablished corners of the plat and of lots within the plat. Traverse sheets and work sheets showing the closure within the allowable limits of error of the exterior boundaries of each irregular block and lot of the subdivision may also be required. Final approval by the Project Management and Engineering Department shall be indicated by a statement appearing on the plat.

 - iv. Final approval by the Platting Board shall be dependent upon receipt of the following material:
 - (A) A statement from the Department of Development Services stating that all conditions imposed by the Department on the preliminary plat and approved by the Platting Board have been met. This approval by the Department of Development Services shall not affect any subsequent requirements relating to sewage disposal and water supply as they apply to any lots within the plat.

 - (B) A certificate from the tax collecting official or a note on the face of the plat stating that all municipal real property taxes levied against the property are paid in full, or, if approval is sought between January 1 and the tax due date, that there is on deposit with the

- 1 chief fiscal officer an amount sufficient to pay
2 estimated real property tax for the current year.
- 3 (C) A certificate to plat showing the legal and equitable
4 owners, including mortgagees, contract purchasers
5 and fee owners, of the land to be platted, plus all
6 grants, reservations, covenants, deed restrictions and
7 easements of record which may condition the use of
8 the property.
- 9 v. If the subdivision is to be served by a community water or
10 sewer system, the Department of Development Services may
11 require the subdivider to provide the following before the
12 Platting Board finally approves the plat:
- 13 (A) Any approvals or certificates required by the state
14 Departments of Environmental Conservation and
15 Natural Resources.
- 16 (B) An agreement under the standards and procedures
17 set out in section 21.08.060, *Subdivision*
18 *Agreements*, to ensure that the system installed will
19 be compatible with existing public water and sewer
20 systems.
- 21 (C) Approval of the plans, specifications, and installation
22 and operating procedures for the system by the
23 municipal water and wastewater utility pursuant to
24 chapter 21.08, *Subdivision Standards*, and
25 regulations promulgated thereunder.
- 26 (D) Final plats affecting land neither supplied, nor under
27 subdivision agreement to be supplied, both with
28 public water and public sewer, shall be submitted to
29 the Department of Development Services for a
30 determination that all lots and proposed water and
31 wastewater facilities conform to chapter 15.65 at the
32 time of determination.
- 33 b. ***Procedure When Final Plat Differs from Preliminary Plat***
- 34 i. The subdivider shall submit to the Director all information
35 required under the Title 21 User's Guide for the preliminary
36 plat. Such application shall be submitted at least 60 days⁴²
37 prior to the regular Platting Board meeting at which he or she
38 desires to have his or her plat placed on the agenda.
- 39 ii. The Platting Board shall take action on the final plat within 90
40 days after all required materials have been submitted to be
41 heard, or shall return the plat to the applicant for modification
42 or correction. The reasons for denial of a plat shall be stated
43 upon the records of the Platting Board.

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- 3 iii. If approved by the Platting Board, subsections a., c., and d. of
4 this section shall then be followed in their entirety.
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- 6 iv. All decisions as to approval or denial of a final plat by the
7 Platting Board as submitted under this section shall be final
8 unless appealed to superior court.
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- 6 c. **Requirements for Final Plat**
7 The final plat shall be prepared to the technical specifications, and
8 shall be accompanied by appropriate supporting materials, as
9 specified in the Title 21 User's Guide.
- 10 d. **Subdivision Agreements and Cost Estimates**
11 All final plats requiring public improvements, except those requiring
12 monumentation only, shall be accompanied by a subdivision
13 agreement between the subdivider and the Municipality and an
14 engineer's estimate of the cost of all required public improvements.
15 Requirements for such an agreement are further described in section
16 21.08.060, *Subdivision Agreements*.
- 17 e. **Notes, Restrictions, and Covenants**
18 The Platting Board may place such conditions upon granting of final
19 plat approval as are necessary to preserve the public welfare in
20 accordance with the subdivision regulations. See section
21 21.03.020.K. When such a condition of approval entails a restriction
22 upon the use of all or part of the property being subdivided, a note
23 specifying such restrictions shall be placed on the face of the plat.
24 Such note shall constitute a restrictive covenant in favor of the
25 Municipality and the public and shall run with the land, enforceable
26 against all subsequent owners. Any such restrictive covenant may be
27 enforced against the subdivider or any subsequent owner by the
28 Municipality or by any specifically affected member of the public.
- 29 6. **Approval Criteria**
30 The Platting Board may approve a preliminary or final plat only if it finds that
31 the plat:
- 32 a. Conforms to chapter 21.08, *Subdivision Standards*, chapter 21.07,
33 *Development and Design Standards*, and any regulations adopted
34 pursuant to those chapters;
- 35 b. Promotes the public health, safety and welfare;
- 36 c. Mitigates the effects of incompatibilities between the land uses or
37 residential densities in the subdivision and the land uses and
38 residential densities in the surrounding neighborhood, including but
39 not limited to visual, noise, traffic and environmental effects;
- 40 d. Provides for the proper arrangement of streets in relation to existing
41 or proposed streets;
- 42 e. Provides for adequate and convenient open space;

- 1 f. Provides for the efficient movement of vehicular and pedestrian traffic;
- 2 g. Ensures adequate and properly placed utilities;
- 3 h. Provides access for firefighting apparatus;
- 4 i. Provides opportunities for recreation, light, and air and avoids
- 5 congestion;
- 6 j. Facilitates the orderly and efficient layout and use of the land; and
- 7 k. Furthers the goals and policies of the comprehensive plan and
- 8 conforms to the comprehensive plan in the manner required by
- 9 section 21.01.090, *Comprehensive Plan*.

10 **D. Abbreviated Plat Procedure**

11 **1. Authorization**

12 The preliminary plats described in subsection
13 B.2.b. above are subject to approval under
14 the abbreviated procedure in this subsection
15 instead of the procedure in subsection C.
16 above; provided that preliminary plats
17 described in B.2.b. are not subject to
18 approval under this section where the
19 applicant is an agency of the municipal, state,
20 or federal governments.

21 **2. Submission Requirements**

22 All of the submission requirements for
23 preliminary plats that are listed in the Title 21
24 User's Guide shall be required for
25 abbreviated plats, except that the Director
26 shall establish submission requirements by
27 regulation under chapter 3.40 for plats
28 depicting the vacation and any associated
29 relocation of a public utility easement.

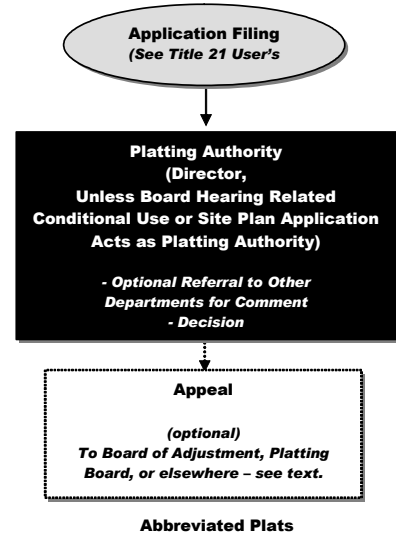
30 **3. Public Notice**

31 Before acting on a preliminary plat application under this section, the Director
32 shall publish notice pursuant to section 21.03.020.G.

33 **4. Action on Plat⁴³**

34 **a. *Platting Authority***

35 The Director is the platting authority for abbreviated plats, except as
36 provided in section 21.03.070.G. for conditional uses, section
37 21.03.080.F. for site plans, and section 21.03.160 for vacation or
38 relocation of certain dedicated public areas. The Director may refer
39 any application to the Platting Board that he or she deems may need
40 further or more extensive analysis and public comment concerning
41 access into adjacent property.



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- b. **Review and Decision**
The platting authority shall review each proposed subdivision in light of the approval criteria of subsection C.6. above and shall consult other municipal offices or agencies as necessary. Based on the results of that review, the platting authority shall act to approve, approve with conditions, or deny the plat.
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- c. **Variances**
- i. When acting as the platting authority under this section, the Director may not grant variances from the provisions of chapter 21.08, *Subdivision Standards*.
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- ii. When acting as the platting authority under section 21.03.070.G., *Platting for Conditional Uses*, or 21.03.080.F., *Platting for Site Plans*, the board or commission hearing an application for conditional use or site plan approval may grant variances to the provisions of chapter 21.08, *Subdivision Standards*, in accordance with section 21.03.190, *Variances*.
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- d. **Duration of Preliminary Approval**
Preliminary plat approval expires after 18 months; provided that the Board hearing an application for conditional use or site plan approval may extend the expiration of preliminary plat approval in conjunction with extending the time for implementing the conditional use or site plan.
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- e. **Appeals**
Decisions of the Director under this section are final unless appealed within 15 days:
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- i. To the Board of Adjustment under section 21.03.200.A., where the authority hearing an application for conditional use or site plan approval is the platting authority under section 21.03.070.G. for conditional uses, or section 21.03.080.F. for site plans.
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- ii. To the Platting Board in all other cases.
- An appeal under this subsection shall be treated as an original application for preliminary plat approval under this section.
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- f. **Approval of Final Plat**
A final plat submitted pursuant to the approval of a preliminary plat under this section is subject to approval in accordance with subsection C.5. above, provided that the municipal surveyor may waive a field survey for a final plat that merely eliminates interior lot lines.

1 **E. Right-of-Way Acquisition Plat**

2 **1. Generally**

3 A plat for a subdivision created by a government agency's acquisition of a
4 street or trail right-of-way is subject to approval under this section and is not
5 subject to any other approval procedure for plats under this title.

6 **2. Submission Requirements**

7 A right-of-way acquisition plat shall contain the information specified in the
8 User's Guide and shall be submitted to the Director.

9 **3. Applicability of Requirements**

10 **a.** A right-of-way acquisition plat is not subject to any of the other
11 submission requirements for plats under this title.

12 **b.** A right-of-way acquisition plat is not subject to section 21.08.050,
13 *Improvements*.

14 **c.** Survey requirements for a right-of-way acquisition plat shall be
15 established by agreement between the municipal surveyor and the
16 government agency applying for plat approval, or, if there is no such
17 agreement, by the provisions of this title.

18 **4. Action**

19 **a. *Platting Board***

20 The Director shall act as the platting authority unless the government
21 agency applying for plat approval requests a public hearing before the
22 Platting Board.

23 **b. *Duration of Approval***

24 The preliminary approval of the right-of-way acquisition plat shall be
25 for a period of 18 months; provided, however, that the Director may
26 grant an extension of time for filing the final plat upon a finding that it
27 is in the public interest to do so.

28 **c. *Appeals***

29 All decisions of the Director under this section shall be final unless
30 appealed to the Platting Board within 15 days. An appeal under this
31 subsection shall be treated as a subdivision plat pursuant to section
32 21.03.060C.

33 **5. Requirements for Final Plat**

34 Requirements for final right-of-way acquisition plats shall be established by
35 agreement between the Director and the government agency applying for plat
36 approval, or, if there is no such agreement, by the provisions of this title.

37 **21.03.070 CONDITIONAL USES⁴⁴**

38 **A. Purpose**

39 The conditional use permit review procedure provides a discretionary review process
40 for uses with unique or widely varying operating characteristics or unusual site
41 development features. The procedure encourages public review and evaluation of a

1 use's operating characteristics and site development features and is intended to
2 ensure that proposed conditional uses will not have a significant adverse impact on
3 surrounding uses or on the community-at-large.

4 **B. Relationship to Site Plan Requirements**

5 **1. Coordination with Review of Site Plans**

6 If a site plan is necessary for the proposed conditional use pursuant to section
7 21.03.080, then the review and approval of both the site plan and the
8 conditional use shall be coordinated. The two applications shall be filed
9 together and review of each application shall proceed simultaneously.
10 However, the Planning and Zoning Commission shall render separate
11 decisions on each application, recognizing that the applications are distinct
12 and are subject to different standards for approval.⁴⁵

13 **2. Lapse and Expiration of Conditional Use Approval**

14 If a site plan is necessary for the proposed conditional use pursuant to section
15 21.03.080, the approval of the conditional use shall be conditioned on the
16 subsequent approval of the site plan. Accordingly, the approval of any
17 conditional use shall lapse, and become null and void, upon the expiration of
18 the approved site plan, unless otherwise restricted by the Municipality. If a
19 conditional use does not require a site plan, or is not tied to a site plan, then
20 the conditional use does not lapse unless it is subject to a specified time limit
21 as a condition of approval.

22 **C. Conditional Uses in Nonconforming Structures or Lots**

23 If a proposed conditional use involves one or more structures or lots that do not
24 conform to the regulations of the district in which the conditional use is to be located,
25 then, unless the applicant has previously obtained the necessary variances from the
26 appropriate decision-making body, the application for conditional use approval shall
27 be accompanied by an application for alteration of a nonconforming structure or lot.
28 This application shall be processed concurrently with the conditional use application
29 by the Planning and Zoning Commission. However, approval of alteration of a
30 nonconforming structure and/or lot request shall be a prerequisite to approval of the
31 conditional use. The notices required for the nonconformity alteration application shall
32 be combined with the notices required for the conditional use application.

33 **D. Procedure**

34 **1. Pre-Application Conference**

35 Before filing an application, the applicant shall request a pre-application
36 conference with the Director. See section 21.03.020.B.

37 **2. Application**

38 A conditional use permit application shall contain the information specified in
39 the Title 21 User's Guide and shall be submitted to the Director. If site plan
40 review is required under section 21.03.080, then the applicant shall file a site
41 plan review application for simultaneous review.

42 **3. Public Hearing Notice**

43 Notice of public hearings shall be published, mailed, and posted in
44 accordance with section 21.03.020.G.

4. **Director’s Review and Report**

The Director shall review each proposed conditional use permit application in light of the approval criteria of subsection E. below and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the Director shall provide a report to the Planning and Zoning Commission.

5. **Planning and Zoning Commission’s Review, Hearing, and Decision⁴⁶**

The Planning and Zoning Commission shall hold a public hearing on the proposed application and act to approve, approve with conditions, or deny the proposed conditional use permit, based on the approval criteria of subsection E. below.

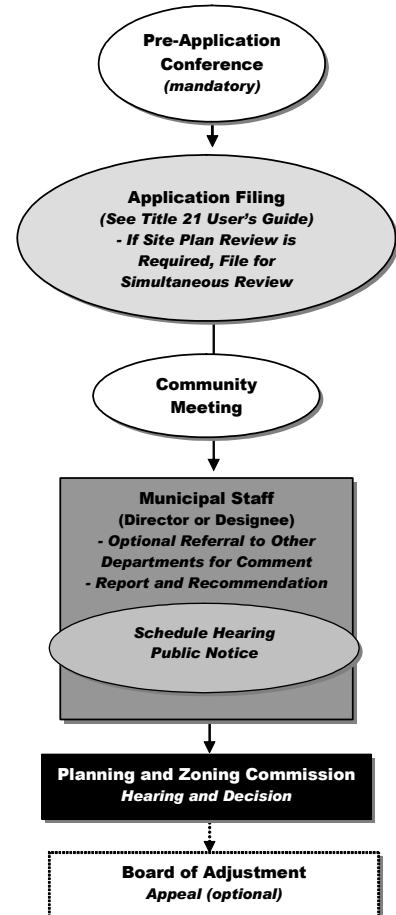
E. **Approval Criteria**

The Planning and Zoning Commission may approve a conditional use permit application only upon finding that all of the following criteria have been met:

1. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this title and applicable state and federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
3. The proposed use is consistent with any applicable use-specific standards set forth in chapter 21.05;
4. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
5. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent feasible; and
6. The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

F. **Changes to Terms and Conditions of Approval**

Any changes to the terms and conditions of approval of the conditional use that cannot be made using the minor modification process (see section 21.03.180) shall require separate review and approval by the Planning and Zoning Commission. Any



Conditional Uses

1 application for approval of such changes shall be filed, processed, reviewed, and
2 approved or denied in the manner set forth in this section for the original application.
3 This section shall not apply, however, to modifications to the approved site plan for
4 the conditional use, which are governed by section 21.03.080.G., *Amendments to*
5 *Approved Site Plans*.

6 **G. Platting for Conditional Uses⁴⁷**

7 1. If development under a final approval under this section will create a
8 subdivision or requires the vacation of a dedicated public area, the final
9 approval is not effective until a final plat for the subdivision or vacation is
10 approved and recorded in accordance with this title. A preliminary plat
11 required under this section is subject to approval as required by section
12 21.03.060, *Subdivisions and Plats*.

13 2. Unless the authority granting final approval directs in the final approval that it
14 shall act as the platting authority, the Platting Board is the platting authority for
15 site plans under this subsection.

16 3. The platting authority under this subsection may require that any street right-
17 of-way, walkway, utility easement, or other public area designated under the
18 final approval be dedicated to the public.

19 **H. Abandonment of Conditional Use⁴⁸**

20 An otherwise lawful conditional use permit shall expire if:

21 1. For any reason the conditional use is abandoned in its entirety for a period of
22 one year or longer; or

23 2. The property owner notifies the Planning and Zoning Commission of the
24 abandonment of the conditional use permit. A conditional use shall not be
25 abandoned under this subsection if the result of the abandonment is the
26 creation of a nonconforming land use.

27 **21.03.080 SITE PLAN REVIEW**

28 **A. Purpose**

29 The purpose of the site plan review process is to ensure compliance with the
30 development and design standards and provisions of this title, and to encourage
31 quality development in the Municipality reflective of the goals, policies, and objectives
32 of the Comprehensive Plan. For land uses requiring a site plan review, such uses
33 may be established in the Municipality, and building or land use permits may be
34 issued, only after a site plan showing the proposed development has been approved
35 in accordance with the procedures and requirements of this section.

36 **B. Administrative Site Plan Review**

37 **1. Applicability⁴⁹**

38 a. Land uses requiring administrative site plan review are identified in
39 section 21.05.010, *Table of Allowed Uses*.

1 d. **Director's Review and Report**

2 The Director shall review each proposed major site plan application in
3 light of the approval criteria of subsection E. below and, as deemed
4 necessary, distribute the application to other reviewers. Based on the
5 results of those reviews, the Director shall provide a report to the
6 Urban Design Commission.

7 e. **Urban Design Commission's Review, Hearing, and Decision⁵²**

8 The Urban Design Commission shall hold a public hearing on the
9 proposed application and act to approve, approve with conditions, or
10 deny the proposed major site plan, based on the approval criteria of
11 subsection E. below. The Commission may delay taking action on a
12 public facility site plan only if the Commission finds the submittal is
13 incomplete or the Commission is advised by the Director that a matter
14 before the Planning and Zoning Commission or the Assembly will
15 have a material impact on the public facility site plan or exterior
16 building improvements.

17 f. **Appeals**

18 Denial of a major site plan may be appealed to the Planning and
19 Zoning Commission.

20 g. **Conformance with Commission Decision Required for Public
21 Projects**

22 No agency may proceed with implementation of a public facility site
23 plan, implementation of exterior building improvements, or
24 implementation of revisions to approved site or landscaping plans and
25 exterior building elevations that do not conform to the Commission's
26 actions under this section.

27 D. **Expiration**

28 1. **General**

29 A site plan approval shall automatically expire at the end of 12 months after
30 the date of its issuance if a building or land use permit for at least one building
31 in the development proposed in the site plan is not approved. A change in
32 ownership of the property does not affect this time frame.

33 2. **Extension**

34 Upon written application submitted at least 30 days prior to the expiration of
35 the permit period by the applicant and upon a showing of good cause, the
36 Director may grant one extension not to exceed 12 months.⁵³ The approval
37 shall be deemed extended until the Director has acted upon the request for
38 extension. Failure to submit an application for an extension within the time
39 limits established by this section shall render the site plan approval void.

40 E. **Approval Criteria**

41 An administrative or major site plan review application shall be approved upon a
42 finding that the site plan meets all of the following criteria:

- 43 1. The site plan is consistent with the Comprehensive Plan;

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- ii. Immediately following the Director's determination that a proposed amendment is minor, the Director shall:
 - 3 (A) Issue a minor amendment affidavit, which shall be
4 transmitted to the Urban Design Commission for their
5 information; and
 - 6 (B) Attach a form stating the nature of the modification,
7 date of approval, and bearing the signature of the
8 Director to the site plan mylar on file in the
9 Department.
 - 10 iii. If the original approval had been recorded, the amended plan
11 shall be recorded by the Municipality at the applicant's
12 expense.
- 13 b. **Types of Minor Amendments**
14 The following are amendments which the Director may reasonably
15 determine to be "minor":
- 16 i. Insubstantial changes to the text to add clarity or correct
17 conflicting provisions.
 - 18 ii. Changes in street alignment if such changes further the intent
19 of the Plan and this Code, and are acceptable to the
20 Municipal Engineer.
 - 21 iii. Changes in building envelope, setback, and similar provisions
22 of ten percent or less.
 - 23 iv. Changes in landscaping, sign placement, lighting fixtures, etc.
24 to further the intent of the Plan and this Code.

25 **21.03.090 PUBLIC FACILITY SITE SELECTION⁵⁶**

26 **A. Purpose**

27 This section sets forth a process by which the Planning and Zoning Commission shall
28 review and decide upon acquisition of sites, including acquisition by lease, before
29 certain public facilities may be authorized, or publicly owned land is designated as the
30 site for certain public facilities.

31 **B. Applicability⁵⁷**

- 32 1. Unless exempted by subsection 2. below, the Planning and Zoning
33 Commission shall review and decide the selection of sites for any of the
34 following facilities that are to be owned, or leased for no less than ten years
35 including all options to extend or renew, by a government agency not exempt
36 by law from municipal land use regulation:
- 37 a. Any newly constructed building or buildings in which government
38 operations or activities occupy more than a total of 4,000 square feet
39 on the site, and any existing building acquired by purchase or lease in

1 which government operations or activities occupy more than 15,000
2 square feet;

3 b. Any use of land over five acres in area;

4 c. Any trail alignment not part of a road construction project; and

5 d. Any public snow disposal or landfill site.⁵⁸

6 2. This section shall not apply to the following:

7 a. Any site that is

8 i. Designated for the subject use on a municipal plan adopted
9 by the Assembly;

10 ii. Determined by a dedication to the Municipality on a final plat
11 approved and recorded in accordance with this title; or

12 iii. Subject to approval of a conditional use under this title.

13 b. The selection of sites for public schools, which shall instead be
14 undertaken pursuant to AMC chapter 25.25.

15 c. Any facility site selection reviewed by the Commission or approved by
16 the Assembly before [the effective date of this title.];

17 d. Any facility site selection under which there have been substantial
18 expenditures for design or construction before [the effective date of
19 this title.]

20 **C. Required Information**

21 The agency proposing a site selection shall submit to the Commission all information
22 identified in the User's Guide. This information shall include, but need not be limited
23 to, an evaluation of alternative sites, or an explanation why no alternative sites were
24 considered.

25 **D. Public Hearing**

26 The Commission shall hold a public hearing on any site selection that is subject to
27 review under this section. Notice of the public hearing shall be given in the manner
28 prescribed for a public hearing on a conditional use application.

29 **E. Approval Criteria⁵⁹**

30 The Commission shall review the proposed site for consistency with the goals,
31 policies, and land use designations of the Comprehensive Plan and other municipal
32 plans adopted by the Assembly, conformity to the requirements of this title, and the
33 effects of the proposal on the area surrounding the site. The following specific criteria
34 shall be considered:

- 1 1. Whether the site will allow development that is compatible with current and
 2 projected land uses;
- 3 2. Whether the site is large enough to accommodate the proposed use and
 4 future additions or another planned public facility;
- 5 3. Whether the site is located near a transit route, if applicable;
- 6 4. Whether there are existing or planned walkways connecting the site to transit
 7 stops and surrounding residential areas, where applicable;
- 8 5. The environmental suitability of the site;
- 9 6. Whether adequate utility infrastructure is available to the site; and
- 10 7. Whether the site is located in a designated regional center or town center.
 11 Municipal, state, and federal administrative offices shall locate in the Central
 12 Business District. Satellite government offices and other functions are
 13 encouraged to locate in regional or town centers if practicable.⁶⁰

21.03.100 SPECIAL FLOOD HAZARD PERMITS

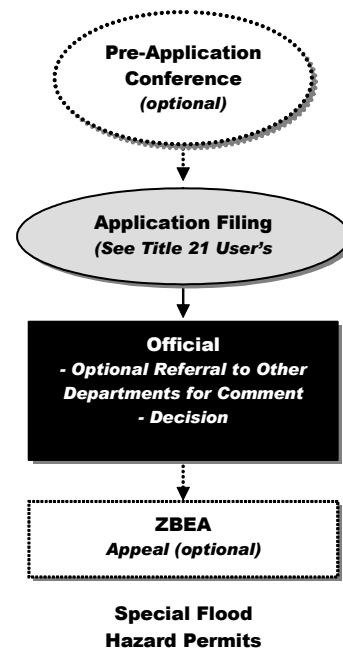
A. Applicability

Any use, structure, or activity listed in the floodplain regulations (section 21.04.070.E., *Flood Hazard Overlay District*) as requiring a special flood hazard permit is prohibited until the issuance of such permit. Applications for special flood hazard permits may be made to the Municipal Engineer.

B. Application Contents

Any application for a special flood hazard permit shall contain the following material:

1. The elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
2. The elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential⁶¹ structure meet the floodproofing criteria in section 21.04.070.E.7., *Construction Requirements (in Flood Hazard Overlay District)*; and
4. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.



1 **C. Evaluation; Additional Information**

2 Upon receipt of an application for a special flood hazard permit, the Municipal
3 Engineer shall transmit copies of the application, together with pertinent information,
4 to interested and affected departments and agencies within the Municipality,
5 requesting technical assistance in evaluating the proposed application. The Municipal
6 Engineer may require more detailed information from the applicant where special
7 circumstances necessitate. Such additional information may include:

- 8 1. A valley cross section showing the channel of the stream, elevation of land
9 areas adjoining each side of the channel, cross sectional areas to be
10 occupied by the proposed development, and high water information.
- 11 2. Specification of proposed construction and materials, floodproofing, filling,
12 dredging, grading, channel improvement, water supply, and sanitary facilities.
- 13 3. A profile showing the slope of the bottom of the channel or flow line of the
14 stream.
- 15 4. A report of soil types and conditions.

16 **D. Criteria for Issuance**

17 Permits shall be issued if the application and supporting material demonstrate that:

- 18 1. The proposed use or structure poses a minimal increase in probable flood
19 height or velocities caused by encroachment.
- 20 2. The proposed water supply and sanitation systems and the ability of these
21 systems to prevent disease, contamination, and unsanitary conditions will not
22 be impaired by flooding.
- 23 3. The susceptibility of the proposed facility and its contents to flood damage is
24 minimal.
- 25 4. There will be adequate access to the property in times of flood for ordinary
26 and emergency vehicles.
- 27 5. The proposed use, structure, or activity is in conformance with all applicable
28 land use regulations.
- 29 6. All necessary floodproofing will be provided.

30 **E. Time for Acting on Application**

31 The Municipal Engineer shall act on an application in the manner described in this
32 section within 30 days from receiving the application, except that, where additional
33 information is required, the official shall act within 30 days of the receipt of such
34 additional requested information.

1 **F. Notice on Subdivision Plats**

2 Where any portion of a subdivision is situated within a flood hazard district, a note
3 shall be placed on the plat that reads as follows: "Portions of this subdivision are
4 situated within the flood hazard district as it exists on the date hereof. The boundaries
5 of the flood hazard district may be altered from time to time in accordance with the
6 provisions of section 21.04.070.E.3., *Creation of Flood Hazard Overlay District;*
7 *Official Flood Hazard Reports and Maps.* All construction activities and any land use
8 within the flood hazard district shall conform to the requirements of section
9 21.04.070.E., *Flood Hazard Overlay District.*"

10 **G. Appeals**

11 An appeal from a decision of the Municipal Engineer regarding a flood hazard permit
12 shall be brought in accordance with section 21.03.200B.

13 **21.03.110 LAND USE PERMITS⁶²**

14 **A. Purpose**

15 [RESERVED]⁶³

16 **B. Applicability**

17 **1. Inside Building Safety Service Area**

18 Inside the Building Safety Service Area, a building permit shall be considered
19 the land use permit and shall be required pursuant to title 23. The issuance of
20 a building permit may also be subject to the improvement requirements
21 referenced in subsection E. below.

22 **2. Outside Building Safety Service Area**

23 Outside the Building Safety Service Area, a land use permit shall be required
24 prior to:

- 25 **a.** Construction or placement of a building or addition to an existing
26 building whose floor area is 100 square feet or greater;
- 27 **b.** Excavation of more than 300 cubic feet on any lot or tract;
- 28 **c.** Filling or grading more than 900 cubic feet on any lot or tract;
- 29 **d.** Changing the principal use of a building; or
- 30 **e.** Clearing and grubbing more than 2,000 square feet.

31 **C. Procedures**

32 **1. Application Filing**

33 Applications for land use permits shall be submitted to the Building Official on
34 the form provided.

35 **2. Approval Procedure**

36 **a.** The Building Official shall review each application for a land use
37 permit.

- 1 b. The Building Official shall determine whether the application complies
2 with all requirements of title 23. The Director shall determine whether
3 the application complies with all requirements of title 21, and shall
4 inform the Building Official of his or her determination.
- 5 c. The Building Official shall issue a land use permit upon finding that
6 the application and the proposed work complies with the approval
7 criteria of subsection D. below.
- 8 d. A land use permit shall become null and void unless the work
9 approved by the permit is commenced within 12 months⁶⁴ after the
10 date of issuance. No work shall be considered to have commenced
11 for the purposes of this paragraph until an inspection has been made
12 and recorded. If after commencement the work is discontinued for a
13 period of 12 months, the permit therefore shall immediately expire.
14 No work authorized by any permit that has expired shall thereafter be
15 performed until a permit has been reinstated, or until a new permit
16 has been secured.

17 **3. Changes to Approved Permits**

- 18 a. After a land use permit has been issued, no substantial changes or
19 deviations from the terms of the permit or the application and
20 accompanying plans and specifications shall be made without the
21 specific written approval of such changes or deviations by the building
22 official.
- 23 b. An amendment to a land use permit that requires payment of an
24 additional fee, either because of an increase in the size of the
25 buildings, a change in the scope of work, or an increase in the
26 estimated cost of the proposed work, shall not be approved until the
27 applicant has paid the additional fees and the amendment has been
28 properly reviewed and approved for conformance with the building
29 code.

30 **4. Revocation of Land Use Permit**

31 The Department may revoke and require the return of any land use permit by
32 notifying the permit holder in writing, stating the reason for such revocation.
33 The Department shall revoke land use permits for any of the following
34 reasons:

- 35 a. Any material departure from the approved application, plans, or
36 specifications;
- 37 b. Refusal or failure to comply with the requirements of this title or any
38 other applicable state or local laws;
- 39 c. False statements or misrepresentations made in securing such
40 permit.

41 **5. Appeals**

- 42 a. Appeals of land use permit decisions or revocations relating to title 21
43 compliance shall be made to the Zoning Board of Examiners and
44 Appeals.

- 1 b. Appeals of land use permit decisions or revocations relating to title 23
2 compliance shall be made to the Building Board of Examiners and
3 Appeals.

4 **D. Approval Criteria**

5 No land use permit shall be issued unless the Building Official determines that all
6 required approvals have been granted and the plans comply with all applicable
7 provisions of title 23, and the Director determines the plans comply with all applicable
8 provisions of this title.

9 **E. Improvements Associated with Land Use Permits⁶⁵**

10 **1. Improvements Required**

11 The issuance of a land use permit under this section for the construction of a
12 residential, commercial, or industrial structure on a lot, shall be subject to the
13 permit applicant providing the dedications and improvements required for a
14 subdivision in the same improvement area under chapter 21.08, *Subdivision*
15 *Standards*. In applying the provisions of chapter 21.08, *Subdivision*
16 *Standards*, under this section, the term “lot” shall be substituted for the term
17 “subdivision,” the term “permit applicant” shall be substituted for the term
18 “subdivider,” and the term “Municipal Engineer” shall be substituted for the
19 term “platting authority.”⁶⁶

20 **2. Exceptions**

21 The requirements in subsection 1. above shall not apply to a land use permit
22 to the extent that:

- 23 a. The permit has been approved by the Municipality prior to [insert
24 effective date];
- 25 b. The Traffic Engineer determines that a street dedication or
26 improvement is not required for traffic circulation;
- 27 c. A dedication or improvement has been provided to the applicable
28 standard in chapter 21.08, *Subdivision Standards*;
- 29 d. A dedication or improvement will be provided under a subdivision
30 agreement that has been entered into under section 21.08.060,
31 *Subdivision Agreements*, or under an established assessment district;
32 or
- 33 e. The Municipality has already appropriated funds to construct an
34 improvement.

35 **3. Standards for Requiring Dedications and Improvements**

36 Where chapter 21.08 grants discretion to determine whether a dedication or
37 improvement will be required, or to determine the design standards for a
38 dedication or improvement, the Municipal Engineer shall determine the
39 requirement or standard that applies to a land use permit under this section
40 by applying the following standards:

- 1 a. The dedication or improvement shall be reasonably related to the
2 anticipated impact on public facilities and adjacent areas that will
3 result from the use and occupancy of the structure that is the subject
4 of the building or land use permit. The Municipal Engineer may
5 require the permit applicant to provide information or analyses to
6 determine impacts on public facilities and adjacent areas, including
7 without limitation the following:
- 8 i. A traffic impact analysis, or similar information. The Traffic
9 Engineer⁶⁷ may require a traffic impact analysis if the same
10 would be required⁶⁸ for approval of a subdivision, conditional
11 use, or site plan for similar development under this title.
- 12 ii. A drainage study, or similar information. A drainage study
13 may be required if the same would be required for approval of
14 a subdivision, conditional use, or site plan for similar
15 development under this title.
- 16 iii. An estimate of the financial and social costs of impacts on
17 public facilities and adjacent areas without the required
18 improvements, including without limitation visual continuity of
19 improvements, maintenance costs of public facilities, parking,
20 drainage, noise and dust control, pedestrian and vehicle
21 safety and access, and emergency vehicle access and
22 response time.
- 23 iv. Information concerning the consistency of the impacts of the
24 proposed development with the comprehensive plan.
- 25 b. The estimated cost of constructing the improvement shall be
26 reasonable when compared to the estimated cost of the proposed
27 development under the land use permit. The determination of
28 reasonableness shall be based on cost estimates for the
29 improvement and the proposed development that the permit applicant
30 or applicant's agent submits under penalty of perjury.⁶⁹ If the
31 Municipal Engineer determines that the estimated cost to the
32 applicant to complete all the improvements required by this section is
33 unreasonable in relation to the estimated cost of the proposed
34 development, the Municipal Engineer may reduce or eliminate
35 required improvements as necessary to make the relationship
36 between such costs reasonable.
- 37 c. The Municipal Engineer shall consider the potential development of
38 all adjacent parcels, lots, or tracts under common ownership, in
39 addition to the lot, parcel, or tract that is the subject of the permit
40 application, and the impacts associated therewith, in applying the
41 standards in this subsection.
- 42 d. The Municipal Engineer may approve adjustments to the
43 improvement requirements under this section to the extent that
44 compliance with the standards would result in an adverse impact on
45 natural features such as wetlands, steep slopes, or existing mature
46 vegetation; existing development; or public safety.

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4. **Phasing of Installation**
Except as provided in this section, all required improvements shall be constructed and accepted by the Municipality before any certificate of zoning compliance is issued for the permitted construction. If the Municipal Engineer determines that it is not reasonable to require compliance with the preceding sentence, no permit may be issued until the applicant enters into an agreement for construction of the required improvements, with performance guarantees,⁷⁰ in the form required for subdivision improvements under section 21.08.050, *Improvements*.
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5. **Warranty**
All improvements required under this section shall be subject to the warranty and guarantee of warranty requirements provided for subdivision improvements in section 21.08.050, *Improvements*.
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6. **Oversizing**
If an improvement exceeding the requirements of this section is requested by the Municipality and is necessary for the adequate and efficient development of surrounding areas, the Municipality may require the applicant to install or accommodate oversizing. In such event the Municipality shall reimburse the applicant for the cost of the oversizing at least as soon as budgeted funds are available after completion and acceptance of the improvements. This subsection shall not be a limitation on the Municipality's ability to require a utility to oversize its facilities or a limitation on the manner in which the Municipality may pay its proportionate share of the costs of oversizing.
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7. **Fee in Lieu**
A fee in lieu of the required improvements may be accepted if the Municipal Engineer determines:
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- a. That the improvements or construction activities associated therewith would create a potential undue safety hazard to motorists or pedestrians; or
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- b. Due to the nature of existing development on adjacent properties it is unlikely that improvements would be extended in the foreseeable future and the improvements associated with the development under review do not, by themselves, provide a sufficient improvement to safety or capacity or a sufficient benefit to the property to be developed under the building or land use permit to warrant construction.
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8. **Fee Amount**
The amount of the fee in lieu shall be the lesser of seventy-five percent of the cost of the improvements as estimated by an engineer registered as a professional engineer in Alaska or as provided in a fee schedule adopted by regulation by the Municipal Engineer, which fee schedule may be adjusted by regulation annually to account for increases in construction costs in the Anchorage area. In the event the applicant or successor in interest later elects or is required to install improvements for which the fee was paid, the fee shall be refunded (without interest), so long as the claim for refund is filed within two years from the date of initial payment.

1 **9. Appeals**

2 A permit applicant may appeal a decision of the Municipal Engineer
3 concerning required improvements under this section to the Platting Board⁷¹
4 by filing a written notice of appeal with the secretary of the platting board not
5 later than 10 days after receipt of written notice of the decision. The appeal
6 shall be placed on the agenda of the next regularly scheduled platting board
7 meeting that occurs not less than 20 days after the filing of the appeal. The
8 platting board shall hear the appeal de novo.

9 **21.03.120 CERTIFICATE OF ZONING COMPLIANCE**⁷²

10 **A. Purpose**

11 A certificate of zoning compliance shall be required at the completion of any
12 development in the Municipality, to ensure that the development complies with all
13 applicable standards of this title.

14 **B. Applicability**

15 A certificate of zoning compliance shall be required prior to the occupancy of any
16 building, structure, or land, except that temporary uses and structures approved in
17 accordance with section 21.03.140 shall be exempt from certificate of zoning
18 compliance requirements. Inside the Building Safety Service Area, a certificate of
19 occupancy shall be considered the certificate of zoning compliance.

20 **C. Issuance**

21 **1. Certificate**

22 Upon approval by the Director, the Building Official may issue a certificate of
23 zoning compliance, which is valid as long as the conditions of the building or
24 land use permit remain in effect.

25 **2. Conditional Certificate**

26 Upon approval by the Director, the Building Official may issue a conditional
27 certificate of zoning compliance, which shall be valid only for the period of
28 time stated in the certificate, for a specified portion or portions of a building
29 that may safely be occupied prior to final completion of the entire building
30 and/or site. Conditions that are attached to the conditional certificate of
31 zoning compliance must be completed prior to the expiration of the certificate.
32 When such conditions have not been completed prior to the expiration date of
33 the conditional certificate, the certificate of occupancy shall immediately
34 expire. Upon receipt of a written application to the Building Official stating
35 satisfactory reasons for the failure to complete work within the given time
36 period, the Building Official may renew the certificate for a specified period of
37 time, not to exceed 180 days.

38 **3. Appeals**

39 Appeals of decisions on certificates of zoning compliance shall be to the
40 Zoning Board of Examiners and Appeals.

41 **D. Standards**

42 The building official shall issue a certificate of zoning compliance when, after
43 examination of the building, structure, landscaping and/or other improvements or

changes to the property, the Department finds that the building complies with the applicable provisions of this title and other applicable ordinances and construction codes of the Municipality. This review shall include, but is not limited to: off-street parking, landscaping, and other development standards listed in chapter 21.07, *Development and Design Standards*.

21.03.130 SIGN PERMITS⁷³

A. Applicability

No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all applicable provisions of this section and chapter 21.01, *Signs*, have been met.

B. Approval Requirements for Signs

Proposed signs shall be required to receive a permit from the Building Official as set forth in the table below.

TABLE 21.03-3: SIGN PERMIT REQUIREMENTS		
	Permit	No Permit
Sign Plate		X
Permanent Building Sign	X	
Permanent Freestanding Sign	X	
Entrance/Exit		X
Instructional		X
Temporary – on a parcel		X
Temporary – for a business		X
Construction signs		X
Temporary for any Residential Unit		X

C. Application

An application for a sign permit shall be made to the Building Official on the form provided. When any person other than the owner of the property submits a sign application, the owner of the property or a designated agent for the owner shall also sign such application.

D. Review and Approval

Sign permit applications shall be reviewed and approved pursuant to the procedure outlined in 21.03.110C.2, *Approval Procedure (for Land Use Permits)*.

E. Appeals

Appeals of decisions on sign permit applications shall be to the Zoning Board of Examiners and Appeals, per section 21.03.200.B.

21.03.140 TEMPORARY USES

A. Applicability⁷⁴

No use that is classified as a temporary use in the zoning district in which it is to be located shall be placed or established on the property without first receiving a temporary use permit.

B. Filing and Contents of Application

An application for a temporary use permit shall be filed with the Department on a form specified in the User's Guide.

C. Filing Deadline

All applications for temporary use permits shall be filed at least two weeks prior to the date the temporary use will commence, or at least four weeks prior to the date the temporary use will commence if public safety support is requested from the Municipality. The Director may waive this filing deadline requirement in an individual case, for good cause shown.

D. Approval Criteria

The Director shall issue a temporary use permit only upon finding that the temporary use satisfies the applicable requirements set forth in section 21.05.080, *Temporary Uses and Structures*.

E. Duration of Permit⁷⁵

The maximum duration of a temporary use permit shall be six months, with one six-month extension allowed at the discretion of the Director.



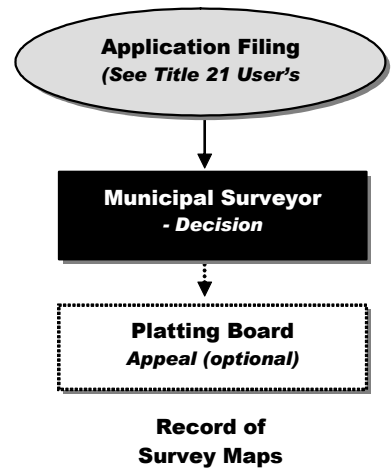
21.03.150 RECORD OF SURVEY MAPS⁷⁶

A. Purpose and Authorization

The purpose of this section is to provide for the approval of record of survey maps to be filed with the district recorder for the state. Record of survey maps shall be reviewed and approved in accordance with this section.

B. Use of Record of Survey Maps

1. A record of survey map is a map depicting the exterior boundaries of a legally created lot, parcel, or tract, and includes a correction to a record of survey map.



1 2. A record of survey map shall not be used to depict the boundaries of a lot,
2 parcel, or tract, which lot, parcel, or tract was created or subdivided contrary
3 to law. A record of survey map shall not subdivide property or recombine lots
4 into acreage, and any record of survey map purporting to do so shall be null
5 and void.

6 **C. Required Submittals**

7 An applicant for approval of a record of survey map shall submit the materials
8 specified in the Title 21 User's Guide.

9 **D. Monuments**

10 Monuments set for the survey shall conform to the standards of the Department of
11 Project Management and Engineering.

12 **E. Approval**

13 A record of survey map is subject to approval by the municipal surveyor, who shall
14 approve a record of survey map if it conforms to this section.

15 **F. Appeals**

16 All decisions of the municipal surveyor under this section shall be final unless
17 appealed to the Platting Board within 15 days.

18 **21.03.160 VACATION OF PLATS AND RIGHTS-OF-WAY**

19 **A. Authority**

20 The Platting Board shall consider the merits of each vacation request, and in all cases
21 the Platting Board shall deem the area being vacated to be of value to the Municipality
22 unless proven otherwise. The burden of proof shall lie entirely with the petitioner.
23 The presumption contained herein does not apply to vacations of private easements
24 where the beneficiaries have provided written concurrence.

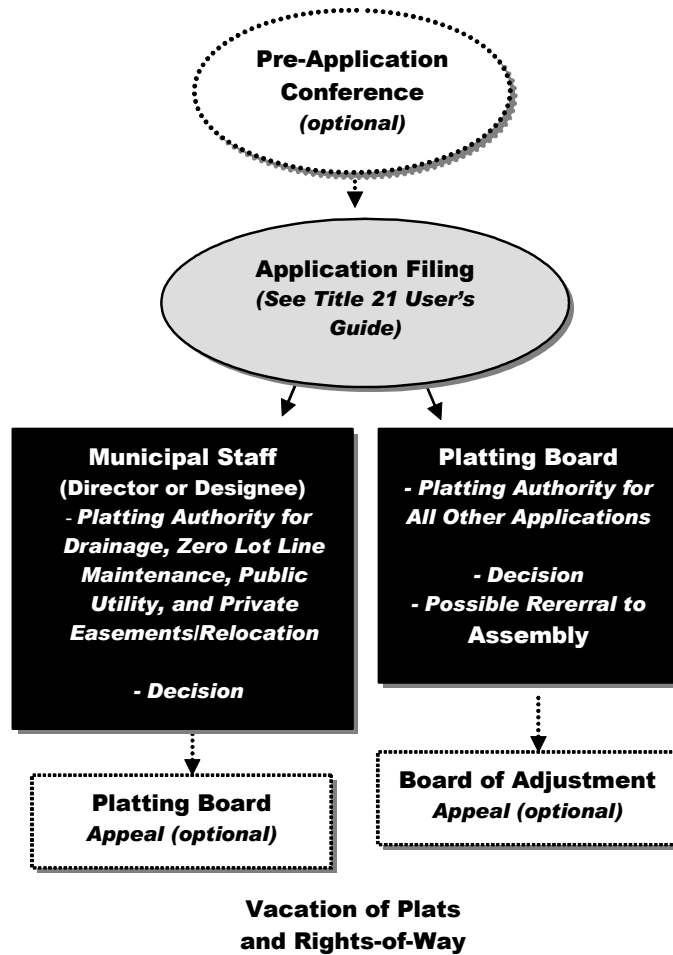
25 **B. Required Submittals**

26 Applicants for vacation requests shall submit the materials specified in the Title 21
27 User's Guide.

28 **C. Decision-Making Responsibilities for Vacations**

29 1. The Director is the platting authority for applications to vacate the following
30 platted interests:

- 31 a. Drainage easements granted under section ---.
- 32 b. Zero lot line maintenance easements.
- 33 c. Public utility easements.
- 34 d. Private easements, but only upon the written concurrence of the
35 beneficiaries.



- 1 e. Relocation of any of the above-described interests.
- 2 2. The Plating Board is the plating authority for all other applications to vacate
- 3 a dedicated public area.
- 4 **D. Action**
- 5 1. The Director or Plating Board shall take action on the vacation application
- 6 within 60 days after the submission date. The reasons for the approval of the
- 7 vacation shall be stated upon the case record.
- 8 2. The action of the Plating Board on an application to vacate a public area is
- 9 final, unless referred to the Assembly under subsection 3. below.
- 10 3. The Department shall refer to the Assembly the action of the Plating Board
- 11 on an application to vacate a public area, with an ordinance authorizing the
- 12 conveyance of the area proposed to be vacated, when:
- 13 a. Within 15 days of the Plating Board 's action a government agency or
- 14 a person aggrieved by the action files with the Department a written
- 15 request that the matter be forwarded to the Assembly; or

1 lawfully established at the time it became nonconforming; and proof that the
2 use has not been discontinued or abandoned, except as provided in
3 subsection B. below. The Director shall be authorized to require additional
4 information if deemed necessary to permit an accurate determination.

5 2. If any nonconformities are verified, a Verification of Nonconforming Status
6 shall be recorded with the District Recorder's Office clearly identifying the land
7 by parcel number and/or a legal description of the property. Such
8 verifications shall run with the land, and their status shall not be affected by
9 changes of tenancy, ownership, or management.

10 3. A Verification of Legal Nonconforming Status shall not be required for
11 continued daily operation or maintenance of a nonconforming lot, use,
12 structure, or characteristic of use.

13 **B. Exceptions**

14 Notwithstanding subsection A. above:

15 1. Where the contention for nonconforming use is raised in a court in any action
16 brought to enforce this title before an application for determination has been
17 filed under this section, this section shall not be applicable and the court shall
18 have jurisdiction to determine the issue.

19 2. Nothing in this section shall be construed to deprive the Director the right to
20 make a decision regarding a claimed nonconforming use or status as incident
21 to a valid pending application for a land use permit, or to reject an application
22 for decision as provided for by section 21.03.110.

23 **21.03.180 MINOR MODIFICATIONS⁸⁰**

24 **A. Purpose and Scope**

25 This section sets out the required review and approval procedures for "minor
26 modifications," which are minor deviations from otherwise applicable standards that
27 may be approved by the Director, the Assembly, the Planning and Zoning
28 Commission, the Platting Board or the Urban Design Commission. Minor
29 modifications are to be used when the small size of the modification requested, and
30 the unlikelihood of any adverse effects on nearby properties or the neighborhood,
31 make it unnecessary to complete a formal variance process.

32 **B. Applicability**

33 1. **Minor Modifications to General Development and Zoning District
34 Standards⁸¹**

35 As part of the review and approval of any procedure set forth in this chapter,
36 the Director, the Assembly, the Planning and Zoning Commission, the Platting
37 Board, and the Urban Design Commission may approve minor modifications
38 of up to a maximum of ten percent from the following general development
39 and zoning district standards provided that the approval criteria of subsection
40 D. below are met.

41 a. Minimum lot area or setback requirements (chapter 21.06);

- 1 b. General development standards set forth in chapter 21.07,
2 *Development and Design Standards*;
- 3 c. Subdivision design and improvement standards set forth in chapter
4 21.08, *Subdivision Standards*.
- 5 2. **Exceptions to Authority to Grant Minor Modifications**⁸²
6 In no circumstance shall any decision-making body approve a minor
7 modification that results in:
- 8 a. An increase in overall project density;
- 9 b. A change in permitted uses or mix of uses;
- 10 c. A deviation from the use-specific standards, set forth in chapter
11 21.05; or
- 12 d. A change in conditions attached to the approval of any subdivision
13 plan (section 21.03.060), site plan (section 21.03.080), or conditional
14 use permit (section 21.03.070).

15 C. **Procedure**

- 16 1. **Minor Modifications Approved by Director**
17 The Director may initiate or approve a minor modification allowed under this
18 section at any time prior to submittal of the staff report on an application to
19 another decision-making body, if a report is required, or prior to final decision,
20 if no report is required.
- 21 2. **Minor Modifications Approved by Assembly, Planning and Zoning
22 Commission, or Platting Board**
23 The Assembly, Planning and Zoning Commission, or Platting Board may
24 initiate or approve a minor modification allowed under this section at any time
25 before taking action on a development application.
- 26 3. **Written Findings Noted on Pending Application**
27 Staff shall specify any approved minor modifications and the finding
28 supporting such modifications on the pending development application for
29 which the modifications were sought.
- 30 4. **Limitation on Minor Modifications**⁸³
31 a. An applicant may request application of the minor modification
32 process to his or her development only once during the review
33 process.
- 34 b. In no instance may an applicant use the minor modification process to
35 obtain approval for more than three standards applicable to the same
36 development.

37 D. **Approval Criteria**⁸⁴

38 The decision-making body may approve the minor modification only if it finds that the
39 modification meets all of the criteria below:

- 1 2. The requested modification is consistent with the Comprehensive Plan and
2 the stated purpose of this title;
- 3 2. The requested modification meets all other applicable building and safety
4 codes;
- 5 3. The requested modification does not encroach into a recorded easement;
- 6 4. The requested modification will have no significant adverse impact on the
7 health, safety, or general welfare of surrounding property owners or the
8 general public, or such impacts will be substantially mitigated; and
- 9 5. The requested modification is necessary to either: (a) compensate for some
10 practical difficulty or some unusual aspect of the site of the proposed
11 development not shared by landowners in general; or (b) accommodate an
12 alternative or innovative design practice that achieves to the same or better
13 degree the objective of the existing design standard to be modified. In
14 determining if “practical difficulty” exists, the factors set forth in section
15 21.03.200G., *Approval Criteria (for Variances)* shall be considered.

21.03.190 VARIANCES⁸⁵

A. Purpose and Scope

The variance process is intended to provide limited relief from the requirements of this title in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the reasonable use of land in a manner otherwise allowed under this title. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this title may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this title render the land difficult or impossible to use because of some unique physical attribute of the property itself. State and/or federal laws or requirements may not be varied by the Municipality.

B. Decision-Making Bodies Authorized to Consider Variance Requests⁸⁶

1. The Platting Board shall be authorized to review and consider all requests for variances to standards set forth in chapter 21.08, *Subdivision Standards*.
2. The Planning and Zoning Commission shall be authorized to review and consider all requests for variances of standards relating to utility distribution facilities, which are set forth in section 21.07.050; and variances of standards relating to telecommunication facilities, which are in section 21.05.040.K.
3. Requests for variances from the airport height zoning regulations set forth in section 21.04.070.C. shall be referred to the Federal Aviation Administration.
4. The Zoning Board of Examiners and Appeals shall be authorized to review and consider variance requests from all other provisions of this title. The Zoning Board of Appeals may only grant variances from dimensional standards. No variance may be granted from the definitions set forth in chapter 21.13.

1 **C. Application⁸⁷**

2 An application for a variance shall be submitted to the secretary of the board on a
3 form contained in the User's Guide.

4 **1.** An application for a variance to the Zoning Board of Examiners and Appeals
5 shall include either:

6 **a.** An as-built survey with an original signature and seal by a registered
7 professional land surveyor in the State of Alaska; or

8 **b.** A plot plan survey with an original signature and seal by a registered
9 professional land surveyor, licensed in the State of Alaska.

10 The as-built or plot plan survey drawing shall clearly show current existing
11 conditions.

12 **2.** If the application involves new construction or demolition, the as-built survey
13 shall clearly show the extent of the proposed changes.

14 **3.** The as-built survey or plot plan shall be drawn to scale, be clear, legible,
15 show all structures existing on-site at the time of application, including eaves,
16 cantilevers or any structures 30 inches or more above ground, and show
17 detailed dimensions of the item for which relief is sought.

18 **4.** The basis for lot measurements shall be identified on the as-built survey or
19 plot plan.

20 **5.** The as-built or plot plan shall also include, at a minimum, the legal description
21 of the petition site, lot square footage, dedicated easements and abutting
22 rights-of-way, include a directional arrow to the north, scale of map, grid
23 number and date of survey.

24 **6.** As-built surveys submitted shall be no more than two years old at the time of
25 application, and shall meet or exceed the most recently adopted "Alaska
26 Society of Professional Land Surveyors Minimum Standards for the Practice
27 of Land Surveying."

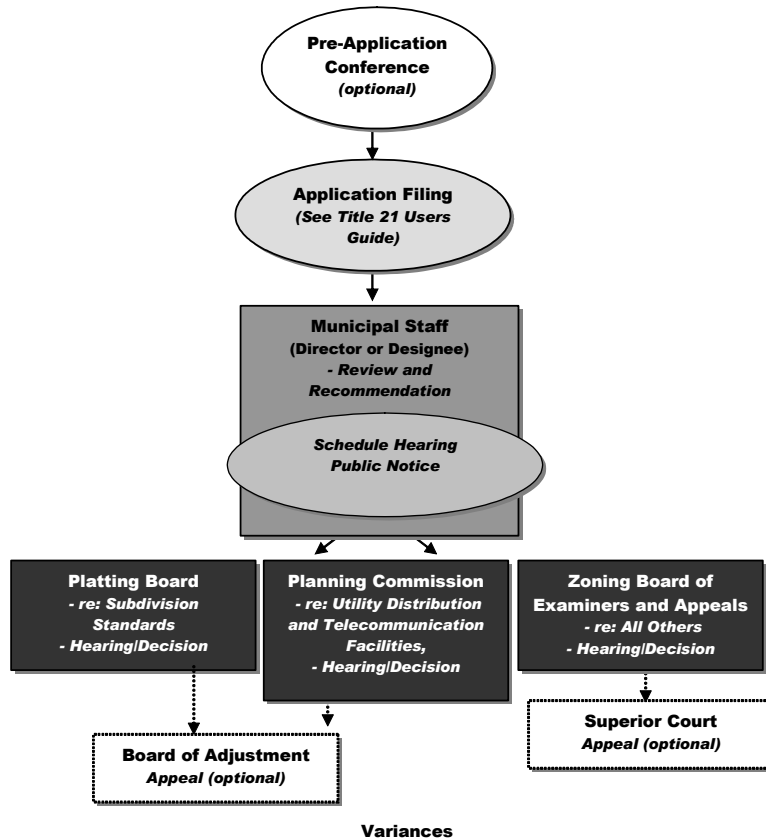
28 **7.** The Director may request other drawings or material essential to an
29 understanding of the application and its relationship to the surrounding
30 properties, including:

31 **a.** Site contours or a clear depiction of ground slope, if slope is a
32 consideration in the review;

33 **b.** Location of adjacent structures, if fire/safety issues are a
34 consideration;

35 **c.** Height of structures; and

36 **d.** Any other data that will assist in the review.



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D. Action by the Review Body

1. Once the application is complete, the Director shall schedule the application for consideration at a public hearing, and shall transmit to the appropriate review body all applications and other records pertaining to the variance prior to the hearing. Upon receiving the application materials from the Director, the review body shall hold a public hearing on the proposed variance. Written, published, and posted notice of the hearing shall be provided pursuant to section 21.03.020.G.
2. In considering the application, the review body shall review the application materials, the approval criteria of subsection E., and all testimony and evidence received at the public hearing.
3. After conducting the public hearing, the review body may: deny the application; conduct an additional public hearing on the application; or grant the minimum required variance. Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the applicable criteria set forth in subsection E., stating the reasons for such findings. A concurring vote of a majority of the fully constituted membership of the entity, minus those excused by conflicts of interest, shall be required to grant a variance.

- 1 4. Under no circumstances shall the review body grant a variance to allow a use
2 not permitted in the zone district containing the property for which the
3 variance is sought.
- 4 5. Under no circumstances shall the review body grant a variance from any
5 written conditions attached by another decision-making body to the approval
6 of a conditional use permit, subdivision plat, or site plan.

7 **E. Approval Criteria**

8 The application must state with particularity the relief sought and must specify the
9 facts or circumstances that are alleged to show that the application meets the
10 following standards:

11 **1. Variances from this Title Other than the Subdivision Regulations or**
12 **Airport Height Zoning Regulations**

- 13 a. Special conditions exist that are peculiar to the land involved and that
14 are not applicable to other land in the same district;
- 15 b. Strict interpretation of the provisions of the zoning ordinance would
16 deprive the applicant of rights commonly enjoyed by other properties
17 in the same district under the terms of the zoning ordinance;
- 18 c. Special conditions and circumstances do not result from the actions
19 of the applicant and such conditions and circumstances do not merely
20 constitute pecuniary hardship or inconvenience;
- 21 d. Granting the variance would be in harmony with the objectives of the
22 zoning ordinance and not injurious to the neighborhood or otherwise
23 detrimental to the public welfare;
- 24 e. Granting the variance will not permit a use that is not otherwise
25 permitted in the district in which the property lies; and
- 26 f. The variance granted is the minimum variance that will make possible
27 a reasonable use of the land.

28 **2. Variances from Subdivision Regulations**

- 29 a. There are special circumstances or conditions affecting the property
30 such that the strict application of the provisions of the subdivision
31 regulations would clearly be impractical, unreasonable or undesirable
32 to the general public;
- 33 b. The granting of the specific variance will not be detrimental to the
34 public welfare or injurious to other property in the area in which such
35 property is situated;
- 36 c. Such variance will not have the effect of nullifying the intent and
37 purpose of the subdivision regulations or the comprehensive plan of
38 the municipality; and

d. Undue hardship would result from strict compliance with specific provisions or requirements of the subdivision regulations. The applicant may supplement the form with supporting documents.

3. Variances from Airport Height Zoning Regulations

The Federal Aviation Administration shall complete an airspace determination that concludes that the proposed variance would not create a hazard.

4. Variance for Number of Parking Spaces

A variance for the number of parking spaces shall be granted on the basis of the demonstrated need for parking and if the spillover of parking onto other properties will be avoided.

F. Lapse of Approval

Any variance granted shall become null and void:

1. If the variance is not exercised within one year of the date it is granted, or
2. If any building, structure, or characteristic of use permitted by variance is moved or altered so as to enlarge the variance or discontinue it.

G. Appeals

1. An appeal from a decision of the Platting Board shall be brought in accordance with sections 21.03.210A.
2. An appeal from a decision of the Zoning Board of Examiners and Appeals shall be brought in accordance with section 21.03.210C.

21.03.200 APPEALS⁸⁸

A. Appeals to Board of Adjustment

1. Jurisdiction of Board⁸⁹

The Board of Adjustment shall decide appeals:

- a. From decisions regarding the approval or denial of a plat or a variance from the provisions of chapters 21.08, *Subdivision Standards*; and
- b. From decisions regarding the approval or denial of applications for approval of conditional uses (section 21.03.070).

2. Initiation of Appeal⁹⁰

Decisions may be appealed to the Board of Adjustment by:

- a. Any governmental agency or unit; or
- b. Any party of interest for the application. For purposes of this section, "parties of interest" for a particular application shall include the applicant, the owner of the subject property, the owner of property within the notification area for the subject application, and anyone that

1 presented oral or written testimony at a public hearing on the
2 application.⁹¹

3 **3. Appellees Before Board**

4 a. If a decision is appealed to the Board of Adjustment as provided in
5 subsection 2., an appellee brief may be filed as provided in section
6 subsection 7. by:

7 i. The party in whose favor the lower administrative body's
8 decision was rendered.

9 ii. Any municipal agency.

10 iii. Any party of interest for the application, as defined in
11 subsection 2. above.

12 b. Appellees who wish to be notified by the municipal clerk's office of the
13 date the record is available and of the date the appellant's brief is filed
14 must file a notice of intent to file a brief with the municipal clerk's
15 office on a form prescribed by the municipal clerk within 20 days after
16 the decision of the lower administrative body from which the appeal is
17 taken. An applicant for a site plan, conditional use, or subdivision,
18 who is not the appellant, must file a notice of intent to file a brief with
19 the municipal clerk's office within seven days of receipt of the
20 appellant's notice of appeal to become an appellee.

21 **4. Perfection of Appeal; Notice of Appeal; Appeal Fee**

22 a. An appeal to the Board of Adjustment must be perfected by a party of
23 interest for the application no later than 20 days from the date the
24 written findings of fact and decision of the administrative body from
25 which the appeal is taken is approved, on the record, and becomes a
26 final, appealable decision, is mailed or otherwise distributed or
27 delivered to the applicant.⁹² The appeal is perfected by the filing of a
28 notice of appeal, appeal fee, and cost bond in accordance with this
29 section.

30 b. The notice of appeal must be filed with the municipal clerk on a form
31 prescribed by the Municipality and must contain detailed and specific
32 allegations of error. If the appellant is not the applicant, the appellant
33 shall, within three days after filing the notice of appeal, serve a copy
34 of the notice of appeal on the applicant by certified mail to the
35 applicant's last known address. Proof the notice was served shall be
36 provided to the municipal clerk.

37 c. The appellant shall pay an appeal fee as provided in a fee schedule
38 to be approved by the Assembly. In addition, the appellant shall file a
39 cost bond equal to the estimated cost of preparation of the record.
40 Following completion of the record, the actual cost thereof shall be
41 paid by the appellant. All costs and fees shall be returned to the
42 appellant if the decision of the lower body is reversed in whole or in
43 part.

1 **5. New Evidence or Changed Circumstances⁹³**

2 **a.** Allegations of new evidence or changed circumstances shall not be
3 considered or decided by the Board of Adjustment. Allegations of
4 new evidence or changed circumstances shall be raised by written
5 motion for rehearing, filed with the municipal clerk no later than 20
6 days after the lower administrative body's initial decision becomes
7 final.

8 **i.** The municipal clerk shall automatically reject any motion filed
9 more than 20 days after the lower administrative body's initial
10 decision becomes final, without hearing or reconsideration by
11 the lower administrative body.

12 **ii.** A decision of the lower administrative body on any issues
13 remanded from the Board of Adjustment is not an initial
14 decision as described in section a. above. The municipal
15 clerk shall automatically reject, without hearing or
16 reconsideration, any motion alleging new evidence or
17 changed circumstances filed in response to a lower
18 administrative body's decision on any issue(s) presented on
19 remand.

20 **b.** If the written motion is timely filed, the administrative body from which
21 the appeal is taken shall decide whether to reopen and rehear the
22 matter. A rehearing shall be held if the lower administrative body
23 determines:

24 **i.** If true, that the alleged new evidence or changed
25 circumstances would substantially change the decision of the
26 body, and

27 **ii.** The party alleging new evidence or changed circumstances
28 acted promptly and with diligence in bringing the information
29 to the body's attention.

30 **6. Appeal Record⁹⁴**

31 **a.** Upon timely perfection of an appeal to the Board of Adjustment, the
32 municipal clerk shall prepare an appeal record. The record shall
33 contain:

34 **i.** A verbatim transcript of the proceedings before the
35 administrative body from which the appeal has been taken.

36 **ii.** Copies of all documentary evidence, memoranda, exhibits,
37 correspondence, and other written material submitted to the
38 administrative body prior to the decision from which the
39 appeal is taken.

40 **iii.** A copy of the written decision of the administrative body,
41 including its findings and conclusions.

42 **b.** The appellant shall arrange for the preparation of the transcript of the
43 Board hearing by a court reporter or the current board and

1 commission recording secretary and shall pay the cost of such
2 preparation. The appellant shall file the transcript with the municipal
3 clerk. If the appellant fails to file the transcript within 30 days of the
4 filing of the notice of appeal, the appeal shall be automatically denied.

- 5 c. Upon completion of the record, the municipal clerk shall notify the
6 appellant by certified mail of the cost of its preparation. If the
7 appellant fails to pay the costs within seven days of receiving the
8 notice, the appeal shall be automatically denied. Upon timely
9 payment of costs, the municipal clerk shall, by certified mail, serve a
10 copy of the record on the appellant. The municipal clerk shall also
11 notify by certified mail the appellees who have filed a notice of intent
12 to file a brief that the record is available for pickup. Upon request, the
13 municipal clerk shall provide a copy of the record to an appellee or
14 the public. A copying cost for the record will be charged as set out in
15 AMCR 3.90.002. The appellee shall also be charged any mailing
16 costs, including the cost of mailing the notice of record availability.

17 **7. Written Arguments**

18 a. ***Brief of Appellant***

19 The appellant to the Board of Adjustment may file a written brief of
20 points and authorities in support of those allegations of error specified
21 in the notice of appeal with the municipal clerk's office not later than
22 15 days after service of the appeal record. The municipal clerk shall
23 deliver a copy of the appellant's brief to the municipal staff assigned
24 responsibility for the appeal. The municipal clerk shall also notify by
25 certified mail those appellees who have filed a notice of intent to file a
26 brief that the appellant's brief is available for pickup. Upon request,
27 the municipal clerk shall provide a copy of the appellant's brief to
28 appellees, who shall be charged copying costs as provided in AMCR
29 3.90.002 and any mailing costs applicable.

30 b. ***Brief of Appellee***

31 An appellee who has filed a notice of intent to file a brief may also file
32 with the municipal clerk's office a written reply to the notice of points
33 on appeal and any brief in support thereof no later than 30 days after
34 the service of the appeal record. The municipal clerk shall notify the
35 appellant by certified mail that appellee briefs have been filed. The
36 municipal staff may, with the approval of the Director of the Office of
37 Economic and Community Development, prepare and submit to the
38 municipal clerk a written reply to the notice of appeal and any brief in
39 support thereof no later than 30 days after service of the appeal
40 record.

41 c. ***Reply Brief***

42 An appellant may file a written reply brief to appellee briefs submitted
43 pursuant to subsection b. of this section. The appellant's reply brief is
44 due no later than ten days after service of notice that the appellee
45 briefs have been filed.

46 d. ***Timing of Briefs***

47 If a brief is not filed within the time prescribed by the User's Guide,
48 the municipal clerk shall notify the Board of Adjustment that the brief

1 was filed late. The Board shall determine whether to accept a late
2 brief and whether to allow additional time for any qualified opposing
3 party to file reply or rebuttal briefs if allowed.

4 **e. Form of Briefs**

5 All briefs shall be prepared to specifications set forth in the Title 21
6 User's Guide. The municipal clerk shall not accept a brief unless it is
7 in the form prescribed by the User's Guide.

8 **8. Appeal Packet; Notice of Hearing**

9 Following the time set for the receipt of written argument from the appellant,
10 the appellee, and the municipal staff under this subsection, the municipal
11 clerk shall prepare and distribute to the members of the Board of Adjustment
12 an appeal packet containing only the notice of appeal, the appeal record and
13 any briefs filed in accordance with subsection 7. above. Following distribution
14 of the packets, a date shall be set for consideration of the appeal. Notice of
15 consideration on the appeal shall be published in a newspaper of general
16 circulation and shall be served by mail on the appellant and those appellees
17 who have submitted briefs. Appeal packets shall be made available to the
18 public upon demand with costs payable by the public as provided in AMCR
19 3.90.002.

20 **9. Conduct of Hearing**

21 **a.** The meeting at which the Board of Adjustment deliberates and
22 decides an appeal shall be open to the public and a record of the
23 hearing shall be made.

24 **b.** The Board of Adjustment shall not hear argument nor take additional
25 testimony or other evidence. The Board of Adjustment may consider
26 only the material contained in the appeal packet.⁹⁵

27 **10. Scope of Review**

28 **a.** The Board of Adjustment shall hear an appeal solely on the basis of
29 the record established before the lower administrative body, the
30 notice of appeal, the appellant's argument, and the reply to that
31 argument.

32 **b.** The Board of Adjustment may exercise its independent judgment on
33 legal issues raised by the appellant. The term "legal issues," as used
34 in this section, means those matters that relate to the interpretation or
35 construction of ordinances or other provisions of law.

36 **c.** The Board of Adjustment shall, unless it substitutes its independent
37 judgment pursuant to subsection d. below, defer to the judgment of
38 the lower administrative body regarding disputed issues or findings of
39 fact. Findings of fact adopted expressly or by necessary implication
40 by the lower administrative body may be considered as true if they
41 are supported in the record by substantial evidence. The term
42 "substantial evidence," for the purpose of this section, means such
43 relevant evidence as a reasonable mind might accept as adequate to
44 support a conclusion. If the record affords a substantial basis of fact
45 from which the fact in issue may be reasonably inferred, it shall be
46 considered that the fact is supported by substantial evidence.

1 d. Notwithstanding the provisions of subsection c. above, the Board of
2 Adjustment may, by an affirmative vote of two-thirds of the fully
3 constituted board, substitute its independent judgment for that of the
4 lower administrative body on any disputed issues or findings of fact.
5 Such judgment must be supported on the record by substantial
6 evidence. For the purpose of this subsection, the fully constituted
7 Board of Adjustment shall not include those members who do not
8 participate in the appeal.

9 **11. Decision**

10 a. The Board of Adjustment may affirm or reverse the decision of the
11 lower administrative body in whole or in part. It shall decide an
12 appeal on the basis of the record on appeal and the briefs of the
13 parties to the appeal. A majority vote of the fully constituted board is
14 required to reverse or modify the decision appealed from. For the
15 purpose of this section, the fully constituted board shall not include
16 those members who do not participate in the proceedings. A decision
17 reversing or modifying the decision appealed from shall be in a form
18 which finally disposes of the case on appeal except where the case is
19 remanded in accordance with subsection 12.a. below.

20 b. Every decision of the Board of Adjustment to affirm or reverse the
21 decision of the lower administrative body pursuant to subsection a. of
22 this section shall be based upon and include written findings and
23 conclusions adopted by the Board. Such findings must be reasonably
24 specific so as to provide the community, and, where appropriate,
25 reviewing authorities, a clear and precise understanding of the reason
26 for the Board's decision. The Board may seek the assistance of the
27 municipal staff in the preparation of findings.

28 c. Every final decision of the Board of Adjustment shall clearly state on
29 its face it is a final decision with respect to all issues involved in the
30 case, and that the parties have 30 days from the date of mailing, or
31 other distribution of the decision, to file an appeal to the superior
32 court.

33 **12. Remand⁹⁶**

34 a. Where the Board of Adjustment reverses or modifies a decision of the
35 lower administrative body in whole or in part, its decision shall finally
36 dispose of the matter on appeal, except that the case shall be
37 remanded to the lower body where the Board of Adjustment
38 determines either that:

39 i. There is insufficient evidence in the record on an issue
40 material to the decision of the case; or

41 ii. There has been a substantial procedural error that requires
42 further public hearing.

43 A decision remanding a case shall describe any issue upon which
44 further evidence should be taken, and shall set forth any further
45 directions the Board deems appropriate for the guidance of the lower
46 administrative body.

- 1 b. The lower administrative body shall act on the case upon remand in
2 accordance with the decision of the Board of Adjustment in the
3 minimum time allowed by the circumstances. Cases on remand
4 following a decision of the Board shall take precedence over all other
5 matters on the agenda of the lower administrative body.
- 6 c. A Board of Adjustment decision remanding a case on one or more
7 issues is not a final decision with respect to any issues involved in the
8 appeal. The Board of Adjustment's decision remanding the case
9 shall be the final decision with respect to all matters affirmed by the
10 Board of Adjustment's decision, when, following the lower
11 administrative body's decision on remand, no appeal is perfected
12 within the period specified in subsection 21.03.200A.4.
- 13 d. A Board of Adjustment decision remanding a case on one or more
14 issues shall state that the decision is the final decision with respect to
15 all matters affirmed therein when, following the lower administrative
16 body's decision on remand, no appeal is perfected within the time
17 period specified in section 21.03.200A.4., and shall also state the
18 parties have 30 days from the expiration of said period to appeal to
19 the superior court.

20 **B. Appeals to Zoning Board of Examiners and Appeals**

- 21 1. **Jurisdiction of Board⁹⁷**
22 The Zoning Board of Examiners and Appeals shall hear appeals from
23 decisions of the municipal staff regarding:
- 24 i. Enforcement orders issued under chapter 21.10,
25 *Enforcement.*
- 26 ii. Denial of an application for a flood hazard permit under
27 section 21.03.100.
- 28 iii. Denial of an application for a building or land use permit when
29 such denial is based on the requirements of this title.⁹⁸
- 30 iv. Denial of an application for a sign permit when such denial is
31 based on the requirements of this title.
- 32 v. Denial of a minor modification under section 21.03.190.
- 33 vi. Denial of a Verification of Legal Nonconforming Status under
34 section 21.03.170.
- 35 vii. Denial of or imposition of conditions on a certificate under
36 section 21.11.030.
- 37 viii. Interpretation of zoning district boundaries under
38 21.01.050.C, *Interpretation of District Boundaries.*
- 39 ix. Denial of a certificate of zoning compliance.⁹⁹

- 1 x. Denial of a temporary use permit.
- 2 xi. Interpretation of general definitions and use definitions.
- 3 xii. Other appeals as provided by law.
- 4 **2. Initiation of Appeal¹⁰⁰**
- 5 Appeals to the Zoning Board of Examiners and Appeals may be brought by
- 6 any party of interest for the application. For purposes of this section, “parties
- 7 of interest” for a particular application shall include the applicant, the owner of
- 8 the subject property, the owner of property within the notification area for the
- 9 subject application, and anyone who presented oral or written testimony at a
- 10 public hearing on the application.
- 11 **3. Time Limit for Filing; Notice of Appeal; Appeal Fee**
- 12 a. An appeal of an administrative decision to the Zoning Board of
- 13 Examiners and Appeals, as set out in subsection 1. above, must be
- 14 filed no later than 20 days after written notification of the decision.¹⁰¹
- 15 b. Notice of appeal must be filed with the municipal clerk on a form
- 16 prescribed by the Municipality and must contain detailed and specific
- 17 allegations of error.
- 18 c. The appellant shall pay an appeal fee as set by the Assembly, which
- 19 shall accompany the filing of the notice of appeal. All fees shall be
- 20 returned to the appellant if the decision of the lower administrative
- 21 body is reversed in whole, and one-half of the fee shall be returned if
- 22 the decision is reversed in part.
- 23 **4. Scope of Review**
- 24 The Zoning Board of Examiners and Appeals shall conduct a full evidentiary
- 25 hearing on an appeal and make its decision on the basis of this title, the
- 26 evidence, and the argument presented.
- 27 **5. Hearing**
- 28 a. An appeal hearing shall be held within 60 days of the filing of a proper
- 29 notice of appeal. The hearing is open to the public, but the public
- 30 may not comment.
- 31 b. Notice of the appeal hearing shall be published in a newspaper of
- 32 general circulation at least 14 days prior to the hearing, and, in
- 33 addition, the appellant shall be sent a notice by mail at least 14 days
- 34 prior to the hearing.
- 35 c. The Zoning Board of Examiners and Appeals may prescribe rules of
- 36 procedure for additional notification in cases where a decision of the
- 37 Board would have a substantial effect on the surrounding
- 38 neighborhood.
- 39 **6. Decision**
- 40 a. The Zoning Board of Examiners and Appeals may affirm or reverse
- 41 the decision of the administrative official in whole or in part. It shall
- 42 require a majority of the fully constituted board, minus those members

1 with conflicts of interest, to disturb the decision appealed from. For
2 the purpose of this section, the fully constituted board shall not
3 include those members who disqualify themselves in accordance with
4 subsection 21.02.020C.6.

5 b. Every decision of the Zoning Board of Examiners and Appeals to
6 affirm or reverse an administrative action shall be in writing and based
7 on and include written findings and conclusions adopted by the
8 Board. Such findings must be reasonably specific so as to provide
9 the community and, where appropriate, reviewing authorities, with a
10 clear and precise understanding of the reasons for the Board's
11 decision.

12 c. Every final decision of the Zoning Board of Examiners and Appeals
13 shall clearly state it is a final decision and that the parties have 30
14 days from the date of mailing, or other distribution of the decision to
15 file an appeal to the superior court.

16 **C. Judicial Appeals**

17 **1. Judicial Review Authorized**

18 In accordance with Appellate Rule 601 et seq., of the Alaska Rules of Court, a
19 municipal officer, a taxpayer, or a person jointly or severally aggrieved may
20 appeal to the superior court:

21 a. A final decision of the Board of Adjustment on an appeal from a
22 decision regarding the approval or denial of an application for concept
23 or final approval of a conditional use.

24 b. A final decision of the Board of Adjustment on an appeal from the
25 Platting Board regarding an application for a subdivision.

26 c. A final decision of the Zoning Board of Examiners and Appeals.

27 d. Any final action or decision under this title that is appealable to the
28 superior court under the Alaska Rules of Court and/or laws of the
29 State of Alaska.

30 **21.03.210 USE CLASSIFICATION REQUESTS**

31 **A. Purpose and Applicability**

32 1. The use classifications set forth and defined in chapter 21.05, *Use*
33 *Regulations*, describe one or more uses having similar characteristics, but do
34 not list every use or activity that may fall within the classification. This section
35 shall be used to determine all questions or disputes whether a specific use is
36 deemed to be within a use classification permitted in a zoning district.

37 2. The provisions of this section shall not apply to permit any specific use that is
38 expressly prohibited in a zoning district.

1 **B. Procedures for Use Classification Request**

2 The procedure for an application to determine a use classification shall be as follows:

3 **1. Application Submission and Review**

4 An application for a use classification shall be submitted to the Director.
5 Within 30 days from the date a complete application is submitted, the Director
6 shall review the application according to the standards set forth in this section;
7 consult with the Municipal Attorney and other staff, as necessary; and make a
8 final determination as to whether the subject use shall be deemed to be within
9 a use classification set forth in this title and whether such use shall be allowed
10 in the applicable zoning district.

11 **2. Appeals**

12 Appeals from the Director's determination on a use classification request shall
13 be made to the Zoning Board of Examiners and Appeals, pursuant to section
14 21.03.200.B.

15 **3. Form of Determination**

16 All final determinations by the Director shall be provided to the applicant in
17 writing and shall be filed in the official record of use classification
18 determinations.

19 **C. Standards for Review**

20 In evaluating a use classification request, the Director shall consider whether the
21 proposed use has an impact that is similar in nature, function, and duration to the
22 other uses allowed in a specific zoning district. The Director shall give due
23 consideration to the intent of this title concerning the district(s) involved, the character
24 of the uses specifically identified, and the character of the use(s) in question. The
25 Director shall assess all relevant characteristics of the proposed use, including but not
26 limited to the following:

27 **1.** The primary activity of the establishment and its relationship to existing use
28 categories and use types. The primary activity may be the principal product
29 or group of products produced or distributed, or services rendered. It may be
30 the share of production costs, capital investment, revenue, shipments, or
31 employment, if evaluating the relative significance of multiple activities;

32 **2.** The volume and type of sales (retail or wholesale) on the premises, and the
33 size and type of items sold and nature of inventory on the premises;

34 **3.** Any processing done on the premises, including assembly, manufacturing,
35 final production, warehousing, shipping, and distribution;

36 **4.** Any dangerous, hazardous, toxic, or explosive materials used in the
37 processing on the premises;

38 **5.** The nature and location of storage and outdoor display of merchandise
39 (enclosed, open, inside or outside the principal building); and predominant
40 types of items stored (such as business vehicles, work-in-process, inventory,
41 and merchandise, construction materials, scrap and junk, and raw materials
42 including liquids and powders);

- 1 6. The type, size, height, and nature of buildings and structures;
- 2 7. The number and density of employees and customers per unit area of site in
- 3 relation to business hours and employment shifts;
- 4 8. Transportation requirements, including the modal split for people and freight,
- 5 by volume type and characteristic of traffic generation to and from the site, trip
- 6 purposes and whether trip purposes can be shared by other uses on the site;
- 7 9. Parking requirements, turnover and generation, ratio of the number of spaces
- 8 required per unit area or activity, and the potential for shared parking with
- 9 other uses;
- 10 10. The amount and nature of any nuisances generated on the premises,
- 11 including but not limited to noise, smoke, odor, glare, vibration, radiation and
- 12 fumes;
- 13 11. Any special public utility requirements for serving the proposed use, including
- 14 but not limited to water supply, waste water output, pre-treatment of wastes
- 15 and emissions required or recommended, and any significant power
- 16 structures and communications towers or facilities; and
- 17 12. The impact on adjacent properties created by the proposed use will not be
- 18 greater than that of other uses in the zoning district.

19 **D. Effects of Findings by the Director**

- 20 1. **Typical Uses: Amendment to this Title**
- 21 If the Director finds that the particular use or category of use(s) that was the
- 22 subject of the use classification request is likely to be common or to recur
- 23 frequently, or that omission from this title is likely to lead to public uncertainty
- 24 and confusion, the Director shall initiate an amendment to this title under
- 25 section 21.03.040, *Amendments to Text of Title 21*. Until final action has
- 26 been taken on such a proposed amendment, the determination of the Director
- 27 shall be binding on all officers and departments of the Municipality.
- 28 2. **Atypical Uses: Determination Binding**
- 29 If the Director finds that the particular use or category of use(s) that was the
- 30 subject of the use classification request is of an unusual or transitory nature,
- 31 or is unlikely to recur frequently, the Director may approve the use without
- 32 initiating an amendment to this title. However, the Director's determination
- 33 shall thereafter be binding on all officers and departments of the Municipality,
- 34 3. **Zoning Board Review of Findings by the Director; Effectiveness of the**
- 35 **Director's Findings**
- 36 a. The Director shall, on a monthly basis, forward his or her findings
- 37 regarding unlisted uses to the Zoning Board of Examiners and
- 38 Appeals for review and ratification. Until the Zoning Board has
- 39 reviewed the Director's findings regarding an unlisted use, the
- 40 determination of the Director shall be binding on all officers and
- 41 departments of the Municipality.¹⁰²

1 b. If the Zoning Board ratifies the Director's findings regarding an
2 unlisted use, the determination of the Director shall continue to be
3 binding on all officers and departments of the Municipality.

4 c. If the Zoning Board does not ratify the Director's findings regarding an
5 unlisted use, such use shall be deemed to be prohibited in the
6 specified zoning district(s), and any use for which actual construction
7 (as defined in chapter 21.13) was lawfully begun under a finding by
8 the Director shall be considered a nonconforming use.

9 **E. Official Record of Use Classification Determinations**

10 An official record of use classification determinations and related Zoning Board
11 actions shall be kept on file in the Department and shall be available for public
12 inspection in the Department during normal business hours.

13 **21.03.220 ASSEMBLY ALCOHOL APPROVAL¹⁰³**

14 **A. Applicability**

15 Any use that includes the retail sale of alcoholic beverages is subject to the review
16 process set forth in this section. This process shall apply to such a use regardless of
17 whether it is listed in the use table in section 21.05.010 as being permitted as a matter
18 of right or subject to site plan review or the conditional use process. The applicant
19 shall be required to obtain approval through both the process in this section and the
20 separate process referenced in the use table.

21 **B. General Standards**

22 The following provisions apply to all uses, in all districts, involving the retail sale,
23 dispensing, or service of alcoholic beverages including, but not limited to, liquor
24 stores, restaurants, bars or taverns, dinner theaters, movie theaters, brew pubs,
25 tearooms, and cafes.

26 1. Any use, whether principal or accessory, involving the retail sale or
27 dispensing of alcoholic beverages is permitted only by approval of the
28 Assembly under this section. This requirement applies only to the retail sale
29 or dispensing of alcoholic beverages and not to related principal or accessory
30 uses.

31 2. Notwithstanding any other provision of this title to the contrary, an approval for
32 uses involving the retail sale of alcoholic beverages shall only require the
33 approval of the Assembly.

34 **C. Application and Review Procedure**

35 1. **Submission**

36 Applications for Assembly alcohol approval shall be submitted to the
37 Department within seven days after application is made to the state Alcoholic
38 Beverage Control Board for issue or transfer of location of a liquor license.
39 Applications shall contain a zoning map showing the proposed location. The
40 Assembly may promulgate regulations concerning the mandatory information
41 to be submitted with the application for conditional use.

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2. **Department Report**
The Department shall prepare and submit a report and a list of all licenses located within a minimum of 1,000 feet of the proposed use to the Assembly, and shall address the conformity of the proposed application with this title and AMC chapter 10.50. The Department shall also submit a proposed resolution for Assembly consideration in connection with liquor license applications.
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3. **Notice¹⁰⁴**
Notice of hearings required under this section shall mailed, published, and posted in accordance with section 21.03.020, *Notice*.
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4. **Assembly Action**
The Assembly shall approve, approve conditionally, or deny the application. In considering action, the Assembly shall apply the criteria set forth in this title for conditional uses in section 21.03.070E., *Approval Criteria*. The Assembly shall not take into consideration the sum paid by any person to acquire the license for which a permit is requested.
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5. **Conditions on Approval**
- a. The Assembly may, in connection with an approval under this section, impose such special terms and conditions or modify existing conditions governing operation of that license as are in the public interest, and are consistent with the purposes of this title.
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- b. Conditions of approvals under this section are enforceable under the provisions of this title. The Assembly may revoke such an approval for failure to comply with conditions of the permit, provided a public hearing with notice to the owner affected is first held.
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- c. A copy of the conditions imposed by the Assembly in connection with approval under this section shall be maintained on the premises involved at a location visible to the public.
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6. **Effect of Denial**
An application for approval under this section that has been denied by the Assembly shall not be accepted for rehearing for a period of one year following such denial if the Director finds the proposed application is substantially the same as that denied by the Assembly and if no substantially new evidence or change in circumstances has occurred. This paragraph shall not apply to applications on file as of May 31, 1983. This paragraph shall not apply to an application filed under Assembly direction at a hearing at which a like application was considered. This paragraph does not apply if the alcoholic beverage control board remands a case that was previously denied by the Assembly.
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7. **Expiration¹⁰⁵**
When a permit granted by the Assembly under this section has not been in operation for a period of 60 days, the permit shall be deemed to have expired.

1 **21.03.230 ADMINISTRATIVE PERMITS¹⁰⁶**

2 **A. Applicability**

3 It shall be a violation of law for any person to engage in a land use for which an
4 administrative permit is required by this title without first obtaining such a permit.

5 **B. Administrative Permits**

6 A permit issued pursuant to this section shall be valid between January 1 or the date
7 of issuance and December 31 of the year in which it is issued. An application for
8 renewal of a permit shall be submitted in the same manner as the original application
9 and no later than December 1 immediately preceding the expiration date of that
10 permit.

11 **C. Regulations**

12 The Director may promulgate regulations to implement this section, as provided in
13 AMC chapter 3.40.

14 **21.03.240 MASTER PLANNING¹⁰⁷**

15 **A. Area Master Planning**

16 **1. Purpose**

17 An area master plan is intended to facilitate the planned development of large
18 tracts of land under unified ownership or control, prior to subdivision or
19 development of entire tracts or parcels within large tracts, in order to provide
20 for land use compatibility and development responding to site-specific
21 environmental constraints and opportunities. The area master plan shall
22 establish the general arrangement of land uses, circulation and infrastructure
23 systems for the identified development areas.

24 **2. Applicability**

25 **a. *Mandatory: Girdwood***

26 An area master plan review is required prior to development in any of
27 the following Girdwood zoning districts: GR-3, GC-5, GRST-2, GCR-
28 1, GCR-2, GCR-3, GDR-1, GDR-2, GDR-3, GRR.

29 **b. *Optional***

30 In addition to the criteria listed above, any other area in joint or single
31 ownership may opt to use the area master plan process on a
32 voluntary basis.

33 **3. Procedures**

34 **a. *Pre-Application Conference***

35 Before filing an application, an applicant shall request a pre-
36 application conference with the Director.

37 **b. *Community Meeting***

38 A community meeting may be required.

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- c. **Initiation**
An application for approval of an area master plan shall be initiated by the owner of the property.
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- d. **Application Filing**
Applications for approval of an area master plan shall be submitted to the Director and shall contain all information and supporting materials specified in subsection e., below.
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- e. **Submittal Requirements**
Submittal requirements are set out below, and shall be in either narrative or illustrative form. The Director may waive submittal requirements not relevant to the proposed area master plan. The Planning and Zoning Commission and/or the Director may require the submission of other information as may be necessary for the informed exercise of judgment under the criteria for the review of the plan, as set out in subsection 4., below.
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- i. The legal description, boundaries, and acreage of the petition area;
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- ii. The present land use classification of the petition area and abutting property;
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- iii. The current use, if any, of the petition area and abutting property, including roads, utilities, drainage systems, trails, parks, parking areas, and any structures;
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- iv. The general topography of the petition area (contours lines shall be shown at intervals of ten (10) feet or less), including any unique natural or historical features;
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- v. A general description of the existing vegetation and soils in the petition area;
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- vi. The location of streams, waterbodies, wetlands, drainage courses, and flood plains;
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- vii. The planning objectives and design considerations used to determine the use and configuration of the proposed development;
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- viii. A conceptual site plan showing the various existing and proposed types of land uses, depicting the relationship to each other and to surrounding uses, proposed acreage, character, and densities/intensity of development for each type of use, and proposed open spaces. The site plan shall be in the form of a "bubble map" locating these "development areas" and other required elements in an approximate fashion;
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- ix. A general description of the traffic and pedestrian circulation system proposed for the petition area, showing connections

- 1 between land uses, neighborhoods, and proposed public
2 schools, parks, open space areas, and trails/bikeways;
- 3 x. A general description of the utility system layout;
- 4 xi. An explanation of any unique features of the proposed
5 development;
- 6 xii. A general development schedule and phasing plan, if any,
7 and approximate date for commencement of construction;
8 and
- 9 xiii. If the petition area contains wetlands designated in the
10 Anchorage Wetlands Management Plan, the applicant shall
11 submit:
- 12 (A) A wetlands delineation study based on the evaluation
13 techniques contained in the Corp of Engineers Wetlands
14 Delineation Manual;
- 15 (B) Hydrologic information specifying the quality, amount
16 and direction of flow of surface and subsurface water, as
17 well as information on the drainage impacts of the
18 development on adjacent property;
- 19 (C) Vegetation information indicating the distribution of
20 wetland, coniferous and deciduous species; and
- 21 (D) Habitat information on the type, number, and species of
22 animals, including birds.
- 23 f. **Director Review, Report, and Recommendation**
24 The Director shall review the proposed area master plan in light of the
25 approval criteria of subsection 4., below, and shall distribute the
26 application to other reviewers as necessary. Based on the results of
27 the reviews, the Director shall provide a report and recommendation
28 to the Planning and Zoning Commission.
- 29 g. **Public Hearing**
30 Published, written, and posted notice of public hearings on area
31 master plans shall be provided in accordance with section 21.15.005.
- 32 h. **Review and Action by Planning and Zoning Commission**
33 The Planning and Zoning Commission shall hold a public hearing on
34 the proposed area master plan and, at the close of the hearing, act to
35 approve the plan as submitted, approve the plan subject to conditions
36 or modifications, remand the plan to the applicant for modifications, or
37 deny the plan, based on the approval criteria of subsection 4., below.
- 38 4. **Approval Criteria**
39 An area master plan may be approved if the Planning and Zoning
40 Commission finds all of the following criteria have been met:

- 1 a. The area master plan substantially conforms to the principles and
2 objectives of the Comprehensive Plan, any approved neighborhood,
3 district, or area plans, and the general purposes of this title as stated
4 in section 21.01.030;
- 5 b. The streets, roads, and other transportation elements are in
6 conformance with applicable transportation plans;
- 7 c. The development has no substantial adverse fiscal impact on the
8 Municipality;
- 9 d. The development provides significant community benefits in terms of
10 design, community facilities, open space, and other community
11 amenities;
- 12 e. The development is compatible with the character of the surrounding
13 area and minimizes any potential adverse impacts to surrounding
14 areas to the maximum extent feasible; and
- 15 f. Sufficient public safety, transportation, and utility facilities and
16 services are available to serve the subject property at the proposed
17 level of development, while maintaining sufficient levels of service to
18 existing and anticipated development in surrounding areas.

19 **5. Effect of Area Master Plan Approval**
20 No development rights are granted by the approval of an area master plan.
21 An approved area master plan allows the applicant to file applications for
22 development within the plan area including, but not limited to, site plans,
23 conditional use permits, or preliminary subdivision plans. An approved area
24 master plan also creates a presumption that design density, uses, and site
25 layout set forth in the plan are acceptable to the municipality, subject to
26 further review and application of relevant regulations in the review of
27 subsequent applications. However, approval of the area master plan shall not
28 guarantee such density and uses are attainable.

29 **6. Modification of Area Master Plan Approval**
30 a. **Modification without Public Hearing**
31 By request of the applicant or subsequent landowner, an approved
32 area master plan may be modified by the Planning and Zoning
33 Commission, without a public hearing, if the modification proposes:
34 i. A change to the development schedule or phasing plan of not
35 more than seven (7) years (applicable only if a development
36 master plan is not also required);
37 ii. Changes of ten percent (10%) or less to the number of
38 dwelling units or the total combined floor area of commercial
39 and industrial uses;
40 iii. A shift between development areas of ten percent (10%) or
41 less of the number of dwelling units or the total combined
42 floor area of commercial and industrial uses;

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- iv. A change to the acreage of any development area of ten percent (10%) or less; or
 - v. A change the Planning and Zoning Commission determines does not change the impacts on the surrounding neighborhood and public infrastructure and services.

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b. **Modification with Public Hearing**

By request of the applicant or subsequent landowner, an approved area master plan may be modified by the Planning and Zoning Commission, only after a public hearing, if the modification proposes:

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- i. A change to the development schedule or phasing plan of more than seven (7) years (applicable only if a development master plan is not also required);
 - ii. A reduction of acreage of open space;
 - iii. Changes to the number of dwelling units or the total combined floor area of commercial and industrial uses of more than ten percent (10%) but less than twenty-five percent (25%);
 - iv. A shift between development areas of more than ten percent (10%) but less than twenty-five percent (25%) of the number of dwelling units or the total combined floor area of commercial and industrial uses;
 - v. A change to the acreage of any development area of more than ten percent (10%) but less than twenty-five percent (25%);
 - vi. A change to any conditions of approval imposed by the Planning and Zoning Commission at the time of area master plan approval; or
 - vii. A change the Planning and Zoning Commission determines changes the type and/or amount of impact on the surrounding neighborhood and public infrastructure and services.

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c. **New Application Required**

The Planning and Zoning Commission shall not consider an application for modification of an area master plan, and the applicant shall be directed to file a new application for area master plan approval, if the modification proposes:

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- i. Changes to the number of dwelling units or the total combined floor area of commercial and industrial uses of twenty-five percent (25%) or more;
 - ii. A shift between development areas of twenty-five percent (25%) or more of the number of dwelling units or the total combined floor area of commercial and industrial uses;

- 1 **d. Application**
2 Applications for approval of a development master plan shall be
3 submitted to the Director and shall contain all information and
4 supporting materials specified in subsection e., below.
- 5 **e. Submittal Requirements**
6 The design standards proposed in the development master plan may
7 differ from the standards of sections 21.07, but shall meet or exceed
8 those standards, as described in subsection 4.g., below.
- 9 Submittal requirements are listed below and shall be in either
10 narrative or illustrative form. The Director may waive submittal
11 requirements not relevant to the proposed development. The
12 Planning and Zoning Commission and/or the Director may require the
13 submission of other information as necessary for the informed
14 exercise of judgment under the criteria for the review of the plan, as
15 set out in subsection 4., below.
- 16 **i.** The legal description, acreage, and boundaries of the
17 proposed petition area and a depiction of the area
18 surrounding the petition area;
- 19 **ii.** A site plan of any existing development, including buildings,
20 roads, utilities, drainage systems, trails, and a general
21 description of existing vegetation;
- 22 **iii.** The topography of the petition area, with contours lines
23 shown at intervals of four (4) feet or less, including any
24 unique natural or historical features;
- 25 **iv.** The location of existing streams, waterbodies, wetlands,
26 drainage courses, and flood plains;
- 27 **v.** A grading plan;
- 28 **vi.** A proposed site plan, showing roads, trails, building locations
29 and uses, parking areas, open space, and any other
30 proposed development. The site plan shall include the total
31 number and type of dwelling units, and the total combined
32 floor area of commercial and industrial uses;
- 33 **vii.** A landscape plan, including vegetation retention areas;
- 34 **viii.** Floor plans, building elevations, and renderings for all
35 buildings;
- 36 **ix.** Road cross-sections;
- 37 **x.** Details of any other development proposed; and
- 38 **xi.** An implementation schedule.

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- f. ***Director Review, Report, and Recommendation***
The Director shall review the proposed development master plan in light of the approval criteria of subsection 4., below, and shall distribute the application to other reviewers as necessary. Based on the results of the reviews, the Director shall provide a report and recommendation to the Planning and Zoning Commission.
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- g. ***Public Hearing***
Published, written, and posted notice of public hearings on development master plans shall be provided in accordance with section 21.15.005.
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- h. ***Review and Action by Planning and Zoning Commission***
The Planning and Zoning Commission shall hold a public hearing on the proposed development master plan and, at the close of the hearing, act to approve the plan as submitted, approve the plan subject to conditions or modifications, remand the plan to the applicant for modifications, or deny the plan, based on the approval criteria of subsection 4., below.
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4. **Approval Criteria**
A development master plan may be approved if the Planning and Zoning Commission finds all of the following criteria have been met:
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- a. The development master plan substantially conforms to the principles and objectives of the Comprehensive Plan, any approved neighborhood, district, or area plans, and the general purposes of this title, as stated in section 21.01.030;
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- b. The streets, roads, and other transportation elements are in conformance with applicable transportation plans;
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- c. The development has no substantial adverse fiscal impact on the Municipality.
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- d. The development provides significant community benefits in terms of design, community facilities, open space, and other community amenities.
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- e. The development minimizes any potential adverse impacts to surrounding residential areas to the maximum extent feasible.
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- f. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in the surrounding areas.
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- g. The design standards are equivalent to or exceed the generally applicable development standards of sections 21.07, and result in high-quality development in keeping with the Comprehensive Plan and the intent of this title.

1 **5. Modification of Development Master Plan**

2 The Planning and Zoning Commission shall determine whether a proposed
3 modification to an approved development master plan may be approved
4 without a public hearing, may be approved with a public hearing, or is
5 significant enough to require a new development master plan.

6 **6. Abandonment of Development Master Plan**

7 A development master plan approval shall expire if:

- 8 a. Implementation of the development master plan schedule is delayed
9 for more than seven (7) years without a request for a schedule
10 modification as outlined in section 5.; or
- 11 b. The property owner notifies the Planning and Zoning Commission of
12 the abandonment of the development master plan.

13 **C. Institutional Master Plan Review**

14 **1. Purpose**

15 The Institutional Master Plan review process provides a framework for
16 development of large institutions such as hospitals and universities, which
17 control large land areas within the Municipality, contain a much greater
18 density of development than surrounding areas, are a source of substantial
19 employment, and are usually located next to residential neighborhoods and
20 other densely developed areas. An Institutional Master Plan is intended to
21 permit flexibility for a large institution to have greater control over its own lot-
22 by-lot land use decisions, while providing a level of understanding to the
23 surrounding community about the potential growth of the institution and the
24 resultant impacts. The process is specifically intended to:

- 25 a. Protect the integrity of adjacent neighborhoods by addressing the
26 impacts of institutional development on adjacent areas;
- 27 b. Provide a growing and continuing source of employment for the
28 Municipality that is easily accessible and well-integrated with
29 surrounding neighborhoods and the local transportation system;
- 30 c. Create attractive and efficient urban areas that incorporate a high
31 level of design and urban amenities;
- 32 d. Protect sensitive portions of the natural and built environment that are
33 potentially affected by institutional development; and
- 34 e. Provide flexibility to institutions to carry out long-range building
35 programs in accord with the institutional mission and objectives.

36 **2. Applicability**

37 An Institutional Master Plan shall be submitted and approved, in accordance
38 with the procedures of this section, prior to any development within the PLI
39 district, except for the following:

- 1 a. No Institutional Master Plan shall be required for interior alterations to
2 an existing building, provided that such project does not involve the
3 establishment or expansion of a commercial use.
- 4 b. Prior to approval of an Institutional Master Plan, the Director may
5 approve minor development projects, which, for purposes of this
6 section, are defined as those that do not result in:
- 7 i. The creation of or the need for additional parking;
- 8 ii. An increase in the number of employees;
- 9 iii. The addition of a total of more than 25,000 square feet of
10 floor area;
- 11 iv. The coverage of a total of more than 25,000 square feet of
12 site area; or
- 13 v. An increase in the height of any structure by more than one
14 story or 14 feet.

15 **3. Institutional Master Plan Requirements**

16 a. ***Planning Area***

17 The Institutional Master Plan shall include all the areas within the PLI
18 district, contiguous properties that are under control of the institution,
19 and properties within [1000] feet of the PLI district.

20 b. ***Submission Requirements***

21 An Institutional Master Plan shall, at a minimum, include the following
22 information unless the Director determines that such information is
23 not necessary to evaluate the proposed Institutional Master Plan and
24 the institution's future impacts on surrounding neighborhoods.
25 Specific requirements for the full Institutional Master Plan shall be
26 determined by the Director following the pre-application conference.

27 i. ***Planning Horizon***

28 The Institutional Master Plan shall cover a period of least 25
29 years, commencing from the date of submission.

30 ii. ***Mission and Objectives***

31 The Institutional Master Plan shall include a statement that
32 defines the organizational mission and objectives of the
33 institution and description of how all development
34 contemplated or defined by the Institutional Master Plan
35 advances the goals and objectives of the institution. The
36 statement should describe the population to be served by the
37 institution and any projected changes in the size or
38 composition of that population. It should also specify any
39 services to be provided to Anchorage residents in adjacent
40 neighborhoods and in other areas of the municipality.

41 iii. ***Existing Property and Uses***

1 The Institutional Master Plan shall include a description of
2 land, buildings, and other structures owned or occupied by
3 the institution as of the date of submission of the Institutional
4 Master Plan. The following information shall be required:

5 (A) Illustrative site plans showing the footprints of each
6 building and structure, together with roads, sidewalks,
7 parking, landscape features and other significant site
8 improvements;

9 (B) Land and building uses;

10 (C) Gross floor area in square feet;

11 (D) Building height in stories and feet; and

12 (E) A description of off-street parking and loading areas and
13 facilities, including a statement of the approximate
14 number of parking spaces in each area or facility.

15 iv. *Needs of the Institution*

16 The Institutional Master Plan shall include a summary and
17 projection of the institution's current and future needs for the
18 following facilities:

19 (A) Academic;

20 (B) Service;

21 (C) Research;

22 (D) Office;

23 (E) Housing;

24 (F) Patient care;

25 (G) Public assembly;

26 (H) Parking; and

27 (I) Other facilities related to the institutional use.

28 v. *Ten-Year Development Envelope*

29 The Institutional Master Plan shall include a description of the
30 envelope within which development will occur in a ten-year
31 time frame. The ten-year development envelope is the
32 maximum amount of development proposed by an institution
33 that can be supported through current impact studies. The
34 intent of this provision is to provide the institution with
35 flexibility regarding the future development potential of its
36 campus, while addressing the potential impacts of that

1 development on the surrounding neighborhoods. The
2 development envelope shall include the following:

- 3 (A) Location of each potential development site;
- 4 (B) Maximum floor area of structures for each potential
5 development site;
- 6 (C) Height of possible structures;
- 7 (D) Required setbacks on each parcel;
- 8 (E) Other factors that may affect the size and form of
9 buildings; and
- 10 (F) Total number and location of parking spaces that will be
11 developed within a ten-year period.

12 vi. *Twenty-five Year Development Sites*

13 The Institutional Master Plan shall include written and graphic
14 materials identifying future development sites beyond those
15 noted in the Ten-Year Development Envelope. This
16 information shall include, at a minimum, the size and location
17 of each parcel that may be developed within a twenty-five
18 year period.

19 vii. *Compliance with Development and Design Standards*

20 The Institutional Master Plan shall demonstrate how all
21 development on the site will achieve compliance with the
22 development and design standards of this Code. The plan
23 shall fully discuss and justify any proposed modification from
24 the requirements of this Code. At a minimum, the following
25 plan elements shall be included.

26 (A) *Transportation and Parking Management Plan*

27 The Institutional Master Plan shall include transportation
28 and parking management plan, based on the results of a
29 transportation study, which identifies any traffic
30 mitigation measures to be employed.

31 (B) *Natural Resource Protection Plan*

32 The Institutional Master Plan shall identify all sensitive
33 natural resources within the Institutional Master Plan
34 area. The Institutional Master Plan shall identify areas of
35 the Institutional Master Plan area which may be subject
36 to the natural resource protection standards of section
37 21.07.020. The plan shall identify the measures that will
38 be used to mitigate impacts for each of these conditions.

39 (C) *Open Space and Pedestrian Circulation Plan*

40 The Institutional Master Plan shall include open space
41 and pedestrian circulation guidelines and objectives,
42 including a description of the circulation system to be

1 provided through the campus, plans for ensuring the
2 accessibility of pedestrian areas and open spaces, and
3 links to surrounding community open space, where
4 appropriate.

5 (D) *Design Guidelines*

6 The Institutional Master Plan shall include design
7 guidelines and objectives for the siting and design of
8 new and renovated buildings, parking lots, and other
9 structures, to assure their compatibility with surrounding
10 neighborhoods and districts, conformity with applicable
11 municipal plans, and to minimize potential adverse
12 impacts on historic structures and historic districts.
13 Urban design guidelines shall include listings of
14 appropriate materials, height, bulk, massing, and colors
15 that will be used to guide the course of proposed and
16 future development.

17 (E) *Neighborhood Protection Strategy*

18 The Institutional Master Plan shall identify standards and
19 programs that will be put in place to ensure that the
20 quality of the surrounding neighborhoods is maintained
21 or enhanced.

22 4. **Procedures**

23 a. ***Pre-Application Conference***

24 Before filing an application, an applicant shall request a pre-
25 application conference with the Director. See section 21.03.0920.B.

26 b. ***Community Meeting***

27 A community meeting may be required. See section 21.03.020.F.

28 c. ***Initiation***

29 An application for approval of an Institutional Master Plan shall be
30 initiated by the owner of the subject property.

31 d. ***Application Filing***

32 Applications for approval of an Institutional Master Plan shall be
33 submitted to the Director and shall contain all information and
34 supporting materials specified in the User's Guide. The Planning and
35 Zoning Commission and/or the Director may require the submission
36 of such other information as may be necessary to permit the informed
37 exercise of judgment under the criteria for the review of the plan, as
38 set out in subsection E. below.

39 e. ***Director Review, Report, and Recommendation***

40 The Director shall review the proposed Institutional Master Plan in
41 light of the approval criteria of subsection E. below and shall distribute
42 the application to other reviewers as deemed necessary. Based on
43 the results of those reviews, the Director shall provide a report and
44 recommendation to the Planning and Zoning Commission.

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- f. **Public Hearings**
Published, written, and posted notice of public hearings on Institutional Master Plans shall be provided in accordance with section 21.03.020.G.
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- g. **Review and Recommendation by Planning and Zoning Commission**
- i. The Planning and Zoning Commission shall hold a public hearing on the proposed Institutional Master Plan and, at the close of the hearing, recommend that the Assembly approve the plan as submitted, approve the plan subject to conditions or modifications, or deny the plan, based on the approval criteria of subsection E. below.
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- ii. If the Planning and Zoning Commission recommends that the Assembly approve a plan as submitted or with conditions or modifications, within 90 days of the Commission's action the Director shall forward the recommendation to the Assembly.
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- iii. If the Planning and Zoning Commission recommends that the Assembly deny a plan, that action is final unless, within 20 days of the Commission's action, the applicant files a written statement with the municipal clerk requesting that the proposed Institutional Master Plan be submitted to the Assembly.
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- h. **Action by Assembly**
The Assembly shall hold a public hearing on the proposed Institutional Master Plan. At the close of the hearing, taking into account the recommendations of the Director and the Planning and Zoning Commission, and based on the approval criteria of subsection E. below, the Assembly shall, within 90 days, approve the plan, approve the plan with modifications or conditions, deny the plan, or refer the plan back to the Planning and Zoning Commission.
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5. **Approval Criteria**
An Institutional Master Plan may be approved only if the Assembly finds that the all of the following criteria have been met:
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- a. The Institutional Master Plan is consistent with the Comprehensive Plan and any adopted neighborhood and area plans;
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- b. The Institutional Master Plan sufficiently demonstrates compliance with all applicable standards of this Code, including the development and design standards of chapter 21.07, or offers justification and alternative measures to ensure that the intent and purposes of this Code are met;
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- c. The Institutional Master Plan mitigates any potential significant adverse impacts to surrounding areas to the maximum extent feasible; and

1 d. Sufficient public safety, transportation, and utility facilities and
2 services are available to serve the subject property at the proposed
3 level of development, while maintaining sufficient levels of service to
4 existing and anticipated development in surrounding areas.

5 **6. Compliance with Institutional Master Plan**

6 a. No [INSERT OPTIONAL LANGUAGE] shall be issued for any project
7 within a PLI district until the Director certifies that the proposed project
8 is consistent with an approved Institutional Master Plan. Such a
9 certification may be found if the proposed project is clearly identified
10 in the approved Institutional Master Plan or if the project may be
11 approved as a minor project as defined in section --- above. A
12 certification of consistency, or finding of inconsistency, or finding of
13 consistency subject to conditions, shall be issued within 45 days of
14 receipt of an application for a building permit, land use permit, or
15 Certificate of Occupancy for the proposed project. All projects,
16 regardless of size, shall meet all standards and guidelines found in
17 the approved Institutional Master Plan before the Director can
18 approve the application for a [INSERT OPTIONAL LANGUAGE]. If
19 not in compliance, the Director shall issue a detailed list of reasons
20 and recommended actions to achieve compliance.

21 i. OPTION 1: Use general language above and insert
22 [preliminary subdivision plan, conditional use permit, or site
23 plan]. This would be the toughest option and would require
24 the most long-term public oversight of the campus
25 development.

26 ii. OPTION 2: Use general language as above and insert
27 [building permit, land use permit, or Certificate of Occupancy].
28 This would be an easier option, still requiring some municipal
29 involvement but probably more by the building department
30 than the planning department.

31 iii. OPTION 3: The institution could establish an internal design
32 review committee to ensure compliance with the plan, and the
33 Director or a designee could be a member to ensure at least
34 municipal oversight of plan compliance.

35 iv. OPTION 4: There would no formal municipal involvement in
36 development on the campus site after approval of the plan.
37 The institution might be required to provide periodic reports
38 (annual?) to the municipality on the status of the
39 implementation of the plan.

40 b. ***Modifications to Approved Institutional Master Plans***
41 [to be drafted]

¹ 2005 NOTE: The procedure for street name alterations has been removed from this 2005 draft. Such a procedure is minor and typically is contained in an internal procedures manual, rather than codified in ordinance form. Also, the Anchorage addressing official recommended removing the procedure from the code.

² 2005 NOTE: Added variances and major site plan reviews to this section.

³ 2005 NOTE: Changed from 50 to 25 percent in the 2005 draft. Comment also applies to the immediate next provision.

⁴ 2005 NOTE: Waiver provision is new in this 2005 draft.

⁵ NOTE: The term "Director" is used throughout this draft to denote the Planning Director or designee. This will be clearly defined in the code. We recommend keeping this term generic to prevent any future changes (in delegation) from requiring a text amendment to this title.

⁶ 2005 NOTE: The ACC requests that a representative of the community council attend the pre-application meeting. We disagree; the community should become involved as part of the community meeting.

⁷ 2005 NOTE: Changed to "checklist" from "report" in this 2005 draft. OLD NOTE: Drafting a written summary of the recommendations that come out of the pre-application conference would be the best way to establish a paper trail for the application, and would provide a good tool for staff to later use to track compliance with staff recommendations. However, staff resources in Anchorage may not be sufficient to fully implement the text as written. An alternative approach would be to redraft the list of topics in this section as "items to be discussed," rather than as items that must be reported on, and not require a formal written report. The disadvantage of this approach would be increased difficulty in tracking the impacts of the meeting on later stages of the project, especially if there is staff turnover.

⁸ NOTE: The Diagnosis and Outline talked about the need to establish clear threshold criteria for Traffic Impact Assessments in the code. Those criteria will be relevant in this section, since projects that require TIAs will not be considered complete unless such assessments are submitted. However, we recommend that the criteria themselves be in the User's Guide and not included in the code, since such thresholds are based on industry standards which can change. The public has indicated a strong desire to have input into the development of specific TIA thresholds.

⁹ NOTE: We strongly urge the inclusion of a time limit on application completeness decisions, to ensure that applications don't get bogged down too early in the process.

¹⁰ 2005 NOTE: Modifications to this section in the 2005 draft.

¹¹ NOTE: As discussed in the Diagnosis and Outline, this is a suggested new mechanism to encourage or require developers to meet with affected property owners prior to developing large new projects. The draft is intended to take advantage of the existing set of community councils.

¹² 2005 NOTE: Further discussion is needed on the applicability of such meetings. Now that the development and design standards have gone through a first draft, there should be a better sense by the public of whether such meetings will be necessary. They add time to the process and thus could in some cases pose a barrier to economic development, and so the net for such meetings should not be cast unnecessarily wide. We recommend further restrictions on the applicability of this requirement, probably by adding size and/or location requirements to the conditional use and major site plans required to go through the process.

¹³ 2005 NOTE: There is strong disagreement about whether the MOA or the developer should be responsible for payment of the staff time, if staff is directed to attend the meeting. The current text removes the fee requirement.

¹⁴ NOTE: This section essentially reorganizes the current section 21.15.005, Notice, into new categories. "Constructive notice" is a recommended new section.

¹⁵ NOTE: We will need to continually update this table throughout the drafting process.

¹⁶ NOTE: This is a suggested expansion of the current provision, which keeps the community council notification boundary the same as for individual landowners. The Assembly is expected to take action in July on proposed community council redistricting ordinance AO 2003-75, which includes a similar measure.

¹⁷ NOTE: We heard suggestions that the Director should have the authority to broaden the notice area on a case-by-case basis. This provision, from the existing code, appears to allow just such case-by-case decisions. Is this not sufficient?

¹⁸ NOTE: This is a strong new provision. If the Municipality is uncomfortable applying it across the Board to all types of provisions, then an alternative approach could be to apply it just to rezonings. One of the benefits of this provision, if it is strictly followed and enforced, should be more written documentation for rezonings, or perhaps fewer rezonings.

¹⁹ 2005 NOTE: This section has been significantly streamlined and simplified in the 2005 draft. OLD NOTE: The current Title 21 contains only limited references to how the Comprehensive Plan should be updated or modified – primarily in 21.05.040, "Procedure for modification."

²⁰ NOTE: This is a new procedure. The current Title 21 contains little information on how to amend the text of the ordinance.

²¹ NOTE: In the interest of streamlining code administration and reducing the overall number of public hearings, this section proposes that all text amendments be consolidated and heard twice per year, at a joint hearing of the P&Z and the Assembly.

²² 2005 NOTE: This section rewritten in this draft to contain criteria better suited to text amendments.

²³ NOTE: This section heavily revises the current rezoning procedure (found in the current chapter 21.20). Key revisions include: a new purpose statement, clarification of the process, requirement for written findings in Commission recommendations, suggested new approval criteria, and an overall streamlining of the language. Other specific changes are noted in subsequent notes.

²⁴ NOTE: The Outline talks about a new section of "eligibility criteria" to discourage the high number of rezonings. However, this draft proposes tightening the rezoning process in a slightly different way, through better approval criteria and also through a new requirement of written findings for rezoning decisions.

²⁵ 2005 NOTE: This section revised to include PR and OL, in addition to PLI. An additional exception might be appropriate for the new neighborhood business zone.

²⁶ 2005 NOTE: In the 2005 draft, this language has been changed to clarify when the counting period starts, per a Law Department comment. The timing requirements also have been changed to implement AO 2004-126(s).

²⁷ 2005 NOTE: The criteria have been rewritten in the 2005 draft to focus more on rezoning issues and less on site planning issues.

²⁸ 2005 NOTE: In the 2005 draft, the Boards and Commissions advisory committee requested that this section continue to be carried forward pending further discussion. OLD NOTE: As discussed in the Diagnosis and Outline, the special limitations are the source of some administrative headaches in Anchorage, since a proliferation of special conditions on individual properties makes enforcement quite difficult. Nevertheless, special limitations clearly are part of the administrative culture in the city, and the feedback we got suggests that it may not yet be time to abolish them. We carry them forward in this draft for discussion purposes. We hope, however, that once the new districts and standards are drafted, special limitations will become less necessary and they perhaps can be eliminated in a future draft (or in a year or so following adoption of the new code).

²⁹ 2005 NOTE: This material originally was drafted as part of Module 2 and is new to this chapter in the 2005 draft.

³⁰ NOTE: The final approval for establishing the NCO has to be the Assembly, since it is a rezoning. However, an outstanding issue to be discussed is what body reviews the NCO proposals and makes a recommendation to the Assembly. Options include the Planning Commission (which makes recommendations on all other rezonings), or the Urban Design Commission (which would fulfill the desire to give that body a more substantive role), or perhaps both of these bodies. If both bodies participate, then perhaps UDC could make a recommendation to P&Z, which then recommends to the Assembly (this would allow the P&Z to overrule the UDC in cases of disagreement).

³¹ NOTE: This section generally is carried forward from the existing Title 21. We heard few comments about problems with these provisions. Minor changes include: a new purpose statement; incorporation of the applicability provisions from 21.75.020; incorporation of the approval criteria from 21.75.010; and removal of submittal requirements for placement in the User's Guide.

³² 2005 NOTE: Eligibility for abbreviated plats moved to front of section to improve user-friendliness of section.

³³ 2005 NOTE: Subsection contains changes from AO 2004-130.

³⁴ 2005 NOTE: The subdivision agreement clause is new.

³⁵ NOTE: A lengthy list of submittal requirements has been removed here, for placement in the User's Guide. Regarding the submission deadline, staff notes that: deadlines are "established every year by the Planning Dept. We have cut-off dates for applications going before the Platting Board which involve public notification and advertising which is currently a minimum of 50 days according to the process we follow now. We have a weekly cut-off day for abbreviated plats which is a minimum of 35 days prior to the Platting Authority's decision date."

³⁶ NOTE: This is an existing provision. Under state law, Anchorage must provide a platting procedure, but it does not need to match the 60-day state requirement that applies to second class boroughs. We recommend that the Municipality continue to keep a definite time limit on the review of preliminary plats to ensure fairness and a relatively swift decision.

³⁷ 2005 NOTE: Changed from 18 to 24 months in the 2005 draft. This note also applies to the subsequent section.

³⁸ 2005 NOTE: "18" changed to "24" twice in this paragraph.

³⁹ NOTE: This is a new paragraph drafted at staff's request.

⁴⁰ NOTE: This existing text has been modified for clarity. The current text refers to "the original 18-month approval period," yet in practice phased approvals usually receive 60 month approvals.

⁴¹ NOTE: This section has been rewritten by staff to reflect current procedures.

⁴² 2005 NOTE: The general contractors believe this time period is too long and should be shortened to 14 days.

⁴³ 2005 NOTE: This section had several incorrect provisions in the prior draft that asserted that the Platting Board is the Platting Authority for abbreviated plats. In fact, the intent is that the Director act as the Platting Authority for such plats, not including certain exceptions, as indicated in the new flowchart.

⁴⁴ NOTE: This is a substantially new procedure for the Municipality's consideration. It is simpler than the current procedure, and we have not carried forward the somewhat confusing concept versus final plan provisions in the current Title 21. We also have separated out the site plan review provisions as a separate procedure.

⁴⁵ NOTE: For discussion purposes, this draft presupposes that the P&Z Commission will make decisions on site plans that are attached to conditional uses, as opposed to other site plans, that are either approved by the Director or the UDC.

⁴⁶ 2005 NOTE: Time limit removed on this decision.

⁴⁷ NOTE: This section carried forward from the existing 21.15.030. At staff's suggestion, and for discussion purposes, the Platting Authority has been changed to the Director (as opposed to the Platting Board) to improve the efficiency of the process.

⁴⁸ NOTE: This section carried forward from the existing 21.15.030.

⁴⁹ 2005 NOTE: The public facility provision is new.

⁵⁰ NOTE: This new section is intended to implement a recommendation from Anchorage 2020, which establishes the "Major Project Site Plan Review" strategy: "Title 21 will be revised to require public hearing site plan review, including exterior building design, approval for major commercial, institutional, and industrial developments, as those terms will be defined in the ordinance revision." The strategy is designated in the Plan as "essential" to implement Policy 43: "Plans for major commercial, institutional, and industrial developments, including large retail establishments, are subject to site plan review."

⁵¹ 2005 NOTE: The public facility provision is new.

⁵² 2005 NOTE: Required time frame provision removed in this draft.

⁵³ 2005 NOTE: Extended from six to 12 months.

⁵⁴ NOTE: This section carried forward from the existing 21.15.030. At staff's suggestion, and for discussion purposes, the Platting Authority has been changed to the Director (as opposed to the Platting Board) to improve the efficiency of the process. **SHOULD IT BE THE UDC INSTEAD?**

⁵⁵ 2005 NOTE: NEW SECTION. This did not appear in the earlier drafts.

⁵⁶ 2005 NOTE: Public facility site plan review has been removed from this section. The intent is to have public facilities be reviewed through the Major Site Plan Review process and be treated the same as private facilities. The generally applicable development

standards in 21.07, including landscaping, are intended to apply to both public and private facilities and will be reviewed as part of the site plan process. We heard numerous comments on the previous draft that, currently, public facilities are held to a higher and vaguer landscaping standard than private projects, and that such requirements ultimately make little sense because the schools lack the long-term funding to maintain the landscaping.

⁵⁷ NOTE: This section is based on the definition of “public facility” is taken from Planning Case 03-040, which redefines and delegates public facility site plan and public facility review to the UDC.

⁵⁸ 2005 NOTE: Landfill added. Some staff also suggest adding roads to this section, but that change seems major and unusual and has not been inserted into the text pending further discussion.

⁵⁹ NOTE: This new list of criteria is based on language from Anchorage 2020, including policy 79 and related language on page 104.

⁶⁰ 2005 NOTE: This last provision is new. Numerous comments suggested that existing site selection criteria for public facilities are too loose, yet it is very unusual to codify detailed site selection criteria in a land use code.

⁶¹ NOTE: We recommend that this list of submittal requirements be removed and placed in the User’s Guide. Before that is done, however, we again point out (as was indicated in the Diagnosis) that this provision requires certification of floodproofing for non-residential structures only, not residential. Is this intentional? We recommend that the provision be broadened to include residential structures, as well.

⁶² 2005 NOTE: Various changes made to clarify the relationship to the building permit requirement. NOTE: This suggested new procedure is broader than the land use permit authorized under the current Title 21. It responds to staff’s request that we draft a provision that codifies and broadens current practice, without adding a new permit or review. This suggested new process requires all uses in all areas of title 21 jurisdiction to go through a check to ensure code compliance, and projects in the Building Safety Services Area also have a full title 23 check.

⁶³ NOTE: To be drafted following further discussions.

⁶⁴ 2005 NOTE: Changed from six months to 12 in this draft based on comments from the PZC and general contractors.

⁶⁵ NOTE: This section incorporates language from draft ordinance PZ 2002-110: an ordinance to address the inadequacy of development standards for site condominiums, specifically roads. A better location for this material may be the introduction to the new subdivision chapter, 21-8. We’ve placed it here for now, for discussion purposes, since the draft ordinance places the material near the land use permit provisions in the current Title 21.

⁶⁶ NOTE: Terminology and section references should be checked and updated following drafting of 21-8.

⁶⁷ NOTE: The Traffic Engineer is actually in a different department (Traffic) than the Municipal Engineer (Project Management and Engineering). This provision therefore appears to conflict with the Municipal Engineer’s authority to some extent.

⁶⁸ NOTE: Do any of these processes *require* a TIA for particular types of development?

⁶⁹ NOTE: Could this be stated more clearly as a requirement to submit the information in the form of an affidavit?

⁷⁰ NOTE: Should “guarantees” be substituted for “guaranties”? The latter implies a formal legal instrument involving some sort of monetary interest.

⁷¹ NOTE: Leaving final appeal authority with the Platting Board, as opposed to the Assembly, was questioned by a community council representative during the Planning and Zoning Commission hearing on the ordinance setting forth the language in this section. Additional feedback is requested regarding the assignment of decision-making authority to the Municipal Engineer and the Platting Board.

⁷² 2005 NOTE: In the 2005 draft, the procedure has been extended to the area outside the BSSA. The appeals provision is new in this 2005 draft. OLD NOTE: This new procedure is intended as a final check on zoning compliance for all development in the Municipality. Within the Anchorage bowl, the procedure will be combined with the current certificate of occupancy process.

⁷³ 2005 NOTE: This proposed new content is based on section 21.10.110, the “Administrative Provisions” section of the signs chapter.

⁷⁴ NOTE: Staff: Is any temporary structure permit required under the Alaska State Building Code? If so, we might want to include a requirement that no tents, trailers, or other temporary structures until they obtain such a permit, if applicable.

⁷⁵ 2005 NOTE: The six-month limit is new; the previous draft simply had no specific time limit.

⁷⁶ NOTE: As noted in the Annotated Outline, this section carries forward the current section 21.15.127.

⁷⁷ 2005 NOTE: As noted in the Annotated Outline, this section carries forward the existing section 21.15.130. In this new draft, the text has been cleaned up and the graphic clarified to more closely match the text.

⁷⁸ 2005 NOTE: “Public square” must be defined. Need to check state law, where this provision comes from, for a definition.

⁷⁹ 2005 NOTE: Relocated here from the draft of 21.11 in the first draft.

⁸⁰ NOTE: This is a recommended replacement to the current “21.15.012: Procedure for obtaining administrative variance for minor dimensional errors.” The new section is intended to be more flexible and easier to administer – the complexity of the current approach makes it appear unlikely to be used often.

⁸¹ 2005 NOTE: Added UDC in 2005 draft, since they have authority for major site plans. OLD NOTE: Some communities also allow minor modifications to approved development plans (e.g., minor changes to building footprints on site plans). Is Anchorage interested in such provisions?

⁸² 2005 NOTE: Building height removed from this list, per comments.

⁸³ 2005 NOTE: Proposed new section in response to comments.

⁸⁴ NOTE: Note that the “Findings of Fact” requirement in section 21.03.020.I. requires the Director to adopt written findings for each of these criteria when approving a minor modification.

⁸⁵ 2005 NOTE: This section has been extensively revised to more closely mirror the current 21.15.010.

⁸⁶ NOTE: This is a new section intended to clarify who grants variances. Is it correct?

⁸⁷ 2005 NOTE: This is from the recently adopted revision to 21.15.010. Does this list of material apply only to ZBEA variances – not to Platting Board or PZC variances? That’s how it is written.

⁸⁸ 2005 NOTE: This section does not yet address appeals to PZC, the Platting Board, and the Assembly. Are separate procedures and standards necessary to cover those bodies, or is that covered sufficiently in procedural rules for those bodies? NOTE: This section carries forward material from the current chapter 21.30, so some appeals (subdivision, conditional uses) go to the Board of Adjustment, while appeals of staff decisions go to the Zoning Board of Examiners and Appeals. As noted below, the biggest issue with this section will be whether to retain the current broad language allowing anyone to appeal any decision. Also, we would like feedback on whether the amount of detail in the Board of Adjustment provisions is necessary.

⁸⁹ NOTE: This section will need to be monitored and updated as necessary, if new appellate authority is given to the Board of Adjustment as part of discussions on other sections of this chapter.

⁹⁰ NOTE: We have removed the provision authorizing the Planning and Zoning Commission to act as the Board of Adjustment on decisions of the hearing officer. We did this because the hearing officer provision contemplated in the current code does not actually exist – there is no title 21 hearing officer. The only hearing officer is authorized under title 14, and deals with enforcement – he does not function in the way described in the current Title 21.

⁹¹ 2005 NOTE: This draft changes this language to the new “party in interest.” The previous draft carried forward current policy, which is to allow anyone who is “adversely affected” to appeal a decision. We heard strong support in favor of changing the text to this new standard.

⁹² 2005 NOTE: Per a law department request, this section has been revised to eliminate the previous language about requesting a written decision for purposes of requesting an appeal. As correctly noted, this new Code requires the earlier decision to be in writing, so such a provision requesting a written decision is now obsolete. Further, this sentence clarifies that the appeal runs from the date of mailing or other delivery of the appeal, per request of the law department, to ensure consistency with ZBEA appeals. Also, changes from AO 2004-126(s) and 2005-14.

⁹³ 2005 NOTE: Changes from AO 2004-126(s).

⁹⁴ NOTE: The Board of Adjustment appeals procedures are much more detailed than those for the ZBEA in the next section. We have not made any changes yet, but we do see some merit in making the level of detail in the sections more equivalent. Please advise if this is desirable or if the text should stay as is.

⁹⁵ NOTE: The staff notes that, now that there is a new Board of Adjustment, this may be a good time to change the hearing procedure and allow persons that filed a brief to make an oral argument to the Board. As staff notes, “the Board of Adjustment will no longer be the Assembly. The new Board of Adjustment can devote more time to the hearing than the Assembly could.” Further discussion needed. Is there general support for this idea?

⁹⁶ 2005 NOTE: Changes from AO 2004-126(s).

⁹⁷ NOTE: This section will need to be monitored and updated as necessary, if new appellate authority is given to the ZBEA as part of discussions on other sections of this chapter.

⁹⁸ NOTE: Removed here the reference to existing 21.40.240, Transition District, which authorizes Assembly, not ZBEA, to hear appeals of permits in the Transition District.

⁹⁹ 2005 NOTE: The last four items in the list are new to the 2005 draft.

¹⁰⁰ 2005 NOTE: The same modification has been made here as was done with the Board of Adjustment: the appeal authority is proposed to be restricted to “parties of interest.”

¹⁰¹ 2005 NOTE: Same changes made here as in the Board of Adjustment section, per law department request. The decision is written and the time period starts upon mailing or other delivery of the decision.

¹⁰² NOTE: The intent behind this provision is to ensure that the Director’s finding binds employees in other departments (e.g., BS zoning plan reviewers, ROW enforcement officers, DHHS child care reviewers) who deal with title 21.

¹⁰³ 2005 NOTE: This process is carried forward from the existing section 21.50.160 “*Conditional use standards--Uses involving sale of alcoholic beverages,*” and on the respective district sections of the existing chapter 21.40 “*Zoning Districts.*” In the previous draft, this material was submitted as part of Module 2. We have rewritten some language, per staff request, to clarify that this is not a conditional use permit but rather a separate type of approval.

¹⁰⁴ 2005 NOTE: The specific type of notice isn’t clear in the current code – is this new language correct?

¹⁰⁵ 2005 NOTE: section simplified and rewritten per zoning staff request.

¹⁰⁶ 2005 NOTE: This is a new permit in the 2005 draft, carrying forward the existing 21.15.055. We originally thought this would be unnecessary, but further discussions suggest that it continues to be an important tool for uses such as B&Bs and roominghouses that require such permits.

¹⁰⁷ 2005 NOTE: These are three new procedures for the municipality’s review, in response to concerns that the previous draft did not contain sufficient procedures to authorize master planning of large sites. The first two subsections are from Girdwood regulations, redrafted to apply muni-wide. The third procedure is new and suggested for large institutions (e.g., universities).

TABLE OF CONTENTS

1

2

3 **CHAPTER 21.04: ZONING DISTRICTS 128**

4 **21.04.010 General Provisions 128**

5 A. Districts Established; Zoning Map 128

6 B. Relationship to Overlay Districts 129

7 **21.04.020 Residential Districts..... 129**

8 A. General Purpose/Intent 129

9 B. R-1: Single-Family Residential District 130

10 C. R-2: Two-Family Residential District 130

11 D. R-3: Mixed Residential District 130

12 E. R-4: Multi-Family Residential District 132

13 F. R-5: Low-Density Residential with Mobile Homes District 132

14 G. R-6: Low-Density Residential (1 acre) District..... 132

15 H. R-7: Low-Density Residential (one-half acre) District 132

16 I. R-9: Low-Density Residential (2.5 acres) District..... 132

17 J. R-10: Low-Density Residential, Alpine/Slope District..... 132

18 **21.04.030 Commercial and Office Districts 134**

19 A. General Purpose/Intent 134

20 B. AC: Auto Commercial Corridor District..... 135

21 C. CBD-1: Central Business District, Core..... 135

22 D. CBD-2: Central Business District, Intermediate 141

23 E. CBD-3: Central Business District, Periphery 141

24 F. MC: Marine Commercial District..... 141

25 G. O: Office District 141

26 **21.04.040 Mixed-Use Districts..... 142**

27 A. General Purpose/Intent 142

28 B. RMX: Residential Mixed-Use District 143

29 C. NMU-1: Small-Scale Neighborhood Mixed-Use District..... 144

30 D. NMU-2: Neighborhood Mixed-Use District 145

31 E. CCMU: Community Commercial Mixed-Use District..... 146

32 F. RCMU: Regional Commercial Mixed-Use District..... 147

33 G. MMU: Midtown Mixed-Use District 147

34 H. Mixed-Use District Development Standards..... 148

35 **21.04.050 Industrial Districts..... 150**

36 A. General Purpose/Intent 150

37 B. IC: Industrial / Commercial District 151

38 C. I-1: Light Industrial District..... 151

39 D. I-2: Heavy Industrial District..... 151

40 E. MI: Marine Industrial District..... 151

41 **21.04.060 Other Districts 151**

42 A. AD: Airport Development District..... 151

43 B. AF: Antenna Farm District 152

44 C. OL: Open Lands District 152

45 D. PLI: Public Lands and Institutions District 152

46 E. PR: Parks and Recreation District..... 152

47 F. TA: Turnagain Arm District 152

48 G. W: Watershed District..... 153

49 **21.04.070 Overlay Zoning Districts 153**

50 A. General Purpose/Intent 153

51 B. Creation, Alteration, or Elimination of Overlay Districts 154

52 C. AHO: Airport Height Overlay District 154

53 D. NCO: Neighborhood Conservation Overlay District 156

54 E. FHO: Flood Hazard Overlay District..... 159

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. Zoning Districts Established

The following zoning districts are established:

District Type	Abbreviation	District Name
Residential Districts	R-1	Single-Family Residential
	R-2	Two-Family Residential
	R-3	Mixed Residential
	R-4	Multi-Family Residential
	R-5	Low-Density Residential with Mobile Homes
	R-6	Low-Density Residential (1 acre)
	R-7	Low-Density Residential (one-half acre)
	R-9	Low-Density Residential (2.5 acres)
	R-10	Low-Density Residential, Alpine/Slope
Commercial Districts	AC	Auto Commercial Corridor
	CBD-1	Central Business District, Core
	CBD-2	Central Business District, Intermediate
	CBD-3	Central Business District, Periphery
	MC	Marine Commercial
	O	Office
Mixed-Use Districts	RMX	Residential Mixed-Use
	NMU-1	Small-Scale Neighborhood Mixed-Use
	NMU-2	Neighborhood Mixed-Use
	CCMU	Community Commercial Mixed-Use
	RCMU	Regional Commercial Mixed-Use
	MMU	Midtown Mixed-Use
Industrial Districts	IC	Industrial / Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	MI	Marine Industrial

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

District Type	Abbreviation	District Name
Other Districts	AD	Airport Development
	AF	Antenna Farm
	OL	Open Lands
	PR	Parks and Recreation
	PLI	Public Lands and Institutions
	TA	Turnagain Arm
	W	Watershed
Overlay Zoning Districts	AHO	Airport Height Overlay
	NCO	Neighborhood Conservation Overlay
	FHO	Flood Hazard Overlay
Girdwood Districts	Girdwood Districts are set forth in chapter 21.09, <i>Girdwood</i> .	

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2. Zoning Map

The use districts are shown on the Official Zoning Map (See section 21.01.050). Procedures for amending the zoning map are in section 21.03.050, *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 DISTRICTS¹

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

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

22 **B. R-1: Single-Family Residential District²**

- 23 1. **Purpose**
24 The R-1 district is intended primarily for single-family residential areas.
25 Certain types of uses, such as governmental, educational, religious, or
26 noncommercial recreational uses, may be allowed subject to restrictions
27 intended to preserve and protect the single-family residential character of the
28 district.

29 **C. R-2: Two-Family Residential District³**

- 30 1. **Purpose**
31 The R-2 district is intended primarily for single-family and two-family
32 residential areas. Certain types of uses, such as governmental, educational,
33 religious, or noncommercial recreational uses, may be allowed subject to
34 restrictions intended to preserve and protect the residential character of the
35 district.

36 **D. R-3: Mixed Residential District⁴**

- 37 1. **Purpose**
38 The R-3 district is intended primarily for mixed-density residential areas with a
39 variety of single-family, two-family, and multi-family dwelling uses with
40 medium densities. The R-3 district provides residential neighborhoods with a

1 greater diversity of housing by allowing a mix of both detached and a variety
2 of attached dwelling types in close proximity to each other, rather than
3 separated into different use districts. The R-3 district is often located in older
4 existing or redeveloping residential neighborhoods; existing structures may be
5 renovated or rehabilitated. Compatible building scale, appearance, and
6 relationship to the street is important in this district to integrate the mix of
7 building types into a neighborhood. Certain types of uses, such as
8 governmental, educational, religious, or noncommercial recreational uses,
9 may be allowed subject to restrictions intended to preserve and protect the
10 residential character of the district.

11 **2. District-Specific Standards**

12 **a. Number of Dwelling Units**

13 Multiple-family buildings may contain no more than eight dwelling
14 units.

15 **b. Incentive to Encourage Mix of Dwelling Types⁵**

16 The Assembly may grant a density bonus of up to 25 percent to the
17 underlying base zoning district density to any residential subdivision
18 plat or site plan containing a mix of housing types, provided the plat
19 or plan complies with the applicable zoning district restrictions on
20 permitted uses and with the following standards:

21 **i.** The plat or plan contains a minimum of two different housing
22 types. The following list of housing types shall be used to
23 satisfy this requirement:

24 **(A)** Single-family detached dwellings on lots of 8,000 square
25 feet or more;

26 **(B)** Single-family detached dwellings on lots of between
27 6,000 and 8,000 square feet;

28 **(C)** Two-family dwellings;

29 **(D)** Single-family attached dwellings or townhouses; and

30 **(E)** Multi-family dwellings (limited to eight units per building).

31 **ii.** A single housing type from the list set forth in subsection i.
32 above shall not constitute more than 75 percent of the total
33 number of dwelling units. If single-family detached dwellings
34 are the only housing types included in the mix, then the
35 difference between the average lot size for each type of
36 single-family detached dwelling shall be at least 2,500 square
37 feet.

38 **iii.** For site plans seeking to obtain a density bonus under this
39 subsection, the Director shall refer the site plan to the
40 Assembly for a decision on the award of the bonus only, with
41 the Director making the final decision on the site plan itself.

1 **E. R-4: Multi-Family Residential District⁶**

2 **1. Purpose**

3 The R-4 district is intended primarily for multiple-family dwelling uses with
4 medium to high residential densities. Certain types of uses, such as
5 governmental, educational, religious, or noncommercial recreational uses,
6 may be allowed subject to restrictions intended to preserve and protect the
7 residential character of the district. The maximum residential density for this
8 district is 30 dwelling units/acre.

9 **F. R-5: Low-Density Residential with Mobile Homes District⁷**

10 **1. Purpose**

11 The R-5 district is intended primarily for lands that are developing or will
12 develop for residential purposes and is designed to protect and conserve
13 areas with larger lots and low population densities. This district permits
14 mobile home dwellings on individual lots.

15 **G. R-6: Low-Density Residential (1 acre) District⁸**

16 **1. Purpose**

17 The R-6 district is intended primarily for those land areas where large lots or
18 acreage development is desirable. The R-6 district is designed to encourage
19 low-density residential development while at the same time protecting and
20 enhancing those physical and environmental features that add to the
21 desirability of large-lot residential living.

22 **H. R-7: Low-Density Residential (one-half acre) District⁹**

23 **1. Purpose**

24 The R-7 district is intended primarily to encourage low-density residential
25 development, and is intended for those land areas where large-lot
26 development is desirable as an adjunct to the more typical urban and
27 suburban residential zoning districts.

28 **I. R-9: Low-Density Residential (2.5 acres) District¹⁰**

29 **1. Purpose**

30 The R-9 district is intended primarily for low-density residential development
31 in areas where public sewers and water are unlikely to be provided for a
32 considerable period of time or where topographic or other natural conditions
33 are such that higher-density development and the provision of public sewers
34 and water would be unfeasible at any time. Where public facilities may be
35 provided in the distant future, the regulations are intended to ensure that
36 development during the interim period does not exceed geological and
37 hydrological capacities for safe and healthful maintenance of human
38 habitation.

39 **J. R-10: Low-Density Residential, Alpine/Slope District¹¹**

40 **1. Purpose**

41 The R-10 district is intended for use in those areas where natural physical
42 features and environmental factors such as slopes, alpine and forest
43 vegetation, soils, slope stability, and geologic hazards require unique and

- 1 creative design for development. Creative site design and site engineering
2 are essential to ensure that the development of these lands will:
- 3 a. Protect natural features such as ponds, streams, wetlands, and
4 forested areas, and incorporate such features into the development of
5 the site design;
 - 6 b. Take into consideration the topography and the location of all physical
7 improvements on the land;
 - 8 c. Avoid development of land within natural hazard areas to minimize
9 the possibility of loss of life and property damage;¹²
 - 10 d. Promote the natural flow and storage capacity of any watercourse, to
11 minimize the possibility of flooding or alteration of water boundaries;
 - 12 e. Consider the suitability of the soils and subsoils conditions for
13 excavations, site preparation, and on-site sewage disposal;
 - 14 f. Provide adequate site drainage to avoid erosion and to control the
15 surface runoff in compliance with the Federal Clean Water Act. The
16 surface runoff and drainage from developments should not exceed
17 the surface runoff and drainage in its natural undeveloped state for all
18 intensities and durations of surface runoff;
 - 19 g. Provide an adequate supply of potable water for the site
20 development; and
 - 21 h. Minimize the grading operations, including cut and fill, consistent with
22 the retention of the natural character of the site.
- 23 **2. District-Specific Standards**
- 24 a. ***Lot and Site Requirements***
25 Table 21.04-2 provides the lot and site requirements for the R-10
26 district.
- 27

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TABLE 21:04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT ¹³					
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum All Buildings (percent)	Coverage Impervious Surfaces (percent)	Maximum Units Per Acre
More than 30.00	7.50	300	3	8	0.133
25.01--30.00	5.00	300	5	10	0.20
20.01--25.00	2.50	180	8	14	0.40
20.00 or less	1.25	100	10	20	0.80

Average slope is calculated by the following formula:

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

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

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

10 **21.04.030 COMMERCIAL AND OFFICE DISTRICTS**

11 **A. General Purpose/Intent**

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

- 14 1. Provide appropriately located areas consistent with the Comprehensive Plan
 15 for a full range of retail and service establishments and convenience and
 16 office uses needed by the Municipality's residents, businesses, and workers,
 17 and protect such uses from the adverse effects of incompatible uses;
- 18 2. Provide adequate space to meet the needs of commercial development;
- 19 3. Encourage the redevelopment, conversion, and reuse of underused
 20 commercial areas, and discourage new strip commercial development;
- 21 4. Minimize traffic congestion and avoid the overloading of public infrastructure
 22 and services;

- 1 5. Strengthen the Municipality’s economic base and provide employment
2 opportunities close to home for residents of the Municipality and surrounding
3 communities;
- 4 6. Provide for commercial land uses that meet the needs of and attract regional
5 and statewide populations, in addition to local residents;
- 6 7. Minimize negative impacts of commercial development on adjacent residential
7 districts;
- 8 8. Minimize negative environmental impacts of commercial development on
9 stream corridors, wetlands, and other important natural resources;
- 10 9. Ensure that the appearance of commercial buildings and uses are of high
11 quality and are compatible with the character of the area in which they are
12 located; and
- 13 10. Provide sites for public and semi-public uses such as utilities and
14 telecommunications infrastructure needed to complement commercial
15 development.

16 **B. AC: Auto Commercial Corridor District¹⁴**

- 17 1. **Purpose**
18 The AC district is intended primarily for uses that provide commercial goods
19 and services to residents of the community in areas that are dependent on
20 automobile access and exposed to heavy automobile traffic. These
21 commercial uses are subject to the public view and they should provide an
22 attractive appearance with landscaping, sufficient parking, and controlled
23 traffic movement. Environmental impacts should be minimized. Abutting
24 residential areas should be protected from potentially negative impacts
25 associated with commercial activity. While AC district areas shall continue to
26 meet the need for auto-related and other auto-oriented uses, it is the
27 Municipality’s intent that the AC district also shall provide for safe and
28 convenient personal mobility in other forms. Planning and design shall
29 accommodate pedestrians. This district is not intended for office or mixed-
30 use developments, which are intended to be located in the Office or Mixed-
31 Use districts.
- 32 2. **District Location Requirements**
33 Establishment of the AC district or changes to existing AC district boundaries
34 shall meet the general rezoning criteria of this Code and also shall meet the
35 following requirements:
 - 36 a. The AC District shall not be expanded along street corridors or into
37 surrounding neighborhoods unless consistent with an adopted plan.

38 **C. CBD-1: Central Business District, Core¹⁵**

- 39 1. **Purpose**
40 The CBD-1 district is intended to create a concentrated area of retail,
41 financial, public, and institutional facilities in the core of downtown Anchorage
42 in order to encourage the development of interrelated uses and functions,

1 reduce pedestrian walking distance between activities, and ensure the
2 development of pedestrian-oriented uses on the ground-floor level throughout
3 the district. The district permits and encourages residential uses.

4 **2. District-Specific Standards**

5 **a. *Restrictions on Ground-Floor Activities in CBD-1 District*¹⁶**

6 Each of the following non-retail uses or establishments that are
7 permitted, or permitted subject to a site plan review or conditional use
8 review, shall in the CBD-1 district be restricted to the second-floor
9 level of a building or above, or to below-ground, unless the use is set-
10 back on the ground floor from the street-facing building wall by 25 or
11 more feet, in order to allow more pedestrian-oriented uses to line the
12 street:

- 13 i. Dwelling, mixed-use or multifamily;
- 14 ii. Vocational or trade school;
- 15 iii. Club/lodge or meeting hall;
- 16 iv. Parking structure; and
- 17 v. Instructional services.

18 **b. *Bulk Regulations and Maximum Lot Coverage for CBD Districts*¹⁷**

19 Construction of buildings in the CBD districts above three stories in
20 height shall conform to the following bulk requirements:

21 **i. *Building Tower Design***

22 One tower not exceeding the bulk requirements listed in (A)
23 and (B) below shall be allowed for a development on a parcel
24 of land containing 13,000 square feet or a fraction thereof, or
25 one tower not exceeding the bulk requirements listed in (C)
26 and (D) below shall be allowed for a development on a parcel
27 of land containing 19,500 square feet. For a development on
28 a parcel of land containing more than 19,500 square feet, one
29 additional tower not exceeding the bulk requirements listed in
30 (A) and (B) below shall be allowed for every additional 13,000
31 square feet of land area, or, alternatively, one additional
32 tower not exceeding the bulk requirements listed in (C) and
33 (D) below shall be allowed for every additional 19,500 square
34 feet of land area.

35 **(A)** Maximum plan dimension: 130 feet.

36 **(B)** Maximum diagonal plan dimension: 150 feet.

37 **(C)** Maximum plan dimension: 130 feet.

38 **(D)** Maximum diagonal plan dimension: 180 feet.

39 Variances from the specific bulk requirement dimensions
40 listed in this subsection may be granted by the Planning and

1 Zoning Commission on developments covering a land area of
2 more than 26,000 square feet, provided that the Commission
3 finds that the spirit and intent of the central business districts
4 are maintained.

5 ii. *Alternative Structure Designs*

6 Alternative building designs may be submitted in the form of a
7 project development plan to the Director for approval.
8 Alternative design forms may be approved that provide for at
9 least 15 percent more access either to scenic views of
10 adjoining mountains and the Cook Inlet or for solar access¹⁸
11 as compared to designs allowed under subsection i., above,
12 *Building Tower Design*. The percentage amount of additional
13 scenic or solar access shall be based on total building volume
14 of the alternative design compared to a representative tower
15 design. Alternative plans submitted under this subsection
16 must include a schematic of a project designed under
17 subsection i, *Building Tower Design*, plus a site development
18 plan of the design utilizing the provisions of this subsection ii.
19 and calculations to establish the increased scenic or solar
20 access required in this subsection ii. Designs using the
21 provisions of this paragraph are allowed an additional one
22 story of base height prior to the use of the bonus point
23 requirements of subsection c. below, *Height Exceptions for*
24 *CBD Districts*.

25 iii. *Existing Structures*

26 Notwithstanding the bulk regulations and maximum lot
27 coverage limitations contained in chapter 21.06, and the
28 requirements of this subsection b., where a lawful structure
29 existed on September 9, 1974, that is pre-stressed for
30 enlargement by the addition of one or more stories, such
31 structure may be enlarged within the full plan dimensions of
32 the existing structure by the addition of not more than two
33 stories.

34 c. *Maximum Height of Structures in CBD Districts*¹⁹

35 i. Notwithstanding subsections ii. and iii. below, the maximum
36 height of a structure shall not exceed that permitted under
37 section 21.04.070.C., *Airport Height Overlay District*.

38 ii. Subject to subsection iii. below, no building or structure shall
39 exceed the maximum building height specified in chapter
40 21.06.

41 iii. Building floor area may be constructed above the maximum
42 building height specified in chapter 21.06 by earning bonus
43 points for site and design amenities under a site development
44 plan approved by the Department as specified in Table 21.04-
45 3., provided:

46 (A) Each bonus point permits an additional 400 square feet
47 of floorspace.

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- (B) All new development must accumulate a minimum of one bonus point for each 1,600 square feet of site area to be approved. Only urban design amenities related to pedestrians and landscaping of those features designated "streetscape" in Table 21.04-3 may be used to fulfill this requirement.
- (C) No more than one bonus point per each 200 square feet of site can be accumulated for any single amenity option. Bonus points can be obtained by combining any of the options provided in Table 21.04-3.
- (D) At least 25 percent of all bonus points required for floorspace must be accumulated from amenities designated "streetscape." This amount can include bonus points earned under subsection (B) above.

**TABLE 21.04-3:
 DESIGN AMENITIES AND BONUS POINTS FOR CBD DISTRICTS**

Urban Design Amenity (*Streetscape Amenity)	Bonus Points for Districts		
	CBD-1	CBD-2	CBD-3
Street trees*	1 point per tree	1 point per tree	1 point per tree
Seating units, street furniture*	1 point per 2 units (maximum of 6 points)	1 point per 2 units (maximum of 6 points each)	1 point per 2 units (maximum of 6 points each)
Decorative street illumination*	2 points per 1 unit	2 points per 1 unit	2 points per 1 unit
Sidewalks*	1 point per 300 sq. ft.	1 point per 300 sq. ft.	1 point per 400 sq. ft.
Sidewalk texture*	1 point per 200 sq. ft.	1 point per 250 sq. ft.	1 point per 300 sq. ft.
Bike racks, open*	1 point per 3 open storage units (maximum accumulation of 3 points)	1 point per 3 open storage units (maximum accumulation of 3 points)	1 point per 3 open storage units (maximum accumulation of 3 points)
Bike racks, covered*	1 point per covered storage unit (maximum accumulation of 3 points)	1 point per covered storage unit (maximum accumulation of 3 points)	1 point per covered storage unit (maximum accumulation of 3 points)
Kiosk*	1 point per unit (maximum accumulation of 3 points)	1 point per unit (maximum accumulation of 3 points)	1 point per unit (maximum accumulation of 3 points)
Canopy over sidewalk*	1 point per 200 sq. ft.	1 point per 240 sq. ft.	1 point per 290 sq. ft.
Covered arcade*	1 point per 100 sq. ft.	1 point per 115 sq. ft.	1 point per 180 sq. ft.
Open air plaza, or landscaped park*	1 point per 70 sq. ft. (corner); 1 point per 80 sq. ft. (other)	1 point per 70 sq. ft. (corner); 1 point per 80 sq. ft. (other)	1 point per 100 sq. ft. (corner); 1 point per 115 sq. ft. (other)
Public restrooms at ground level	1 point per 35 sq. ft.	1 point per 35 sq. ft.	1 point per 100 sq. ft.

**TABLE 21.04-3:
 DESIGN AMENITIES AND BONUS POINTS FOR CBD DISTRICTS**

Urban Design Amenity (*Streetscape Amenity)	Bonus Points for Districts		
	CBD-1	CBD-2	CBD-3
Climate-controlled public plaza or court (galleria)*	1 point per 50 sq. ft.	1 point per 70 sq. ft.	1 point per 100 sq. ft.
Shops (50 percent or more transparent windows on ground floor street front*)	1 point per 100 sq. ft.	1 point per 130 sq. ft.	1 point per 200 sq. ft.
Shops (Less than 50 percent transparent windows on ground floor street front)	1 point per 140 sq. ft.	1 point per 225 sq. ft.	1 point per 160 sq. ft.
Shops (Second floor shops)	1 point per 140 sq. ft.	1 point per 225 sq. ft.	1 point per 160 sq. ft.
Shops (Third floor or basement level)	1 point per 350 sq. ft.	N/A	N/A
Commercial theater	1 point per 200 sq. ft.	N/A	N/A
Public rooftop recreation area or public viewing deck	1 point per 100 sq. ft.	1 point per 100 sq. ft.	1 point per 200 sq. ft.
Housing	1 point per 140 sq. ft. of area devoted to housing	1 point per 80 sq. ft. of area devoted to housing	1 point per 80 sq. ft. of area devoted to housing
Hotels	1 point per 200 sq. ft. of area devoted to hotel rooms	1 point per 200 sq. ft. of area devoted to hotel rooms	1 point per 300 sq. ft. of area devoted to hotel rooms
Enclosed parking	N/A	11 points per space above or on grade; 13 points per space below grade	10 points per space above or on grade; 14 points per space below grade
Transit amenities	3 points per covered shelter; 10 points per bus pull-out	3 points per covered shelter; 10 points per bus pull-out	3 points per covered shelter; 10 points per bus pull-out
Historic preservation	1 point per 200 sq. ft. of area devoted to a retained historic structure	1 point per 200 sq. ft.	1 point per 200 sq. ft.
Sidewalk landscaping* (not otherwise credited)	1 point per 425 sq. ft. (public land); 1 point per 30 sq. ft. (private land)	1 point per 425 sq. ft. (public land); 1 point per 30 sq. ft. (private land)	1 point per 425 sq. ft. (public land); 1 point per 30 sq. ft. (private land)
Skywalks ²⁰	10 points per skywalk	10 points per skywalk	10 points per skywalk
Day care, 24-hour child care facilities	1 point per 200 sq. ft.	1 point per 200 sq. ft.	1 point per 200 sq. ft.

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- iv. Amenities for which bonus points have been granted must be maintained after construction of a project; provided, however, that amenities can be eliminated and others substituted on a point-for-point basis upon the approval of Department staff.
- v. Maximum height near Town Square Park is as follows:

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(A) The maximum height of structures in Blocks 69 through 71, Anchorage Original Townsite, shall not exceed the following:

- (1) *Block 69*
 - Northwest quarter: 115 feet.
 - Northeast quarter: 85 feet.
 - South half: 200 feet.
- (2) *Block 70*
 - North half: 55 feet.
 - South half: 230 feet.
- (3) *Block 71*
 - Northwest quarter: 85 feet.
 - Northeast quarter: 115 feet.
 - South half: 200 feet.

(B) The Director may waive this height limit for a structure that will not cast a shadow greater than that cast by existing structures on the Town Square Park on Block 51, Anchorage Original Townsite, from April 21 to August 21 between the hours of 9:00 a.m. and 3:00 p.m., solar time.

(C) Subject to the maximum height requirements of the Airport Height Overlay District, at the request of the owner of a lot in Blocks 69 through 71, Anchorage Original Townsite, the right to construct the amount of building square footage permitted on that lot under subsections i. through iii. above, less the amount allowed under this subsection v., may be added to the amount allowed under this title on one or more lots not in those blocks located in the CBD-1, CBD-2, or CBD-3 district. The extent of additional footage available under this provision shall be calculated by the Director, and a letter stating the transfer shall be recorded against the property.²¹

vi. Structures in excess of three stories shall be allowed additional buildable area for that portion of the required sidewalk within private property between the structure setback line determined by section 21.06.020.A.7., *Setbacks from Projected Rights-of-Way*, and a sidewalk width of 11.5 feet. This additional area shall be calculated by multiplying the lineal feet of sidewalk affected by this subsection by 33 feet. This additional area can be included as part of the maximum building height allowed in the Airport Height Overlay District.

1 **D. CBD-2: Central Business District, Intermediate**

2 **1. Purpose**

3 The CBD-2 district is intended to create financial, office, and hotel areas
4 surrounding the predominately retail, public, and institutional core of the
5 central business district. The district permits and encourages high-density
6 residential uses.

7 **2. District-Specific Standards**

8 Development in the CBD-2 District shall comply with the requirements set
9 forth in subsection C.2.b. above, *Bulk Regulations and Maximum Lot*
10 *Coverage for CBD Districts*, and C.2.c. above, *Maximum Height of Structures*
11 *in CBD Districts*.

12 **E. CBD-3: Central Business District, Periphery**

13 **1. Purpose**

14 The CBD-3 district is intended to create financial, office, and hotel areas at
15 the periphery of the central business district. The district also permits
16 secondary retail uses. The height limitations in this district are intended to
17 help preserve views and to conform structures to the geologic characteristics
18 of the western and northern boundaries of the district. The district permits
19 and encourages residential uses.

20 **2. District-Specific Standards**

21 Development in the CBD-3 District shall comply with the requirements set
22 forth in subsection C.2.b. above, *Bulk Regulations and Maximum Lot*
23 *Coverage for CBD Districts*, and C.2.c. above, *Maximum Height of Structures*
24 *in CBD Districts*.

25 **F. MC: Marine Commercial District²²**

26 **1. Purpose**

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

31 **2. District-Specific Standards**

32 **a.** Food and beverage establishments shall provide direct visual or
33 physical public access to the waterfront.

34 **b.** Buildings shall include special design considerations that enhance the
35 relationship between the shoreline and the proposed site
36 development.

37 **G. O: Office District²³**

38 **1. Purpose**

39 The Office district is intended to provide areas for professional, business, and
40 medical service (outpatient) office uses, along with a limited amount of
41 compatible multi-family residential development. The district provides for
42 small- to medium-sized office buildings, often in transition locations between
43 residential areas and more intense commercial uses and road traffic, or in

1 commercial locations inappropriate for auto-oriented retail uses or intense
2 mixed-uses.

3 **2. District-Specific Standards**

4 **a. Limitations on Retail Uses**

5 Any uses categorized by this Code as “retail (sales),” “retail (personal
6 services),” or “food and beverage service” may be located in the
7 Office district only within a building that also contains office and/or
8 residential uses. Such retail uses shall be limited to 30 percent of the
9 gross floor area of the building. No outdoor storage or merchandise
10 display is allowed.

11 **b. Limitations on Visitor Accommodations**

12 Any uses categorized by this Code as “visitor accommodation” shall
13 comply with the multi-family residential design standards set forth in
14 section 21.07.100.F. and G.

15 **c. Minimum Residential Density**

16 Any multiple-family residential uses in the Office district shall have a
17 minimum density of at least 18 units/acre, when such uses are the
18 primary use on a lot.

19 **3. District Location Requirements**

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

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

26 **b.** The Office district shall not be located in or expand into residential
27 areas that are designated by adopted plan for minimum housing
28 density or that are intended to retain historically predominant
29 residential use or single-family character.

30 **21.04.040 MIXED-USE DISTRICTS²⁴**

31 **A. General Purpose/Intent**

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

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

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

25 **B. RMX: Residential Mixed-Use District**

- 26 1. **Purpose**
27 The RMX district is intended to facilitate the development of higher-density
28 residential development surrounding the CCMU, RCMU, and MMU districts.
29 The RMX area contains primarily medium- to higher-density residential
30 development, though it also may contain some limited small-scale
31 commercial, institutional, recreational, and service facilities needed to support
32 residential development. Development in the RMX district should facilitate
33 and encourage pedestrian travel between residential and nonresidential uses.
34 This residential district is often adjacent and incidental to a mixed-use core of
35 a town center, neighborhood commercial center, or other type of mixed-use or
36 major employment center designated in the Comprehensive Plan.
- 37 2. **District-Specific Standards**
 - 38 a. ***Mixed-Use Development Standards***
39 Development in the RMX district shall comply with section
40 21.04.050.H., *Mixed-Use District Development Standards*.

- 1 **b. *Neighborhood Scale and Intensity of Uses and Activities***
 2 Non-residential uses in the RMX district shall comply with the
 3 following gross floor area restrictions:

TABLE 21.04-4: GROSS FLOOR AREA LIMITATIONS IN THE RMX DISTRICT	
Use	Gross Floor Area Limit^{2b}
- Convenience store - General retail	3,000 sq. ft. maximum
- Financial institution	3,000 sq. ft maximum, provided that the majority area of such use provides retail services
- Animal grooming service or pet shop - Restaurant	2,500 sq. ft. maximum per use
- Offices - Retail (personal service)	1,500 sq. ft. maximum per use
- Extended-stay lodgings or inn - Grocery or food store	5,000 sq. ft. maximum

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 5 **3. District Location Requirement**

6 The subject property shall be in an area designated for medium or high
 7 intensity residential use, and adjacent to a designated community commercial
 8 mixed-use center, regional commercial center, or Downtown/Midtown major
 9 employment center, on the Land Use Plan Map or an adopted district or
 10 neighborhood plan.

11 **C. NMU-1: Small-Scale Neighborhood Mixed-Use District²⁶**

12 **1. Purpose**

13 The NMU-1 district is intended for small, compact commercial centers within
 14 or surrounded by residential areas, compatible in scale and character with
 15 surrounding residential uses, to serve the convenience needs of the
 16 immediately surrounding neighborhood. NMU-1 centers are between one-half
 17 and four acres in size. Small-scale offices, retail, and upper-story residential
 18 uses are allowed. Continuous retail frontages, largely uninterrupted by
 19 driveways and parking, are encouraged. Gross floor area limitations help
 20 ensure that businesses are consistent with the scale of the surrounding area.

21 **2. District-Specific Standards**

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

23 Development in the NMU-1 district shall comply with section
 24 21.04.050.H., *Mixed-Use District Development Standards*.

25 **b. Ground-Floor**

26 The ground-floor level of all buildings in the NMU-1 district shall be
 27 limited to retail uses, with the exception of small lobbies to allow
 28 access to residential and office uses on upper floors.

29 **c. Drive-Throughs Prohibited**

30 No drive-throughs shall be allowed in the NMU-1 district.

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d. Gross Floor Area Limitations

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

TABLE 21.04-5: GROSS FLOOR AREA LIMITATIONS IN THE NMU-1 DISTRICT	
Use	Gross Floor Area Limit ²⁷
- Convenience store - General retail	3,000 sq. ft. maximum, provided that such establishment has a floor area ratio (FAR) of at least 0.5, and does not exceed 35% of the NMU district
- Financial institution	3,000 sq. ft maximum, provided that the majority floor area of such establishment provides retail services.
- Animal grooming service - Governmental office - Office, business or professional - Pet shop - Restaurant - Retail (personal services)	1,500 sq. ft. maximum per establishment
-Farmers market	10,000 sq. ft. maximum if indoors; total development site size of no greater than 20,000 square feet.
-Grocery or food store	20,000 sq. ft. maximum, provided that such establishment has a floor area ratio (FAR) of at least 0.5, and does not exceed 50% of the NMU district

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3. District Location Requirements

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

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- a. New NMU-1 districts larger than 1.5 acres shall be located on an arterial or collector street, and existing NMU-1 districts shall not be enlarged unless the site abuts an arterial or collector street.
- b. No NMU-1 district shall be larger than four acres.
- c. The subject property shall be in an area intended primarily for neighborhood-scale commercial mixed-use center on the Land Use Plan Map or an adopted district or neighborhood plan.

D. NMU-2: Neighborhood Mixed-Use District²⁸

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1. Purpose

The NMU-2 district is intended for neighborhood retail service centers at a larger scale than allowed by the NMU-1 district. NMU-2 centers are generally between four and 30 acres in size. The NMU-2 district should contain primarily commercial uses that serve the daily needs of nearby neighborhoods (e.g., small grocery/convenience store, drug store, religious assembly, service station) located in close proximity to one another. Multi-family residential and limited office uses also are allowed. Siting and

1 architectural design and scale of structures in this district should be
2 compatible with surrounding neighborhoods. The NMU-2 district may be used
3 for commercial retail segments of linear transit-supportive development
4 corridors, in addition to nodal centers. The NMU-2 district may be used for
5 the “neighborhood commercial centers” identified in the *Anchorage 2020*
6 *Anchorage Bowl Comprehensive Plan*.

7 **2. District-Specific Standards**

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

9 Development in the NMU-2 district shall comply with section
10 21.04.050.H., *Mixed-Use District Development Standards*.

11 **b. District Location Requirements**

12 In addition to meeting the general rezoning criteria, the following
13 requirements apply in the establishment or enlargement of NMU-2
14 districts:

15 i. New NMU-2 areas and NMU-2 districts proposed for
16 expansion shall be located within one to two miles of a
17 residential population of at least 10,000 people, and at the
18 intersection of two arterials or an arterial and a collector
19 street.

20 ii. The NMU-2 district shall not be extended along street
21 corridors or into adjacent residentially zoned areas unless
22 consistent with an adopted plan.

23 iii. The subject property shall be in an area intended for
24 neighborhood scale commercial mixed-use center, or transit-
25 oriented development corridor on the Land Use Plan Map or
26 an adopted district or neighborhood plan.

27 **E. CCMU: Community Commercial Mixed-Use District²⁹**

28 **1. Purpose**

29 The CCMU district is intended to facilitate the development of a mixed-use
30 center at the community scale. Communities are generally made up of three
31 to five neighborhoods. Community centers are intended to be generally one-
32 quarter to one-half mile in diameter and located approximately two to four
33 miles apart. The CCMU area is intended to include commercial, institutional,
34 recreational, and service facilities needed to support the surrounding
35 neighborhoods (e.g., large supermarket, large drug store, specialty shops,
36 and community park). Medium- to higher-density housing should be located
37 around the district, and development should facilitate pedestrian connections
38 between residential and nonresidential uses. The CCMU district may be used
39 for commercial retail segments of linear transit-supportive development
40 corridors, in addition to nodal centers. The CCMU district may be used for the
41 “town centers” and the “redevelopment/mixed-use areas” identified in the
42 *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

43 **2. District-Specific Standards**

44 Development in the CCMU district shall comply with section 21.04.050.H.,
45 *Mixed-Use District Development Standards*.

- 1 **3. District Location Requirement**
2 The subject property shall be in an area intended for community-scale
3 commercial mixed-use center or transit-oriented development corridor on the
4 Land Use Plan Map or an adopted district or neighborhood plan.
- 5 **F. RCMU: Regional Commercial Mixed-Use District³⁰**
- 6 **1. Purpose**
7 The RCMU district is intended to facilitate the development of a mixed-use
8 center at the regional scale. A region is a collection of adjacent communities.
9 The district should provide commercial, office, institutional, and residential
10 uses and structures at higher intensities than surrounding areas. The area
11 should contain concentrations of medium- to high-density office development,
12 with employment densities of 50 employees per acre or more. The area also
13 should contain a broad mix of complementary uses, which may include major
14 civic and public facilities and parks. The district should contain or be
15 surrounded by high-density housing, and development should facilitate and
16 encourage pedestrian travel between residential and nonresidential uses.
- 17 **2. District-Specific Standards**
18 Development in the RCMU district shall comply with section 21.04.050.H.,
19 *Mixed-Use District Development Standards.*
- 20 **3. District Location Requirement**
21 The subject property shall be in an area intended for regional-scale
22 commercial mixed-use center on the Land Use Plan Map or an adopted
23 district or neighborhood plan.
- 24 **G. MMU: Midtown Mixed-Use District³¹**
- 25 **1. Purpose**
26 The MMU district is intended to facilitate the development of a high-intensity
27 mix of uses in the Midtown area, which is the area of the highest employment
28 densities and tallest building heights outside of the downtown. The MMU
29 district should provide commercial, office, institutional, and residential uses
30 and structures at higher intensities than surrounding areas. The area should
31 have employment densities of at least 50 employees per acre. The area also
32 should contain a broad mix of complementary uses, which may include major
33 civic and public facilities and parks. The district should contain or be
34 surrounded by high-density housing, and development should facilitate and
35 encourage pedestrian travel between residential and nonresidential uses.
36 Transit and pedestrian facilities are important components of development in
37 the district, in order to reduce demand for auto travel as well as increase
38 visual interest.
- 39 **2. District-Specific Standards**
40 Development in the MMU district shall comply with section 21.04.050.H.,
41 *Mixed-Use District Development Standards.*
- 42 **3. District Location Requirement**
43 The MMU district may only be applied in the Midtown area.

1 **H. Mixed-Use District Development Standards³²**

2 **1. Applicability**

3 All development in the RMX, NMU-1, NMU-2, CCMU, RCMU, and MMU
4 districts shall comply with the appropriate development standards in chapter
5 21.07, and also the standards in this subsection 21.04.050.H. When the
6 standards of this subsection and section 21.07.110 are in conflict, the
7 standards of this subsection shall control.

8 **2. FAR Incentives**

9 In the NMU-1, NMU-2, and CCMU districts, the following incentives apply and
10 may be earned cumulatively:

11 **a. Incentive for Additional Residential Development**

12 An additional 0.07 FAR may be obtained beyond the maximum
13 allowed by section 21.06.010.C. if the additional 0.07 FAR is
14 residential, and 50 percent or more of the gross floor area of the
15 development project is residential.

16 **b. Incentive for Additional Private Usable Open Space**

17 An additional 0.02 FAR may be obtained beyond the maximum
18 allowed by section 21.06.010.C. if the additional 0.02 FAR is
19 residential, and the majority of residential dwellings in the
20 development project each have at least 72 square feet of private
21 usable open space.

22 **3. Mix and Intensity of Land Uses and Activities**

23 **a. Purpose**

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

29 **b. Public Focus Areas³³**

30 Any mixed-use development that is one gross acre or larger shall
31 include a public focus area such as a public/institutional use, plaza,
32 public space, or town square. The purpose of such an area is to
33 encourage the presence of civic or institutional uses, such as a public
34 library; to promote mixed-use areas as centers of community activity;
35 and to attract greater pedestrian traffic and activity to mixed-use
36 areas.

37 **4. Reduced Parking Ratios**

38 Development in the mixed-use districts shall only be required to provide 95%
39 of the off-street parking required in section 21.07.090, *Off-Street Parking and*
40 *Loading*.

41 **5. Building Placement and Orientation**

42 **a. Placement, Orientation, and Openness to the Sidewalk**

43 **i. Purpose**

44 Building frontages should be built and oriented to the street,
45 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.

ii. *Building Placement and Street Setbacks*
 Buildings shall be built to or close to the public sidewalk, using the setbacks required in subsection 21.06.010.C., *Table of Dimensional Standards: Mixed Use and Other Districts*.

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

6. **Pedestrian Amenities³⁴**

a. ***Pedestrian Amenities Required***

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

TABLE 21.04-6: PEDESTRIAN AMENITIES	
Size of Development or Redevelopment (Building Square Footage)	Number of Amenities
Less than 5,000 sq. ft.	1
5,000 – 10,000 sq. ft.	2
10,000 – 50,000 sq. ft.	3
Greater than 50,000 sq. ft.	4

b. ***Acceptable Pedestrian Amenities***

Acceptable pedestrian amenities include, but are not limited to:

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

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

iii. Sidewalk planters between sidewalk and building.

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

3 8. Ensure that the appearance of industrial buildings and uses are of high quality
4 and are compatible with the character of the area in which they are located.

5 **B. IC: Industrial / Commercial District³⁵**

6 **1. Purpose**

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

13 **2. District-Specific Standards**

14 To maintain the predominantly industrial character of this district, each
15 individual commercial use in the IC district shall be limited to not more than
16 7,500 square feet in size, and no more than three commercial uses shall be
17 located within any one building.

18 **C. I-1: Light Industrial District³⁶**

19 **1. Purpose**

20 The I-1 district is intended primarily for public and private light manufacturing,
21 processing, service, storage, wholesale, and distribution operations.

22 **D. I-2: Heavy Industrial District³⁷**

23 **1. Purpose**

24 The I-2 district is intended primarily for public and private heavy
25 manufacturing, storage, major freight terminals, waste and salvage, resource
26 extraction, and other related uses.

27 **E. MI: Marine Industrial District³⁸**

28 **1. Purpose**

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

32 **2. District-Specific Standards**

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

35 **21.04.060 OTHER DISTRICTS**

36 **A. AD: Airport Development District³⁹**

37 **1. Purpose**

38 The AD district includes all lands and water areas owned by the Ted Stevens
39 Anchorage International Airport, Merrill Field Airport, and Birchwood Airport.

- 1 2. **District-Specific Standards**
2 [RESERVED] (still discussing with airports)
- 3 B. **AF: Antenna Farm District⁴⁰**
- 4 1. **Purpose**
5 The AF district is intended to create areas dedicated to the erection and
6 maintenance of communication equipment at reasonable cost and to
7 encourage the concentration of such equipment in a few sites throughout the
8 Municipality.
- 9 C. **OL: Open Lands District⁴¹**
- 10 1. **Purpose**
11 The OL district is applied to lands intended for future development, including
12 undesignated municipally owned lands. Large-lot single-family residential
13 development is allowed by right, though rezoning and/or master planning shall
14 occur prior to other types of development.
- 15 D. **PLI: Public Lands and Institutions District⁴²**
- 16 1. **Purpose**
17 The PLI district is intended to include major public and quasi-public civic,
18 administrative, and institutional uses and activities.
- 19 E. **PR: Parks and Recreation District⁴³**
- 20 1. **Purpose**
21 The PR district is intended to include public lands and open space designated
22 by the Assembly as parks. The land uses within these parks are governed by
23 the current adopted Parks Plan and associated maps for that area of the
24 Municipality, and any existing master plans for individual parks.
- 25 F. **TA: Turnagain Arm District⁴⁴**
- 26 1. **Purpose**
27 The TA district is intended to govern the land uses for that area known as
28 Turnagain Arm south of Potter Marsh, including but not limited to Rainbow,
29 Indian, Bird Creek, and Portage. Areas within Girdwood are not included in
30 the TA district and are covered by chapter 21.09, *Girdwood*. The permitted
31 uses and densities within the TA district are to conform to the policies, land
32 use patterns, and residential densities of the adopted Turnagain Arm
33 Comprehensive Plan. This district is structured to integrate flexible site
34 design with protection of unique scenic and environmental features, and to
35 provide control over the major secondary impacts of development. The TA
36 district regulations employ the conditional use process to provide review for
37 major development activities. By providing a public review process and by
38 requiring submission of detailed site plans, greater compatibility between the
39 proposed uses and adjacent existing uses can be obtained.
- 40 2. **District-Specific Standards**
41 a. ***Additional Conditional Uses Allowed***
42 In addition to the uses allowed in the TA district in accordance with
43 Table 21.05-2, *Table of Allowed Uses – Commercial, Industrial,*

1 *Mixed-Use, and Other Districts*, the following uses may be allowed
2 through the issuance of a conditional use permit subject to the
3 requirements of section 21.03.070, *Conditional Uses*:

- 4 i. *Multi-Family Dwellings*
5 Multi-family dwellings that are four-plex or greater in density.
- 6 ii. *Commercial Uses*⁴⁵
7 (A) Commercial structures of more than 2,000 square
8 feet in gross building area in areas designated
9 "residential-commercial" on the Turnagain Arm
10 Comprehensive Plan.
- 11 (B) Commercial structures of more than 4,000 square
12 feet in gross building area in areas designated
13 "commercial" on the Turnagain Arm Comprehensive
14 Plan.
- 15 (C) Uses occupying an area of more than 14,400 square
16 feet in those areas designated as "commercial" or
17 "residential-commercial" on the Turnagain Arm
18 Comprehensive Plan.
- 19 iii. *Institutional Uses*
20 Any institutional use located in any area, so long as the use is
21 permitted in the PLI district.
- 22 iv. *Industrial Uses*
23 Industrial uses located within any area not designated as
24 "industrial" on the Turnagain Arm Comprehensive Plan;
25 (industrial uses located with areas so designated shall be
26 permitted).

27 **G. W: Watershed District**⁴⁶

28 **1. Purpose**

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

35 **21.04.070 OVERLAY ZONING DISTRICTS**

36 **A. General Purpose/Intent**

37 The overlay zoning districts of this section apply in combination with the underlying
38 base zoning districts and impose regulations and standards for specific areas in
39 addition to what is required by the base districts. The requirements of an overlay
40 district shall apply whenever they are in conflict with those in the base district.
41 Variances may not be granted from the overlay district regulations of this section

1 unless specifically provided for in this section. The following overlay districts are
2 established:

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

6 **B. Creation, Alteration, or Elimination of Overlay Districts⁴⁷**

7 The creation, alteration, or elimination of an overlay district is a rezoning and is
8 governed by the provisions of section 21.03.050F., *Rezoning to Create, Alter, or*
9 *Eliminate Overlay Districts.*

10 **C. AHO: Airport Height Overlay District⁴⁸**

11 **1. Purpose**

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

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

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

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

28 **3. Establishment or Modification**

29 In addition to the standard submittals required to initiate an overlay map
30 amendment pursuant to section 21.03.050F., establishment of an Airport
31 Height Overlay District also shall require preparation of an airport height map
32 as set forth in this section:

- 33 a. The owner or manager of any airport may prepare an airport height
34 map in accordance with the provisions of this subsection and the
35 stipulations of FAR part 77, subpart C, paragraph 77.23(A)(2),
36 77.23(A)(3) or 77.25. The owner or manager of a governmentally
37 operated airport shall prepare and maintain an airport height map in
38 accordance with FAR part 77, subpart C, paragraph 77.25. The map
39 shall be filed with the Department.

- 1 b. The map shall be to scale and shall accurately reference the
2 following:
- 3 i. Existing subdivisions.
- 4 ii. Current zoning districts.
- 5 iii. Major reference points in the vicinity of the airstrip or airport.
- 6 iv. Existing topography, if available.
- 7 v. The airport elevation that shall be the official elevation of the
8 airport or airstrip upon approval of the map.
- 9 c. The map required by paragraph a. above, shall accurately depict
10 airspace zones as provided in FAR part 77, subpart C, paragraph
11 77.25, in ten-foot conical increments. Before submission to the
12 Department the map shall be certified by the Federal Aviation
13 Administration that it depicts the requirements of FAR part 77, subpart
14 C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in
15 any way from the requirements of the FAR, each such deviation shall
16 be indicated in writing on the map and shall be accompanied by a
17 letter of nonobjection by the Federal Aviation Administration. Any
18 such deviation is subject to approval of the Department.
- 19 d. Before submission to the Department any optional map depicting
20 airspace zones provided in FAR part 77, subpart C, paragraph
21 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation
22 Administration indicating that it accurately depicts the requirements of
23 FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3).
- 24 **4. Additional Height Limitations in Airport Height Overlay District**
25 Notwithstanding the height limitations in section 21.06.010, *Dimensional*
26 *Standards Tables*, all development within the Airport Height Overlay District
27 shall comply with the following height limitations:
- 28 a. No structure shall be constructed or maintained so that it exceeds the
29 greater of:
- 30 i. Thirty-five feet above ground elevation; or
- 31 ii. The maximum height permitted under FAR part 77, subpart
32 C, as depicted on any airport height zone map adopted under
33 section 21.04.070.C., *Airport Height Overlay District*.
- 34 b. Any structure within three nautical miles of an airport reference point
35 established by federal regulation, the height of which exceeds the
36 level of that reference point by more than 200 feet, shall present to
37 the Building Official the results of an airspace determination
38 conducted by the Federal Aviation Administration pursuant to its
39 regulations.

1 c. The height restrictions of this district do not apply to buildings for
2 which building or land use permits were issued prior to June 17,
3 1986.⁴⁹

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

5 **D. NCO: Neighborhood Conservation Overlay District⁵⁰**

6 **1. Purpose**

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

15 **2. Establishment or Modification⁵¹**

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

23 **a. Eligibility Criteria**

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

26 i. The proposed district includes a minimum area of at least two
27 contiguous acres, including intervening streets and other
28 rights-of-way, and contains at least three separate parcels.

29 ii. At least 75 percent of the land area within the proposed
30 district, not including streets and other rights-of-way, is
31 developed.

32 iii. As of the date of application for designation, at least 50
33 percent of the developed lots contain principal structures that
34 are more than 20 years old.

35 iv. The proposed area has a distinctive character with
36 identifiable attributes, embodied in architecture, use, urban
37 design, or history that make it an integral part of the
38 Municipality's identity.

39 v. The proposed area has a recognized neighborhood identity
40 and a definable physical character that makes the area's
41 conservation important to the Municipality's history or
42 function.

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- b. Determination of Eligibility**
 - i. Requests to establish or modify NCO districts may originate with any interested citizen or citizen group and shall be presented to the Director for consideration. Citizens or groups that request a determination of eligibility are responsible for gathering and preparing the materials necessary to justify whether the neighborhood meets the eligibility criteria.
 - ii. Working with the Director, the Urban Design Commission shall conduct a preliminary consideration of the eligibility of the proposed area based on the criteria set forth in subsection a. above. The Urban Design Commission may conduct informal meetings with residents of the community, seek the advice of preservation professionals and historians, and conduct or receive any preliminary research or studies to assist with its decision regarding eligibility.
- c. Preparation of Neighborhood Conservation Plan**
 - i. If the Urban Design Commission determines that the general area is eligible to become a NCO district, it shall direct the Director to notify the property owners in the proposed area as identified in municipal tax records, through first class mail, that an informational meeting will be conducted and that a task force will be formed to assist the Urban Design Commission in preparing a Neighborhood Conservation Plan for the district. The task force shall be appointed by the Urban Design Commission and be composed of individuals representing various interests in the area under consideration and members of the Urban Design Commission. The Director shall appoint a liaison from the Municipality's staff to serve on the task force.
 - ii. The Neighborhood Conservation Plan shall detail the boundaries of the district, document the history and significance of the area, provide photographs of properties within the area, and present proposed design standards and guidelines for regulating future development in the district.
 - iii. The Urban Design Commission shall review the Neighborhood Conservation Plan, including the proposed boundaries and design guidelines, and shall then vote whether to recommend to the Planning and Zoning Commission that the area be designated an NCO district.
- d. Property Owners' Approval**

Prior to submission to the Planning and Zoning Commission, the Neighborhood Conservation Plan shall be made available for review by all of the owners of parcels in the proposed district. Each property owner shall indicate whether they are for, against, or undecided on the application. If the signature of an owner cannot be obtained, the applicant may substitute a signed affidavit stating that the applicant has attempted in good faith to obtain the signature of the owner but

1 has been unable to do so. Owners of record will be based on
2 currently available municipal assessor's information. At least 51
3 percent of the property owners within the proposed district must
4 approve the application before it may be submitted to the Planning
5 and Zoning Commission for review.

6 e. **Rezoning Process**

7 If the Urban Design Commission recommends designation of the
8 NCO district, and at least 51 percent of the property owners indicate
9 approval, then the Director shall forward the application to the
10 Planning and Zoning Commission for an amendment to include the
11 district on the zoning map. The application shall then be processed
12 according to the general rezoning procedures set forth in section
13 21.03.050C., *General Procedures*.

14 f. **Findings Required**

15 In addition to the general approval criteria applicable to all proposed
16 rezonings, an application for designation of a NCO district may be
17 approved only if the Assembly finds that:

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

20 ii. The district evidences on-going maintenance of existing older
21 buildings and/or there is potential for rehabilitation of existing
22 buildings in the district;

23 iii. There is potential or existing pressures for redevelopment
24 and new infill development in the district;

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

28 v. The proposed development standards are appropriate to
29 protect and preserve the general character and appearance
30 of the district.⁵²

31 g. **Establishment of NCO District**

32 The Assembly shall designate each NCO district by separate
33 ordinance that shall include a map defining the overlay boundaries
34 and an adopted Neighborhood Conservation Plan that shall establish
35 standards and conditions for future development in the district
36 consistent with the purposes of the plan. The Neighborhood
37 Conservation Plan shall be adopted as a component of the
38 Comprehensive Plan (see section 21.01.080, *Comprehensive Plan*).

39 h. **Amendments to Approved Neighborhood Conservation Districts**

40 Any proposal to add or subtract parcels to an adopted NCO District,
41 including the dissolution of the district, or any proposed modification
42 to the development standards in an NCO district, shall be subject to
43 the procedural requirements set forth in this subsection.

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3. Development Application Review⁵³
Applications for development in an approved NCO district shall be reviewed by the regular decision-making body assigned by this code to hear such applications. For example, the Director shall review administrative site plans in an NCO district, and the Urban Design Commission shall review major site plans. Applications shall be reviewed for compliance with the Neighborhood Conservation Plan and associated development standards, in addition to any other applicable requirements of this code.

- 4. Development Standards⁵⁴**
- a. All new development, additions, changes, and expansions to existing structures must comply with the regulations associated with the NCO district.
 - b. Neighborhood Conservation Plans may contain neighborhood design standards related to any of the following issues: location of proposed buildings or additions; uses; height; size; exterior materials; demolition; exterior color; setbacks; lot size/coverage; roof line/pitch; paving; building orientation; relationship of buildings to the streetscape; location of parking; exterior lighting; neighborhood character and compatibility; view preservation of or from specific locations; landscaping and screening; riparian areas, wetland areas, or drainage patterns; and site disturbance.
 - c. In no circumstance shall a Neighborhood Conservation Plan:
 - i. Relax or waive any standard of general applicability in this Code; or
 - ii. Allow uses that are prohibited in the underlying base zoning district.
 - d. When the neighborhood design standards have been approved for an NCO district, each application for a building permit for new construction within that district shall comply with those standards.

E. FHO: Flood Hazard Overlay District⁵⁵

- 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;

- 1 c. Minimize the need for rescue and relief efforts associated with
2 flooding and generally undertaken at the expense of the general
3 public;
- 4 d. Minimize prolonged business interruptions;
- 5 e. Minimize damages to public facilities and utilities such as water and
6 gas mains, electric, telephone and sewer lines, streets and bridges
7 located in areas of special flood hazard;
- 8 f. Help maintain a stable tax base by providing for the sound use and
9 development of areas of special flood hazard so as to minimize future
10 flood blight areas;
- 11 g. Ensure that potential buyers are notified that property is in an area of
12 special flood hazard; and
- 13 h. Ensure that those who occupy the areas of special flood hazard
14 assume responsibility for their actions.

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

- 16 a. In the interpretation and application of this section, all provisions shall
17 be:
 - 18 i. Considered as minimum requirements;
 - 19 ii. Liberally construed in favor of the governing body; and
 - 20 iii. Deemed neither to limit nor repeal any other powers granted
21 under state statutes.
- 22 b. The degree of flood protection required by this section is considered
23 reasonable for regulatory purposes and is based on scientific and
24 engineering considerations. Larger floods can and will occur on rare
25 occasions. Flood heights may be increased by manmade or natural
26 causes. This section does not imply that land outside the areas of
27 special flood hazard or uses permitted within such area will be free
28 from flooding or flood damages. This section shall not create liability
29 on the part of the Municipality, any officer or employee thereof, or the
30 Federal Insurance Administration for any flood damages that result
31 from reliance on this section or any administrative decision lawfully
32 made thereunder.

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

- 35 a. ***Creation of District; Adoption of Reports and Maps***
36 There is hereby created a Flood Hazard Overlay District. This district
37 shall be defined in its territorial extent by subsection 4. below,
38 "Establishment of Flood Hazard Overlay District," and by the following
39 reports and maps:

- 1 i. Flood Insurance Study for the Municipality of Anchorage,
2 prepared by the Federal Insurance Administration, Federal
3 Emergency Management Agency (FEMA).
- 4 ii. Flood insurance rate map (FIRM) prepared by the Federal
5 Insurance Administration, FEMA.
- 6 iii. Flood boundary and floodway map, prepared by the Federal
7 Insurance Administration, FEMA.
- 8 iv. Flood hazard boundary map (FHBM), prepared by the
9 Federal Insurance Administration, FEMA.

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

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

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

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

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

42 **b. *Prohibited Development***
43 Any encroachments, new construction, fill, obstructions, substantial
44 improvements and other development or action within the regulatory

1 floodway that would result in any increase in flood levels during the
2 occurrence of a base flood are prohibited.

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

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

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

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

23 iii. The approval of a subdivision application shall require proof
24 that:

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

27 (B) All public utilities and facilities such as sewer, gas,
28 electrical and water systems are to be located and
29 constructed to minimize or eliminate flood damage;

30 (C) Adequate drainage is provided to reduce exposure to
31 flood hazards; and

32 (D) Base flood elevation data has been provided for
33 subdivision proposals and other proposed development
34 which contains at least 50 lots or five acres, whichever is
35 less.

36 iv. Construction within floodplains shall require that new and
37 replacement water supply systems be designed to minimize
38 or eliminate infiltration of floodwaters into the systems.

39 v. Construction within floodplains shall require that:

40 (A) New and replacement sewage systems shall be
41 designed to minimize or eliminate infiltration of

1 floodwaters into the systems and discharges from the
2 systems into floodwaters; and

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

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

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

11 6. **Regulations Applicable to Subdistricts**

12 a. **Floodway Area**

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

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

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

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

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

38 b. **Floodway Fringe Area**

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

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

1 reconstruction or improvement has commenced; and for
2 manufactured homes not placed in a manufactured home
3 park or manufactured home subdivision, require that the
4 repair, and on all property not within a manufactured home
5 park or subdivision stands or lots are elevated on compacted
6 fill or on pilings so that:

7 (A) The lowest floor of each manufactured home must be at
8 or above the base flood level.

9 (B) Adequate surface drainage and access for a hauler must
10 be provided.

11 (C) For manufactured homes placed on pilings, pilings must
12 be stable and no more than ten feet apart and reinforced
13 if more than six feet above the ground level.

14 (D) Lots must be large enough to permit steps.

15 vi. All manufactured homes to be placed or substantially
16 improved within zones A1-30, AH and AE shall be elevated
17 on a permanent foundation such that the lowest floor of the
18 manufactured home is at or above the base flood elevation,
19 and be securely anchored to an adequately anchored
20 foundation system.

21 vii. All manufactured homes must likewise be anchored to
22 prevent flotation, collapse or lateral movement, and shall be
23 installed using methods and practices that minimize flood
24 damage. Anchoring methods may include but are not limited
25 to use of over-the-top or frame ties to ground anchors.

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

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

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

40 ii. New construction and substantial improvements of
41 nonresidential structures within AO zones shall either:

42 (A) Have the lowest floor, including basement, elevated
43 above the highest adjacent grade of the building site, or

1 to or above the depth number specified on the Flood
2 Insurance Rate Map (at least two feet if no depth
3 number is specified); or

4 (B) Together with attendant utility and sanitary facilities, be
5 completely floodproofed to or above that level so that
6 any space below that level is watertight with walls
7 substantially impermeable to the passage of water and
8 with structural components having the capability of
9 resisting hydrostatic and hydrodynamic loads and effects
10 of buoyancy. If this method is used, compliance shall be
11 certified by a registered professional engineer or
12 architect.

13 iii. Adequate drainage paths are required around structures on
14 slopes to guide floodwaters around and away from proposed
15 structures.

16 c. **Standards for Zone A99**

17 All construction in areas designated on the flood insurance rate map
18 as zone A99 shall meet all requirements of subsections a. and b. of
19 this section.

20 8. **Special Flood Hazard Permit**

21 a. **Required**

22 No person shall engage in development within the Flood Hazard
23 Overlay District unless a special flood hazard permit is first issued,
24 pursuant to section 21.03.100, *Special Flood Hazard Permits*.

25 b. **Conditions**

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

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

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

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

39 iv. For all construction and substantial improvements, fully
40 enclosed areas below the lowest floor that are subject to
41 flooding shall be designed to automatically equalize
42 hydrostatic flood forces on exterior walls by allowing for the
43 entry and exits of floodwaters. Designs for meeting this
44 requirement must either be certified by a registered

1 professional engineer or architect or must meet or exceed the
2 following minimum criteria: A minimum of two openings
3 having a total net area of not less than one square inch for
4 every square foot of enclosed area subject to flooding shall
5 be provided. The bottom of all openings shall be no higher
6 than one foot above grade. Openings may be equipped with
7 screens, louvers or other coverings or devices provided that
8 they permit the automatic entry and exits of floodwaters.

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

12 vi. Water supply and waste treatment systems must prevent
13 infiltration of water.

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

16 **9. Nonconforming Uses**

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

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

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

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

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

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

38 **10. Duties of the Director of the Department of Project Management and**
39 **Engineering⁵⁶**

40 a. The Director of the Department of Project Management and
41 Engineering shall grant or deny development permit applications in
42 accordance with the provisions of this chapter, except that the platting

1 board is directed and authorized to consider this chapter in relation to
2 any matter brought before that board.

3 b. The Director of the Department of Project Management and
4 Engineering shall maintain all records required by the Federal
5 Insurance Administration and shall file an annual report with the
6 federal insurance administrator. Form OMB 64-R1546 shall be used
7 in accordance with 41 CFR 1909.22(b)(3)

8 c. Additional duties and responsibilities of the Director of the
9 Department of Project Management and Engineering are as follows:

10 i. *Permit Review*
11 The Director of the Department of Project Management and
12 Engineering shall:

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

15 (B) Review all flood hazard permits to determine that all
16 necessary permits have been obtained from those
17 federal, state, or local governmental agencies from
18 which prior approval is required.

19 (C) Review all flood hazard permits to determine if the
20 proposed development is located in the floodway, and, if
21 located in the floodway, ensure that the encroachment
22 provisions of subsection 6.a. above are met.

23 ii. *Use of Other Base Flood Data*
24 When base flood elevation data have not been provided in
25 accordance with subsection 2. above, the Director of the
26 Department of Project Management and Engineering shall
27 obtain, review and reasonably utilize any base flood elevation
28 data available from a federal, state or other source in order to
29 administer subsections 6. through 9. above.

30 iii. *Information to be Obtained and Maintained*
31 The Director of the Department of Project Management and
32 Engineering shall:

33 (A) Obtain and record the actual elevation, in relation to
34 mean sea level, of the lowest habitable floor, including
35 basement, of all new or substantially improved
36 structures, and whether or not the structure contains a
37 basement.

38 (B) For all new or substantially improved floodproofed
39 structures:

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

- 1 (2) Maintain the floodproofing certifications required
2 in subsection 7.a.4. above.
- 3 (3) Maintain for public inspection all records
4 pertaining to the provisions of this section.
- 5 iv. *Duties Regarding Alteration of Watercourses*
6 The Director of the Department of Project Management and
7 Engineering shall:
- 8 (A) Notify adjacent communities and the state coordinating
9 agency prior to any alteration or relocation of a
10 watercourse and submit evidence of such notification to
11 the Federal Insurance Administration.
- 12 (B) Require that maintenance is provided within the altered
13 or relocated portion of the watercourse so that the flood-
14 carrying capacity is not diminished.
- 15 v. *Interpretation of FIRM Boundaries*
16 The Director of the Department of Project Management and
17 Engineering shall make interpretations, where needed, as to
18 exact location of the boundaries of the areas of special flood
19 hazard, for example, where there appears to be a conflict
20 between a mapped boundary and actual field conditions. The
21 person contesting the location of the boundary shall be given
22 a reasonable opportunity to appeal the interpretation as
23 provided in subsection 11. below.
- 24 11. **Appeal Procedure**
25 Appeals alleging error by the Director of the Department of Project
26 Management and Engineering charged with the enforcement or interpretation
27 of this chapter may be taken to the Zoning Board of Examiners and Appeals
28 in accordance with the provisions of section 21.03.210, *Appeals*.
- 29 12. **Standards and Conditions for Variances and Appeals**
30 a. In passing upon variances or appeals, the Zoning Board of Examiners
31 and Appeals shall consider all technical evaluations, all relevant
32 factors, standards specified in other sections of this section and:
- 33 i. The danger that materials may be swept onto other lands to
34 the injury of others;
- 35 ii. The danger to life and property due to flooding or erosion
36 damage;
- 37 iii. The susceptibility of the proposed facility and its contents to
38 flood damage and the effect of such damage on the individual
39 owner;
- 40 iv. The importance of the services provided by the proposed
41 facility to the community;

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

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- 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.

¹ 2005 NOTE: There have been numerous major and minor text edits throughout this chapter to the general purpose statements, the district purpose statements, and some district names. Because of the volume of edits, all specific text changes are not individually tracked with footnotes, though major changes are noted.

² NOTE: This is a proposed consolidation of the existing R-1 and R-1A districts. The only distinction between the two districts in the current code is that R-1 has a smaller minimum lot size (6,000 square feet, versus 8,400 square feet in the R-1A district), and a smaller minimum lot width requirement (50 feet, versus 70 feet in R-1A). Further discussion is needed about the appropriate lot size and lot width in this new district. For discussion purposes, we propose using the lower minimum requirements to avoid making existing properties nonconforming. Staff agrees with this proposal.

³ NOTE: This is a proposed consolidation of the existing R-2A and R-2D districts. As with the proposed consolidation of the existing R-1 and R-1A districts, we propose using the lower minimum requirements to avoid making existing properties nonconforming. Staff agrees with this proposal.

⁴ NOTE: This district is based on the existing R-2M district. Based on *Anchorage 2020*, this district is intended to provide some neighborhoods with a greater diversity of housing by allowing a mix of dwelling types (single-family, two-family, and multi-family structures).

⁵ 2005 NOTE: The requirements for a mix of housing types have been removed per numerous comments and replaced with a suggested new incentive for a mix of housing types.

⁶ NOTE: This district is a proposed consolidation of the existing R-3 and R-4 districts, which are very similar in the current code.

⁷ NOTE: This is the existing R-5A district, but a new name is proposed for simplicity.

⁸ 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.

⁹ 2005 NOTE: This is the existing R-7 district. It originally proposed for elimination in the title 21 rewrite project, but now is proposed to be carried forward in its current form in response to numerous comments.

¹⁰ NOTE: This is the existing R-9 district; the existing R-8 district is proposed to be consolidated into this district.

¹¹ 2005 NOTE: The lot and site requirements have been relocated here from the prior version of chapter 21.06. This is the existing R-10 district.

¹² 2005 NOTE: Two comments on this provision (which is carried forward from the current code) ask whether this could be interpreted as a requirement to perform soil analysis to determine the presence of earthquake hazards. We are not aware of the Municipality enforcing this current provision in such a way, and are not aware of any plans to institute such a policy. Such a requirement, if implemented, should be in the form of a standard and not contained in a purpose statement.

¹³ 2005 NOTE: Two comments both questioned this table, believing it to be a new approach and asking whether the new title 21 would provide for "grandfather rights for people who purchased under existing rules." This does contain the existing rules – the only substantive change proposed is a change in the 2005 draft to consolidate the rules for slopes of 20.00 percent or less.

¹⁴ 2005 NOTE: This is a suggested new name for what was called the GC district in the prior draft. The proposed new name is intended to emphasize the district's focus on auto-dependent uses. OLD 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 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.

¹⁵ 2005 NOTE: Names changed in the 2005 draft for the three downtown districts. All requirements relating to the CBD districts are otherwise unchanged from the current code. The Municipality is undertaking a new downtown plan and will update the downtown zoning as part of a separate project.

¹⁶ 2005 NOTE: Several comments complained about these existing requirements, noting that they would prohibit some current Anchorage buildings (like the ACVB and the Performing Arts Center). In response, we propose removing several items from the prior list, including offices, education centers, and business service establishments. Again, the intent is simply to encourage more pedestrian-friendly retail at the street level.

¹⁷ 2005 NOTE: This material, from the existing code, has been relocated here from the dimensional standards chapter, where it was in the prior draft.

¹⁸ NOTE: Staff notes that recent projects under this section have had plazas, but have not increased solar access or scenic views.

¹⁹ NOTE: This is carried forward from the existing chapter 21.40, "Zoning Districts," with no substantive changes. There is a new summary table consolidating bonus point information in one place. Because the downtown districts are not a central focus of this project, we have heard little input on how well this existing material is working. Some modest tweaks to the system may be possible now, but more likely the entire system should be reevaluated as part of the new downtown planning and zoning effort.

²⁰ NOTE: Staff recommends reducing the bonus points for skywalks from the current 30 to 10.

²¹ 2005 NOTE: We have attempted to fill in the cross-references of this subsection, but staff should check all cross-references in this section for accuracy. The final sentence in this subsection is new, based on the following note. OLD NOTE: Regarding this existing provision, staff notes: "The extent of this transferable right ("the amount of building square footage permitted on that lot under subsection B. of this section, less the amount allowed under this subsection I") should be determined and a letter recorded against the property. As building area is transferred from one lot to another, documents detailing the transfer should be recorded against both properties. Please make this record-keeping a requirement."

²² 2005 NOTE: The "alternatives analysis" requirement from the existing code has been removed. OLD NOTE: This is the existing MC district. Standards are based on the existing 21.50.290 "Conditional use standards--Marine commercial and marine industrial facilities."

²³ 2005 NOTE: New district in the 2005 draft.

²⁴ 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.

²⁵ 2005 NOTE: An alternative to restricting the size of individual businesses, yet still keep the district at a pedestrian scale, would be to enact a maximum building footprint size.

²⁶ 2005 NOTE: This is based on the C-1 district from the previous draft. OLD NOTE: Per discussions with staff, the existing B-1B district has been eliminated, and the existing B-1A district is retained here and renamed C-1.

²⁷ 2005 NOTE: An alternative to restricting the size of individual businesses, yet still keep the district at a pedestrian scale, would be to enact a maximum building footprint size.

²⁸ 2005 NOTE: This was just called the NMU district in the prior draft.

²⁹ 2005 NOTE: Examples of where this district might apply are the Muldoon town center and the Abbott town center.

³⁰ 2005 NOTE: An example of where this district might apply is the Dimond Center area.

³¹ 2005 NOTE: New district in the 2005 draft. Is there a formal definition of the "Midtown area"?

³² 2005 NOTE: This material was presented along with module 3 (the development standards) in the prior draft. OLD NOTE: Such standards may be used to ensure that new development is high quality and crafted to implement the goals of *Anchorage 2020*. Echoing an earlier point, it will important to ensure that the standards are not so stringent that they discourage development in the mixed-use districts.

³³ NOTE: Additional discussion necessary as to what types of public focus areas would be desirable and would satisfy the requirement.

³⁴ NOTE: This section includes an example of a menu-based standard. This type of flexible regulation could be appropriate in Anchorage for a variety of design-related regulations.

³⁵ 2005 NOTE: New district in the 2005 draft.

³⁶ 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.

³⁷ 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.

³⁸ 2005 NOTE: The "alternatives analysis" requirement from the existing code has been removed. OLD NOTE: This is the existing MI district.

³⁹ 2005 NOTE: There is continuing, strong disagreement regarding the need for and purpose of this district, with state and airport personnel saying that state-owned airports are not subject to local planning and zoning. The topic must be discussed further by municipal and state officials. OLD 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 State of Alaska 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 "Airport."

⁴⁰ 2005 NOTE: To clarify, this existing AF district is not the only place in the municipality in which towers could go. However, there are new standards in chapter 21.05 to help soften the visual impacts of new towers, wherever they are approved. OLD NOTE: This is the existing AF district.

⁴¹ 2005 NOTE: Numerous comments requested clarification on the intended nature of this new district, and specifically its relationship to the PLI district (and now the new parks district). Note that open lands have been removed from the PLI district. Also, the new land use plan map should help clarify the intended function of this new district. OLD NOTE: This is a new district suggested by staff to function as a development reserve area.

⁴² 2005 NOTE: This is based on the existing PLI district. However, the intention is to focus remove most utility and industrial-type uses from the district and place them into industrial zones. The language about reserving lands has been removed from the purpose statement, to reduce confusion with the new OL district.

⁴³ 2005 NOTE: New district in the 2005 draft.

⁴⁴ 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*.

⁴⁵ 2005 NOTE: This commercial section now contains language exactly from the current code. NOTE: This set of requirements is very confusing in the current code and it is not clear what thresholds apply to commercial development.

⁴⁶ 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.

⁴⁷ 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.

⁴⁸ NOTE: This district is based on the existing "*Airport Height Zoning Regulations*" of chapter 21.65.

⁴⁹ 2005 NOTE: HBA asks if this provision applies also to undeveloped property. We are unsure of the answer (or the origin of the 1986 date) and will discuss further with staff.

⁵⁰ 2005 NOTE: Purpose statement rewritten for clarity in response to several comments. OLD NOTE: This is a new district. A conservation district is a *voluntary* tool that may be used to preserve a neighborhood's unique features. For the district to be applied, specific design regulations would need to be developed for each area, and such regulations could be located elsewhere in

title 21 (probably in chapter 21.07, *Development and Design Standards*) or could be maintained by staff outside of title 21. Unlike preservation districts, which can be relatively restrictive and involve special review procedures and bodies, conservation districts can be strict or relatively loose depending on the neighborhood and how much regulation it wants to impose upon itself. Generally such districts are more flexible than preservation districts and only regulate a few specific design attributes, such as porch placement or setbacks.

⁵¹ NOTE: The final approval for establishing the NCO has to be the Assembly, since it is a rezoning. However, an outstanding issue to be discussed is what body reviews the NCO proposals and makes a recommendation to the Assembly. Options include the Planning Commission (which makes recommendations on all other rezonings), or the Urban Design Commission (which would fulfill the desire to give that body a more substantive role), or perhaps both of these bodies. The current draft has the UDC make a recommendation to P&Z, which then recommends to the Assembly (this would allow the P&Z to overrule the UDC in cases of disagreement).

⁵² 2005 NOTE: This last criterion is new in the 2005 draft.

⁵³ 2005 NOTE: For simplicity, this draft section removes the 50% threshold requirement that was in the previous code, and just has the applications being heard by the regular decision-maker.

⁵⁴ 2005 NOTE: Item c. in this list is new in the 2005 draft. OLD 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.

⁵⁵ NOTE: This section carries forward the existing regulations from chapter 21.60, "Flood Plain Regulations."

⁵⁶ 2005 NOTE: The term "administrative agent" has been replaced throughout this section.

TABLE OF CONTENTS

1
2
3 **CHAPTER 21.05: USE REGULATIONS** 177
4 **21.05.010 Tables of Allowed Uses** 177
5 A. Explanation of Table Abbreviations 177
6 B. Table Organization 178
7 C. Unlisted Uses 178
8 D. Use for Other Purposes Prohibited 178
9 E. Table of Allowed Uses – Residential Districts 179
10 F. Table of Allowed Uses – Commercial, Industrial, Mixed-Use, and Other Districts .. 183
11 **21.05.020 Generally Applicable Use Standards** 197
12 A. Uses Involving the Retail Sale of Alcoholic Beverages 197
13 B. Premises Containing Uses Where Children are Not Allowed 197
14 C. Large Commercial Uses 198
15 **21.05.030 Residential Uses: Definitions and Use-Specific Standards** 198
16 A. Household Living 199
17 B. Group Living 207
18 **21.05.040 Public/Institutional Uses: Definitions and Use-Specific Standards** 210
19 A. Adult Care 210
20 B. Child Care Facility 212
21 C. Community Service 212
22 D. Cultural Facility 215
23 E. Educational Facility 216
24 F. Health Care Facility 219
25 G. Parks and Open Areas 219
26 H. Public Safety Facility 220
27 I. Transportation Facility 222
28 J. Utility Facility 223
29 K. Telecommunication Facilities 223
30 **21.05.050 Commercial Uses: Definitions and Use-Specific Standards** 230
31 A. Agricultural Uses 230
32 B. Animal Sales, Service, and Care 230
33 C. Assembly 232
34 D. Entertainment, Indoor 233
35 E. Entertainment/Recreation, Outdoor 235
36 F. Financial Institution 239
37 G. Food and Beverage Services 239
38 H. Office 241
39 I. Retail (Personal Services) 241
40 J. Retail (Repair and Rental) 242
41 K. Retail (Sales) 243
42 L. Vehicles and Equipment 245
43 M. Visitor Accommodations 248
44 **21.05.060 Industrial Uses: Definitions and Use-Specific Standards** 251
45 A. Industrial Service 251
46 B. Manufacturing and Production 251
47 C. Marine Facility 255
48 D. Warehouse and Storage 256
49 E. Waste and Salvage 264
50 **21.05.070 Accessory Uses and Structures** 270
51 A. Purpose 270
52 B. General Standards 270
53 C. Table of Allowed Accessory Uses 271

1	D. Definitions and Use-Specific Standards for Allowed Accessory Uses and Structures	275
2	275
3	E. Prohibited Accessory Uses and Structures	294
4	21.05.080 Temporary Uses and Structures	295
5	A. Purpose	295
6	B. Allowed Temporary Uses and Structures	296
7	C. Prohibited Temporary Uses and Structures	296
8	D. Temporary Use Permits.....	296
9	E. General Requirements for All Temporary Uses and Structures.....	297
10		

CHAPTER 21.05: USE REGULATIONS

21.05.010 TABLES OF ALLOWED USES

Tables 21.05-1 and 21.05-2 below list the uses allowed within all base zoning districts. Each of the listed uses is defined in sections 21.05.030 through 21.05.060.

A. Explanation of Table Abbreviations

1. Permitted Uses

“P” in a cell indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all applicable regulations of this title, including the use-specific standards set forth in this chapter and the development and design standards set forth in chapter 21.07.

2. Administrative Site Plan Review

“S” in a cell indicates that the use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.080.B, *Administrative Site Plan Review*. The site plan review process is intended to determine compliance with the development standards of this title, not to review the appropriateness of the use itself.

3. Major Site Plan Review

“M” in a cell indicates that the use requires major site plan review in the respective zoning district, in accordance with the procedures of section 21.03.080.C, *Major Site Plan Review*. The site plan review process is intended to determine compliance with the development standards of this title, not to review the appropriateness of the use itself.

4. Conditional Uses

“C” in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.070, *Conditional Uses*. Throughout this title, the term “conditionally allowed” means that approval through the conditional use process is required.

5. Multiple Abbreviations¹

Where Table 21.05-1 or Table 21.05-2 indicates more than one abbreviation for a particular use, such as “P/M” or “S/M,” then the applicable review procedure is determined by size, geographic location, or other characteristic of the use as specified in this Code. For commercial uses, see section 21.05.020.C., which applies special standards and procedures for commercial uses over 25,000 square feet. For other uses with multiple abbreviations, the procedure shall be as specified in the applicable use-specific standards.

6. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

7. Use-Specific Standards

Regardless of whether a use is allowed by right, subject to major or administrative site plan review, or permitted as a conditional use, there may be additional standards that are applicable to the use. The existence of these

1 use-specific standards is noted through a cross-reference in the last column
2 of the table. These standards apply in all districts unless otherwise specified.

3 **B. Table Organization**

4 In Tables 21.05-1 and 21.05-2, land uses and activities are classified into general “use
5 categories” and specific “use types” based on common functional, product, or physical
6 characteristics, such as the type and amount of activity, the type of customers or
7 residents, how goods or services are sold or delivered, and site conditions. This
8 classification provides a systematic basis for assigning present and future land uses
9 into appropriate zoning districts. This classification does not list every use or activity
10 that may appropriately exist within the categories, and specific uses may be listed in
11 one category when they may reasonably have been listed in one or more other
12 categories. The use categories are intended merely as an indexing tool and are not
13 regulatory.

14 **C. Unlisted Uses**

15 When application is made for a use category or use type that is not specifically listed
16 in Tables 21.05-1 and 21.05-2, the procedure in section 21.03.210, *Use Classification*
17 *Requests*, shall be followed.

18 **D. Use for Other Purposes Prohibited**

19 Approval of a use listed in Tables 21.05-1 and 21.05-2, and compliance with the
20 applicable use-specific standards for that use, authorizes that use only. Development
21 or use of a property for any other use not specifically allowed in the tables and
22 approved under the appropriate process is prohibited.

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E. Table of Allowed Uses – Residential Districts²

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS												
		P = Permitted Use			S = Administrative Site Plan Review							
		C = Conditional Use			M = Major Site Plan Review							
Use Category	Use Type	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 9	R 10	Use-Specific Standards	
RESIDENTIAL USES												
Household Living	Dwelling, mixed-use				P						21.05.030.A.1.	
	Dwelling, multiple-family			P	P			P			21.05.030.A.2.	
	Dwelling, single-family attached		P	P							21.05.030.A.3.	
	Dwelling, single-family detached	P	P	P		P	P	P	P	P	21.05.030.A.4.	
	Dwelling, townhouse			S	S						21.05.030.A.5.	
	Dwelling, two-family		P	P		P	P	P	P		21.05.030.A.6.	
	Dwelling, mobile home					P					21.05.030.A.7.	
	Mobile home park			C	C	C						21.05.030.A.8.
Group Living	Correctional community residential center										21.05.030.B.1.	
	Habilitative care facility	C	C	C	C	C	C	C			21.05.030.B.2.	
	Residential care (8 or fewer residents)	P	P	P	P	P	P	P	P		21.05.030.B.3.	
	Residential care (9 or more residents)	C	C	P	P	P	C	C			21.05.030.B.3.	
	Roominghouse			C	P						21.05.030.B.4.	
	Transitional living facility				P							
PUBLIC / INSTITUTIONAL USES												
Adult Care	Adult care (9 to 15 persons)	C	C	C	C	C					21.05.040.A.	
	Adult care (16 or more persons)	C	C	C	C	C					21.05.040.A.	
Child Care	Child care facility (9 or more children)	C	C	C	C	C	C	C	C		21.05.040.B.	
Community Service	Cemetery or mausoleum										21.05.040.C.1.	
	Community center	C	C	S	S	C	C		C		21.05.040.C.2.	
	Crematorium										21.05.040.C.3.	

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS												
		P = Permitted Use C = Conditional Use			S = Administrative Site Plan Review M = Major Site Plan Review							
Use Category	Use Type	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 9	R 10	Use-Specific Standards	
	Government administration and civic buildings											
	Homeless and transient shelter											
	Neighborhood recreation center	S	S	S	S	S	S	S	S			
	Religious assembly	S	S	S	S	S	S	S	S		21.05.040.C.7.	
Cultural Facility	Aquarium											
	Botanical gardens					S	S	S	S	S		
	Library											
	Museum or cultural center											
	Planetarium											
	Zoo											
Educational Facility	Boarding school			M	M						21.05.040.E.1.	
	College or university											
	Education and research center											
	Elementary school	M	M	M	M	M	M	M			21.05.040.E.4.	
	High school or middle school	M	M	M	M	M	M	M			21.05.040.E.5.	
	Vocational or trade school										21.05.040.E.6.	
Health Care Facility	Health care facility or nursing facility (1-16 patients)			C	C						21.05.040.F.1.	
	Health care facility or nursing facility, 17+ patients				C						21.05.040.F.1.	
	Health services										21.05.040.F.2.	
Parks and Open Area	Community garden	P	P	P	P	P	P	P	P	P		
	Park and open space, public or private	S	S	S	S	S	S	S	S	S		

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS											
		P = Permitted Use C = Conditional Use			S = Administrative Site Plan Review M = Major Site Plan Review						
Use Category	Use Type	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 9	R 10	Use-Specific Standards
Public Safety Facility	Community or police substation			P	P						21.05.040.H.1.
	Correctional institution										21.05.040.H.2.
	Police/fire station										
Transportation Facility	Airport										
	Airstrip, private	C	C			C	C	C	C	C	21.05.040.I.2.
	Bus transit center										
	Heliport										
	Railroad freight terminal										
	Railroad passenger terminal										
	Rail yard										
Utility Facility	Governmental service										21.05.040.J.1.
	Utility facility										
	Utility substation	S	S	S	S	S	S	S	S	S	21.05.040.J.3.
Telecommunication Facilities	Antenna collocation on existing tower	P	P	P	P	P	P	P	P	P	21.05.040.K.
	Concealed antennae and towers	P	P	P	P	P	P	P	P	P	21.05.040.K.
	Non-concealed building-mounted antennae and towers	C	C	C	C	C	C	C	C	C	21.05.040.K.
	Non-concealed freestanding towers	C	C	C	C	C	C	C	C	C	21.05.040.K.
COMMERCIAL USES											
This table shows only those commercial uses allowed in the residential districts. All other commercial uses not shown are prohibited.											
Agricultural Uses	Farming, animal husbandry					P	P		P		21.05.050.A.1.
	Farming, horticultural					P	P		P		
Animal Sales, Service & Care	Animal grooming service					S/M	S/M	S/M	S/M		21.05.050.B.2. 21.07.130

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS												
		P = Permitted Use C = Conditional Use				S = Administrative Site Plan Review M = Major Site Plan Review						
Use Category	Use Type	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 9	R 10	Use-Specific Standards	
	Kennel, commercial					S/M	S/M	S/M	S/M		21.05.050.B.3. 21.07.130	
	Paddock or stable, commercial					S/M	S/M	S/M	S/M		21.05.050.B.4. 21.07.130	
Assembly	Club / lodge / meeting hall				C						21.05.020.A.	
Entertainment/ Recreation, Outdoor	Skiing facility, alpine									C		
Retail (Sales)	Nursery, commercial	C	C			C	C				21.07.130	
Visitor Accommodations	Camper park				C						21.05.050.M.1.	
	Extended-stay lodgings				C						21.05.050.M.2.	
	Inn				C						21.05.020.A. 21.05.050.M.5.	
	Recreational and vacation camp					C	C		C	C		
INDUSTRIAL USES												
This table shows only those industrial uses allowed in the residential districts. All other industrial uses not shown are prohibited.												
Manufacturing and Production	Natural resource extraction, organic and inorganic	S/C	S/C	S/C		S/C	S/C	S/C	S/C		21.05.060.B.5.	
Waste and Salvage	Land reclamation	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	21.05.060.E.3.	

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1 F. Table of Allowed Uses – Commercial, Industrial, Mixed-Use, and Other Districts³

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																								
		P = Permitted Use					S = Administrative Site Plan Review																	
		C = Conditional Use					M = Major Site Plan Review																	
Use Category	Use Type	COMMERCIAL					MIXED-USE					INDUSTRIAL				OTHER					Use-Specific Standards			
		A C	B D 1	B D 2	B D 3	M C	O	R M X	N M U 1	N M U 2	C C M U	R C M U	M M U	I C	I 1	I 2	M I	A F	O L	P R		P L I	T A	W
RESIDENTIAL USES																								
Household Living	Dwelling, mixed-use	P	P	P	P	P	P	P	P	S	S	S	S									S		21.05.030.A.1.
	Dwelling, multiple-family			P	P		S	P		S	S	S	S								S			21.05.030.A.2.
	Dwelling, single-family attached																							21.05.030.A.3.
	Dwelling, single-family detached							C											P			P		21.05.030.A.4.
	Dwelling, townhouse							S		S	S	S	S											21.05.030.A.5.
	Dwelling, two-family							C														C		21.05.030.A.6.
	Dwelling, mobile home																					C		21.05.030.A.7.
	Mobile home park																					C		21.05.030.A.8.
Group Living	Correctional community residential center	P/C	C	C	C						P/C	P/C	P/C		P						P			21.05.030.B.1.
	Habilitative care facility	C	C	C	C		C	C													C			21.05.030.B.2.
	Residential care (8 or fewer residents)	P						C	P													P		21.05.030.B.3.

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																								
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		A C	B D 1	B D 2	B D 3	M C	O	R M X	N M U 1	N M U 2	C C M U	R C M U	M M U	I C	I 1	I 2	M I	A F	O L	P R	P L I		T A	W
	Residential care (9 or more residents)	P	P	P	P		P													C	C		21.05.030.B.3.	
	Roominghouse	P	P	P	P		P	S	P	S	S	S	S									C		21.05.030.B.4.
	Transitional living facility	P																						
PUBLIC / INSTITUTIONAL USES																								
Adult Care	Adult care (9 to 15 persons)	P	P	P	P		P	P													C		21.05.040.A.	
	Adult care (16 or more persons)	P	P	P	P		P		P											P	C		21.05.040.A.	
Child Care	Child care facility (9 or more children)	P	P	P	P		P	P						C	C					P	C		21.05.040.B.	
Community Service	Cemetery or mausoleum																			P	C		21.05.040.C.1.	
	Community center							S			S	S	S						C	S	S		21.05.040.C.2.	
	Crematorium														C	P				C	C		21.05.040.C.3.	
	Government administration and civic buildings	C	S	S	S	P	P				S	S	S	S			P				M	M		
	Homeless and transient shelter																			C				

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	Neighborhood recreation center							S	S	S											S			
	Religious assembly	S	S	S	S		S	S	S	S	S	S	S							S	S	21.05.040.C.7.		
Cultural Facility	Aquarium					M						M	M							C				
	Botanical gardens																	P	S	S				
	Library		S/M	S/M	S/M				S	S/M	S/M	S/M	S/M							S/M	S/M			
	Museum or cultural center	C	S/M	S/M	S/M	C					S/M	S/M	S/M							S/M	C			
	Planetarium																			P				
	Zoo																			C	C			
Educational Facility	Boarding school				M			M			M	M	M							M	C	21.05.040.E.1.		
	College or university	C	M	M	M			M			M	M	M							M	C			
	Education and research center		P	P	P	P	P				S	S	S	P	P		P			P	C			
	Elementary school	M						M			M	M	M							M	M	21.05.040.E.4.		
	High school or middle school	M						M			M	M	M							M	C	21.05.040.E.5.		
	Vocational or trade school	P	P	P	P	P	P				S	S	S	P	P		P			C		21.05.040.E.6.		

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Health Care Facility	Health care facility or nursing facility (1-16 patients)	P						P	C	S	S	S	S								C		21.05.040.F.1.
	Health care facility or nursing facility (17+ patients)	C								S	S	S								C	C		21.05.040.F.1.
	Health services	P	P	P	P		P	P	S	S	S	S								C	C		21.05.040.F.2.
Parks and Open Area	Community garden	P	P	P	P			P	P	P	P	P							P	P	P		
	Park and open space, public or private	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	
Public Safety Facility	Community or police substation	P	P	P	P			P	P	P	P	P	P							P	C		21.05.040.H.1.
	Correctional institution																			C			21.05.040.H.2.
	Police/fire station	M	M	M	M					M	M	M								M	C		
Transportation Facility	Airport																						
	Airstrip, private												C	C	C					C	C		21.05.040.I.2.
	Bus transit center	S	S	S	S	S				S	S	S								S			

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	Heliport	C	C	C									C	C	C					C	C	
	Railroad freight terminal													C	P	P					C	
	Railroad passenger terminal			M	M	M				M	M	M		P	P					M	C	
	Rail yard													C	P	P					C	
Utility Facility	Governmental service												P	S	P	P				S		21.05.040.J.1.
	Utility facility												C	C	C	C				C		C
	Utility substation	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S				S	S	S
Telecom- munication Facilities	Antenna collocation on existing tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040.K.
	Concealed antennae and towers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040.K.
	Non-concealed building-mounted antennae and towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S
	Non-concealed freestanding towers	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	C	S/ C	C	C	C	C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	P	S/ C	S/ C

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COMMERCIAL USES																							
Agricultural Uses	Farming, animal husbandry																						21.05.050.A.1.
	Farming, horticultural													P								C	
Animal Sales, Service & Care	Animal control shelter	S/ M											S/ M							S/ M			21.05.020.C. 21.05.050.B.1. 21.07.120
	Animal grooming service	P/ M			P/ M			S/ M	P	P/ M	P/ M	P/ M	P/ M								S/ M		21.05.020.C. 21.05.050.B.2. 21.07.120
	Kennel, commercial	P/ M	P/ M	P/ M	P/ M					P/ M	P/ M	P/ M	P/ M	P/ M	P/ M						S/ M		21.05.020.C. 21.05.050.B.3. 21.07.120
	Paddock or stable, commercial																						21.05.050.B.4.
	Pet shop	P/ M	P/ M	P/ M	P/ M				P	P/ M	P/ M	P/ M	P/ M									C	21.05.020.C. 21.05.050.B.5. 21.07.120
	Veterinary clinic	P/ M			P/ M			P/ M		P/ M	P/ M	P/ M	P/ M	P/ M	P/ M							C	21.05.020.C. 21.05.050.B.6. 21.07.120
	Assembly	Civic / convention center		C	C	C						S	S	S							C		21.05.020.A. 21.05.020.C.
Club / lodge / meeting hall		P	P	P	P				C	S	S	S	S							S	C	21.05.020.A. 21.05.020.C.	
Entertainment, Indoor	Amusement establishment	P/ M		P/ M	P/ M						S/ M	S/ M								C		21.05.020.A. 21.05.020.C. 21.07.120	
	Entertainment facility, major	C	C	C	C														C	C		21.05.020.A. 21.05.020.C. 21.07.120	

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	Fitness and recreational sports center		P/M	P/M	P/M			P/M		S/M	S/M	S/M	S/M							S/M			21.07.120
	Movie theater		P/M	P/M	P/M					S/M	S/M	S/M								C			21.05.020.A. 21.05.020.C. 21.07.120
	Nightclub, licensed	P/M	P/M	P/M	P/M					S/M	S/M	S/M									P/M		21.05.020.A. 21.05.020.C. 21.05.050.D.5. 21.07.120
	Nightclub, unlicensed	P/M	P/M	P/M	P/M					S/M	S/M	S/M									P/M		21.05.020.A. 21.05.020.C. 21.05.050.D.6. 21.07.120
	Theater company or dinner theater		P/M	P/M	P/M					S/M	S/M	S/M									P/M		21.05.020.A. 21.05.020.C. 21.07.120
Entertainment/ Recreation, Outdoor	General outdoor recreation, commercial	C			P					S	S	S							C	C			21.05.050.E.1.
	Golf course																		C	C			
	Golf driving range	C																		C			
	Motorized sports facility													C	C				C	C			21.05.050.E.4. 21.05.020.A.
	Shooting range, outdoor																			C			21.05.050.E.5.
	Skiing facility, alpine																		C	C	C		
Financial Institution	Financial institution	S	P	P	P			S	P	P	S	S	S										21.05.050.F.

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Food and Beverage Service	Bar or tavern	P/M	P/M	P/M	P/M				P	S/M	S/M	S/M	S/M	P/M							P/M			21.05.020.A. 21.05.020.C. 21.07.120
	Brew pub	P/M	P/M	P/M	P/M					S/M	S/M	S/M	S/M											21.05.020.A. 21.05.020.C. 21.07.120
	Food and beverage kiosk	P	P	P	P	P	P		P	S	S	S	S	P	P					P			21.05.020.A. 21.05.020.C. 21.05.050.G.3.	
	Restaurant	P/M	P/M	P/M	P/M	P/M	P/M	S/M	P	S/M	S/M	S/M	S/M	P/M						P/M	C		21.05.020.A. 21.05.020.C. 21.07.120	
Office	Office, business or professional	P	P	P	P	C	P	P	P	S	S	S	S	S								C		
	Broadcasting and recording facility	P	P	P	P		P					S	S		P					P	P			
Retail (Personal Services)	Dry cleaning establishment	P/M													P/M								21.05.020.C. 21.07.120	
	Dry-cleaning, drop-off site	P	P	P	P		P	P	P	P	P	P	P								P		21.05.020.C.	
	Funeral services	P/M			P/M						S/M	S/M											21.05.020.C. 21.07.120	
	General personal services		P/M	P/M	P/M		P	P/M	P	P/M	P/M	P/M	P/M	P								P/M	21.05.020.C. 21.07.120	
	Instructional services	P/M	P/M	P/M	P/M			P/M	P	P/M	P/M	P/M	P/M									P/M	21.05.020.C. 21.07.120	
Retail (Repair and Rental)	Small equipment rental	P/M													P/M								21.05.020.C. 21.05.050.J.1. 21.07.120	

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	Repair shop	P/ M		P/ M	P/ M					P/ M	P/ M	P/ M	P	P/ M									21.05.020.C. 21.07.120	
Retail (Sales)	Auction house	P/ M											P	P/ M									21.05.020.C. 21.07.120	
	Building materials store	S/ M									C	C	P	S/ M									21.05.020.C. 21.07.120	
	Business service establishment	P/ M	P/ M	P/ M	P/ M		P		P	P/ M	P/ M	P/ M	P										21.05.020.C. 21.07.120	
	Convenience store	P/ M	P/ M	P/ M	P/ M		P	P/ M	P	P/ M	P/ M	P/ M	P										21.05.020.A. 21.05.020.C. 21.05.050.K.4. 21.07.120	
	Farmers market		P	P	P					P	P	P								P	P		21.05.020.C.	
	Fueling station	P/ M								C	S/ M	S/ M	S/ M	P	P/ M								C	21.05.020.A. 21.05.020.C. 21.07.120
	Meat and seafood processing, storage, and sales	P/ M													P/ M								C	21.05.020.C. 21.07.120
	General retail	P/ M	P/ M	P/ M	P/ M		P				P/ M	P/ M	P/ M	P										21.05.020.C. 21.07.120
	Grocery or food store		P/ M	P/ M	P/ M			S/ M	P	S/ M	S/ M	S/ M	S/ M	P									C	21.05.020.A. 21.05.020.C. 21.07.120
	Liquor store		P/ M	P/ M	P/ M					P/ M	P/ M	P/ M	P/ M	P										21.05.020.A. 21.05.020.C. 21.07.120
	Nursery, commercial	P/ M										C	C								C	C		21.05.020.C. 21.07.120

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	Pawnshop	P/ M			C								P									21.05.020.C. 21.07.120	
	Plumbing, heating, and electrical equipment dealer	P/ M									P/ M	P/ M	P	P/ M								21.05.020.C. 21.07.120	
Vehicles and Equipment	Aircraft and marine vessel sales	P				P								P									
	Heavy equipment sales and rental												P	P	P								
	Impound yard													C	P					C			
	Parking lot or structure (50+ spaces)	S	M	M	M		S			M	M	M	S	C		C				C			
	Parking lot or structure (less than 50 spaces)	P		S	S	C	S			S	S	S	S	C		C				P	S		
	Vehicle parts and supplies	P								C	P	P	P	P							C		21.05.050.L.6.
	Vehicle-large, sales and rental	P/ M												P/ M									21.05.020.C. 21.05.050.L.7.
	Vehicle-small, sales and rental	P/ M								C	S/ M	S/ M		P/ M									21.05.020.C. 21.05.050.L.8.

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	General industrial service														P								
	Research laboratory						S						C	C	P	P	P				C	C	
Manufacturing and Production	Cottage crafts				P			P	P	P	P										P		21.05.060.B.1.
	Food service contractor or caterer	P										C	C	P	P	P							
	Manufacturing, heavy														C	P							
	Manufacturing, light														P	P							
	Natural resource extraction, organic and inorganic	S/ C	S/ C	S/ C	S/ C	S/ C		S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C				S/ C	S/ C	21.05.060.B.5.
	Natural resource extraction, placer mining																				C	C	21.05.060.B.6.
Marine Facility	Aquaculture					C								C	C	C	C						
	Boat storage facility					P								P	P	P	P						

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	Cold storage and ice processing for marine products					C										P								
	Facility for combined marine and general construction															C								
	Marine operations, general														P	P								
	Marine operations, limited					P									P	P								
	Marine wholesaling														P	P								
Warehouse and Storage	Bulk storage of hazardous materials														C	C								21.05.060.D.1.
	Motor freight terminal														P	P								21.05.060.D.2.
	Self-storage facility	M												P	P									21.05.060.D.3.
	Storage yard													P	P	P	P							21.05.060.D.4.
	Warehouse													P	P	P	P				C			21.05.060.D.5.

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	Wholesale establishment													P	P	P								
Waste and Salvage	Composting facility															P						C		21.05.060.E.1.
	Junkyard															C								21.05.060.E.2.
	Land reclamation	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C		S/ C	S/ C		21.05.060.E.3.
	Landfill															C						C		21.05.060.E.4.
	Snow disposal site														P	P						C	C	21.05.060.E.5.
	Solid waste transfer facility														S	S						M	C	21.05.060.E.6.

21.05.020 GENERALLY APPLICABLE USE STANDARDS

A. Uses Involving the Retail Sale of Alcoholic Beverages

Any use that involves the retail sale of alcoholic beverages is subject to the Assembly Alcohol Approval review process in section 21.03.220, *Assembly Alcohol Approval*. That process shall apply to any such use regardless of whether it is listed in Tables 21.05-1 or 21.05-2 as being permitted as a matter of right or subject to site plan or conditional use review. The applicant shall be required to obtain approval through both the Assembly Alcohol Approval process and the separate process referenced in Tables 21.05-1 or 21.05-2. A cross-reference to this section 21.05.020 in Tables 21.05-1 or 21.05-2 is not required for the operator of a use to request approval under section 21.03.220.

B. Premises Containing Uses Where Children are Not Allowed⁴

Premises containing uses where children are not allowed are defined in AMC section 10.40.050. Any premises containing uses where children are not allowed, regardless of whether it is listed in Tables 21.05-1 or 21.05-2 as being permitted as a matter of right or subject to site plan or conditional review, shall comply with the requirements of this subsection 21.05.020.B. The applicant shall be required to obtain approval through the process referenced in Tables 21.05-1 or 21.05-2 and also to comply with the standards of this subsection 21.05.020.B.

1. Purpose

Certain types of enterprises are places where children unaccompanied by an adult guardian or parent are prohibited. These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values, and increase in the level of criminal activity, including prostitution, rape and assaults, in the vicinity of these types of enterprises, and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships. The purpose of this section is to segregate such enterprises from places frequented by minors in order to reduce the influence of these enterprises on minors.

2. Minimum Distance from Certain Uses

Except as provided in subsection 3. below, permitted principal uses, accessory uses, or conditional uses that are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than sale of liquor, shall be located so that all portions of the lot on which the use is located shall be 1,000 feet or more from the property line of:

- a. A school;
- b. A public park;
- c. A religious assembly;
- d. Property zoned residential, including RMX, except in the TA district;

- 1 e. Property in the TA district designated as “residential” in the Turnagain
2 Arm Comprehensive Plan;
- 3 f. Public recreational facilities;
- 4 g. Care facilities; or
- 5 h. Public libraries.

6 **3. Compliance with State Standards**

7 Where the state has provided specific standards for determining an
8 enterprise's permissible location, the state's means of measurement shall
9 apply. Such enterprises shall also comply with subsection 2. above if the
10 enterprise engages in other activities not regulated by the state for which title
11 8 prohibits the presence of minors or unaccompanied minors on the premises.

12 **4. Administrative Permit Required**

13 An administrative permit shall be on display in a prominent place. This permit
14 shall certify that the enterprise is in compliance with subsection 2. or 3. of this
15 section, as applicable. This permit shall be obtained from the Director,
16 pursuant to section 21.03.230, *Administrative Permits*. This permit shall
17 remain valid so long as the enterprise remains in continuous operation at that
18 location and does not physically expand. In addition, a permit granted under
19 subsection 3. shall remain valid so long as the enterprise does not engage in
20 an activity regulated by this section B.

21 **5. Premises Without Permit**

22 An enterprise not in possession of a permit must immediately cease all
23 activities for which a permit pursuant to this section is required.

24 **C. Large Commercial Uses⁵**

25 Where Table 21.05-1 or Table 21.05-2 indicates more than one abbreviation for a
26 particular commercial use, such as “P/M” or “S/M,” then the size of the proposed use
27 shall determine the applicable review procedure. All such commercial uses of less
28 than 25,000 square feet shall be reviewed through the process indicated by the first
29 abbreviation, and all such uses of 25,000 square feet or more shall be reviewed
30 through the process indicated by the second abbreviation. All such commercial uses
31 which have a use-specific standard reference to section 21.07.120, shall, when they
32 are 25,000 square feet or more, be subject to the large commercial standards in
33 section 21.07.120, *Large Commercial Establishments*, in addition to the generally
34 applicable development standards of chapter 21.07.

35 **21.05.030 RESIDENTIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

36 This section defines the general residential use categories and specific residential use types
37 listed in Tables 21.05-1 and 21.05-2. This section also contains use-specific standards that
38 apply to specific use types. The use-specific standards apply regardless of whether the use
39 type is permitted as a matter of right, or subject to a site plan or conditional use review
40 process.

1 **A. Household Living**

2 This category is characterized by residential occupancy of a dwelling unit by a
3 “household,” which is defined in chapter 21.13. Tenancy is arranged on a month-to-
4 month or longer basis. Common accessory uses include recreational activities,
5 raising of pets, gardens, personal storage buildings, hobbies, and parking of the
6 occupants’ vehicles. Specific use types include:

7 **1. Dwelling, Mixed-Use⁶**

8 **a. Definition**

9 A dwelling that is located on the same lot or in the same building as a
10 non-residential use, in a single environment in which both residential
11 and non-residential amenities are provided

12 **b. Use-Specific Standards**

13 Buildings containing mixed-use dwellings in the R-4 and RMX districts
14 shall comply with the applicable residential design standards in
15 section 21.07.100, *Residential Building Standards*. Buildings
16 containing mixed-use dwellings in the mixed-use districts shall comply
17 with the mixed-use development standards in section 21.04.040.H.

18 **2. Dwelling, Multiple-Family**

19 **a. Definition**

20 A residential building designed for or occupied by three or more
21 families, with the number of families in residence not exceeding the
22 number of dwelling units provided. The definition includes the terms
23 “apartment” or “apartment building.”

24 **b. Use-Specific Standards**

25 Multiple-family dwellings shall comply with the applicable residential
26 design standards in section 21.07.100, *Residential Building*
27 *Standards*.

28 **3. Dwelling, Single-Family Attached**

29 **a. Definition**

30 One dwelling unit in a building on its own lot, with one or more walls
31 abutting the wall or walls of another single-family dwelling unit on an
32 adjacent lot.

33 **b. Use-Specific Standards⁷**

34 **i. Residential Design Standards**

35 Single-family attached dwellings shall comply with the
36 applicable residential design standards in section 21.07.100,
37 *Residential Building Standards*.

38 **ii. Common Party Wall Agreement**

39 A common party wall agreement shall be recorded. The
40 agreement shall provide for maintenance of the uniformity
41 and common appearance of the exterior of all structures and
42 landscaping. The paint and trim colors for both units of each
43 structure shall be the same and landscaping shall be installed
44 and maintained as a common design for both units of each
45 structure.

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- iii. *Residential Design Standards*
Townhouse dwellings shall comply with the applicable residential design standards in section 21.07.100, *Residential Building Standards*.
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6. **Dwelling, Two-Family**
- a. **Definition**
One detached building on one lot designed for or occupied exclusively by two families and constituting two dwelling units. The definition includes the term “duplex.”
- b. **Use-Specific Standards**
Two-family dwellings shall comply with the applicable residential design standards in section 21.07.100, *Residential Building Standards*.
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7. **Dwelling, Mobile Home**
- a. **Definition**
A detached, single-family dwelling that is:
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- i. Designed for long-term human habitation;
- ii. Constructed and fabricated into a complete unit or units at a factory;
- iii. Designed to be transported, after fabrication, on its own wheels, on flatbeds or other trailers, or on detachable wheels;
- iv. Ready for occupancy except for minor and incidental unpacking and assembly operations and connection to utilities;
- v. Identified by a model number and serial number by its manufacturer;
- vi. (If manufactured before June 15, 1976) designed to meet the Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development under 24 CFR 3280; and
- vii. Designed primarily for placement on an impermanent foundation or otherwise so designed as to permit moving of the unit to another location during its usable life.
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- b. **Use-Specific Standards**
Only one mobile home is allowed per lot in the R-5 district, unless the lot is within a mobile home park. A mobile home shall be placed on a permanent foundation unless it is located within a mobile home park.
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8. **Mobile Home Park**
- a. **Definition**
Any parcel or adjacent parcels of land in the same ownership that is utilized for occupancy by more than two mobile homes. This term

1 shall not be construed to mean tourist facilities for parking of travel
2 trailers or campers, which are classified under “Camper Park.”

3 **b. Use-Specific Standards⁹**

4 All mobile home parks within the Municipality shall be constructed,
5 operated, and maintained in accordance with these general
6 standards:

7 **i. Compliance with Applicable Regulations**

8 Mobile home parks shall be constructed, operated, and
9 maintained in conformance with all applicable state statutes
10 and regulations and local ordinances; provided, however, that
11 the provisions of chapter 21.11, *Nonconformities*, of this title
12 shall not be applied to prohibit the removal and replacement
13 of a mobile home on a space within a mobile home park
14 subject to that chapter.

15 **ii. Responsibility for Compliance**

16 Complete responsibility for standards established by this
17 subsection and for construction within a mobile home park
18 shall rest with the owner of such park.

19 **iii. Minimum Site Size**

20 Mobile home parks in the R-3, R-4, and R-5 districts shall be
21 on sites of at least five acres.¹⁰

22 **iv. Maximum Site Density**

23 Gross density for mobile home parks shall not exceed eight
24 units per acre.

25 **v. Mobile Home Spaces**

26 **(A) Occupancy**

27 No mobile home space shall contain more than one
28 mobile home or duplex mobile home. No other
29 dwelling unit shall occupy a mobile home space.

30 **(B) Minimum Size**

31 All single mobile home spaces shall have a minimum
32 of 3,500 square feet of land area. A duplex mobile
33 home space shall have a minimum of 5,000 square
34 feet of land area.¹¹

35 **(C) Mobile Home Separation**

36 **(1)** No part of any mobile home, accessory
37 building, or its addition shall be placed closer
38 than 15 feet from any other mobile home or
39 its addition, or no closer than ten feet if that
40 mobile home, accessory building, or its
41 addition being placed meets NFPA 501A and
42 HUD #24CFR328O standards.

43 **(2)** The requirements of sections 21.06.020.A.2.,
44 *Projections into Required Setbacks* and

1 21.05.070, *Accessory Uses and Structures*,
2 shall not apply to mobile home parks. All
3 mobile homes and accessory structures shall
4 be placed at least five feet from the front
5 space line. Steps shall not be considered in
6 determining the separations required by this
7 subsection.

8 (D) *Access*

9 Each mobile home space shall have direct access to
10 an internal street. Direct access to exterior public
11 streets shall be discouraged.

12 vi. *Streets and Drainage Facilities*

13 (A) *Street Surface*

14 All streets within a mobile home park shall be
15 surfaced with all-weather materials, such as gravel,
16 asphalt, or concrete, to a minimum surface width of
17 34 feet.

18 (B) *Right-of-Way Width*

19 Any street within a mobile home park that services
20 100 spaces or more shall be classified as a major
21 street. Major streets shall have a minimum right-of-
22 way width of 50 feet. All other streets shall have a
23 minimum right-of-way width of 40 feet. Streets within
24 mobile home parks are not required to be dedicated
25 as public rights-of-way.

26 (C) *Cul-De-Sac Streets*

27 No street within a mobile home park shall dead end
28 except for cul-de-sac streets that are no more than
29 650 feet in length and have a minimum turning radius
30 of 50 feet at the termination point of the cul-de-sac.

31 (D) *Intersections*

32 No street within a mobile home park shall extend
33 more than 650 feet in length between street
34 intersections. Intersecting streets shall cross at 90-
35 degree angles from an alignment point 100 feet from
36 the point of intersection. No street intersection shall
37 be closer than 125 feet to any other street
38 intersection.

39 (E) *Street Frontage*

40 Double-frontage spaces are prohibited, except that
41 reverse-frontage lots may back against streets
42 bordering the mobile home park.

43 (F) *Street Layout*

44 Streets shall be laid out so that their use by through
45 traffic will be discouraged.

- 1 (G) *Street Grades*
2 Street grades shall not exceed six percent. Street
3 grades within 100 feet of intersections shall not
4 exceed four percent.
- 5 (H) *Street Curves and Visibility*
6 The radius of street curves (between intersections)
7 shall exceed 100 feet. Streets shall be constructed to
8 provide clear visibility as measured along a centerline
9 of the street for a minimum distance of 150 feet.
- 10 (I) *Crosswalks*
11 Pedestrian crosswalks not less than ten feet in width
12 may be required in blocks longer than 330 feet when
13 deemed essential to provide reasonable circulation or
14 access to schools, playgrounds, shopping centers,
15 convenience establishments, service buildings or
16 other community facilities.
- 17 vii. *Water and Sewage Systems*
18 All mobile homes in mobile home parks shall be connected to
19 water and sewage systems approved by the Municipality
20 before they may be occupied.
- 21 viii. *Additions to Mobile Homes; Accessory Buildings*
22 (A) *Generally*
23 Additions or other accessory buildings or structures
24 shall not exceed 120 square feet gross floor area.
25 Additions and accessory buildings shall not exceed
26 the height of the mobile home by more than 12
27 inches. All additions and accessory buildings shall
28 be subject to the spacing and setback requirements
29 for mobile homes. Any addition or accessory building
30 shall be constructed in accordance with building
31 safety code regulations pertaining to temporary
32 structures, provided that additions will not be required
33 to have a permanent foundation.
- 34 (B) *Exits*
35 The number of exterior exits from additions shall be
36 equal to or greater than the number of exits leading
37 from the mobile home to the addition. When two
38 exterior exits are required from additions, they shall
39 be placed a distance apart equal to one-fifth of the
40 total perimeter of the addition.
- 41 ix. *Refuse Collection*
42 A mobile home park operator shall provide adequate refuse
43 collection facilities. Refuse collection facilities shall be
44 constructed and maintained in accordance with all municipal
45 health regulations and shall be designed to bar animals from
46 access to refuse. Refuse shall be removed from refuse

1 collection sites at least once a week. Refuse facilities shall
2 be screened pursuant to section 21.07.080.E., *Screening*.

3 **x.** *Fuel Tanks*

4 Fuel oil supply tanks shall be placed in compliance with
5 applicable building and fire codes. Liquefied gas containers
6 shall be securely anchored to a permanent and stable holding
7 structure or adequately secured to a mobile home.

8 **xi.** *Campers and Travel Trailers*

9 Occupied campers and travel trailers are not subject to
10 paragraphs 8.b.v., *Mobile Home Spaces*, and 8.b.vii., *Water*
11 *and Sewage Systems*, of this subsection. Any permitted
12 spaces intended for occupied campers and travel trailers
13 shall be placed in an area segregated from permanent mobile
14 home spaces. Any area within a mobile home park that is
15 occupied by campers and travel trailers shall be served by a
16 service building containing public toilet facilities and water
17 supply.

18 **xii.** *Animals in Mobile Home Parks*¹²

19 The keeping of poultry and other livestock is prohibited in
20 mobile home parks.

21 **xiii.** *Convenience Establishments in Mobile Home Parks*

22 Convenience establishments of a commercial nature,
23 including stores, coin-operated laundry and dry cleaning
24 establishments and laundry and dry cleaning agencies,
25 beauty shops and barbershops, may be permitted in mobile
26 home parks subject to the following restrictions. Such
27 establishments and the parking area primarily related to their
28 operations shall not occupy more than ten percent of the area
29 of the park, shall be subordinate to the residential use and
30 character of the park, shall be located, designed and intended
31 to serve frequent trade or service needs of persons residing
32 in the park, and shall present no visible evidence of their
33 commercial character from any portion of any district outside
34 the park. Such convenience areas shall be considered
35 accessory uses to the principal use of mobile homes, may be
36 permitted without a zoning change, and shall be discontinued
37 if the mobile home park is discontinued.

38 **xiv.** *Sites in Flood Hazard Overlay District*

39 All mobile home parks of which all or a portion are within the
40 Flood Hazard Overlay District shall meet the following
41 requirements:

- 42 **(A)** Over-the-top ties shall be provided at each of the four
43 corners of the mobile home and two ties per side at
44 intermediate locations. Mobile homes more than 50
45 feet long shall require one additional tie per side
46 (applicable on mobile homes constructed earlier than
47 1976).

- 1 (B) Frame ties shall be provided at each corner of the
2 frame, and five ties per side at intermediate points.
3 Mobile homes more than 50 feet long shall require
4 four additional ties per side.
- 5 (C) All components of the anchorage system shall be
6 capable of carrying a force of 4,800 pounds.
- 7 (D) Any additions to the mobile home shall be similarly
8 anchored.
- 9 (E) All applications for a conditional use for a mobile
10 home park shall include an evacuation plan indicating
11 alternate vehicular access and escape routes during
12 times of flooding.
- 13 xv. *Sites in Floodplain*
14 No mobile homes shall be placed within the regulatory
15 floodplain, except that mobile home parks existing before
16 September 25, 1979, shall be permitted to place mobile
17 homes within existing unit spaces.
- 18 xvi. *Nonconforming Mobile Home Parks*
19 (A) Those mobile home parks situated within the
20 boundaries of the former City of Anchorage which
21 existed prior to August 30, 1977, are not subject to
22 paragraphs 8.b.v., *Mobile Home Spaces*, and 8.b.vii.,
23 *Water and Sewage Systems*, of this subsection,
24 provided that such parks meet the standards set forth
25 in the former City of Anchorage Municipal Code
26 sections 6.60.010 through 6.60.110.
- 27 (B) Those mobile home parks situated in any area of the
28 Municipality other than that described in paragraph i.
29 above, which existed prior to 1966, are not subject to
30 the requirements of paragraphs 8.b.v., *Mobile Home*
31 *Spaces*, 8.b.vi., *Streets and Drainage Facilities*, and
32 8.b.viii., *Additions to Mobile Homes, Accessory*
33 *Buildings*, of this subsection, within the area and to
34 the extent that it was constructed, operated or
35 maintained prior to that date.
- 36 (C) Any mobile home park exempt from certain
37 requirements of this subsection 21.05.030.A.8.,
38 *Mobile Home Park*, as provided in paragraphs (A)
39 and (B) above, shall conform to all provisions of this
40 subsection 21.05.030.A.8. within any area first
41 constructed, operated, or maintained after the
42 specified date or within any area that is substantially
43 altered, remodeled, reconstructed or rebuilt after that
44 date.

1 **B. Group Living**

2 This category is characterized by residential occupancy of a structure by a group of
3 people who do not meet the definition of “Household Living.” The size of the group
4 may be larger than a family. Generally, structures have a common eating area for
5 residents. The residents may receive care, training, or treatment, and caregivers may
6 or may not also reside at the site. Accessory uses commonly include recreational
7 facilities and vehicle parking for occupants and staff. Specific use types include:

8 **1. Correctional Community Residential Center**

9 **a. Definition**

10 A community residential facility, other than a correctional institution,
11 for the short-term or temporary detention of people in transition from a
12 correctional institution, performing restitution, or undergoing
13 rehabilitation and/or recovery from a legal infirmity. This does not
14 include people who pose a threat or danger to the public for violent or
15 sexual misconduct or who are imprisoned or physically confined
16 under guard or 24-hour physical supervision.

17 **b. Use-Specific Standards¹³**

18 **i. Standards for Centers Established After January 1, 1995**

19 The following standards apply to all correctional community
20 residential centers established after January 1, 1995:

21 **(A)** No new correctional community residential center
22 may be located within one mile of an existing center
23 or within 500 feet of an existing school or park.

24 **(B)** Program occupancy limits shall be as determined by
25 the State Department of Corrections.

26 **(C)** Maximum resident occupancy at a center shall be
27 determined by requiring a minimum of 150 square
28 feet of building area per resident. This measurement
29 shall be calculated by including all bedroom, kitchen,
30 bathroom, living, recreation, and other areas within
31 the facility intended for common use by the residents.

32 **(D)** Each center shall have a minimum of 50 square feet
33 of outdoor recreation area per maximum resident
34 occupancy.

35 **(E)** In the AC, CCMU, RCMU, and MMU zoning districts,
36 correctional community residential centers that house
37 only residents convicted of misdemeanors are a
38 permitted use. Centers that house felons are a
39 conditional use in those districts.

40 **(F)** No additional correctional community residential
41 centers may be located in the CBD zoning districts or
42 in an AC zoning district in the area bounded on the
43 north by Ship Creek, on the south by Chester Creek,

1 on the east by Orca Street extended, and on the west
2 by Cook Inlet.

3 ii. *Existing Centers Established Under Quasi-Institutional House*
4 *Provisions*

5 The three correctional community residential centers that
6 were established under the quasi-institutional house
7 provisions of title 16 and title 21 of this Code and that existed
8 as of January 1, 1995, may continue to operate under the
9 terms of their existing conditional use permits and at the
10 occupancy level permitted as of that date. No other beds
11 may be added to these centers.

12 2. **Habilitative Care Facility¹⁴**

13 a. **Definition**

14 A residential facility, other than a correctional center or transitional
15 living facility, the principal use or goal of which is to serve as a place
16 for persons seeking rehabilitation or recovery from any physical,
17 mental, or emotional infirmity, or any combination thereof, that does
18 not qualify as a disability as defined in this title, in a family setting as
19 part of a group rehabilitation and/or recovery program utilizing
20 counseling, self-help or other treatment or assistance. The term
21 "habilitative care facility" replaces the term "quasi-institutional house"
22 previously used in this title.

23 b. **Use-Specific Standard**

24 The following standard applies to habilitative care facilities (previously
25 called "quasi-institutional houses) established prior to August 8, 1995:

26 i. An habilitative care facility that establishes or maintains a
27 contractual relationship with an adult corrections agency to
28 accept persons in correctional custody and for which the
29 contractual relationship did not exist at the same location and
30 at the same or higher number of beds before June 2, 1992,
31 shall not:

32 (A) Be located in a residential use district; and

33 (B) House residents convicted of a felony as set forth in
34 A.S. 11.41, offenses against the person, in this state
35 or of an offense with the same or substantially similar
36 elements in another jurisdiction, unless that person
37 has successfully completed all conditions of parole
38 and probation and is no longer under supervision of
39 any federal, state or local authority.

40 3. **Residential Care Facility¹⁵**

41 a. **Definition**

42 A facility that provides assisted living to three or more persons over
43 the age of 15 on a residential basis. A *large residential care facility*
44 has nine or more residents; a *small residential care facility* has eight
45 or fewer residents. Residential care provided to two or fewer clients

1 is permitted in any zoning district where a residential dwelling
2 allowed, and is not subject to this definition.

3 **b. Use-Specific Standards for Small Residential Care Facilities (Up**
4 **to Eight Clients)**

5 Residential care facilities with up to eight clients may be allowed as
6 an accessory use; see section 21.05.070, *Accessory Uses and*
7 *Structures*.

8 **c. Use-Specific Standards for Large Residential Care Facilities**

9 All large residential care facilities shall comply with the use-specific
10 standards set forth below for "Adult Care (Nine or More Clients)."

11 **4. Roominghouse**

12 **a. Definition**

13 Any dwelling or establishment in which four or more guestrooms are
14 available for compensation that is paid on a daily, weekly, or monthly
15 basis. A roominghouse may offer dining services only to its tenants
16 and their guests. This definition does not include bed-and-breakfast
17 establishments, which are classified in this title as an accessory use
18 under section 21.05.070.

19 **b. Use-Specific Standards**

20 **i. Administrative Permit**

21 Roominghouses shall require an administrative permit issued
22 in accordance with section 21.03.230. An application for a
23 roominghouse shall not be complete unless it is accompanied
24 by proof of a current business license, health inspection for
25 25 occupants or more, a health authority approval certificate
26 (for on-site systems only), and a site plan and building floor
27 plans meeting the requirements of this title.

28 **ii. General Standards¹⁶**

29 **(A)** In residential zones (including RMX), the design
30 standards for multi-family residential buildings shall
31 apply.¹⁷

32 **(B)** L2 buffer landscaping is required when abutting
33 residential lots in a residential zone.

34 **(C)** The number of guestrooms shall be limited to 8
35 guestrooms or 12 pillows.¹⁸

36 **(D)** Cooking facilities are prohibited in guestrooms.

37 **(E)** The roominghouse shall be limited to a single
38 structure, and only one roominghouse shall be
39 allowed per lot.

40 **(F)** Public ingress and egress to the roominghouse shall
41 be limited to one primary entrance; guestroom
42 entrances shall be from a shared interior hall rather
43 than individual exterior doors.

- (G) In residential zones (including RMX), the owner or operator of the roominghouse shall reside on site.

5. **Transitional Living Facility¹⁹**

a. **Definition**

A supervised residential facility, other than a correctional center or habilitative care facility, for adults and dependent children in transition from rehabilitation, recovery, or homelessness into independent living.

21.05.040 PUBLIC/INSTITUTIONAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general public/institutional use categories and specific public/institutional use types listed in Tables 21.05-1 and 21.05-2. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

A. Adult Care

1. **Definition**

A facility that provides assisted living to three or more persons over the age of 15, and such care is provided on a non-residential basis only.

2. **Use-Specific Standards**

a. **Adult Care (Up to Eight Clients)**

Adult care facilities with up to eight clients may be allowed as an accessory use; see section 21.05.070, *Accessory Uses and Structures*.

b. **Adult Care (Nine or More Clients); (also applies to “Child Care (Nine or More Children)”;** **“Health Care Facilities”;** **and “Large Residential Care Facilities”²⁰**

i. **Applicability**

The standards in this subsection shall apply to adult care and child care facilities designed or proposed to serve nine or more persons/children; health care facilities; and large residential care facilities.

ii. **Traffic Access**

The site shall provide for direct access from a street constructed to Class A standards.

iii. **Minimum Lot Size**

In addition to the general dimensional standards of chapter 21.06, the following standards apply:

(A) **Minimum Lot Size for Adult Care Facility or Large Residential Care Facility**

For facilities designed to care for 17 or more persons, the minimum lot size shall be 20,000 square feet.

wastewater disposal regulations, and shall provide a one-time only health authority certificate. Large residential care facilities shall have an annual field inspection and verification of on-site septic.

B. Child Care Facility²¹

1. Definition

Child care facility has the same meaning as set forth in AMC chapter 16.55. This use includes pre-schools.

2. Use-Specific Standards

a. *Up to Eight Clients*

Child care facilities with up to eight clients may be allowed as an accessory use; see section 21.05.070, *Accessory Uses and Structures*.

b. *Nine or More Children*

Child care facilities with nine children or more shall comply with the use-specific standards set forth above for "Adult Care (Nine or More Clients)."

C. Community Service

This category includes uses of a public, non-profit, or charitable nature providing a local service to people of the community. Generally, such uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. The use may provide special counseling, education, or training. Accessory uses may include offices, meeting, food preparation, parking, health, therapy areas, and athletic facilities. Specific use types include:

1. Cemetery or Mausoleum²²

a. *Definition*

A graveyard, burial ground, mausoleum, or other place of interment, entombment, or sepulture of one or more human bodies or remains. Crematoria are not permitted unless specifically allowed under this title as a separate principal use.

b. *Use-Specific Standards²³*

i. *Burial of Human Remains in Other Areas Prohibited*

Human remains, other than cremated remains, may not be buried, entombed, or interred, above or below ground, except in an approved cemetery.

ii. *Landscaping*

The site shall contain L2 Buffer landscaping immediately within and along the entire length of its periphery, except at access points to the cemetery. The landscaping shall be maintained by the property owner.

iii. *Platting of Burial Plots*

Burial plots shall be platting in accordance with section 21.03.060.D., *Abbreviated Plat Procedure*.

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- iv. *Density of Burial Plots*
Notwithstanding the minimum lot area for any zoning district, there shall be no more than 1,500 burial plots per gross acre.
- v. *Interment Below Groundwater Table Prohibited*
No burial plots shall be established where interment would occur below the groundwater table.
- vi. *Traffic Access*
A cemetery or mausoleum shall have access to a street designated as a collector or greater capacity.
- vii. *Dimensional Standards*
Notwithstanding the general dimensional standards in chapter 21.06, the following standards shall apply to all cemeteries and mausoleums.
- (A) *Minimum Site Area*
Five acres.
- (B) *Minimum Setbacks*
- (1) Front setback: Ten feet.
- (2) Side setback: Ten feet.
- (3) Rear setback: Ten feet.
- (C) *Maximum Height of Structures*
35 feet.
- viii. *Location of Burial Plots within Setbacks*
Graves and burial plots shall not be allowed within setback areas.
- ix. *Parking, Driveways, and Streets*
Parking shall be provided according to section 21.07.090, *Off-Street Parking and Loading*, except that the Traffic Engineer may authorize a pavement surface of gravel for drives and streets that provide direct access to graves and burial plots. Internal driveways and streets providing direct access to a public right-of-way or connecting to principal structures shall be paved with asphalt or concrete.
2. **Community Center**
- a. **Definition**
A facility that is intended primarily to serve the meeting, cultural, social services, administrative, or entertainment needs of the community as a whole, operated by the government or as a non-profit facility, and generally open to the public.
- b. **Use-Specific Standards (also apply to "Religious Assembly")**
- i. *Applicability*

1 The standards of this subsection shall apply to all community
 2 centers and religious assemblies within a residential zoning
 3 district (including RMX).

4 ii. *Minimum Lot Area and Width*

5 Notwithstanding the general standards of chapter 21.06,
 6 community centers and religious assemblies subject to this
 7 subsection shall have a minimum lot area of 14,000 square
 8 feet and a minimum lot width of 100 feet at any point.

9 iii. *Traffic Access*

10 Community centers and religious assemblies shall have at
 11 least one property line of the site that is at least 50 feet in
 12 length, and it shall abut a street designated as a class I
 13 collector or greater on the OSHP. All ingress and egress
 14 traffic shall be directly onto such street.

15 iv. *Buffering Standards*

16 L3 Separation landscaping is required along all property lines
 17 where the community center or religious assembly site abuts
 18 a residential use in a residential zone.

19 3. **Crematorium²⁴**

20 a. ***Definition***

21 A furnace or establishment for the cremation of corpses.

22 b. ***Use-Specific Standard***

23 All facilities shall be maintained within a completely enclosed building,
 24 and shall be sufficiently insulated so that, to the maximum extent
 25 feasible, no noise or odor can be detected off-premises.

26 4. **Governmental Administration and Civic Buildings²⁵**

27 a. ***Definition***

28 An office of a governmental agency or foreign government that
 29 provides administrative and/or direct services to the public, such as,
 30 but not limited to, employment offices, public assistance offices, or
 31 motor vehicle licensing and registration services.

32 5. **Homeless and Transient Shelter**

33 a. ***Definition***

34 A facility designed to provide minimum necessities of life on a limited,
 35 short-term basis for individuals and families during periods of
 36 dislocation or emergency pending formulation of longer-term
 37 planning. Facility elements may include providing the physical care
 38 required, including shelter, food, necessary medical and clothing
 39 needs, directly or by referral to appropriate agency; and planning for
 40 more permanent solution to the problem, including contact with
 41 community resources for housing and employment in the case of
 42 transients.

43 6. **Neighborhood Recreation Center**

44 a. ***Definition***

1 A facility providing recreation/pool facilities and/or meeting rooms,
 2 and typically oriented to the recreational needs of the residents of a
 3 particular subdivision or housing project.

4 **7. Religious Assembly²⁶**

5 **a. Definition**

6 A building or structure, or group of buildings or structures, intended
 7 primarily for the conducting of organized religious services.
 8 Accessory uses may include, without limitation, parsonages, meeting
 9 rooms, and child care provided for persons while they are attending
 10 religious functions. Schools associated with religious assemblies are
 11 not an accessory use.

12 **b. Use-Specific Standards²⁷**

13 **i. Standards**

14 Religious assembly uses shall comply with the use-specific
 15 standards set forth above under "Community Center."

16 **ii. Maximum Height**

17 Except for those elements exempted in subsection
 18 21.06.020E.2., a religious assembly may not exceed the
 19 height permitted in the zoning district in which it is located.
 20 However, in districts where the maximum height is 30 feet,
 21 the maximum height for a religious assembly or a portion
 22 thereof may increase to 40 feet, so long as the building is
 23 setback from any point on the property line at least twice the
 24 maximum actual height.

25 **D. Cultural Facility**

26 This category includes public or nonprofit facilities open to the public that display or
 27 preserve objects of interest or provide facilities for one or more of the arts or sciences
 28 or provision of government services. Accessory uses may include parking, offices,
 29 storage areas, and gift shops. Specific use types include:

30 **1. Aquarium**

31 **a. Definition**

32 An establishment where aquatic collections of living organisms are
 33 kept and exhibited.

34 **2. Botanical Gardens**

35 **a. Definition**

36 A facility for the demonstration and observation of the cultivation of
 37 flowers, fruits, vegetables, native, or ornamental plants.

38 **3. Library**

39 **a. Definition**

40 A facility for the use of literary, musical, artistic, or reference
 41 materials.

42 **4. Museum or Cultural Center**

43 **a. Definition**

1 A building or place serving as a repository for a collection of natural,
 2 scientific, cultural, historic, or literary curiosities or objects of interest,
 3 or works of art, or sites and buildings, and arranged, intended, and
 4 designed to be used by members of the public for viewing, and which
 5 may include demonstrations and teaching.

6 **5. Planetarium**

7 **a. Definition**

8 A building housing an instrument for projecting images of celestial
 9 bodies and other astronomical phenomena onto a domed ceiling, or
 10 for presenting shows or exhibitions about astronomy and the night
 11 sky.

12 **6. Zoo**

13 **a. Definition**

14 An area, building, or structures that contain wild animals on exhibition
 15 for viewing by the public.

16 **E. Educational Facility**

17 This category includes any public and private school at the elementary, middle, junior
 18 high, or high school level. This category also includes colleges and other institutions
 19 of higher learning that offer courses of general or specialized study leading to a
 20 degree. This category also includes vocational or trade schools. Accessory uses at
 21 schools include play areas, meeting areas, cafeterias, recreational and sport facilities,
 22 auditoriums, parking, and before- or after-school day care. Accessory uses at
 23 colleges include offices, food service, laboratories, health and sports facilities,
 24 theaters, meeting areas, parking, maintenance facilities, and ancillary supporting
 25 commercial activities. Specific use types include:

26 **1. Boarding School**

27 **a. Definition**

28 A school where students are provided with on-site meals and lodging.

29 **b. Use-Specific Standards**

30 Boarding schools shall comply with the use-specific standards set
 31 forth below for "Elementary School." Any associated dormitories shall
 32 comply with the use-specific standards for "dormitory" in section
 33 21.05.070, *Accessory Uses and Structures*.

34 **2. College or University**

35 **a. Definition**

36 A degree-granting institution, other than a vocational or trade school,
 37 that provides education beyond the high school level. The use
 38 includes, but is not limited to, classroom buildings, offices,
 39 laboratories, lecture halls, athletic facilities, and dormitories. Colleges
 40 tend to be in campus-like settings or on multiple blocks.

41 **3. Education and Research Center**

42 **a. Definition**

43 Educational facilities, research centers, and laboratories operated by
 44 a government or educational institution and devoted to the study of
 45 natural and applied sciences and/or engineering.

- 1 4. **Elementary School**
- 2 a. **Definition**
- 3 A public, private, parochial, or charter school offering academic
- 4 instruction for students typically between the kindergarten and sixth
- 5 grade levels. Pre-school is not included and is categorized in this title
- 6 as “Child Care Facility.”
- 7 b. **Use-Specific Standards (also apply to “Boarding School” and**
- 8 **“Middle and High School”)²⁸**
- 9 i. **Purpose**
- 10 The standards of this subsection are intended to ensure the
- 11 compatibility of schools with surrounding neighborhoods and
- 12 to minimize the impacts of school uses on adjacent
- 13 properties.
- 14 ii. **Applicability²⁹**
- 15 The standards of this subsection shall only apply to schools
- 16 with 100 students or more.
- 17 iii. **Public Schools**
- 18 Public schools are subject to the facility standards of the
- 19 Anchorage School District, in addition to the requirements of
- 20 this title for the zoning district in which they are located. For
- 21 issues in which the Anchorage School District site
- 22 development and design criteria are more stringent than the
- 23 standards of this section, the School District standards shall
- 24 control.
- 25 iv. **Minimum Lot Dimensions and Setbacks**
- 26 All schools are subject to the following standards:
- 27 (A) School buildings in residential districts (including
- 28 RMX) shall: 1) cover not more than 35 percent of
- 29 their site area; and 2) provide 50-foot side and rear
- 30 setbacks.
- 31 (B) Minimum lot requirements in all districts shall be as
- 32 follows:
- 33 (1) Elementary: one acre per 100 students;
- 34 (2) Middle, High, and Boarding: one and one-half
- 35 acres per 100 students.
- 36 v. **Vehicle and Pedestrian Access**
- 37 (A) All middle and high schools, and schools without an
- 38 Anchorage School District attendance boundary shall
- 39 have at least 100 feet of frontage on a Class I or
- 40 greater classification street.
- 41 (B) Paved pedestrian walkways and trails, exclusive of
- 42 driveways, shall be provided between the principal

1 buildings and each abutting public right-of-way or
2 trail.

3 vi. *Temporary Structures for School Expansion Space*
4 *(Relocatables)*

5 Temporary structures serving as expansion space for schools
6 are allowed in all districts in which schools are allowed,
7 subject to the following standards:

8 (A) To the maximum extent feasible, temporary
9 structures shall not be located between the principal
10 building and a street classified as collector class or
11 greater in the OSHP.

12 (B) The temporary structures are exempt from the
13 general requirements for all temporary uses
14 contained in section 21.05.080, *Temporary Uses and*
15 *Structures*.

16 vii. *Buffering Standards*
17 L3 Separation landscaping is required along all property lines
18 where the school site abuts a residential use in a residential
19 zone.

20 5. **High School or Middle School**

21 a. **Definition**
22 A public, private, parochial, or charter school offering academic
23 instruction for students typically in the seventh through twelfth grades.
24 This classification includes the terms “middle school” and “junior high
25 school.”

26 b. **Use-Specific Standards**
27 High schools and middle schools shall comply with the use-specific
28 standards set forth for “Elementary School” above.

29 6. **Vocational or Trade School**

30 a. **Definition**
31 A secondary or higher education facility teaching skills that prepare
32 students for jobs in a trade to be pursued as an occupation, such as
33 carpentry, welding, heavy equipment operation, piloting boats or
34 aircraft, repair and service of appliances, motor vehicles, boats,
35 aircraft, light or heavy equipment, accounting, data processing, and
36 computer repair. Incidental instruction services in conjunction with
37 another primary use shall not be considered a vocational or trade
38 school.

39 b. **Use-Specific Standard³⁰**
40 i. In the CBD zoning districts, vocational or trade schools shall
41 be prohibited at the ground level.

42 ii. This use includes business schools but excludes
43 establishments providing training in an activity that is not
44 otherwise permitted in the zoning district.

1 **F. Health Care Facility³¹**

2 This category includes uses that provide medical or surgical care to patients.
3 Accessory uses include offices, laboratories, teaching facilities, meeting areas,
4 cafeterias, parking, maintenance facilities, and housing for staff or trainees. Specific
5 uses types include:

6 **1. Health Care Facility**

7 **a. Definition**

8 A facility or institution, whether public or private, principally engaged
9 in providing services for health maintenance, diagnosis or treatment
10 of human disease, pain, injury, deformity or physical condition,
11 including but not limited to a general hospital, special hospital, mental
12 hospital, public health center, diagnostic center, treatment center,
13 rehabilitation center, extended care facility, skilled nursing home,
14 nursing facility, intermediate care facility, tuberculosis hospital,
15 chronic disease hospital, or maternity hospital, but excluding
16 habilitative care facilities and residential care facilities. Training,
17 rehabilitation services, and health services may be permitted as
18 accessory uses, if integral to the facility's function. Central services
19 facilities such as kitchens and laboratories that serve the health care
20 facility are permitted accessory uses.

21 **b. Use-Specific Standards**

22 Health care facilities shall comply with the use-specific standards set
23 forth above for "Large Residential Care Facilities."

24 **2. Health Services**

25 **a. Definition**

26 Establishments primarily engaged in furnishing, on an outpatient
27 basis, chiropractic, dental, medical, surgical or other services to
28 individuals, including the offices of chiropractors, physicians,
29 osteopaths, dentists and other health practitioners, medical and
30 dental laboratories, outpatient care and outpatient care facilities,
31 dispensaries, home health care agencies, blood banks and
32 pharmacies.

33 **b. Use-Specific Standards**

34 In the CBD-2 district, this use is prohibited on the ground floor.

35 **G. Parks and Open Areas**

36 This category includes uses of land focusing on natural areas, large areas consisting
37 mostly of vegetative landscaping or outdoor recreation, community gardens, or public
38 squares. Lands tend to have few structures. Accessory uses may include
39 clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters,
40 and parking. Specific use types include:

41 **1. Community Garden**

42 **a. Definition**

43 A private or public facility for the cultivation of fruits, flowers,
44 vegetables, or ornamental plants by more than one individual or
45 family.

1 2. **Park and Open Space, Public or Private**³²
 2 a. **Definition**
 3 A non-commercial, not-for-profit facility or area designed to serve the
 4 recreation needs of the residents of the community. Such facilities or
 5 areas include, but are not limited to, playfields, playgrounds, and
 6 open space.

7 H. **Public Safety Facility**³³
 8 This category includes buildings, storage areas, and other facilities for the public
 9 safety operations of local, state, or federal government. Accessory uses include
 10 maintenance, storage, fueling facilities, satellite offices, holding cells, and parking
 11 areas. Specific uses include:

12 1. **Community or Police Substation**
 13 a. **Definition**
 14 A subsidiary community services or police station providing public
 15 services primarily intended for the immediate geographic area in
 16 which the station is located.

17 b. **Use-Specific Standards**
 18 In the R-3, R-4, and RMX districts, community or police substations
 19 shall be no larger than 3,500 square feet in gross floor area, and shall
 20 be architecturally compatible with the surrounding residential
 21 neighborhood in terms of building and roofing design and materials
 22 and lot placement.

23 2. **Correctional Institution**
 24 a. **Definition**
 25 A facility, other than a correctional community residential center,
 26 providing for the imprisonment or physical confinement of prisoners
 27 under guard or 24-hour physical supervision, such as prisons, prison
 28 farms, jails, reformatories, penitentiaries, houses of detention,
 29 detention centers, honor camps, and similar facilities.

30 b. **Use-Specific Standards**³⁴
 31 i. **Traffic Access**
 32 A site more than one-half acre in size shall provide for direct
 33 access from a street of collector or greater capacity.
 34 ii. **Dimensional Standards**
 35 Notwithstanding the general dimensional standards in chapter
 36 21.06, the following specific standards apply to these uses:

37 (A) **Minimum Lot Size for Rural Correctional Institutions**
 38 Unless otherwise authorized by the Planning and
 39 Zoning Commission, the minimum lot size for rural
 40 correctional institutions shall be as follows:

41 (1) One to ten beds: One-half acre (21,780
 42 square feet).

1 (2) Eleven to 20 beds: One acre (43,560 square
2 feet).

3 (3) For each additional ten beds or fraction
4 thereof: One-half acre.

5 (B) *Minimum Lot Size for Urban Correctional Institutions*
6 Unless otherwise authorized by the Planning and
7 Zoning Commission, the minimum lot size for urban
8 correctional institutions shall be as follows:

9 (1) Less than five beds: 6,000 square feet.

10 (2) Five to ten beds: 15,000 square feet.

11 (3) More than 11 beds: 20,000 square feet

12 iii. *Maximum Lot Coverage*
13 The maximum lot coverage by all structures shall be in
14 accordance with the zoning district in which the institution is
15 established. However, regardless of the maximum underlying
16 lot coverage, a minimum of 25% of the lot shall remain as a
17 planted open area, landscaped area, natural vegetation area
18 or useable yard, to exclude buildings, driveways, parking
19 areas, sidewalks, etc., unless the Director determines that
20 retention of less than 25% of the lot as open area, etc., will
21 allow for sufficient buffering of adjacent uses.

22 iv. *Screening or Buffering*
23 The Planning and Zoning Commission may require:

24 (A) Enclosure of the entire site by a fence, or L3
25 Separation landscaping, or both, in order to prevent
26 casual access to and from the site.

27 (B) L3 Separation landscaping along the perimeter of the
28 site.

29 (C) L4 Screening landscaping when adjacent to
30 residential zones (including RMX).

31 3. **Police/Fire Station**

32 a. **Definition**
33 A station housing a police or fire department, including indoor and
34 outdoor space for administrative offices, storage of equipment,
35 temporary detention facilities, and associated vehicles, equipment,
36 and servicing facilities. Police stations provide services to multiple
37 precincts.

I. Transportation Facility

This category includes facilities that receive and discharge passengers and freight. Accessory uses include freight handling areas, concessions, offices, parking and maintenance, and fueling facilities. Specific use types include:

1. Airport**a. Definition³⁵**

A publicly owned area of land or water that is used or intended for use for the landing and take-off of aircraft, and includes its buildings and facilities, if any.

2. Airstrip, Private**a. Definition**

Privately owned land or water maintained as a runway.

b. Use-Specific Standard

Private airstrips are allowed conditionally in residential districts only if adequate approach and noise buffer areas are provided.

3. Bus Transit Center**a. Definition**

Any premises for the parking of motor-driven buses and the loading and unloading of passengers, but not including transit vehicle repair. Accessory uses may include ticket purchase facilities, restaurants, and stores.

4. Heliport**a. Definition**

An area designed to be used for the landing or takeoff of helicopters, which may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

5. Railroad Freight Terminal**a. Definition**

A rail facility for the loading and unloading of goods, merchandise, substances, materials, and commodities.

6. Railroad Passenger Terminal**a. Definition**

A railroad facility for the boarding of passengers, but not including freight terminal operations. Accessory uses may include ticketing sales and offices, restaurants and stores.

7. Rail Yard³⁶**a. Definition**

An area for the storage and repair of trains, which may include open storage yards, rail-switching equipment, roundhouses, and workshops.

1 **J. Utility Facility**

2 This category includes both major utilities, which are infrastructure services providing
3 regional or community-wide service, and minor utilities, which are infrastructure
4 services that need to be located in or near the neighborhood where the service is
5 provided. Services may be publicly or privately provided. Accessory uses may
6 include parking and control, monitoring, or data transmission equipment. Specific
7 uses types include:

8 **1. Governmental Service³⁷**

9 **a. Definition**

10 A facility housing government shops, maintenance and repair centers,
11 and equipment storage yards.

12 **b. Use-Specific Standards**

13 L4 Screening landscaping is required where adjacent to residential
14 zones (including RMX).

15 **2. Utility Facility³⁸**

16 **a. Definition**

17 A service of a regional nature that normally entails the construction of
18 new buildings or structures, and that typically has employees at the
19 site. Examples include water works, water or sewage treatment
20 plants, power or heating plants, or steam generating plants.

21 **3. Utility Substation³⁹**

22 **a. Definition**

23 A service that is necessary to support development within the
24 immediate vicinity, and is typically not staffed. Examples include, but
25 are not limited to, electric transformer stations; gas regulator stations;
26 water reservoirs; telephone exchange facilities; and water and
27 sewage collection or pumping stations.

28 **b. Use-Specific Standards**

29 The facility shall be designed and constructed to ensure visual and
30 aesthetic compatibility with the surrounding neighborhood.
31 Compatibility may be achieved either by using similar architectural
32 design and materials as building(s) in the surrounding neighborhood,
33 or by screening the facility with L3 Separation landscaping.

34 **K. Telecommunication Facilities⁴⁰**

35 Telecommunication facilities transmit signals between or among points using
36 electromagnetic waves. The facilities may include towers, antennae, buildings,
37 transformers, transmitters, receivers, equipment cabinets, and parking areas.

38 **1. Definitions**

39 **a. Antenna**

40 Any structure or device used to collect, receive, transmit, or radiate
41 electromagnetic waves. Antennae may be mounted on
42 towers or on buildings, and may be concealed or non-concealed.

- 1 c. If an applicant seeking to erect a tower under subsection b provides
 2 evidence that reasonable efforts were made to lease space on an
 3 existing or planned tower and that the owner of that tower
 4 unreasonably refused to lease such space, the owner of that tower
 5 shall, within 180 days, reduce the height of that tower to no more than
 6 50 feet unless the owner demonstrates that the refusal to lease such
 7 space was reasonable or that the tower was not granted any height
 8 bonus for co-location.

9 **4. Tower Height**

- 10 a. The height of a tower, whether freestanding or building-mounted,
 11 shall be measured from the base of the tower to the highest point of
 12 the tower, including any installed antennae and appurtenances.
- 13 b. Tower or antennae shall not exceed the height limits set forth in
 14 section 21.04.070.B., *Airport Height Overlay District*.
- 15 c. The maximum height for towers is 50 feet plus 25 feet for each co-
 16 located installation, or as approved by conditional use in accordance
 17 with Table 21.05-1 or 21.05-2.

18 **5. Use-Specific Standards for Telecommunication Facilities**

19 **a. General Standards**

- 20 i. The exterior appearance of all accessory buildings shall be
 21 similar to other buildings in the surrounding area in terms of
 22 predominant building materials.
- 23 ii. Towers shall not be lighted unless the Federal Aviation
 24 Administration requires or recommends that obstruction
 25 lighting be installed. To prevent direct light reflection on other
 26 property, tower lighting shall be shielded to the extent
 27 permitted by the Federal Aviation Administration.
- 28 iii. Towers and antennae shall be neutral in color unless
 29 obstruction marking is required by the Federal Aviation
 30 Administration.
- 31 iv. No advertising sign or logo shall be permitted on any
 32 telecommunications facility.
- 33 v. In residential districts, accessory buildings shall not be used
 34 as the regular place of employment for any worker. This
 35 provision does not prohibit periodic maintenance or
 36 monitoring of equipment.
- 37 vi. Off-street parking is not required. However if off-street
 38 parking is provided, it shall meet the requirements of section
 39 21.07.090. Any off-street parking space shall be illuminated
 40 only when the parking space is in use.
- 41 vii. Identification placard. An identification placard shall be
 42 attached to the tower structure (if building-mounted) or the
 43 surrounding fence (if free-standing) in a location clearly

1 visible at eye level. The placard shall provide the following
2 information:

- 3 (A) The name and address of the tower owner;
- 4 (B) The name and address of the tower manager;
- 5 (C) The name and address of the owner of each antenna
6 on the tower;
- 7 (D) The latitude and longitude of the tower; and
- 8 (E) The date of erection of the tower.

9 **b. Concealed Antennae**

10 Concealed antennae may encroach into any required setback. The
11 maximum height of concealed antennae is unlimited except as
12 provided in section 21.04.070.B., *Airport Height Overlay District*.

13 **c. Non-Concealed Building-Mounted Antennae or Towers**

14 The maximum height of non-concealed building-mounted antennae or
15 towers shall be 20 feet plus 10 percent of the building height.

16 **d. Freestanding Towers**

17 i. Freestanding towers shall be set back from the property
18 boundary a distance equal to the height of the proposed
19 tower.

20 ii. Freestanding towers shall be set back from dwellings,
21 schools, child care facilities, and from residential or mixed
22 use districts by at least 200 feet or two times the height of the
23 proposed tower, whichever is greater.

24 iii. Any guy anchor that is 30 inches or less above grade shall be
25 set back from any property line at least 5 feet. Any guy
26 anchor that is more than 30 inches above grade shall meet
27 the setbacks required in the zoning district.

28 iv. Each guy anchor shall be surrounded by a fence or wall to
29 the elevation of the highest portion of the guy anchor.

30 v. Freestanding towers and any building or equipment enclosure
31 accessory thereto shall be surrounded by a fence or wall at
32 least six feet in height. In residential districts, the fence or
33 wall shall be surrounded by L3 Separation landscaping.

34 **6. Outside Experts and Disputes**

35 If an applicant for a telecommunications facility claims that one or more
36 standards of this title are inconsistent with federal law as applied to a
37 particular property, or would prohibit the effective provision of wireless
38 communications within the relevant market area, the decision-making body
39 may require that the application be reviewed by an attorney and/or qualified

1 third-party engineer for a determination of the accuracy of such claims. Any
2 costs for such review shall be charged to the applicant.

3 **7. Abandoned Antennae or Towers**

4 Any antenna or tower that is not operated for a continuous period of 12
5 months shall be considered abandoned, and the owner of such antenna or
6 tower shall remove the same within 180 days of receipt of notice from the
7 Director notifying the owner of such abandonment. Failure to remove an
8 abandoned antenna or tower within said 180 days shall be grounds for the
9 Municipality to remove the tower or antenna at the owner's expense.

10 **8. Concealment**

11 a. Each design for a concealed tower or antenna shall be reviewed by
12 the Director. A proponent of a concealed tower or antenna design
13 shall provide the Director with evidence in the form of construction
14 drawings, photographs, renderings, or other data sufficient for the
15 Director to determine whether the design effectively conceals the
16 tower or antenna. The Director shall disapprove or grant preliminary
17 approval to the design within 30 days of receiving such sufficient
18 data.

19 b. Only one installation may be constructed under a preliminary
20 approval. At completion of the first concealed tower or antenna of a
21 particular design, it shall be reviewed by the Director to confirm that
22 the installation effectively conceals the tower or antenna. If the
23 Director finds that the installation fails to effectively conceal the tower
24 or antenna, that design shall be considered non-concealed. The
25 installation constructed under the Director's preliminary approval
26 shall, however, be considered a concealed tower or antenna.

27 c. If the Director finds that the installation effectively conceals the tower
28 or antenna, the Director shall grant final approval to the design and all
29 other towers or antennae of that design shall be considered
30 concealed.

31 **9. Annual inventory**

32 By January 31 of each year, each tower owner who is regulated by this
33 section shall provide the Department with an inventory of all their existing
34 towers and antennae.

35 **10. Nonconformities**

36 a. Nonconforming towers and antennae shall be allowed to continue
37 until they are removed or destroyed. Routine maintenance shall be
38 permitted on such nonconforming towers and antennae. Antennae
39 may be replaced with antennae of the same or smaller size that serve
40 the same general purpose as was served by the original antennae.
41 Such replacement antennae need not comply with Table 21.05-1 or
42 21.05-2.

43 b. New antennae may be co-located on nonconforming towers that were
44 originally designed to accommodate co-location. Such co-located
45 antennae need not comply with Table 21.05-1 or 21.05-2.

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- vi. A description of the finished color and finish of any accessory structure, screening fence or wall.
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 - vii. A description of any proposed obstruction lighting or obstruction marking, together with the Federal Aviation Administration recommendation or requirement regarding such lighting or marking.
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 - viii. A statement by the applicant as to the number of co-located installations the tower is designed to accommodate.
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 - ix. Evidence the applicant appeared before the community council representing the site.
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- c. In addition to the general standards for a conditional use, the planning and zoning commission shall consider the following factors in determining whether to approve a conditional use:
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 - i. Height of the proposed tower
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 - ii. Proximity of the tower to residential structures and residential district boundaries.
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 - iii. Nature of uses on adjacent and nearby properties.
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 - iv. Surrounding topography.
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 - v. Geotechnical hazards such as area of high or very high seismically induced ground failure susceptibility, avalanche zones, or landslide areas.
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 - vi. Surrounding tree coverage and foliage.
 - vii. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - viii. Proposed ingress and egress.
- d. Modifications to conditional use towers shall be subject to the following:
- i. Routine maintenance shall be permitted.
 - ii. The replacement, repair or addition of antennae to a tower shall be considered a use contemplated within the original approved or de facto conditional use where the replacement, repair or addition of antennae will serve the same general purpose as was served under the original conditional use, is consistent with the original conditional use, and does not increase the height of the tower.

21.05.050 COMMERCIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general commercial use categories and specific commercial use types listed in Tables 21.05-1 and 21.05-2. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

A. Agricultural Uses

This category includes activities that primarily involve raising, producing, or keeping plants or animals, or cultivation and management of other natural resources. Accessory uses may include dwellings for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site. Specific use types include:

1. Farming, Animal Husbandry⁴¹

a. Definition

Commercial agricultural uses in general and especially dairy, stock, and poultry farming.

b. Use-Specific Standards⁴²

i. Notwithstanding the dimensional requirements in chapter 21.06, this use requires a minimum lot size of 15 acres.

ii. No livestock pens, fenced corrals, or buildings for the keeping of livestock shall be located within 100 feet the property line. No new dwellings shall be constructed within 100 feet of livestock pens, fenced corrals, or buildings for the keeping livestock.

iii. Waste shall be managed in accordance with AMC title 15.20.020.

2. Farming, Horticultural

a. Definition

An establishment engaged in the raising of vegetables, produce, fruit crops, vines, shrubs, trees (including Christmas trees), sod production, and nursery plants for sale. This use includes, but is not limited to, crop farms, orchards, groves, tree plantations, or a temporary stand for the sale of products grown on the premises. Customers may visit the site, but establishments engaged primarily in the retail sale of nursery plants are classified as “nursery, commercial” below.

B. Animal Sales, Service, and Care

This category includes uses that involve the selling, boarding, training, or care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

1. Animal Control Shelter

a. Definition

1 A facility used to house or contain stray, homeless, abandoned, or
 2 unwanted animals and that is owned, operated, or maintained by a
 3 public or nonprofit organization devoted to the welfare, protection,
 4 and humane treatment of animals.

5 **b. Use-Specific Standards (also apply to “Animal Grooming**
 6 **Service” and “Veterinary Clinic”)**

7 **i. General Standards when Use is in a Residential District or**
 8 **Adjacent to a Residential District**

9 All facilities, including all treatment rooms, cages, pens,
 10 kennels, training rooms and exercise runs, shall be
 11 maintained within a completely enclosed, soundproof
 12 building, and shall be sufficiently insulated so that, to the
 13 maximum extent feasible, no noise or odor can be detected
 14 off-premises.

15 **ii. Additional Standards in the I-1 and PLI District**

16 Notwithstanding the above provisions, outdoor exercise runs
 17 may be allowed in the I-1 or PLI districts where all parts of the
 18 use are located 200 feet or more from any non-industrial
 19 district. An outdoor run shall be located on site and shall be
 20 screened from the view of all adjacent streets and properties
 21 by fencing or vegetation. To the maximum extent feasible, no
 22 noise or odor shall be detected off-premises.

23 **iii. Waste shall be managed in accordance with AMC section**
 24 **15.20.020.**

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 26 **2. Animal Grooming Service**

27 **a. Definition**

28 An establishment where animals are bathed, clipped, or combed for
 29 the purpose of enhancing their aesthetic value, odor, health, and
 30 hygiene. Accessory uses may include animal boarding for no more
 31 than 48 hours.

32 **b. Use-Specific Standards**

33 Animal grooming services shall comply with the use-specific
 34 standards above for “Animal Control Shelter.”

35 **3. Kennel, Commercial**

36 **a. Definition**

37 A commercial establishment where small domestic animals, such as
 38 dogs and cats, are boarded.

39 **b. Use-Specific Standards (also apply to “Paddock or Stable,**
 40 **Commercial”)**

41 **i.** A kennel, paddock, or stable shall be set back at least 100
 42 feet from any residential use or property zoned residential
 43 (including RMX).

44 **ii.** To the maximum extent feasible, no noise or odor shall be
 45 detected off-premises. Waste shall be managed in
 46 accordance with AMC section 15.20.020.

1 iii. In the R-5, R-6, and R-9 districts, the minimum lot size for a
2 kennel, paddock, or stable shall be two acres.⁴³

3 **4. Paddock or Stable, Commercial**

4 **a. Definition**

5 A commercial establishment consisting primarily of a fenced area or
6 enclosed building in which four or more large domestic animals, such
7 as cattle, horses, pigs, and goats, are sheltered and fed. Such
8 facilities have stalls or compartments. Includes riding stable facilities
9 for the care and exercise of horses and related equestrian activities.

10 **b. Use-Specific Standards**

11 Paddocks or stables shall comply with the use-specific standards
12 above for "Kennel (Commercial)."

13 **5. Pet Shop**

14 **a. Definition**

15 An establishment primarily engaged in the sale of domestic animals,
16 such as dogs, cats, fish, birds, and reptiles, excluding exotic animals
17 and farm animals such as horses, goats, sheep, and poultry.
18 Accessory uses may include grooming and overnight stays incidental
19 to the primary use.

20 **6. Veterinary Clinic**

21 **a. Definition**

22 An establishment for the medical care and treatment by a licensed
23 veterinarian of small animals, including household pets.

24 **b. Use-Specific Standards**

25 Veterinary clinics shall comply with the use-specific standards above
26 for "Animal Control Shelter."

27 **C. Assembly**

28 This use includes buildings and facilities owned or operated by associations,
29 corporations, governments, or other persons for social, educational, or recreational
30 purposes. Facilities are primarily for members and their guests, or members of the
31 public paying a fee. Accessory uses may include offices, meeting areas, food
32 preparation areas, concessions, parking, and maintenance facilities. Specific use
33 types include:

34 **1. Civic/Convention Center**

35 **a. Definition**

36 An establishment designed to accommodate 500 or more persons
37 and used for conventions, conferences, seminars, product displays,
38 and entertainment functions. Accessory uses may include temporary
39 outdoor displays, parking, and food and beverage preparation and
40 service for on-site consumption.

41 **b. Use-Specific Standard**

42 Any use that involves the retail sale of alcohol is subject to the
43 Assembly Alcohol Approval process; see section 21.05.020.A.

- 1 2. **Club/Lodge/Meeting Hall**
2 a. **Definition**
3 An establishment owned or operated by a corporation, association, or
4 persons for a social, educational, or recreational purpose, to which
5 membership may be required for participation. Such establishments
6 typically offer services to the public.
- 7 b. **Use-Specific Standard**
8 Any use that involves the retail sale of alcohol is subject to the
9 Assembly Alcohol Approval process; see section 21.05.020.A.
- 10 D. **Entertainment, Indoor**
- 11 This category includes uses that provide continuous recreation or entertainment
12 activities, primarily indoors. Accessory uses may include concessions, snack bars,
13 parking, and maintenance facilities. Specific use types include:
- 14 1. **Amusement Establishment**
15 a. **Definition**
16 An establishment offering entertainment, game playing, or similar
17 amusements to the public within a fully enclosed building. This shall
18 include arcades, bowling alleys, billiard parlors, bingo parlors, laser
19 tag parlors, water parks, miniature golf courses, and indoor shooting
20 ranges.
- 21 b. **Use-Specific Standard**
22 Any use that involves the retail sale of alcohol is subject to the
23 Assembly Alcohol Approval process; see section 21.05.020.A.
- 24 2. **Entertainment Facility, Major**
25 a. **Definition**
26 Major entertainment facilities uses are designed to accommodate
27 activities that generally draw 1,000 persons or more to specific events
28 or shows. Activities are generally of a spectator nature. Examples
29 include amphitheatres, performing arts centers, stadiums, sports
30 arenas, coliseums, auditoriums, and fairgrounds. Accessory uses
31 may include restaurants, bars, concessions, parking and
32 maintenance facilities.
- 33 b. **Use-Specific Standard**
34 Any use that involves the retail sale of alcohol is subject to the
35 Assembly Alcohol Approval process; see section 21.05.020.A.
- 36 3. **Fitness and Recreational Sports Center**
37 a. **Definition**
38 A facility primarily featuring equipment for exercise and other active
39 physical fitness conditioning or recreational sports activities, such as
40 swimming, skating, racquet sports, aerobic dance, gymnasium
41 facilities, yoga, and other kinds of sports and fitness facilities.
- 42 4. **Movie Theater**
43 a. **Definition**
44 An indoor theater for showing motion pictures.

1 **5. Nightclub, Licensed**

2 **a. Definition**

3 An enterprise, that, for consideration, provides entertainment to its
4 patrons in the form of floorshows; dance revues; live, recorded, or
5 electronically enhanced music; patron dancing; or performances by
6 live or recorded professional or amateur entertainers. Discotheques,
7 nightclubs, bars, lounges, dance halls, bistros, and any facility that
8 meets the terms of this definition are often, but not exclusively, open
9 during one or more of the hours between 11:00 p.m. and 7:00 a.m.
10 This definition excludes theaters or auditoriums with fixed seating,
11 facilities used exclusively for nonprofit charitable or nonprofit
12 educational purposes, religious assemblies, adult-oriented
13 establishments as defined by AMC section 10.40.050, publicly owned
14 and operated recreation centers or parks, and public and private
15 schools.

16 **b. Use-Specific Standards⁴⁴**

17 i. All facilities shall be maintained within a completely enclosed,
18 soundproof building, and shall be sufficiently insulated so that
19 no unreasonable noise can be detected off-premises.

20 ii. Notwithstanding the general dimensional standards in chapter
21 21.06, the minimum setback requirement shall be 25 feet if
22 adjacent to a public right-of-way or to an industrial zoning
23 district, and 50 feet if adjacent to a non-industrial zoning
24 district.

25 iii. Any use that involves the retail sale of alcohol is subject to
26 the Assembly Alcohol Approval process; see section
27 21.05.020A.

28 **6. Nightclub, Unlicensed**

29 **a. Definition**

30 An enterprise, that, for consideration, provides entertainment to its
31 patrons in the form of floorshows; dance revues; live, recorded, or
32 electronically enhanced music; patron dancing; or performances by
33 live or recorded professional or amateur entertainers, but does not
34 offer or sell to its patrons either alcoholic beverages, as defined by
35 A.S. 04.21.080 or adult entertainment as defined by AMC section
36 10.40.050. Teen clubs and cultural performance venues as set forth
37 in AMC chapter 10.55, discotheques, nightclubs, bars, lounges,
38 dance halls, bistros, and any facility that meets the terms of this
39 definition are often, but not exclusively, open during one or more of
40 the hours between 11:00 p.m. and 7:00 a.m. This definition excludes
41 theaters or auditoriums with fixed seating, facilities used exclusively
42 for nonprofit charitable or nonprofit educational purposes, religious
43 assemblies, adult-oriented establishments as defined by AMC section
44 10.40.050, publicly owned and operated recreation centers or parks,
45 and public and private schools.

46 **b. Use-Specific Standards⁴⁵**

47 i. Purpose

Certain types of enterprises have been determined to produce secondary impacts on surrounding land uses. The impacts include a perceived decline in property values, and an increase in the level of criminal activity, including unlawful sales and use of drugs and consumption of alcoholic beverages, in the vicinity of these types of enterprises. The purpose of this subsection is to segregate such enterprises from land uses that are likely to be negatively impacted.

ii. *Minimum Distance from Certain Uses*

Except for teen nightclubs and underage dances permitted under AMC chapter 10.55, an unlicensed nightclub shall be located so that all portions of the lot on which the unlicensed nightclub is located shall be 300 feet or more from the lot line of property on which is located:

(A) A public, private, or parochial school;

(B) Property zoned residential (including RMX); or

(C) TA-zoned property designated as residential in the Turnagain Arm Comprehensive Plan.

iii. *Administrative Permit Required*

An administrative permit for each unlicensed nightclub shall be obtained from the Department and be displayed in a prominent place inside the unlicensed nightclub. This permit shall certify that, when granted, the enterprise was in compliance with paragraph ii. of this subsection. This permit shall be obtained from the Director, pursuant to section 21.03.230, *Administrative Permits*. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand.

7. **Theater Company or Dinner Theater**

a. **Definition**

An establishment for live dramatic, operatic, or dance presentations open to the public, without membership requirements, whose seating capacity does not exceed 500 seats and seating area does not exceed 3,000 square feet, or any area for the rehearsal of such live performances. These establishments may also provide food and beverages for consumption on the premises.

b. **Use-Specific Standard**

Any use that involves the retail sale of alcohol is subject to the Assembly Alcohol Approval process; see section 21.05.020A.

E. **Entertainment/Recreation, Outdoor**

This category includes uses that provide continuous recreation or entertainment activities, primarily outdoors. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

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1. **General Outdoor Recreation, Commercial**
 - a. **Definition**
Intensely developed recreational uses such as amusement parks, miniature golf courses, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.
 - b. **Use-Specific Standard**
L3 Separation landscaping shall be provided wherever this use is adjacent to a residential district (including RMX).
 2. **Golf Course**
 - a. **Definition**
A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restrooms, or similar accessory uses or structures. This term shall not include housing or miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.
 3. **Golf Driving Range**
 - a. **Definition**
An establishment equipped with tee areas, distance markers, and related features for practicing golf, and that may include a pro shop and snack bar, but that does not include miniature golf courses.
 4. **Motorized Sports Facility**
 - a. **Definition**
A facility for the racing of motorcycles, snow machines, race cars, or other motorized vehicles.
 - b. **Use-Specific Standards⁴⁶**
 - i. **Assembly Alcohol Approval Process**
Any use that involves the retail sale of alcohol is subject to the Assembly Alcohol Approval process; see section 21.05.020A.
 - ii. **Hours of Operation**
The maximum hours of operation shall be from 8:00 a.m. to 10:00 p.m. Monday through Saturday, and from 12:00 p.m. to 10:00 p.m. on Sunday.
 - iii. **Additional Site Plan Requirements**
In all districts, as part of the site plan application, the applicant shall comply with the following requirements:
 - (A) If the projected or actual noise level exceeds the standards set at AMC section 15.70.080.A., a noise analysis shall be prepared identifying noise mitigation measures.

- 1 (B) The applicant shall prepare an operation plan to
- 2 monitor and enforce:
- 3 (1) Prohibition on consumption of alcoholic
- 4 beverage on the premises; and
- 5 (2) Mandatory transportation of racing machines
- 6 to the site;
- 7 (C) The applicant shall submit a dust and litter control
- 8 plan and describe the methods to be used to collect
- 9 trash on the site.
- 10 (D) The applicant shall identify one or more individuals
- 11 who shall be responsible for enforcement of the
- 12 noise, operation, and dust and litter control plans
- 13 developed pursuant to this subsection.
- 14 iv. *Dimensional Standards*
- 15 Notwithstanding the general dimensional standards of
- 16 chapter 21.06:
- 17 (A) The Planning and Zoning Commission may designate
- 18 minimum setback areas around the perimeter of the
- 19 site as it deems necessary to minimize glare and
- 20 noise impact on adjacent uses, to separate
- 21 incompatible uses, and to restrict casual access to
- 22 the site.
- 23 (B) The maximum height of structures shall be 35 feet.
- 24 v. *Site Location, Development, and Operation*
- 25 (A) No motorized facility shall be located within 500 feet
- 26 of any residential or mixed-use district.
- 27 (B) In order to prevent casual access to and from the site
- 28 or to mitigate adverse effects of the motorized sports
- 29 facility upon adjacent uses, the Planning and Zoning
- 30 Commission may require the enclosure of the entire
- 31 site by a screening structure and/or landscaping, as
- 32 described in section 21.07.080.
- 33 (C) Public sanitation facilities (restrooms) shall be
- 34 provided on-site and operated in a manner consistent
- 35 with AMC section 15.20.020.
- 36 vi. *I-1 District Standards*
- 37 Motorized sports facilities are conditionally allowed in the I-1
- 38 district on parcels with a minimum of 20 acres. The
- 39 maximum engine size allowed is 250 cc's for wheeled
- 40 vehicles and 550 cc's for snow machines.

- 1 **5. Shooting Range, Outdoor**
- 2 **a. Definition**
- 3 An establishment engaged in the use of land for discharging of
- 4 firearms for target practice, skeet, and trap shooting.
- 5 **b. Use-Specific Standards⁴⁷**
- 6 **i. Intent**
- 7 The intent of the following conditional use standards for
- 8 shooting ranges is primarily safety and buffering for adjacent
- 9 neighborhoods.
- 10 **ii. Setbacks**
- 11 All shooting areas shall be set back a minimum distance of
- 12 100 feet from any public right-of-way. The setback behind
- 13 the back stops in the line of fire shall be a minimum of 100
- 14 feet. Buildings located ahead of the firing line are allowed to
- 15 be located to the normal zone setback.
- 16 **iii. Site Size**
- 17 The minimum site size shall be 20 acres.
- 18 **iv. Buffering and Screening**
- 19 The backstop must be an earth mound or dugout of sufficient
- 20 dimension to stop projectiles. The range shall be screened
- 21 and fenced with gates or outlets except as approved on the
- 22 site plan.
- 23 **v. On-site Uses**
- 24 An accessory retail store, snack shop, and short-term rental
- 25 of firearms and equipment for use only on the premises are
- 26 permitted. Sale of alcoholic beverages is prohibited.
- 27 **6. Skiing Facility, Alpine⁴⁸**
- 28 **a. Definition**
- 29 A facility and related terrain utilized for alpine skiing, and uses and
- 30 facilities typically associated with the use and operation of such
- 31 facility, including but not limited to:
- 32 **i. Ski and snowboard runs and trails;**
- 33 **ii. Ski lifts and tows, including towers and structures, related to**
- 34 **skiing and snowboarding patrons;**
- 35 **iii. Snow-making equipment/facilities;**
- 36 **iv. Ski patrol facilities;**
- 37 **v. Ski area administrative and ticketing offices;**
- 38 **vi. Special events directly associated with ski areas such as ski**
- 39 **racers, snowboard races, snow machine races, bicycle races,**
- 40 **and concerts;**

- 1 An establishment that prepares and retails alcoholic beverages for
2 consumption on the premises. These establishments may also
3 provide limited food services.
- 4 **b. Use-Specific Standard**
5 Any use that involves the retail sale of alcohol is subject to the
6 Assembly Alcohol Approval process; see section 21.05.020A.
- 7 **2. Brew Pub**
- 8 **a. Definition**
9 An establishment that manufactures malt beverages and sells those
10 malt beverages at retail for consumption on the premises, and also
11 prepares and sells food and other beverages.
- 12 **b. Use-Specific Standard**
13 Any use that involves the retail sale of alcohol is subject to the
14 Assembly Alcohol Approval process; see section 21.05.020A.
- 15 **3. Food and Beverage Kiosk**
- 16 **a. Definition**
17 An establishment in a freestanding building, trailer, or vehicle on an
18 impermanent foundation that sells coffee or other beverages and pre-
19 made bakery goods from a window to customers who are either
20 pedestrians or seated in their automobiles for consumption off the
21 premises and that provides no indoor or outdoor seating.
- 22 **b. Use-Specific Standards**
23 Kiosks in all districts shall comply with the following standards:
- 24 **i.** Vehicle stacking spaces shall be provided pursuant to section
25 21.07.0901.
- 26 **ii.** Kiosks shall be on wheels to facilitate movement onto and off
27 the site, and may not be located on a permanent foundation.
28 The wheels shall be screened with opaque skirting or
29 screening so as to not be visible.
- 30 **iii.** Kiosks may be located on the same lot as another principal
31 use.
- 32 **iv.** Kiosks shall comply with the "Drive-Through Service"
33 accessory use standards in section 21.05.070D.9.
- 34 **4. Restaurant**
- 35 **a. Definition**
36 An establishment primarily engaged in the preparation and sale of
37 food and beverages, normally for consumption on the premises.
- 38 **b. Use-Specific Standard**
39 **i.** Any use that involves the retail sale of alcohol is subject to
40 the Assembly Alcohol Approval process; see section
41 21.05.020A.
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- 1 **3. Funeral Services**
- 2 **a. Definition**
- 3 An establishment providing services involving the display of the
- 4 deceased, preparation of the deceased for burial, and rituals
- 5 connected therewith before burial or cremation. Cremation services
- 6 are a separate use.
- 7 **4. General Personal Services**
- 8 **a. Definition**
- 9 An establishment, whether for consideration or not, that provides
- 10 care, advice, aid, maintenance, repair, treatment, or similar semi-
- 11 technical, technical, or experienced assistance, other than the
- 12 practice of a profession and wholesale or retail sale of goods.
- 13 Examples include, but are not limited to: photography studios, shoe
- 14 repair; beauty and barber shops; and tanning salons.
- 15 **5. Instructional Services**
- 16 **a. Definition**
- 17 A specialized instructional establishment that provides on-site training
- 18 of business, artistic, or commercial skills. Examples include, but are
- 19 not limited to, driving schools, fine arts schools, dance, music, and
- 20 computer instructional services. This use does not include
- 21 establishments that teach skills that prepare students for jobs in a
- 22 trade (e.g., carpentry), which are classified under "Vocational or
- 23 Trade Schools."
- 24 **J. Retail (Repair and Rental)**
- 25 This category includes retail establishments involved in the repair, lease, or rent of
- 26 new or used products to the general public. Accessory uses may include offices,
- 27 parking, storage of goods, and assembly, repackaging, or repair of goods for on-site
- 28 sale. Specific use types include:
- 29 **1. Small Equipment Rental**
- 30 **a. Definition**
- 31 The commercial rental of supplies and equipment primarily intended
- 32 for homeowner use and minor residential gardening and construction
- 33 projects, but not including car or truck rentals, or rentals of smaller
- 34 motor vehicles not for home care such as motorcycles or
- 35 snowmobiles. This use does not include the rental, storage, or
- 36 maintenance of large construction or other commercial heavy
- 37 equipment, which are classified under "Industrial Service."
- 38 **b. Use-Specific Standard**
- 39 All maintenance of equipment shall be conducted within an enclosed
- 40 building.
- 41 **2. Repair Shop**
- 42 **a. Definition**
- 43 An establishment primarily engaged in the provision of repair services
- 44 to individuals and households, rather than to business. Examples
- 45 include, but are not limited to, repair of household appliances and
- 46 office machines, and plumbing and heating services. This use

1 excludes maintenance and repair of automobiles and industrial
2 equipment or machinery.

3 **K. Retail (Sales)**

4 This category includes retail establishments involved in the sale of new or used
5 products to the general public. Accessory uses may include offices, parking, storage
6 of goods, assembly, repackaging, and repair of goods for on-site sale. Specific use
7 types include:

8 **1. Auction House**

9 **a. Definition**

10 A structure or enclosure where goods are sold by auction.

11 **2. Building Materials Store**

12 **a. Definition**

13 An establishment primarily engaged in the storage, distribution, and
14 sale of lumber and other building materials such as brick, tile, cement,
15 insulation, floor covering, lighting, roofing materials, and other home
16 improvement materials.

17 **3. Business Service Establishment**

18 **a. Definition**

19 An establishment that, for consideration, provides other businesses
20 with advertising, leased or rented equipment, maintenance, security,
21 management, consulting or technical aid, or copying services.

22 **4. Convenience Store**

23 **a. Definition**

24 An establishment with a gross floor area of less than 5,000 square
25 feet engaged primarily in the sale of convenience goods, such as pre-
26 packaged food items, tobacco, over-the-counter drugs, periodicals,
27 and other household goods.

28 **b. Use-Specific Standards**

29 **i. Assembly Alcohol Approval Process**

30 Any use that involves the retail sale of alcohol is subject to
31 the Assembly Alcohol Approval process; see section
32 21.05.020A.

33 **ii.** In the RMX and NMU-1 district, a convenience store shall not
34 sell alcoholic beverages.

35 **5. Farmers Market**

36 **a. Definition**

37 An occasional, periodic, or seasonal market for offering for sale fresh
38 agricultural, fresh food, or arts and crafts products directly to the
39 consumer at an open-air market, covered structure with multiple
40 stalls, or other pre-designated area, where the vendors are generally
41 individuals who have raised the produce or made the product, or have
42 taken the same on consignment for retail sale.

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6. **Fueling Station⁵¹**
a. **Definition**
An establishment engaged in the retail dispensing or sale of gasoline or other vehicular fuel products. This use definition does not include convenience store or vehicle service and repair uses.
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7. **Meat and Seafood Processing, Storage, and Sales**
a. **Definition**
An establishment primarily engaged in the cold storage and preservation of food in separate and individual compartments that is offered for sale to the public.
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8. **General Retail⁵²**
a. **Definition**
An establishment engaged primarily in the retail sale of goods or merchandise, and rendering services incidental to the sale of such goods. Examples may include, but are not limited to: general merchandise retailers; warehouse and club retailers; superstores; discount stores; catalog showrooms; and specialty retail stores specializing in such goods as clothing, home furnishings, sporting goods, books, stationary, music, video rentals, or flowers.
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9. **Grocery or Food Store**
a. **Definition**
An establishment primarily engaged in the retail sale of food and/or beverages primarily to be consumed outside of the retail establishment's premises. Examples include, but are not limited to: supermarkets, grocery stores, delicatessens, specialty food shops, bakeries, and meat and seafood markets.
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- b. **Use-Specific Standard**
Any use that involves the retail sale of alcohol is subject to the Assembly Alcohol Approval process; see section 21.05.020A.
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10. **Liquor Store**
a. **Definition**
An establishment that is primarily engaged in selling alcoholic beverages for consumption off the premises.
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- b. **Use-Specific Standard**
Any use that involves the retail sale of alcohol is subject to the Assembly Alcohol Approval process; see section 21.05.020A.
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11. **Nursery, Commercial**
a. **Definition**
An establishment primarily engaged in the growth and sale of plants, shrubs, trees, and materials used in indoor and outdoor planting, conducted within or outside an enclosed building.
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12. **Pawnshop**
a. **Definition**
An establishment that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition

1 of selling the same back again to the pledger or depositor, or loans or
2 advances money on personal property by taking chattel mortgage
3 security thereon, and takes or receives such personal property.

4 **13. Plumbing, Heating, and Electrical Equipment Dealer**

5 **a. Definition**

6 An establishment engaged primarily in the sale and service of
7 plumbing, heating, and/or electrical equipment.

8 **L. Vehicles and Equipment**

9 This category includes a broad range of uses for the sale, rental, and/or repair and
10 maintenance of motor vehicles and related equipment. Large parking areas and
11 outdoor storage areas may be included with these uses. Accessory uses may include
12 incidental repair and storage, offices, and sales of parts and/or tires. Specific use
13 types include:

14 **1. Aircraft and Marine Vessel Sales**

15 **a. Definition**

16 An establishment primarily engaged in the display and sale of aircraft
17 and/or marine vessels as well as associated parts and supplies.

18 **2. Heavy Equipment Sales and Rental**

19 **a. Definition**

20 An establishment engaged in the display, sale, leasing, or rental of
21 heavy equipment of 12,000 or more pounds gross vehicular weight
22 (GVW). This category does not include recreational vehicles or larger
23 trucks that typically are sold at automobile dealerships; such vehicles
24 are covered by "Vehicle-Large, Sales and Rental" below.

25 **3. Impound Yard**

26 **a. Definition**

27 An area used for the storage of vehicles for any reason, including but
28 not limited to traffic accidents, improper parking, and abandonment.
29 No dismantling or disassembly of vehicles is permitted in an impound
30 yard. The vehicle so stored may be sold from the impound yard by
31 auction or otherwise, in accordance with state law.

32 **4. Parking Lot**

33 **a. Definition**

34 An off-street, surfaced, ground-level area where motor vehicles are
35 stored for daily, overnight, or temporary parking not to exceed 72
36 hours.

37 **5. Parking Structure**

38 **a. Definition**

39 A structure designed with one or more levels or floors partially or fully
40 enclosed, used for the parking of motor vehicles. The facility may be
41 above, below, or partially below ground. This use does not include
42 private carports or garages.

43 **b. Use-Specific Standards**

44 **i. Ground-Floor Pedestrian-Oriented Uses Required**

1 A ground-floor parking garage in any district or any parking
 2 structure in the CBD, CCMU, RCMU, or MMU districts shall
 3 provide a first-floor space that:

4 (A) Has a minimum depth of 25 feet;

5 (B) Faces on each street, except alleys, for the full length
 6 of the building, except for places necessary for
 7 pedestrian and vehicle entrances and exits; and

8 (C) Is used for retail, restaurant, and other pedestrian-
 9 oriented uses otherwise permitted or approved in the
 10 zoning district.

11 ii. *Upper-Floor Facade*

12 The street-facing façade of second and higher floors of a
 13 parking garage or any parking structure in the CBD, CCMU,
 14 RCMU, or MMU districts shall have a repeating pattern that
 15 includes no less than three instances of either (1) color
 16 change, (2) texture changes, (3) material module changes, or
 17 (4) expression of an architectural or structural bay through a
 18 change in plane no less than 12 inches in width, such as an
 19 offset, reveal, or projecting rib. At least one of these
 20 elements shall repeat at an interval of not more than 30 feet.
 21 This standard may be waived if the applicant can
 22 demonstrate an alternative building design that significantly
 23 articulates a wall plane.

24 iii. *Incentives for Active Uses on Second and Third Floor
 25 Facades*

26 Parking garage projects are encouraged to contribute more
 27 human activity and vitality to the city center by providing
 28 occupied spaces with windows near street level. If the
 29 second and third floor of a parking garage or any parking
 30 structure in the CBD-1 or CBD-2 district has a space that (i)
 31 has a depth of twenty-five feet or more, (ii) faces on all
 32 streets, except alleys, for the entire length of the building, and
 33 (iii) is for any non-parking use otherwise permitted or
 34 approved for the zoning district, then a bonus height of two
 35 additional stories may be added to the parking structure.

36 6. **Vehicle Parts and Supplies**

37 a. ***Definition***

38 The display and sale of new, reconditioned, or rebuilt parts, supplies,
 39 or equipment for automobiles, motorcycles, trucks, vans, trailers,
 40 recreational vehicles, aircraft, boats, mobile homes, or snowmobiles.

41 b. ***Use-Specific Standard***⁵³

42 No dismantling or wrecking of vehicles or machinery may occur on
 43 site. Uses that include dismantling and wreckage are classified by
 44 this title as "junkyards."

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7. **Vehicle-Large, Sales and Rental**
- a. **Definition**
An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles. Vehicles include, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, and mobile homes.
- b. **Use-Specific Standards**
- i. Vehicles shall be in operable condition, and no repair work shall be done except minor incidental repair and necessary reconditioning of vehicles to be displayed and sold on the premises.
- ii. At any given time, no more than five percent of the vehicle inventory on the lot, not including Class A and C motorhomes, shall have a gross vehicular weight (GVW) of more than 12,000 lbs.⁵⁴
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16. **Vehicle-Small, Sales and Rental**
- a. **Definition**
An establishment engaged in the display, sale, leasing, or rental of small motor vehicles. Vehicles include, but are not limited to: motorcycles, personal watercraft (jet skis), utility trailers, snowmobiles, and all-terrain vehicles (ATVs).
- b. **Use-Specific Standards**
- i. Vehicles shall be in operable condition, and no repair work shall be done except minor incidental repair and reconditioning of vehicles to be displayed and sold on the premises.
- ii. In the CCMU, only motorcycle sales and rentals are permitted.⁵⁵
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29. **Vehicle Service and Repair, Major**
- a. **Definition**
An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, mobile homes, or snowmobiles. Services include engine, transmission or differential repair or replacement; body, fender, muffler, or upholstery work; oil change and lubrication; tire replacement; and painting.
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37. **Vehicle Service and Repair, Minor**
- a. **Definition**
An establishment engaged in light maintenance activities such as engine tune-ups; oil change and lubrication; carburetor cleaning; muffler replacement; brake repair; car washing; seasonal tire shops; and detailing and polishing. Vehicle parts are sold and are ordinarily installed on the premises. Major automotive repairs, including but not limited to engine, transmission or differential repair or replacement, or body and fender work, are prohibited except where specifically permitted by this title or by the terms of a conditional use.
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- 1 **b. Use-Specific Standards for Carwash Bays and Vehicle Repair**
2 **Bays⁵⁶**
3 i. In the CCMU and RCMU districts, to the maximum extent
4 feasible, the entrance to a car wash bay or vehicle repair bay
5 shall not face the primary street frontage.
- 6 ii. In the CCMU and RCMU districts, notwithstanding the
7 general setback requirements in chapter 21.06, a 20-foot
8 setback for vehicle service areas, bays, or canopies is
9 required from any adjacent street. The setback shall be
10 landscaped with L3 Separation landscaping, in order to
11 screen the automotive wash, repair, or maintenance facility
12 from view from adjacent streets.
- 13 iii. Vehicle wash or service bays facing a rear or side setback
14 shall be screened from adjacent residential properties
15 (including RMX) by a screening wall or fence of at least six
16 feet in height.
- 17 iv. Outdoor vacuuming facilities must be screened by a sound-
18 mitigating barrier when they are adjacent to residential uses.

- 19 **11. Vehicle Storage Yard⁵⁷**
20 **a. Definition**
21 The outdoor storage for 72 hours or more of vehicles, boats,
22 recreational vehicles, and/or airplanes. For this definition, “vehicles”
23 means cars, trucks, sport utility vehicles, vans, and similar vehicles
24 under 12,000 pounds gross vehicle weight.
- 25 **b. Use-Specific Standards**
26 All vehicle storage yards shall comply with the use-specific standards
27 set forth below for *Self-Storage Facility; Vehicle Storage Yards*.

28 **M. Visitor Accommodations**

29 This category includes visitor-serving facilities that provide temporary lodging in guest
30 rooms or guest units, for compensation, and with an average length of stay of less
31 than 30 days. Accessory uses may include pools and other recreational facilities for
32 the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and
33 offices. Specific use types include:

- 34 **1. Camper Park**
35 **a. Definition**
36 A lot or parcel of land, or portion thereof, temporarily occupied or
37 intended for temporary occupancy by recreational vehicles or tents for
38 travel, recreational, or vacation usage for short periods of stay, and
39 containing a potable water source and washroom facilities. These
40 establishments may provide laundry rooms, recreation halls, and
41 playgrounds. These uses are not intended for vehicle storage.
- 42 **b. Use-Specific Standards**
43 i. *Location and Access*

1 A camper park shall have a minimum of 40 feet of frontage
 2 upon a collector or street of greater capacity. No entrance to,
 3 or exit from, a camper park shall be through a residential
 4 district or shall provide access to any street other than
 5 collector or street of greater capacity.

6 ii. *Occupancy and Length of Stay*

7 Spaces in camper parks may be used by campers,
 8 recreational vehicles, equivalent facilities constructed on
 9 automobiles, tents, or short-term housing or shelter
 10 arrangements or devices. The occupants of such space shall
 11 remain in the camper park a period not to exceed 30 days.

12 2. **Extended-Stay Lodgings**

13 a. **Definition**

14 A visitor lodging establishment with six or more guest rooms offering
 15 suites with kitchens, business traveler communications conveniences,
 16 and intended primarily for periods of stay of one week or more. This
 17 does not include bed-and-breakfasts, which are classified as an
 18 accessory use under section 21.05.070.

19 b. **Use-Specific Standards⁵⁸**

20 i. A kitchen area separate from the living or sleeping area shall
 21 be provided in all units, and cooking may be done only in the
 22 kitchen area.

23 ii. The facility shall provide a lobby area with a minimum of 750
 24 square feet.

25 iii. Extended-stay lodgings in the R-4 or RMX districts shall be
 26 subject to the applicable multi-family building development
 27 and design standards in section 21.07.100.F. or G., and shall
 28 be subject to the multi-family residential parking standards in
 29 section 21.07.090. In the R-4 and RMX districts, extended-
 30 stay lodgings shall adhere to the maximum floor area ratio
 31 permitted for multi-family dwellings.⁵⁹

32 3. **Hostel**

33 a. **Definition**

34 An overnight lodging facility containing between six and 19 guest
 35 rooms or up to 60 pillows. Sleeping accommodations may be
 36 dormitory-style and shared kitchen facilities may be available to the
 37 guests.

38 4. **Hotel**

39 a. **Definition**

40 Any building containing 20 or more guestrooms accessible primarily
 41 by means of an interior corridor, rented for compensation by the day
 42 or week, and offered for use by the general public in conjunction with
 43 subordinate services and facilities, such as restaurants and meeting
 44 rooms. Meeting facilities designed to accommodate 1,500 or more
 45 persons shall constitute a separate principal use and be classified as
 46 "civic/convention center" under this title.

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- b. **Use-Specific Standard**
Any use that involves the retail sale of alcohol is subject to the Assembly Alcohol Approval process; see section 21.05.020A.
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5. **Inn**
- a. **Definition**
A building or group of buildings containing between six and 19 guest rooms, or up to 60 pillows, for overnight lodging for compensation, where at least one meal per day is provided to the guests, there is a central meeting room or lounge available to all of the guests, and there are no shared kitchen facilities.
- b. **Use-Specific Standards**
- i. Any use that involves the retail sale of alcohol is subject to the Assembly Alcohol Approval process; see section 21.05.020A.
- ii. Inns in the R-4 or RMX districts shall be subject to the applicable multi-family building development and design standards in section 21.07.100.F. or G., and the multi-family building parking standards in section 21.07.090. In the R-4 and RMX districts, inns shall adhere to the maximum floor area ratio permitted for multi-family dwellings.⁶⁰
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6. **Motel**
- a. **Definition**
An establishment that provides individual sleeping or living room accommodations, containing six or more guestrooms, with the majority of rooms having direct access to the outside without the necessity of passing through the main lobby of the building. This use includes auto courts and motor lodges.
- b. **Use-Specific Standards**
Any use that involves the retail sale of alcohol is subject to the Assembly Alcohol Approval process; see section 21.05.020A.
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7. **Recreational and Vacation Camp**
- a. **Definition**
An overnight recreational camp, such as a children's camp, family vacation camp, or outdoor retreat. These establishments provide accommodation facilities, such as cabins and fixed camp sites, and incidental recreational and educational facilities.

21.05.060 INDUSTRIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general industrial use categories and specific industrial use types listed in Tables 21.05-1 and 21.05-2. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

A. Industrial Service

This category includes establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage. Specific use types include:

1. Data Processing Facility

a. Definition

An establishment where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing.

2. General Industrial Service⁶¹

a. Definition

Establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Examples include: welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; repair, storage, salvage, or wrecking of heavy machinery, metal, and building materials; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping; exterminators; gas and liquid fuel distributors; large commercial dry cleaning and carpet cleaning plants; and vending machine sales and service. Accessory activities may include retail sales, offices, parking, and storage.

3. Research Laboratory

a. Definition

A facility that is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research. The use does not include facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

B. Manufacturing and Production

This category includes industrial establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used in the manufacturing process. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers.

1 Such uses may include industries furnishing labor in the case of the refinishing of
2 manufactured articles. Goods are generally not displayed or sold on site, but if so,
3 they are a subordinate part of total sales. Accessory activities may include limited
4 retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses,
5 storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific uses
6 types include:

7 **1. Cottage Crafts**

8 **a. Definition**

9 An establishment engaged in small-scale assembly and arts-and-
10 crafts production by hand manufacturing involving the use of hand
11 tools and small-scale equipment. Examples include, but are not
12 limited to: candle making, artisan woodworking, art studio/gallery,
13 artisan pottery and jewelry production, and the like. Cottage crafts
14 are less intensive than, and do not have the off-site impacts often
15 associated with, general industrial uses.

16 **b. Use-Specific Standards⁶²**

17 **i. Production and Sale of Cottage Crafts**

18 Cottage crafts may only be produced within a wholly-
19 enclosed permanent structure. Cottage crafts production
20 may occupy up to 1,500 square feet of gross building area,
21 and may include up to an additional 300 square feet gross
22 building area on the same lot devoted to the display and retail
23 sale of the crafts produced. The retail/display area shall be
24 located on the ground floor and in the front part of the building
25 facing the primary street on which the lot is located.

26 **ii. Prohibitions**

27 The outdoor storage of materials related to the production
28 and sale of cottage crafts is prohibited. The use of
29 equipment, materials, or processes that create hazards,
30 noise, vibration, glare, fumes, or odors detectable to the
31 normal senses off-site is prohibited.

32 **2. Food Service Contractor or Caterer**

33 **a. Definition**

34 An establishment engaged in providing food services at institutional,
35 governmental, commercial, industrial, and other locations of other
36 businesses. Examples include airline food services, cafeterias, and
37 catering companies that prepare food for consumption at an off-
38 premise customer site.

39 **3. Manufacturing, Heavy⁶³**

40 **a. Definition**

41 An establishment engaged in the manufacture or compounding
42 process of raw materials. Such activities may involve the storage of
43 large volumes of highly flammable, toxic matter or explosive materials
44 needed for the manufacturing process. Examples include, but are not
45 limited to: refining or initial processing of raw materials; rolling,
46 drawing, or extruding of metals; asphalt batching plants and hot-mix
47 plants; sawmills; manufacture or packaging of cement products, feed,
48 fertilizer, flour, glue, paint, petroleum products, soap, turpentine,

1 varnish, charcoal, or distilled products, or similar industrial uses; and
2 manufacture, service, or repair of railroad equipment.

3 **4. Manufacturing, Light⁶⁴**

4 **a. Definition**

5 An establishment engaged in the manufacture, predominantly from
6 previously prepared materials, of finished products or parts, including
7 processing, fabrication, assembly, treatment and packaging of such
8 products, and incidental storage, sales, and distribution of such
9 products, but excluding basic industrial processing. Examples
10 include, but are not limited to: airplane, automobile, or truck
11 assembly, remodeling, or repair; beverage manufacture, not including
12 brew pubs; boatbuilding; cabinet shops; machine or blacksmith
13 shops; metalworking or welding shops; paint shops; processing
14 and/or dressing of skins; steel fabrication shops or yards; and
15 printing, publishing, and lithography.

16 **5. Natural Resource Extraction, Organic and Inorganic**

17 **a. Definition⁶⁵**

18 The development or extraction of organic and/or inorganic material
19 from its natural occurrences on affected land. This use includes
20 placer mining operations in which rock byproduct is removed from the
21 premises. This use shall also include commercial or industrial
22 operations involving removal of timber, native vegetation, peat, muck,
23 topsoil, fill, sand, gravel, or rock, or any other mineral and other
24 operations having similar characteristics. This use includes only
25 operations of a scale involving 50,000 cubic yards or more of
26 material. Site preparation as part of the development of a subdivision
27 under a subdivision agreement is not included.

28 **b. Use-Specific Standards (also apply to “Natural Resource
29 Extraction, Placer Mining”)⁶⁶**

30 **i. Review and Approval Procedure**

31 If the natural resource extraction operation will be completed
32 within one year, the review and approval procedure shall be
33 an Administrative Site Plan review. If the operation will
34 continue for more than one year, the review and approval
35 procedure shall be the Conditional Use process. If an
36 operation was approved under the Administrative Site Plan
37 review process but is not completed within one year, the
38 operation must then apply for a Conditional Use permit.

39 **ii. General Standards**

40 The following general standards apply in all districts:

41 **(A) Limit on Site Size**

42 Except for placer mining, general natural resource
43 extraction is allowed only on sites of five acres or
44 more.

- 1 (B) *Water Discharge Permit*
2 Placer mining operations are subject to a wastewater
3 discharge permit issued by the Alaska Department of
4 Environmental Conservation.
- 5 (C) *Required Submittals*
6 In addition to the general submittal requirements
7 applicable to all site plans specified in the title 21
8 User's Guide, additional submittal requirements are
9 specified in that Guide for natural resource extraction.
10 The site plan shall be subject to review and approval
11 of the Department of Project Management and
12 Engineering for drainage, erosion, and sedimentation
13 control; for conformance with the requirements of the
14 National Pollutant Discharge Elimination System
15 (NPDES) permit and other applicable EPA
16 guidelines; and for compliance with generally
17 accepted sound engineering principles.
- 18 (D) *Standards for Approval*
19 In addition to the conditional use standards of
20 approval at 21.03.070E, the planning and zoning
21 commission may approve a natural resource
22 extraction conditional use only if the commission
23 finds that the use also meets the following standards:
- 24 (1) Principal access to the site shall minimize the
25 use of residential streets, and access roads
26 shall be treated in a manner to make them
27 dust free. Where access roads intersect
28 collectors or arterials, suitable traffic controls
29 shall be established.
- 30 (2) The extraction operations will not pose a
31 hazard to the public health and safety.
- 32 (3) The extraction operations will not generate
33 noise, dust, surface water runoff or traffic that
34 will unduly interfere with surrounding land
35 uses.
- 36 (4) The restoration plan for the site ensures that,
37 after extraction operations cease, the site will
38 be left in a safe, stable and aesthetically
39 acceptable condition.
- 40 (5) The proposed use meets such additional
41 standards for natural resource extraction
42 conditional uses as the Director may
43 establish by regulation pursuant to AMC
44 chapter 3.40.

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- 6. **Natural Resource Extraction, Placer Mining**
 - a. **Definition⁶⁷**

Natural resource extraction by means of the placer mining method that does not involve the removal of any natural resources other than small quantities of precious metals, such as gold, silver, and platinum, from the premises. Rock byproduct is not removed from the premises.
 - b. **Use-Specific Standards**

Placer mining shall comply with the use-specific standards set forth above for "Natural Resource Extraction, Organic and Inorganic."

 - C. **Marine Facility**

This category includes a mix of commercial and light industrial manufacturing, processing, storage, wholesale, and distribution operations that are water-dependent or water-related. Water-dependent uses are generally permitted, while water-related uses are generally conditional uses. Specific uses include:

 - 1. **Aquaculture**
 - a. **Definition**

An establishment engaged in the hatching, raising and breeding of fish or other aquatic plants or animals for sale.
 - 2. **Boat Storage Facility**
 - a. **Definition**

An enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.
 - 3. **Cold Storage And Ice Processing for Marine Products**
 - a. **Definition**

An establishment primarily engaged in the manufacture of ice and the cold storage and preservation of marine products, which are offered for wholesale or retail sale.
 - 4. **Facility for Combined Marine and General Construction**
 - a. **Definition**

An establishment engaged in the manufacture, construction, and repair of marine and non-marine related products. This use includes boat manufacture and repair.
 - 5. **Marine Operations, General**
 - a. **Definition**

Establishments engaged in light industrial manufacturing, processing, or storage operations, that are water-dependent and water-related. Examples include, but are not limited to: cargo handling facilities, including docking, loading, and related storage; fabrication, storage, and repair of fishing equipment; facilities for marine construction and salvage; facilities for marine pollution control, petrochemical cleanup, and servicing of marine sanitation devices; facilities for processing of products harvested from the ocean; marine industrial welding and fabricating; seafood packaging, packing, loading, and distribution facilities; shipbuilding and facilities for construction, maintenance, and

1 repair of vessels, and; warehousing and storage of goods that are
2 awaiting shipment via marine cargo carriers.

3 **6. Marine Operations, Limited**

4 **a. Definition**

5 Establishments engaged in limited commercial and light industrial
6 operations that are water-dependent or water-related. Examples
7 include, but are not limited to: marine repair yards, boat fabrication,
8 and marine machine shops; marine transport services, including
9 ferries, public landings and boat launches, commercial vessel
10 berthing, excursion services, hovercraft, and boat rentals; recreational
11 and commercial fishing and boating activities; tugboat, fireboat, pilot
12 boat; coast guard, and similar services; uses that provide pedestrian
13 access to the waterfront; wharves, docks, ramps, and piers; marine
14 police, harbor master, and other marine enforcement agencies; harbor
15 and marine supplies and services, and ship supply, such as fueling
16 and bunkering of vessels; and aids to navigation.

17 **7. Marine Wholesaling**

18 **a. Definition**

19 Establishments engaged in wholesale and distribution operations of
20 marine-related products.

21 **D. Warehouse and Storage**

22 This category includes uses involved in the storage or movement of goods for
23 themselves or other firms. Goods are generally delivered to other firms or the final
24 consumer, except for some will-call pickups. There is little on-site sales activity with
25 the customer present. Accessory uses may include offices, truck fleet parking, and
26 maintenance areas. Specific use types include:

27 **1. Bulk Storage of Hazardous Materials**

28 **a. Definition**

29 An establishment primarily engaged in the bulk storage of hazardous
30 materials, including liquefied petroleum gas, for wholesale sale.

31 **b. Use-Specific Standards**

32 Any new facilities for the storage and/or dispersion of hazardous
33 materials, or expansion of existing facilities for the storage and/or
34 dispersing of hazardous materials, shall occur at least 1,000 feet from
35 a residential or mixed-use district, school, hospital, or place of public
36 assembly.

37 **2. Motor Freight Terminal**

38 **a. Definition**

39 A facility for freight pick-up, distribution, and storage. This may
40 include intermodal distribution facilities for truck or shipping transport.

41 **b. Use-Specific Standards**

42 **i.** Loading, parking, and maneuvering space shall be entirely on
43 private property.

1 ii. No part of any terminal shall be located less than 200 feet
2 from any residential use or property zoned residential
3 (including RMX).

4 3. **Self-Storage Facility**⁶⁸

5 a. **Definition**

6 A completely enclosed structure(s) containing three or more areas or
7 rooms available for lease or rent for the purpose of the general
8 storage of household goods and business or personal property,
9 where the leasee of the unit is provided direct access to deposit or
10 store items. Also known as a “ministorage facility.”

11 b. **Use-Specific Standards (also apply to “Vehicle Storage Yard”)**

12 The standards below are applicable to self-storage facilities and
13 vehicle storage yards in all districts.

14 i. **Size of Site; Traffic Access**

15 The self-storage site shall contain no less than one-half acre
16 and no more than ten acres, and the vehicle storage site shall
17 contain no less than one acre and no more than ten acres.
18 The site shall have direct driveway access from a street
19 constructed to appropriate Municipal standards as described
20 in chapter 21.08, and as required by the Traffic Engineer.

21 ii. **Dimensional Standards**

22 Notwithstanding the general dimensional standards in chapter
23 21.06, the following specific standards apply:

24 (A) **Maximum Lot Coverage By All Buildings**
25 50 percent.

26 (B) **Maximum Height of Structures**
27 35 feet. Structures over 35 feet in height shall
28 require conditional use approval.

29 iii. **Parking**

30 There shall be a minimum on-site queue lane length of 50-
31 feet and 24-feet wide for vehicles entering a security gate.
32 The width of the gate shall be excluded from this requirement.

33 iv. **Paving and Drainage**

34 (A) All driveways, interior aisles, and walkways shall be
35 paved to municipal standards.

36 (B) Provisions shall be made to prevent any
37 contamination of the domestic water supply or to
38 prevent excessive or contaminated surface runoff
39 from the site onto adjoining lands or streams.
40 Drainage flow patterns shall be shown on the site
41 plan or a separate approved map. If plans indicate
42 that surface drainage will be carried off, the site plan
43 shall be subject to the approval of the Department of

1 Project Management and Engineering. If applicable,
2 drainage shall comply with section 21.07.040.

3 v. *Curb Cuts*

4 Access shall be as approved by the Traffic Engineer. The
5 width and distance of any access from any property line or
6 street intersection will be subject to the approval of the Traffic
7 Engineer or the Alaska Department of Transportation and
8 Public Facilities.

9 vi. *Permitted Accessory Uses*

10 The facility may provide two on-site dwelling units for use by
11 an on-site caretaker, manager, or owner of the site.

12 vii. *Outside Storage of Vehicles or Equipment*

13 Any outside vehicle storage is a conditional use in the AC
14 district.

15 viii. *Storage of Hazardous Substances*

16 The storage of explosives, radioactive materials, or any other
17 hazardous chemicals, or flammable materials as defined by
18 municipal code, is prohibited.

19 ix. *Prohibited Uses Within Storage Units*

20 Except for work performed ancillary to the operation of the
21 self-storage facility, the following uses are prohibited from
22 occurring within a self-storage facility or vehicle storage rental
23 unit or space:

24 (A) Any type of servicing, repair, or fabrication of
25 vehicles, boats, trailers, lawn mowers, appliances, or
26 any other equipment.

27 (B) The operation of power tools, spray-painting
28 equipment, table saws, lathes, compressors, welding
29 equipment, kilns, or other similar equipment.

30 (C) Any use that is noxious or offensive because of
31 odors, dust, noise, fumes, or vibrations.

32 x. *Fencing and Landscaping*⁶⁹

33 (A) All site boundaries shall be fenced with a sight-
34 obscuring fence structure at least eight feet high. No
35 fencing shall be required on the portion of site
36 boundaries where a structure, excluding connexes,
37 abuts either side of the lot line. The design of the
38 sight-obscuring structure shall be architecturally
39 compatible with the surrounding properties and shall
40 be approved by the Department.

41 (B) Where a self storage or vehicle storage facility abuts
42 a commercially zoned district, L2 Buffer landscaping
43 shall be required external to the sight-obscuring

- 1 fence. Where lot lines for these facilities abut a
2 residential district (including RMX), 15 feet of
3 landscaping shall be required. No landscaping shall
4 be required on the portion of site boundaries where a
5 structure, excluding connexes, abuts either side of
6 the lot line, unless otherwise required by this title.
- 7 (C) The structure shall be maintained in a safe, sound,
8 and orderly condition, and shall be kept free of any
9 advertising matter other than signs permitted by this
10 title. Security wire, such as concertina or razor wire
11 and barbed wire is permitted, but only if inverted
12 inside the fence, and not visible from outside the
13 fence.
- 14 (D) All areas internal to the site not devoted to building
15 structures, driveways, designated snow storage
16 areas and walkways shall be paved to municipal
17 standards as prescribed by the traffic engineer.
18 Snow storage areas, as designated on a site plan
19 approved by Building Safety Department, shall be
20 provided in accordance with the requirements of
21 Building Safety and Municipal Engineering
22 requirements.
- 23 xi. *Vehicle Storage Yards*
24 The yard may not be used to display or advertise any
25 merchandise for sale, including vehicles. No salvaging,
26 dismantling, or disassembly of vehicles is permitted in a
27 vehicle storage yard.
- 28 xii. *Financial Guarantees*
29 The Department may require a financial guarantee to ensure
30 installation of required landscaping, fencing, paving, or
31 mitigation of any environmental impacts or contamination to
32 the site or surrounding land in accordance with section
33 21.08.060, *Subdivision Agreements*.
- 34 xiii. *Containerized Storage Units in Conjunction with Self-Storage*
35 *Facilities*
36 In the AC district, containerized storage shall be prohibited in
37 conjunction with vehicle storage yards, and shall only be
38 permitted in conjunction with self-storage facilities in
39 accordance with conditional use approval under this
40 subsection. The following standards shall apply to the use of
41 containerized storage units in conjunction with permitted self-
42 storage facilities:
- 43 (A) A containerized storage unit shall be a factory-built
44 shipping container, meeting the standards of the U.S.
45 Department of Transportation.

- 1 (B) Containerized storage units may be utilized for
2 storage, provided they are limited to one unit in
3 height (no stacking), have uniform roll up doors or
4 swing doors, complimentary and uniform exterior
5 façade materials and colors.
- 6 (C) A containerized storage unit shall be subject to the
7 requirements for any required permitting, as set forth
8 in the Anchorage Municipal Code of Ordinances.

9 xiv. *Existing Self Storage and Vehicle Storage Operations*
10 Self-storage and vehicle storage operations existing on or
11 before the date of adoption of this title shall be deemed to be
12 approved site plans and uses and not nonconforming uses or
13 structures. Notwithstanding the provisions of chapter 21.11,
14 *Nonconformities*, where self-storage and vehicle storage
15 operations exist and have been in continuous existence
16 since the date of adoption of this section, that use may
17 continue provided the owner thereof complies with the
18 following:

19 (A) *Site Enhancement Plan Required*
20 Any self-storage or vehicle storage operation existing
21 prior to the adoption of this section that does not
22 comply with the requirements of this section related
23 to sight-obscuring fencing, required landscaping
24 external to said fencing, and elimination of security
25 razor or concertina security wire at the top of a fence
26 shall obtain approval by the Director of, and agree to
27 implement, a site enhancement plan for the property.
28 This site enhancement plan shall be submitted to the
29 Director within 10 years of October 26, 2004, or
30 within 24 months of sale or transfer of ownership of
31 the site, whichever comes first. The intent of this site
32 enhancement plan is to bring the property as closely
33 as reasonably possible into compliance with the
34 above noted subsection without impeding existing
35 operations.

36 (B) *Contents of Site Enhancement Plan*
37 The site enhancement plan shall include:

- 38 (1) A graphic and legal description of the plan
39 area.
- 40 (2) Existing fencing and fencing types on the
41 site.
- 42 (3) Current vegetation external to perimeter
43 fencing, if any.
- 44 (4) Vehicular access points, including ingress
45 and egress points, and queuing lanes.

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- (5) Proposed modifications to bring the property into compliance with the intent of the standards of this section, but only for the following items: sight-obscuring fencing, required landscaping external to said fencing on any side of the property abutting a residential zoning district or a major or minor arterial, if the side is not otherwise obscured from view by other landscaping, naturally-vegetated areas, natural features or buildings located on adjoining properties, and in all instances elimination of barbed, razor and concertina or other security wire, unless the security wire is inverted inside the fence and not visible from outside the fence.
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- (6) It is the intent of this section that owners of existing facilities not be required to move existing fences or change existing operations.
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- (C) *Narrative Statement Required*
A narrative statement shall also be submitted with the site enhancement plan. The narrative shall be based on existing conditions and shall detail the following information:
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- (1) The method of securing the area to prevent casual access.
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- (2) A proposed schedule that specifies the date and methods by which the owner will come into compliance with the intent of this section.
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- (3) A description of current operations and uses that take place on the site.
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- (D) *Implementation of Approved Site Enhancement Plan*
The Director shall set a reasonable period of time for implementation of the approved site enhancement plan. Adequacy of the site enhancement plan shall be based on evidence presented by the owner, which may include the following:
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- (1) The location and size of the property and the self-storage and/or vehicle storage use, including topography and related physical constraints of the site.
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- (2) History of the use of the property as a self-storage and/or vehicle storage use, including information about the length of time it has existed as that use and any relevant permits

- 1 or other official regulatory documents related
2 to the use of the property as a self- storage
3 and/or vehicle storage use.
- 4 (3) A map of the subject property indicating the
5 location of all parcels of real property within a
6 distance of 300 feet from the exterior
7 boundary of the subject property, showing
8 the zoning district boundaries.
- 9 (4) The compatibility of the operation with
10 surrounding neighborhoods, and with
11 prevention of noise, dust, safety hazards,
12 traffic congestion, aesthetic deterioration and
13 other adverse environmental effects.
- 14 (5) Any other information the property owner
15 may wish to submit in order to make his or
16 her case.
- 17 (E) *Decision by Director*
18 Upon receipt of a site enhancement plan pursuant to
19 subsection xiv.(A). above, the Director shall make a
20 determination within 60 days of submittal of the site
21 enhancement plan. The decision of the Director shall
22 be in writing and sent by certified mail to the address
23 listed in the owner's application.
- 24 (F) *Appeals*
25 A decision of the Director is final unless appealed
26 within 30 days of its receipt by the owner of the
27 property. Appeal is to the zoning board of examiners
28 and appeals. Only the applicant may appeal the
29 decision of the Director. An appeal from a decision of
30 the zoning board of examiners and appeals may be
31 brought in Superior Court.
- 32 (G) *Abandonment*
33 If the owner of property on which a self-storage or
34 vehicle storage facility subject to this section is
35 located fails, within 10 years, to submit a site
36 enhancement plan for approval, or if an approved site
37 enhancement plan has not been implemented within
38 that period of time, the Director shall send a notice by
39 certified mail to the property owner that the use will
40 be considered abandoned if, within 6 months a site
41 enhancement plan has not been submitted. An
42 owner so notified, who then timely submits a site
43 enhancement plan, shall have 1 year after approval
44 of its site enhancement plan to implement it, and an
45 owner with a previously-approved site enhancement
46 plan shall have 1 additional year to complete the
47 plan's implementation. This section shall not apply to

1 any self- storage and/or vehicle storage operation
2 continuing under a Planning and Zoning
3 Commission-approved site plan or conditional use
4 existing on the date of adoption of this title.

5 **4. Storage Yard**

6 **a. Definition**

7 Any lot or portion of a lot that is used for the sole purpose of the
8 outdoor storage of fully operable motor vehicles, construction
9 equipment, construction materials, or other tangible materials and
10 equipment.

11 **b. Use-Specific Standards (also apply to “Junkyard”)⁷⁰**

12 **i. Location of Site**

13 **(A)** A storage yard shall not be located within 300 feet of
14 any academic school, hospital, governmental facility
15 (except governmental service), or any other place of
16 public assembly.

17 **(B)** A junkyard shall not be located within 500 feet of any
18 academic school, hospital, governmental facility
19 (except governmental service), residential
20 subdivision, or place of public assembly.

21 **ii. Minimum Lot Size and Width**

22 Notwithstanding the general dimensional standards set forth
23 in chapter 21.06, the minimum lot size for a junkyard or
24 storage yard shall be two acres. The minimum lot width shall
25 be 150 feet.

26 **iii. Limits on Outdoor Storage**

27 Outdoor storage shall not exceed 35 feet in height. No
28 outdoor storage shall occur within the required front or side
29 setback as set forth in chapter 21.06.

30 **iv. Screening**

31 L4 Screening landscaping is required where adjacent to
32 residential districts (including RMX).

33 **v. Drainage; Protection of Water Supply**

34 Provisions shall be made to prevent any contamination of the
35 domestic water supply or excessive surface runoff from the
36 property into adjoining lands or streams. The drainage plan
37 that carries water off the site shall be subject to the approval
38 of the Department of Project Management and Engineering.
39 Failure to prevent such contamination of the domestic water
40 supply or to prevent excessive surface runoff from the site
41 onto adjoining lands or streams shall be cause for the
42 conditional use to be rescinded and the junkyard to be
43 removed at the cost of the owner of the land upon which it is
44 located.

- 1 **5. Warehouse**
2 **a. Definition**
3 A structure containing an area available for the purpose of storing raw
4 materials, goods, or property.
- 5 **b. Use-Specific Standard**
6 L3 Separation landscaping is required where adjacent to residential
7 districts (including RMX).

- 8 **6. Wholesale Establishment**
9 **a. Definition**
10 An establishment primarily engaged in the sale or distribution of
11 goods and materials in large quantity to retailers or other businesses
12 for resale to individual or business customers. This shall not include
13 heavy manufacturing, resource extraction, scrap operations, bulk
14 storage of hazardous materials, or salvage operations.

- 15 **E. Waste and Salvage**
- 16 This category includes uses that receive solid or liquid wastes from others for disposal
17 on the site or for transfer to another location; uses that collect sanitary wastes; or uses
18 that manufacture or produce goods or energy from the composting of organic material
19 or processing of scrap or waste material. Waste and salvage uses also include uses
20 that receive hazardous wastes from others. Accessory uses may include recycling of
21 materials, offices, and repackaging and shipment of by-products. Specific use types
22 include:

- 23 **1. Composting Facility**
24 **a. Definition**
25 A facility where organic matter, including leaves, grass, manures, and
26 non-meat, non-biosolids waste that is derived primarily from off-site is
27 processed by composting and/or processing for commercial
28 purposes. Activities may include management, collection,
29 transportation, staging, composting, curing, storage, marketing, or
30 use of compost.

- 31 **b. Use-Specific Standards⁷¹**
32 i. Composting facilities shall be set back at least 660 feet from
33 any lot line abutting a residential or and mixed-use district
34 and any residential use (except a residential use occupied by
35 the owner, operator or any employee of such composting
36 facility) as such zone districts or residential uses exist at the
37 time of the establishment of the composting facility.
- 38 ii. Composting facilities shall contain and treat on-site, all water
39 run-off that comes into contact with the feedstocks or
40 compost, in such manner that the run-off will not contaminate
41 surface or ground water.
- 42 iii. Composting facilities shall not be located in any floodway.
- 43 iv. No composting facility shall commence operation until a
44 nuisance condition control plan, specifying all measures to be

1 taken to control nuisance conditions (such as odor, noise,
2 scattered solid waste, dust) has been approved by the
3 Director.

4 **2. Junkyard**

5 **a. Definition**

6 Any lot, or portion of a lot, that is used for the purpose of the outdoor
7 storage, handling, dismantling, wrecking, keeping, or sale of used,
8 discarded, wrecked, or abandoned airplanes, appliances, vehicles,
9 boats, building and building materials, machinery or equipment, or
10 parts thereof, including but not limited to scrap metals, wood, lumber,
11 plastic, fiber or other tangible materials defined under “junk” (see
12 general definitions in chapter 21.13). Auto wrecking yards and
13 salvage or scrap yards are included in this use. This does not include
14 a composting facility.

15 **b. Use-Specific Standards**

16 Junkyards shall comply with the use-specific standards applicable to
17 “Storage Yard” set forth above.

18 **3. Landfill**

19 **a. Definition**

20 The burial of hazardous or non-hazardous agricultural, residential,
21 institutional, commercial, or industrial waste, including areas for the
22 disposal of building and organic material, solid waste processing and
23 transfer facilities, and incinerator facilities. This use does not include
24 land reclamation.

25 **b. Use-Specific Standards⁷²**

26 **i.** Landfills shall be set back at least 660 feet from any non-
27 industrial use, and that required setback shall be planted with
28 L4 Screening landscaping.

29 **ii.** Landfills shall contain and treat on-site all run-off that comes
30 into contact with the waste material, in such manner that the
31 run-off will not contaminate surface or ground water.

32 **iii.** Landfills shall not be located in any floodway.

33 **iv.** No landfill shall commence operation until a nuisance control
34 plan, specifying all measures to be taken to control nuisance
35 conditions (such as odor, noise, scattered solid waste,
36 wildlife) has been approved by the Director.

37 **4. Land Reclamation⁷³**

38 **a. Definition**

39 An operation engaged primarily in increasing land-use capability by
40 changing the land’s character or environment through fill or regrading.
41 Land reclamation shall include only operations at a scale involving
42 5,000 cubic yards or more of fill material. Site preparation as part of
43 the development of a subdivision under a subdivision agreement is
44 not included.

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- b. Use-Specific Standards**
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- i. If the land reclamation operation will be completed within one year, the review and approval procedure shall be an administrative site plan review. If the operation will continue for more than one year, the review and approval procedure shall be the conditional use process. If an operation was approved under the administrative site plan review process but is not completed within one year, the operation must then apply for a conditional use permit.
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- ii. In addition to the submittal requirements in the User's Guide, an applicant for a land reclamation use shall submit the following:
- (A) A site plan showing:
 - (1) Drainage.
 - (2) Existing and proposed topographical contours (ten-foot contour).
 - (3) Water table information.
 - (4) Points of vehicular access to the site.
 - (B) An erosion and sediment control plan.
 - (C) A description of the soil types encountered on the site.
 - (D) A landscaping plan for the period of land reclamation operations and for final restoration of the site.
 - (E) A security plan to prevent casual trespass.
 - (F) Proposed hours of operation.
 - (G) A description of land reclamation and processing operations proposed for the site.
 - (H) Projected traffic counts for each point of vehicular access to the site.
 - (I) An estimate of the quantity of materials to be imported to the site and timetable, with supporting calculations conforming to generally accepted engineering principles.
 - (J) A statement of the types of materials that will be accepted at the site.
 - (K) Such other materials as the Planning director may require by regulation pursuant to AMC chapter 3.40.

1 An area used for the concentrated storage and disposal of snow
2 transported to that site from other locations.

3 **b. Use-Specific Standards⁷⁴**

4 **i. Location**

5 Snow disposal sites shall be located at least 25 feet from a
6 Class A or Class B wetland, and at least 100 feet from a
7 stream or water body.

8 **ii. Dimensional Standards**

9 Notwithstanding the general dimensional requirements of
10 chapter 21.06, the following specific standards shall apply to
11 this use.

12 **(A) Minimum Lot Size**

13 The minimum lot size shall be 36,000 square feet.

14 **(B) Maximum Height of Structures**

15 The maximum height of snow piles shall be 35 feet.

16 **(C) Minimum Setback Requirement**

17 The minimum setback of snow piles shall be 25 feet if
18 adjacent to a public right-of-way or to an industrial
19 zoning district, and 50 feet if adjacent to a non-
20 industrial zoning district.

21 **iii. Snow Storage Area**

22 The snow storage area shall be well defined on-site in order
23 to prevent storage of snow on adjacent properties or
24 landscaped areas. This may be accomplished through
25 location, landscaping, fencing, and/or signs.

26 **iv. Screening Fence or Berm**

27 An earthen berm or a screening structure, either at least six
28 feet high, shall be constructed within every setback adjacent
29 to a public right-of-way or to a nonindustrial zoning district.
30 Site enhancement landscaping, or another ground cover
31 acceptable to the Planning and Zoning Commission, shall be
32 planted on the berm and within the area between the berm
33 and the lot line for the site. The Planning and Zoning
34 Commission may require construction of a berm or fence
35 within other setback areas in order to restrict casual access,
36 to confine the operations within the site, to reduce noise and
37 glare and to ensure compatibility of the operation with
38 adjacent uses.

39 **v. Drainage and Water Quality Facilities**

40 The on-site and off-site drainage network shall handle water
41 runoff and snow melt without impacting adjacent properties.
42 Drainage and meltwater disposal shall comply with the
43 municipal *Design Criteria Manual* sections regarding snow
44 disposal sites and drainage.

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- vi. *Noise, Dust and Litter*
- (A) *Noise*
If the level of noise from the activity at the snow disposal site, measured at the property line of any residential or noise-sensitive use such as a public building, academic school, or other place of public assembly within one half mile of the snow disposal site, shall exceed the standards stated in AMC subsection 15.70.080.A, then the site plan shall identify mitigation measures.
- (B) *Dust and Litter Control*
A dust control and litter plan shall be established and implemented and trash collection/removal shall be done in a manner so that there are no dust or litter impacts to adjacent properties or public rights-of-way.
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- 16 6. **Solid Waste Transfer Facility**
- 17 a. **Definition**
- 18 An establishment for the processing, transfer and/or disposal of
19 hazardous or non-hazardous solid waste.
- 20 b. **Use-Specific Standards⁷⁵**
- 21 All such uses shall comply with the following standards:
- 22 i. *Location of Site*
- 23 A solid waste transfer facility shall not be located within 500
24 feet of any academic school, hospital, governmental facility
25 (except governmental service), residential subdivision, or
26 place of public assembly.
- 27 ii. *Minimum Lot Size and Width*
- 28 Notwithstanding the general dimensional standards set forth
29 in chapter 21.06, the minimum lot size for a solid waste
30 transfer facility shall be two acres. The minimum lot width
31 shall be 150 feet.
- 32 iii. *Limits on Outdoor Storage*
- 33 Outdoor storage shall not exceed 35 feet in height. No
34 outdoor storage, operations, or donations shall occur within
35 the required front or side setback as set forth in chapter
36 21.06.
- 37 iv. *Screening*
- 38 In addition to any landscaping required under section
39 21.07.080, *Landscaping, Screening, and Fences*, the facility
40 shall be surrounded by a solid, opaque fence that is at least
41 eight feet high, located no less than 100 feet from any public
42 right-of-way, and located no less than 50 feet from an
43 adjacent property.

21.05.070 ACCESSORY USES AND STRUCTURES⁷⁶

A. Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards set forth in this section.

B. General Standards

All accessory uses shall comply with the general standards in this subsection B.

1. Approval of Accessory Uses and Structures

a. All principal uses allowed in a zoning district shall be deemed to include the accessory uses, structures, and activities set forth in this section, unless specifically prohibited.

b. See also sections 21.05.030 through 21.05.060 above, in which incidental or accessory uses are sometimes included in the description of a specific principal use category or use type. When a definition does include permitted accessory or incidental uses, such accessory or incidental uses shall be subject to the general standards set forth in this subsection B., as well as any use-specific standards set forth in subsections D. and E. below.

2. Compliance with Ordinance Requirements

a. All accessory uses and structures shall be subject to the standards set forth in this section, and also the use-specific standards of sections 21.05.030 through 21.05.060 above and the dimensional standards of chapter 21.06. In the case of any conflict between the standards of this section and any other requirement of this title, the standards of this section shall control.

b. Accessory uses shall comply with all standards of this title applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use, as specified in section 21.07.090, and any additional requirements for the accessory use, if applicable and specified in this section.

3. Dimensional Standards for Accessory Buildings and Structures

a. Same Lot

The accessory use or structure shall be conducted and/or located on the same lot as the principal use.

b. Location of Accessory Structures⁷⁷

No accessory structure shall be erected or maintained in any required setback, except that:

i. Buildings accessory to a residential use and allowed by this section 21.05.070 may be erected in a required rear setback that is adjacent to an alley;

- 1 ii. Two sheds, each 150 square feet or less and a maximum of
- 2 12 feet in height, and not attached to a foundation, may be
- 3 erected in a required side or rear setback; and

- 4 iii. Dog runs and dog houses not attached to a foundation and
- 5 allowed by this section 21.05.070 may be erected in a
- 6 required side or rear setback.

7 **4. Same Ownership Required**

8 The principal use and the accessory use shall be under the same ownership.

9 **5. Temporary Accessory Uses and Structures**

10 Temporary accessory uses and structures shall be governed by the

11 temporary use permit procedures and standards set forth in sections

12 21.03.140 and section 21.05.080 of this title.

13 **C. Table of Allowed Accessory Uses**

14 Tables 21.05-3 and 21.05-4 below list the accessory uses allowed within all base

15 zoning districts. Each of the listed uses is defined in subsection D. below.

- 16 **1. Explanation of Table Abbreviations**
- 17 **a. Permitted Uses**
 - 18 “P” in a cell indicates that the accessory use is allowed by right in the
 - 19 respective zoning district. Permitted uses are subject to all other
 - 20 applicable regulations of this title, including the use-specific standards
 - 21 in subsection D. below and the development and design standards
 - 22 set forth in chapter 21.07.

 - 23 **b. Administrative Site Plan Review**
 - 24 “S” in a cell indicates that the accessory use requires administrative
 - 25 site plan review in the respective zoning district in accordance with
 - 26 the procedures of section 21.03.080.B, *Administrative Site Plan*
 - 27 *Review*.

 - 28 **c. Conditional Uses**
 - 29 “C” in a cell indicates that, in the respective zoning district, the
 - 30 accessory use is allowed only if reviewed and approved as a
 - 31 conditional use in accordance with the procedures of section
 - 32 21.03.070, *Conditional Uses*.

 - 33 **d. Prohibited Uses**
 - 34 A blank cell indicates that the accessory use is prohibited in the
 - 35 respective zoning district.

 - 36 **e. Use-Specific Standards**
 - 37 Regardless of whether an accessory use is allowed by right or subject
 - 38 to administrative site plan review or conditional use, there may be
 - 39 additional standards that are applicable to the use. The existence of
 - 40 these use-specific standards is noted through a section reference in
 - 41 the last column of the table. References refer to subsection D. below.
 - 42 These standards apply in all districts unless otherwise specified.

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f. **Unlisted Accessory Uses or Structures**
 An accessory use or structure that is not listed in Tables 21.05-3 and 21.05-4 shall comply with all standards set forth in subsection B. above.

g. **Tables of Permitted Accessory Uses and Structures**

TABLE 21.05-3: TABLE OF ACCESSORY USES – RESIDENTIAL DISTRICTS										
P = Permitted S = Administrative Site Plan Review										
Accessory Uses	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 9	R 10	Use-Specific Standards
Accessory dwelling unit (ADU)		P	P		P	P	P	P	P	21.05.070.D.1.
Adult care (up to 8 clients)	P	P	P	P	P	P	P	P	P	21.05.070.D.2.
Bed and breakfast (up to 3 guestrooms)	P	P	P	P	P	P	P	P	P	21.05.070.D.3.
Bed and breakfast (4 or 5 guestrooms)	S	S	S	S	S	S	S	S	S	21.05.070.D.3.
Beekeeping	P	P	P	P	P	P	P	P	P	21.05.070.D.4.
Child care (up to 8 children)	P	P	P	P	P	P	P	P	P	21.05.070.D.6.
Computer-aided learning center				P						21.05.070.D.7.
Dormitory				S	S	S	S	S	S	21.05.070.D.8.
Family self-sufficiency Service				P						21.05.070.D.10.
Farm, hobby					P	P	P	P		
Garage or carport, private residential	P	P	P	P	P	P	P	P	P	21.05.070.D.12.
Home- and garden-related use	P	P	P	P	P	P	P	P	P	21.05.070.D.13.
Home occupation	P	P	P	P	P	P	P	P	P	21.05.070.D.14.
Outdoor keeping of animals	P	P	P		P	P	P	P	P	21.05.070.D.16.
Paddock, stable, or barn	P	P	P		P	P	P	P		21.05.070.D.19.
Private outdoor storage of non-commercial equipment accessory to a residential use	P	P	P	P	P	P	P	P	P	21.05.070.D.20.
Residential care (up to 8 clients)	P	P	P	P	P	P	P	P	P	21.05.070.D.210.
Vehicle repair/rebuilding, outdoor, hobby	P	P	P		P	P	P	P	P	21.05.070.D.23.

TABLE 21.05-4: TABLE OF ACCESSORY USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS

Accessory Uses	P = Permitted						S = Administrative Site Plan Review						C = Conditional Use Review						Use-Specific Standards				
	A C	C B D 1	C B D 2	C B D 3	M C	O	I C	I 1	I 2	M I	R M X	N M U 1	N M U 2	C C M U	R C M U	M M U	A F	O L		P R	P L I	T A	W
Accessory dwelling unit (ADU)																					P		21.05.070.D.1.
Adult care (up to 8 clients)		P	P	P							P	P		P	P	P					P		21.05.070.D.2.
Bed and breakfast (up to 3 guestrooms)		P	P	P							P	P		P	P	P					P		21.05.070.D.3.
Bed and breakfast (4 or 5 guestrooms)		S	S	S							S	S		S	S	S					S		21.05.070.D.3.
Beekeeping											P								P	P	P		21.05.070.D.4.
Caretaker's residence							P	P	P	P									P	P	P		
Child care (up to 8 children)		P	P	P							P	P		P	P	P					P		21.05.070.D.6.
Computer-aided learning center											P		P										21.05.070.D.7.
Dormitory								C			S			S	S	S			P	P	C		21.05.070.D.8.
Drive-through service	P					P	P					P			P	P					P		21.05.070.D.9.
Family self-sufficiency Service											P		P										21.05.070.D.10.
Farm, hobby																					P		
Garage or carport, private residential											P		P	P	P	P					P		21.05.070.D.12.
Home- and garden-related use		P	P	P							P	P	P	P	P	P			P	P	P		21.05.070.D.13.

TABLE 21.05-4: TABLE OF ACCESSORY USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS

Accessory Uses	P = Permitted						S = Administrative Site Plan Review						C = Conditional Use Review						Use-Specific Standards				
	A C	C B D 1	C B D 2	C B D 3	M C	O	I C	I 1	I 2	M I	R M X	N M U 1	N M U 2	C C M U	R C M U	M M U	A F	O L		P R	P L I	T A	W
Home occupation		P	P	P							P	P	P	P	P	P					P		21.05.070.D.14.
Incinerator or thermal desorption unit							C	C	C														21.05.070.D.15.
Outdoor keeping of animals																					P		21.05.070.D.16.
Outdoor display accessory to a commercial use	P				P	P	P	P	P	P											P		21.05.070.D.17.
Outdoor storage accessory to a commercial use	P				P	P	P	P	P	P											P		21.05.070.D.18.
Paddock, stable, or barn																					P		21.05.070.D.19.
Private outdoor storage of non-commercial equipment accessory to a residential use											P										P		21.05.070.D.20.
Residential care (up to 8 clients)		P	P	P							P	P		P	P	P					P		21.05.070.D.21.
Vehicle repair/rebuilding, outdoor, hobby																					P		21.05.070.D.23.

1 **D. Definitions and Use-Specific Standards for Allowed Accessory Uses and**
2 **Structures**

3 This section defines the accessory uses listed in Tables 21.05-3 and 21.05-4 and also
4 contains use-specific standards that apply to those uses. Accessory uses shall
5 comply with the applicable use-specific standards in this subsection, in addition to
6 complying with the general standards in subsection B.

7 **1. Accessory Dwelling Unit (ADU)**

8 **a. Definition**

9 A subordinate dwelling unit added to, created within, or detached
10 from a single-family residence, which provides basic requirements for
11 living, sleeping, cooking, and sanitation.

12 **b. Use-Specific Standards⁷⁸**

13 **i. Purpose and Intent**

14 The purpose and intent of this section is to:

15 **(A)** Fulfill housing policy #15 of *Anchorage 2020:*
16 *Anchorage Bowl Comprehensive Plan*, which
17 provides that accessory housing units shall be
18 allowed in certain residential zones;

19 **(B)** Provide a means for homeowners, particularly the
20 elderly, single parents, and families with grown
21 children, to remain in their homes and
22 neighborhoods, and obtain extra income, security,
23 companionship and services;

24 **(C)** Allow more efficient and flexible use of existing
25 housing stock and infrastructure;

26 **(D)** Respond to changing family needs and smaller
27 households by providing a mix of housing;

28 **(E)** Stabilize homeownership and enhance property
29 values;

30 **(F)** Provide a broader range of accessible and more
31 affordable housing within the Municipality; and

32 **(G)** Protect neighborhood stability, property values, and
33 single-family residential appearance of the
34 neighborhood by ensuring that ADUs are installed
35 under the provisions of this title.

36 **ii. Application, Review, and Approval Procedures**

37 **(A)** Any landowner operating or seeking to establish an
38 ADU shall obtain a building or land use permit from
39 the building official. The permit shall constitute an
40 ADU permit.

- 1 (B) With the permit application, the landowner shall
2 submit an affidavit on a form provided by the
3 Municipality, affirming that at least one landowner will
4 occupy the principal dwelling or the accessory unit,
5 and that the ADU will conform to the requirements of
6 the permit and the requirements of this section.

- 7 (C) The permit and the affidavit shall be filed as a deed
8 restriction with the Anchorage Recording District to
9 indicate the presence of the ADU, the requirement of
10 owner-occupancy, and conformity with the
11 requirements of the permit and the requirements of
12 this chapter.

- 13 (D) The Department shall receive a fee from the
14 applicant pursuant to the Title 21 User's Guide.

- 15 (E) For purposes of securing financing, potential
16 landowners may request and receive a letter of pre-
17 approval from the Municipality indicating the property
18 is eligible for an ADU permit if the potential
19 landowner completes the application process and
20 construction in accordance with this section.

21 iii. *Requirements*
22 All ADUs shall meet the following requirements:

- 23 (A) *Purpose*
24 Requirements for accessory dwelling units address
25 the following purposes:
 - 26 (1) Ensure that accessory dwelling units
27 maintain and are compatible with the single-
28 family appearance and character of the
29 principal residence, lot, and neighborhood;
 - 30 (2) Ensure that accessory dwelling units are
31 smaller in size than the principal dwelling on
32 the lot, and preserve yards and open space;
 - 33 (3) Provide adequate parking while maintaining
34 the single-family residential character of the
35 neighborhood, avoiding negative impacts to
36 on-street parking, and minimizing the amount
37 of paved surface on a site; and
 - 38 (4) Provide clear and flexible standards that
39 make it practical and economical to develop
40 accessory dwelling units that are in
41 compliance with this code, and offer an
42 accessible, affordable housing option to the
43 community.

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- (B) *Requirements for Developing an ADU*
ADUs shall be allowed in all residential zoning districts except R-1 and R-4.
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- (1) One ADU may be added to or created within a detached single family dwelling on a lot, tract, or parcel, but only if the detached single-family dwelling is the sole principal structure on that lot, tract, or parcel.
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- (2) One ADU detached from a single-family dwelling is permitted on a lot, tract, or parcel, but only if:
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- (a) The lot, tract, or parcel is 20,000 square feet or greater and the ADU is attached to or above a garage and the detached single-family dwelling is the only principal structure; or
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- (b) The lot, tract, or parcel abuts an alley; the ADU is above a detached garage, the ADU/garage abuts the alley, and the detached single-family dwelling is the only principal structure.
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- (3) *Lot Coverage*
The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.
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- (4) *Uses*
- (a) An ADU shall not be permitted on any lot with a bed and breakfast, day care, adult or child care, or residential care.
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- (b) The landowner shall reside in either the principal dwelling unit or the ADU as his or her primary residence for more than six months of each year.
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- (c) No more than two persons may reside in an ADU.
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- (5) *Building Code Requirements*
To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted Municipal building code standards for two-family dwellings.
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- (6) *Size*
- (a) The gross floor area of the ADU, not including any related garage, shall be no more than 700 square feet, nor less

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than 300 square feet, nor have more than two bedrooms;⁷⁹

(b) In no case shall the total gross floor area of an ADU be more than 35 percent of the total gross floor area of the principal dwelling unit, excluding the ADU and garages.

(7) *Setbacks*

An ADU shall not encroach into any required setback, except that an ADU may encroach into the rear setback abutting an alley.

(8) *Parking*

One off-street parking space in addition to the parking spaces required for the principal dwelling unit is required for the accessory dwelling unit; but in no event shall there be fewer than three parking spaces per lot. Notwithstanding the provisions of 21.11, *Nonconformities*, all off-street parking deficiencies shall be corrected.

(9) *Design and Appearance*

(a) All ADUs shall be designed to maintain the appearance of the primary unit as a single family dwelling. The accessory dwelling unit shall maintain the architectural style and character of the single-family residence. Exterior siding, roofing, and trim shall match the appearance of the materials on the principal dwelling unit. Roof style shall match the predominant style of the principal dwelling unit. Exterior window trim, window proportions (width to height), patterns, and orientation (horizontal to vertical) shall match those of the principal dwelling unit.

(b) The construction of an additional entry door on the side of a principal structure facing a street for entrance into an accessory dwelling unit is prohibited, unless no other entry door already exists on that side. Entrances are permitted on non-street-facing sides of the principal structure.

(10) *Utilities*

To the extent allowed by law and utility tariff, the ADU shall be connected to the water, sewer, gas, and electric utilities of the single family dwelling unit. However, lots with on-site water

1 or septic systems may have a separate water
2 and/or septic system for the ADU.

3 (C) *Additional Requirements for Detached ADUs*

4 (1) The ADU shall be at least 60 feet from the
5 front lot line, or at least 10 feet behind the
6 façade of the principal dwelling unit.

7 (2) The maximum height of a detached ADU
8 shall be 25 feet.

9 (D) *Density*

10 ADUs are not included in the density calculations for
11 a site.

12 (E) *Expiration of Approval of an ADU*

13 Approval of an ADU expires when:

14 (1) The ADU is altered and is no longer in
15 conformance with this code;

16 (2) The property ceases to maintain all required
17 off-street parking spaces;

18 (3) A landowner of the property does not reside
19 in either the principal or the accessory
20 dwelling unit;

21 (4) The ADU is abandoned by the landowner
22 through written notification to the Municipality
23 on a form provided by the Municipality; or,

24 (5) The property with an ADU changes
25 ownership.

26 (F) *Transfer*

27 An ADU permit is not transferable to any other
28 property or any other person. When a property with
29 an ADU is sold or otherwise transferred, the new
30 landowner shall file an affidavit of owner-occupancy
31 with the Department within 30 days of the transfer,
32 and pay a processing fee. Failure to file an affidavit
33 by the due date constitutes failure to have a permit in
34 violation of this section. Transfers from one
35 landowner to another landowner do not require a new
36 affidavit so long as the recipient landowner signed
37 the original affidavit.

38 (G) *Prior Illegal Use*

39 (1) All structures which meet the definition of
40 *Accessory Dwelling Unit* which are not
41 recognized as legal nonconforming
42 structures or uses of structures under

chapter 21.11 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:

(a) A permit application for an ADU is submitted to the Building Safety Division within six months of September 30, 2003.

(b) The unit complies with the requirements of this section.

(2) If the unit does not comply with the requirements of this section at the time the permit application is filed, the building official may grant six months to bring the unit into conformance.

(3) In addition to any other remedies provided in this code, failure to legalize an existing unit under this subsection shall result in civil penalties as provided at AMC section 14.60.030. All landowners of illegal units shall also be required to either legalize the unit or remove it.

(4) This subsection does not apply to existing legal nonconforming uses of structures established pursuant to chapter 21.11.

(H) *Variances*

Nothing in this section guarantees any property landowner the right to create an ADU unless it conforms to all provisions in this section. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section. No variances shall be granted from the standards and provisions of this section.

2. **Adult Care (Up to Eight Clients)**

a. ***Definition***

“Adult care” is defined in section 21.05.040.A. above.

b. ***Use-Specific Standards (standards also apply to “Child Care up to 8 children”)⁸⁰***

i. ***Intent***

Adult care facilities and child care facilities with occupancy of eight persons/children or less are intended to be accessory uses. A child care facility or adult care facility shall not detract from the principal allowed use in the district and shall not place an undue burden on any private or public

1 infrastructure greater than anticipated from a permitted
2 development.

- 3 ii. *Location*
4 Adult care facilities shall be located only in a single-family
5 dwelling, excluding detached condominium units and duplex
6 or multi-family structures, when located in any residential or
7 NMU district. These uses shall be prohibited if the only direct
8 street access is from a private street.
- 9 iii. This section shall not apply to any use continuing as a lawful
10 conditional use at the time of adoption of this section.
- 11 iv. Child care facilities not licensed under AMC chapter 16.55
12 must provide outdoor yards. The yard shall be a contiguous
13 yard, which shall be at least 20 feet wide at all points, and at
14 least 75 square feet shall be provided per child.
- 15 v. A child care facility shall not be permitted on any lot with an
16 accessory dwelling unit, bed and breakfast, adult care facility,
17 or residential care facility.

18 3. **Bed and Breakfast**⁸¹

19 a. **Definition**
20 A bed and breakfast is a detached single-family dwelling, not
21 including a mobile home, that is occupied by the host, owner, or
22 operator of the establishment, and that offers overnight
23 accommodations for which compensation is paid on a daily or weekly
24 basis for no more than 30 consecutive days, and which offers only
25 one daily meal. No more than five guestrooms may exist in such an
26 establishment.

27 b. **Use-Specific Standards**

28 i. *Restriction on Special Events for All Bed and Breakfasts*
29 No bed and breakfast shall hold, for consideration, weddings,
30 parties, or other non-guest events.

31 ii. *General Standards*

32 (A) The accessory use shall protect and maintain the
33 integrity of the residential neighborhood. A bed and
34 breakfast shall not detract from the principal use in
35 the district and shall not place a burden on any
36 private or public infrastructure (i.e., streets or utilities)
37 greater than anticipated from permitted development.

38 (B) A bed and breakfast shall not be permitted on any lot
39 with an accessory dwelling unit, child or adult care
40 facility, or residential care facility.

41 iii. *Residential District Standards*

42 A bed and breakfast located within a residential district
43 (including RMX) shall conform to the requirements of this
44 section.

- 1 (A) No more than the permitted number of guestrooms
2 shall be offered for use at any one time.
- 3 (B) The host-operator of the bed and breakfast enterprise
4 shall establish and maintain the single-family or the
5 bed and breakfast unit of a two-family structure as his
6 or her primary domicile at all times while it is
7 operated as a bed and breakfast.
- 8 (C) Every bed and breakfast shall meet the off-street
9 parking requirements stated in section 21.07.090 and
10 in its administrative permit.
- 11 (D) Every bed and breakfast supported by on-site well
12 and wastewater disposal systems shall conform to
13 the requirements of AMC chapter 15.65, pertaining to
14 wastewater disposal regulations, and shall obtain a
15 one-time only health authority certificate.
- 16 iv. *Administrative Permit*
17 A bed and breakfast shall require an administrative permit
18 pursuant to section 21.03.230. An application for a bed and
19 breakfast shall not be complete unless it is accompanied by
20 proof of a current business license, health inspection for 25
21 occupants or more, a health authority approval certificate (for
22 on-site systems only), and a site plan and building floor plans
23 meeting the requirements of this title.
- 24 4. **Beekeeping**
25 a. **Definition**
26 Keeping honey bees, *Apis mellifera*, for the purpose of education
27 and/or producing honey or other products related to bees.
- 28 b. **Use-Specific Standards⁸²**
29 i. Colonies of *Apis mellifera* shall be managed in such a
30 manner that their flight path to and from the hive will not bring
31 them into contact with people on adjacent property. To
32 accomplish this, colonies shall be:
- 33 (A) At least 25 feet from any lot line not in common
34 ownership; or
- 35 (B) Oriented with entrances facing away from adjacent
36 property; or
- 37 (C) Placed behind a fence at least six feet in height and
38 extending at least ten feet beyond the hive in all
39 directions.
- 40 ii. No more than four hives shall be placed on lots smaller than
41 10,000 square feet.

- 1 5. **Caretaker’s Residence**
2 a. **Definition**
3 A dwelling unit on the site of a non-residential use and occupied only
4 by a guard or the person who oversees the operation of the non-
5 residential facility (and his/her family).
- 6 6. **Child Care (Up to Eight Children)**
7 a. **Definition**
8 “Child care” is defined in section 21.05.040.B.
- 9 b. **Use-Specific Standards**
10 Child care facilities with up to eight children shall comply with the use-
11 specific standards set forth above for “Adult Care (Up to Eight
12 Clients).”
- 13 7. **Computer-Aided Learning Center⁸³**
14 a. **Definition**
15 A facility that provides access to personal computer equipment for
16 use in self-instruction. The use is accessory to housing facilities run
17 by public or non-profit agencies.
- 18 b. **Use-Specific Standard**
19 Computer-aided learning centers shall comply with the use-specific
20 standards set forth below for “Family Self-Sufficiency Service.”
- 21 8. **Dormitory⁸⁴**
22 a. **Definition**
23 A facility intended or used as group living quarters for students,
24 religious orders, employees, and the like directly affiliated with
25 schools, colleges, convents, or similar institutional uses, or directly
26 affiliated with a permitted principal use.
- 27 b. **Use-Specific Standards**
28 i. Dormitories in residential and mixed-use districts shall comply
29 with the applicable multi-family residential design standards in
30 section 21.07.100.F. or G.
- 31 ii. L2 Buffer landscaping is required when dormitories abut
32 residential lots in a residential district (including RMX).
- 33 9. **Drive-Through Service**
34 a. **Definition**
35 The physical facilities of an establishment that encourage or permit
36 customers to receive services, obtain goods, or be entertained while
37 remaining in their motor vehicles.
- 38 b. **Use-Specific Standards**
39 Drive-through services are allowed as accessory uses to the following
40 primary uses: restaurant, pharmacy, financial institution, and food
41 and beverage kiosk. The following standards apply to all drive-
42 through services:

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- i. **Stacking Spaces⁸⁵**
Stacking spaces shall be provided pursuant to section 21.07.090I.
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- ii. **Impact on Adjacent Uses**
- (A) A drive-through shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties.
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- (B) No drive-through stacking spaces shall be located between the building and an abutting right-of-way.
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- (C) L2 Buffer landscaping is required when drive-through uses abut residential lots in a residential district (including RMX).
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- (D) The noise generated on the site by talk boxes shall be inaudible at the property line.
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10. **Family Self-Sufficiency Service⁸⁶**
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- a. **Definition**
A governmentally operated or sponsored social service agency that provides aide to economically disadvantaged families in finding training, employment, and housing. The use is accessory to housing facilities run by public or non-profit agencies.
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- b. **Use-Specific Standards (also applies to “Computer-Aided Learning Center”)**
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- i. **General Standards⁸⁷**
The following general standards apply to these uses in all districts:
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- (A) **Building**
The structure used to house the facility shall maintain at least twenty residential units and devote at least 85 percent of the building's maximum gross floor area to residential use.
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- (B) **Ownership**
The operating agency shall have ownership of the structure. No other entity may rent, lease, buy, or otherwise obtain space in the building for the purposes of operating facilities regulated under this subsection.
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- (C) **Staff**
During the operation hours, there shall be at least one instructor/monitor on-site and responsible to the operating agency.
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- (D) **Clients**
Facility users are not required to be residents of the building housing the facility. The facility users shall

1 be restricted to the tenants of the operating agency or
2 beneficiaries of assisted housing from the operating
3 agency.

4 ii. *District-Specific Standards*

5 The following specific standards apply to the referenced
6 districts:

7 (A) In the R-4, NMU, and RMX districts, computer-aided
8 learning centers may be conditionally allowed if they
9 have a maximum gross floor area of 1,000 square
10 feet.

11 (B) In the R-4, NMU, and RMX districts, family self-
12 sufficiency service facilities may be conditionally
13 allowed if they have a maximum gross floor area of
14 1,500 square feet.

15 11. **Farm, Hobby⁸⁸**

16 a. **Definition**

17 The production of crops for sale on the premises. This may include a
18 temporary stand for sales.

19 12. **Garage or Carport, Private Residential**

20 a. **Definition**

21 A detached accessory or portion of a main building that is used for
22 the parking and storage of vehicles owned and operated by the
23 residents thereof.

24 b. **Use-Specific Standards**

25 i. Garages may encroach into the rear or side setback when
26 that setback abuts an alley.

27 ii. Such accessory uses shall serve only the residents of the
28 property and shall not be used for commercial purposes
29 except as part of a home occupation approved under
30 subsection 14. below.

31 iii. All garages or carports accessory to a single residential use,
32 whether attached or detached to the principal dwelling, shall
33 cumulatively be no larger than 50 percent of the total gross
34 area of the principal dwelling.

35 13. **Home- and Garden-Related Use**

36 a. **Definition**

37 Accessory uses subordinate to the use of a residential dwelling.
38 Examples include, but are not limited to, greenhouses, gardens,
39 storage sheds, garden sheds, toolsheds, private barbeque pits, spas,
40 and hot tubs.

41 b. **Use-Specific Standards**

42 i. No retail sale, wholesale sale, or other commercial use of a
43 greenhouse is allowed.

- 1 ii. All spas and hot tubs shall be set back a minimum of 10 feet
2 from all property lines, and shall not be counted in calculating
3 lot coverage.

4 **14. Home Occupation⁸⁹**

5 **a. Definition**

6 An activity that results in a product or service, carried out for
7 consideration or not, and conducted as a customary, incidental, and
8 accessory use in a dwelling unit. This use expressly does not include
9 bed and breakfasts, hobby farms, small and large residential care, or
10 adult or child care homes.

11 **b. Use-Specific Standards**

12 A home occupation may be conducted in a dwelling unit or in a
13 building accessory to a dwelling unit provided that:

14 i. A permanent resident of the dwelling unit is engaged in the
15 home occupation on the premises;

16 ii. Only one nonresident may be engaged in the home
17 occupation on the premises;

18 iii. The use of a dwelling unit for a home occupation shall be
19 clearly incidental and subordinate to its residential use. This
20 standard is met by and limited to one of the following:

21 (A) No more than the lesser of 25 percent or 500 square
22 feet of the floor area of the principal dwelling is
23 devoted to any home occupation; or⁹⁰

24 (B) No more than 300 square feet of an accessory
25 building is devoted to any home occupation; or

26 (C) No more than 250 square feet of the principal
27 dwelling and 250 square feet of the accessory
28 building are devoted to any home occupation.

29 iv. Except for as provided in vii. below and in chapter 21.10,
30 *Signs*, there shall be no change to the outside of the building
31 or premises, nor shall there be other visible evidence of the
32 conduct of such home occupation;

33 v. Vehicles making deliveries shall not be parked at the site for
34 a period exceeding one hour;

35 vi. No traffic or deliveries shall be generated by such home
36 occupation in greater volume than would normally be
37 expected in a residential neighborhood;

38 vii. All vehicles used in connection with the home occupation
39 shall, except for delivery vehicles allowed above, be of the
40 type commonly used for personal non-commercial
41 transportation. Such vehicles may not include boats,

1 motorcycles or similar motor-driven vehicles, all-terrain
2 vehicles (including snow machines), vehicles with more than
3 two axles, box vans, buses, recreational vehicles, motor
4 homes, hauling vehicles including tractor-trailer tractors, or
5 wreckers (including boom-type or tilt-bed). Only one vehicle
6 bearing visible evidence of the home occupation is permitted
7 per home occupation;

8 **viii.** The peace and quiet of the neighborhood shall not be
9 disturbed. No equipment or process shall be used in such
10 home occupation that creates noise, vibration, glare, fumes,
11 or odors detectable to the normal senses at the property line.
12 No equipment or process shall be used which creates visual
13 or audible interference in any radio or television receivers off
14 the premises, or causes a fluctuation in line voltage off the
15 premises. No hazardous or toxic materials shall be stored on
16 the property as part of the home occupation;

17 **ix.** The hours of operation during which an employee or co-
18 worker, clients, or customers are allowed to come to the
19 home in connection with the business activity are limited to
20 between 8:00 a.m. and 8:00 p.m. Monday through Saturday;
21 and

22 **x.** A home occupation shall not be permitted on any lot with an
23 accessory dwelling unit, bed and breakfast, adult or child care
24 facility, or residential care facility.

25 **c. *Uses Prohibited as Home Occupations***

26 A home occupation shall not include, but is not limited to excluding,
27 the following: veterinary or animal hospital; restaurant; and vehicle
28 repair, unless allowed below under "Vehicle Repair/Rebuilding,
29 Outdoor, Hobby."

30 **15. Incinerator or Thermal Desorption Unit**

31 **a. *Definition***

32 An establishment that uses thermal combustion processes to destroy
33 or alter the character or composition of medical waste, hazardous
34 waste, sludge, soil or municipal solid waste (not including animal or
35 human remains). This definition does not include short-term (less
36 than six months) on-site remediation operations.

37 **b. *Use-Specific Standards*⁹¹**

38 Incinerator facilities that alter or destroy medical waste may be
39 permitted by conditional use as an accessory use to research
40 institutes, hospitals, nursing or convalescent facilities, or other uses,
41 for which the applicant shall have the burden of proof to demonstrate
42 that the infectious waste incinerator is an accessory use.

43 **i. *Separation Requirements***

44 Incinerator facilities and thermal desorption units shall meet
45 the following separation distances from residential zoning
46 districts and public, private, and parochial academic schools,

1 or meet the supplemental requirements contained in
 2 subsection ii.(B). below:

3 **(A)** *Separation Distances for Thermal Desorption Units*
 4 Facilities with a rated capacity of under 100 tons per
 5 hour shall be 400 meters from the nearest emission
 6 source. Facilities with a rated capacity of 100 tons
 7 per hour or more shall meet the supplemental
 8 requirements contained in subsection ii.(B). below.

9 **(B)** *Separation Distances for Incinerator Facilities*
 10 Separation distances for incinerator facilities are as
 11 follows:

TABLE 21.05-5: SEPARATION DISTANCES FOR INCINERATOR FACILITIES				
Rated Capacity (lbs./hour)	Distance from Nearest Emission Source (meters)			
	400	700	1,000	1,200
Under 500	X			
500--1,000		X		
1,001--1,500			X	
1,501--2,000				X
Facilities with a rated capacity greater than 2,000 pounds per hour must meet supplemental requirements contained in subsection II.(B).				

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 13 **ii.** *Additional Requirements*
 14 In addition to standard materials required for all conditional
 15 use applications, all applicants for a conditional use for an
 16 incinerator facility or thermal desorption unit shall submit the
 17 following:

18 **(A)** *Information Pertaining to Incineration Process*
 19 The applicant must provide the following information
 20 pertaining to the proposed incineration process:

- 21 **(1)** A description of the incineration operation,
 22 including equipment to be used.
- 23 **(2)** The type and quantity of material that will be
 24 processed.
- 25 **(3)** Operating hours and conditions.
- 26 **(4)** Plans for storing the material to be burned.
- 27 **(5)** A disposal plan for waste generated from the
 28 incineration process.

- 1 (6) The location of points of vehicular access to
2 the site and projected traffic counts for each.
- 3 (7) A description of the permitting process
4 required for operation of the incinerator.
- 5 (8) Such other materials as the Director may
6 require by regulation pursuant to AMC
7 chapter 3.40.
- 8 (B) *Analysis of Health Risk Required*
9 An analysis of the health risk of the incinerator or
10 thermal desorption unit must be conducted for
11 incinerators that do not meet the separation
12 distances contained in subsection i. above. The
13 intent of the analysis is to provide information
14 regarding the health risks of persons living close to
15 the proposed incineration site. The Municipality shall
16 select a contractor to conduct the analysis and the
17 cost will be billed to the petitioner. The analysis shall
18 meet the following requirements:
- 19 (1) The analysis shall utilize an EPA-approved
20 dispersion model appropriate for the type of
21 facility, and the given terrain, to estimate the
22 ambient annual average concentration of
23 contaminants from the facility. The model
24 shall be run according to EPA modeling
25 guidelines;
- 26 (2) Models shall utilize a full year of local
27 meteorological data (e.g., National Weather
28 Service observations taken at the Anchorage
29 International Airport). If several years worth
30 of meteorological data are obtained, the year
31 providing the highest ambient concentrations
32 shall be used;
- 33 (3) All emission factors used in conjunction with
34 the model shall be documented. Acceptable
35 emission factors may be obtained from either
36 a source test conducted by the manufacturer
37 of the same or similar model as the one
38 proposed to be used or must reference a
39 published report (e.g., an article in a peer
40 review scientific journal or EPA publication);
- 41 (4) The report shall describe the modeling
42 results in terms of the annual concentration
43 of each identified toxic compound at the
44 boundary of the adjacent residential zoning
45 districts as well as the location and
46 magnitude of the maximum annual average

- 1 concentrations found within each adjacent
2 residential district; and
- 3 (5) The report shall also describe the health risks
4 attributable to these concentration levels
5 based on the latest cancer risk values from
6 the EPA's Integrated Risk Information
7 System (IRIS) database. Cancer risks shall
8 be based on the risk of one additional cancer
9 above the background cancer rate per
10 100,000 individuals.
- 11 (C) *Hazardous Waste Prohibited*
12 Incinerators covered under this section shall not
13 accept any materials that meet the definition of
14 hazardous waste as defined by the U.S.
15 Environmental Protection Agency (EPA) or the state
16 department of environmental conservation (ADEC).
- 17 (D) *Standards for Facilities Not Meeting Separation*
18 *Requirements*
19 The Planning and Zoning Commission may approve
20 a conditional use for an incinerator facility or thermal
21 desorption unit that does not meet the separation
22 distance requirement contained in subsection i.
23 above only if the Commission finds that the use
24 meets the following standards:
- 25 (1) As demonstrated by the submitted health risk
26 analysis, the proposed activity will not pose a
27 lifetime health risk greater than one excess
28 cancer case per 100,000 for individuals living
29 within adjacent residentially zoned areas or
30 attending primary or secondary schools; and
- 31 (2) The storage plan for the material to be
32 burned and the waste generated by the
33 incineration activity is adequate to prevent
34 any runoff, groundwater contamination,
35 airborne dust or other means for
36 contaminants to migrate off the site.
- 37 (E) *Minimum Distance Requirements; Exceptions*
38 Notwithstanding the requirements of subsection B of
39 this section, no incinerator facility or thermal
40 desorption unit shall be located less than 400 meters
41 from a residentially zoned district, or primary or
42 secondary school. No new incinerator facility or
43 thermal desorption unit may be located less than 400
44 meters from existing incinerators or thermal
45 desorption units unless:

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- (1) It can be demonstrated that the combined percentage rated capacity of all incinerator facilities and thermal desorption units, existing and proposed, does not exceed 100. The combined percentage rated capacity shall be calculated as follows:

$$((I_1 + I_2 + \dots + I_N) / 500) + (T_1 + T_2 + \dots + T_N) / 100) \times 100 = C$$

Where $I_1 + I_2 + \dots + I_N$ is the sum of the rated capacities of all incinerator facilities, in pounds per hour, within 400 meters of the proposed facility, and $T_1 + T_2 + \dots + T_N$ is the sum of the rated capacities of all thermal desorption units, in tons per hour, within 400 meters of the proposed facility. The proposed incinerator facility or thermal desorption unit shall be included in the calculation of the combined percentage rated capacity, or

- (2) It can be demonstrated, through the procedure described in subsection ii.(B), that the combined risk of all incinerators and thermal desorption units operating within 400 meters of the proposed facility will not pose a lifetime health risk greater than one excess cancer case per 100,000 for individuals living within adjacent residentially zoned areas or attending primary or secondary schools.

- (F) *Conditions of Approval*
The Planning and Zoning Commission shall attach such conditions to the approval of a conditional use for an incinerator as it finds are necessary to conform the use to the standards set forth in subsection B. above. These conditions shall also include the following conditions:

- (1) All conditional uses granted under this subsection are subject to revocation if the Planning and Zoning Commission determines, based on a recommendation by the municipal Department of Health and Human Services, that the operator of the incinerator failed to operate according to the specifications shown in the plans approved by the Planning and Zoning Commission or operate in conformance with the state Department of Environmental Conservation or municipal air quality regulations. In order to determine whether or not this condition is met, the Director of the municipal Health and Human Services Department shall have

1 authority to require monitoring for compliance
2 with the conditional use permit and to
3 annually obtain copies of the operator's
4 monitoring or testing records.

5 (2) The petitioner shall obtain all applicable
6 permits from the U.S. Environmental
7 Protection Agency, state department of
8 environmental conservation, and municipal
9 Department of Health and Human Services.

10 **16. Outdoor Keeping of Animals⁹²**

11 **a. Definition**

12 The outdoor keeping of animals.

13 **b. Use-Specific Standards**

14 i. Structures or enclosures that are utilized for the outdoor
15 keeping of animals other than dogs shall be located at least
16 100 feet from any lot line in the R-1, R-2, and R-3 districts,
17 and at least 25 feet from any lot line in the R-5, R-6, R-7, R-9,
18 R-10, and TA districts.

19 ii. Animals may not be kept outdoors in mobile home parks.

20 **17. Outdoor Display Accessory to a Commercial Use⁹³**

21 **a. Definition**

22 Outdoor display of goods and/or materials for sale, accessory to a
23 commercial principal use. Merchandise may be directly available to
24 the consumer for purchase.

25 **b. Use-Specific Standards**

26 No materials may be displayed in areas intended for vehicular or
27 pedestrian circulation, required parking, or required landscaping.

28 **18. Outdoor Storage Accessory to a Commercial Use⁹⁴**

29 **a. Definition**

30 Outdoor storage, but not display for sale, of goods and/or materials
31 accessory to a commercial principal use. Merchandise shall not be
32 directly available to the consumer without the assistance of an
33 employee.

34 **b. Use-Specific Standards**

35 Outdoor storage of goods and/or materials accessory to a commercial
36 principal use shall be allowed subject to the following standards:

37 i. Each outdoor storage area shall be located at the rear of the
38 principal structure and may not be in the front setback.

39 ii. Goods stored in an approved outdoor storage area shall be
40 limited to those sold or used on the premises as part of an
41 associated primary use.

1 The private outdoor storage of noncommercial equipment, including
2 noncommercial trucks, boats, aircraft, off-road vehicles, recreational
3 vehicles (RVs), or travel trailers.

4 **b. Use-Specific Standard**

5 The private outdoor storage of noncommercial equipment is
6 prohibited in any setback area.

7 **21. Residential Care (Up to Eight Clients)**

8 **a. Definition**

9 “Residential care” is defined in section 21.05.030.B.4.

10 **b. Use-Specific Standards**

11 Residential care facilities with up to eight clients shall comply with the
12 use-specific standards set forth above for “Adult Care (Up to Eight
13 Clients).”

14 **22. Vehicle Repair/Rebuilding, Outdoor, Hobby**

15 **a. Definition**

16 The repair or rebuilding of an inoperative motor vehicle as an
17 accessory use, not for commercial purposes.

18 **b. Use-Specific Standards**

19 i. Only one inoperative vehicle may stored outdoors on the site
20 at any given time.

21 ii. Any vehicle being rebuilt or repaired shall be the property of
22 the resident of the principal structure.

23 iii. Repair or rebuilding work shall take place to the rear of the
24 principal structure and shall be screened from view from all
25 property lines and adjacent rights-of-way by an opaque fence
26 between six and eight feet in height, or by opaque
27 landscaping of an equivalent height.

28 **E. Prohibited Accessory Uses and Structures⁹⁶**

29 **1. Use of an Intermodal Shipping Container (Connex) Trailer**

30 The use of a connex trailer or similar structure for storage of goods,
31 performing services, or conducting other business is only allowed in industrial
32 districts. Self-storage establishments in compliance with the development
33 standards of 21.05.060.D.3., *Self-Storage Facility*, are exempt from this
34 restriction.

35 **2. Outdoor Storage of Inoperative Vehicles**

36 In all zoning districts, the outdoor storage of any vehicle that meets the
37 definition of “junk vehicle” at AMC section 15.20.010⁹⁷ is prohibited except as
38 provided in section 21.05.070.D.23, *Vehicle Repair/Rebuilding, Outdoor,*
39 *Hobby*; section 21.05.060E.2., *Junkyard*; and section 21.05.050L.9 or L.10.,
40 *Vehicle Repair, Major and Minor*.

- 1 **3. Use of Mobile Home, Recreational Vehicle, or Travel Trailer as**
2 **Residence**
3 In all zoning districts, mobile homes, recreational vehicles, and travel trailers
4 may not be used as a permanent or temporary residence as an accessory
5 use.
- 6 **4. Use of Motor Vehicle for Sales**
7 In all zoning districts, the use of any motor vehicle or trailer as a structure in
8 which, out of which, or from which any goods are sold or stored, any services
9 performed, or other businesses conducted is prohibited. However, the
10 following shall not be prohibited by this subsection:
- 11 **a.** The sale of food products at a municipal-approved or -sponsored
12 event;
- 13 **b.** Use of a motor vehicle in connection with an approved recycling
14 operation; and
- 15 **c.** Approved food and beverage kiosks that comply with the use-specific
16 standards in section 21.05.050G.3., *Food and Beverage Kiosk*.
- 17 **5. Commercial Automotive Repair⁹⁸**
18 Commercial automotive repair, including engine, body, or other repair or
19 repainting of more than one vehicle at any one time or owned by a person not
20 residing at that address, is prohibited in all residential districts (including
21 RMX).
- 22 **6. Parking of Business Vehicles, Outdoor**
23 The outdoor storage or parking of a vehicle or trailer is prohibited in all
24 residential districts (including RMX), for a period of one or more nights, if the
25 vehicle or trailer is licensed or regularly used for business purposes, and is
26 either:
- 27 **a.** A vehicle for which a commercial driver's license is required by state
28 law;
- 29 **b.** A vehicle or trailer having more than two axles;
- 30 **c.** Any trailer bearing commercial signage, logo, or actually then carrying
31 commercial or industrial equipment or materials;
- 32 **d.** A vehicle or trailer having a height in excess of 90 inches; or
- 33 **e.** A vehicle with a Gross Vehicle Weight Rating (GVWR) of more than
34 12,000 lbs.

21.05.080 TEMPORARY USES AND STRUCTURES⁹⁹

- 36 **A. Purpose**
- 37 This section allows for the establishment of certain temporary uses of limited duration,
38 provided that such uses do not negatively affect adjacent properties or Municipal
39 facilities, and provided that such uses are discontinued upon the expiration of a set

1 time period. Temporary uses do not involve the construction or alteration of any
2 permanent building or structure.

3 **B. Allowed Temporary Uses and Structures¹⁰⁰**

4 The following temporary uses and structures shall be allowed in accordance with the
5 standards of this section.¹⁰¹

6 **1. Real Estate Sales Offices**

7 Sales offices are allowed on residential development sites in any zoning
8 district until all lots or houses are sold. Use of the sales office to market sites
9 outside of the project is prohibited, unless specifically approved as part of the
10 temporary use permit.

11 **2. Special Events¹⁰²**
12 [RESERVED]

13 **3. Temporary Parking of Tractor Trailers During Construction**

14 Temporary use of non-loading areas for tractor trailers, construction
15 equipment, or intermodal shipping container (connex) trailers, during
16 construction or renovation.

17 **4. Other Temporary Uses**

18 The Director may approve other temporary uses or structures through the
19 process established in section 21.03.140, *Temporary Use Permits*, and upon
20 finding that the proposed use will comply with all general standards in
21 subsection E. below.

22 **C. Prohibited Temporary Uses and Structures**

23 The following temporary uses and structures are prohibited:

24 **1. Cloth Garages¹⁰³**

25 Frame-supported or arch-supported tension fabric or membrane structures,
26 fabricated off-site and assembled on-site, and typically used for garages,
27 sheds, warehouses, or temporary or permanent shelters for automobiles,
28 boats, or other items, shall be prohibited in all residential districts (including
29 RMX).

30 **D. Temporary Use Permits**

31 **1. Permit Required**

32 Unless exempted by subsection 2. below, all temporary uses and structures
33 shall obtain a temporary use permit pursuant to the procedures in section
34 21.03.140, *Temporary Uses*. A temporary use permit shall be reviewed,
35 approved, or revoked in accordance with section 21.03.140 and this section.

36 **2. Exceptions**

37 Notwithstanding subsection 1. above, the following temporary uses are
38 deemed approved in any district and are exempt from the temporary use
39 permit requirements of section 21.03.140 and the requirements of this section
40 21.05.080, so long as they comply with the general requirements of
41 subsection E. below.

- 1 a. Athletic events and amusement events utilizing Municipal property,
2 public streets, or public rights-of-way, provided that the applicant shall
3 coordinate the event with other applicable municipal departments,
4 and comply with any conditions required by those departments;
- 5 b. Up to seven one-day garage/yard sales per year per dwelling unit;
- 6 c. Temporary car washes lasting no more than seven days per year;
- 7 d. Gatherings of less than 100 people, such as block parties, nonprofit
8 bazaars, and fundraisers; and
- 9 e. Temporary uses that occur wholly within an enclosed permanent
10 building.

11 **E. General Requirements for All Temporary Uses and Structures**

12 All temporary uses or structures shall meet the following general requirements, unless
13 otherwise specified in this title:

- 14 1. The temporary use or structure shall not have substantial adverse or noise
15 impacts on nearby residential neighborhoods.
- 16 2. The temporary use shall comply with all applicable general and specific
17 regulations of this section and section 21.03.140, *Temporary Uses*, unless
18 otherwise expressly stated.
- 19 3. Permanent alterations to the site, including site grading and installation of
20 underground utilities, are prohibited, unless specifically authorized under an
21 approved temporary use permit.
- 22 4. Unless otherwise stated in this title or in the approved temporary use permit,
23 the temporary use shall last no longer than six months.¹⁰⁴
- 24 5. All temporary signs associated with the temporary use or structure shall be
25 removed when the activity ends.
- 26 6. The temporary use or structure shall not violate any applicable conditions of
27 approval that apply to a principal use on the site.
- 28 7. The temporary use regulations of this section do not exempt the applicant or
29 operator from any other required permits, such as health department permits.
- 30 8. If the property is undeveloped, it shall contain sufficient land area to allow the
31 temporary use or structure to occur, as well as any parking and traffic
32 movement that may be associated with the temporary use, without disturbing
33 sensitive or protected resources, including required buffers, 100-year
34 floodplains, stream protection setbacks, wetlands, areas of slope greater than
35 20 percent, and required landscaping.
- 36 9. If the property is developed, the temporary use shall be located in an area that
37 is not actively used by an existing approved principal use, and that would
38 support the proposed temporary use without encroaching or creating a

- 1 negative impact on existing buffers, open space, landscaping, traffic
2 movement, pedestrian circulation, or parking space availability.
- 3 **10.** Tents and other temporary structures shall be located not to interfere with the
4 normal operations of any permanent use located on the property.
- 5 **11.** Off-street parking shall be adequate to accommodate the proposed temporary
6 use.
- 7 **12.** Applications for temporary structures to be located in or near the 100-year
8 floodplain shall be required to submit a plan to the Director for the removal of
9 such structure(s) in the event of a flood notification. The plan shall include the
10 following information:
- 11 **a.** The name, address, and phone number of the individual responsible
12 for the removal of the temporary structures;
- 13 **b.** The time frame prior to the event at which a structure will be removed;
- 14 **c.** A copy of the contract or other suitable instrument with a trucking
15 company to insure availability of removal equipment when needed;
16 and
- 17 **d.** Designation, accompanied by documentation, of a location outside
18 the floodplain to which the temporary structure will be moved.

-
- ¹ 2005 NOTE: This is a new provision. The multiple abbreviations are new in the tables in the 2005 draft.
- ² 2005 NOTE: There are numerous suggested changes to this use table from the previous draft. All edits have been made at the recommendation of staff. New uses have been suggested for the new districts introduced in the 2005 draft.
- ³ 2005 NOTE: There are numerous suggested changes to this use table from the previous draft. All edits have been made at the recommendation of staff. New uses have been suggested for the new districts introduced in the 2005 draft.
- ⁴ NOTE: This section carries forward the substance of the existing section 21.45.240, "Location of premises where children are not allowed."
- ⁵ 2005 NOTE: This is a new provision. The multiple abbreviations are new in the tables in the 2005 draft.
- ⁶ 2005 NOTE: This use has new use-specific standards.
- ⁷ NOTE: This standard is based on the existing section 21.50.110 "*Conditional use standards--Townhouses, Row Houses and Office Buildings Built to a Common Wall (R-O district).*" Some existing provisions have been removed that cover topics that will be addressed elsewhere in the new title 21 (e.g., parking).
- ⁸ NOTE: Need to confirm this existing standard meets current building code requirements.
- ⁹ NOTE: This section consolidates standards from two locations: the existing chapter 21.70 "Mobile Home Parks," and the existing section 21.50.120 "*Conditional use standards--Mobile home parks.*" Since all mobile home parks require a conditional use permit, there is no need to maintain a set of "conditional use standards" separate from the general standards. We have reordered all provisions to try and improve the user-friendliness of the section. The "permit" section has been removed since that section of the current title 21 is proposed to be deleted under P&Z case #2003-037.
- ¹⁰ NOTE: Staff recommends increasing the current size threshold from two to five acres.
- ¹¹ NOTE: Each of these space minimums has been increased by 500 feet per staff suggestion.
- ¹² 2005 NOTE: New provision in this draft.
- ¹³ 2005 NOTE: The main change in this section is the distinction between "permitted" and "conditional" in the mixed-use districts, depending on the types of criminal records of the residents. OLD NOTE: This carries forward the existing 21.50.035 "*Standards for Correctional Community Residential Centers.*" Changes include changes adding two new criteria addressing separation from schools and parks, and requiring a minimum amount of outdoor recreation space. We deleted provisions that will be addressed in other parts of title 21 (e.g., parking requirements, screening for dumpsters).
- ¹⁴ 2005 NOTE: New definition and name for use from the 2005 assisted living ordinance.
- ¹⁵ NOTE: From the new Assisted Living ordinance prepared by the Municipality.
- ¹⁶ NOTE: New standards in response to staff comments.
- ¹⁷ 2005 NOTE: The first two standards are new in this draft.
- ¹⁸ 2005 NOTE: In response to questions, a "pillow" is determined for purposes of this title as a sleeping accommodation for one person. See chapter 21.13.
- ¹⁹ 2005 NOTE: New use from the 2005 assisted living ordinance.
- ²⁰ 2005 NOTE: From the 2005 assisted living ordinance. We have removed provisions that repeat standards of general applicability (e.g., uses shall comply with general height standards and general parking requirements).
- ²¹ 2005 NOTE: From the 2005 assisted living ordinance. The referenced definition includes pre-school.
- ²² 2005 NOTE: This use relocated here in the 2005 draft from the "Parks and Open Space" category.
- ²³ NOTE: This standard is based on the existing section 21.50.140 "*Conditional use standards--Cemeteries.*"
- ²⁴ 2005 NOTE: New use in this 2005 draft.
- ²⁵ 2005 NOTE: Moved into this category in the 2005 draft. In previous draft, this was "Government Office" and located in the "Government Facility" category.
- ²⁶ NOTE: New definition based on existing definition of term in title 21 and permitted accessory uses allowed by districts.

²⁷ 2005 NOTE: The new traffic impact analysis requirement should assist in evaluating potential traffic impacts of community centers and religious assembly uses. Further, the Public/Institutional design standards should mean that such uses are more architecturally compatible with surrounding areas.

²⁸ NOTE: Suggested new standards.

²⁹ 2005 NOTE: This size threshold for these standards is new and is intended to allow smaller schools to fit into smaller sites if necessary in more urban areas. In response to questions, staff has checked these proposed minimum size requirements against 2003 school attendance statistics. According to that review, these proposed lot requirements would make three (out of 61) elementary schools nonconforming, and only one high school (out of seven) nonconforming.

³⁰ NOTE: Existing standard; no substantive changes.

³¹ 2005 NOTE: Definitions from the 2005 Assisted Living ordinance prepared by the Municipality.

³² 2005 NOTE: This use has been broadened beyond the “public park” in the prior draft. OLD NOTE: Need to ensure that all parks-related definitions match the new parks plan. Draft of parks plan not yet available.

³³ 2005 NOTE: New category in this draft. The use types all come from the “Government Facility” section in the prior draft, which has not been carried forward.

³⁴ NOTE: Suggested new standards.

³⁵ 2005 NOTE: Revised per several comments. As mentioned elsewhere, the municipal staff and state/airport personnel are meeting in June 2005 to discuss airport-related issues in title 21.

³⁶ 2005 NOTE: New use in the 2005 draft.

³⁷ 2005 NOTE: Moved into this category (was in “government facility” in prior draft).

³⁸ NOTE: The current code lists out a variety of specific types of utility uses (e.g., water treatment plant). However, many communities find that it’s unnecessary to try and identify every type of utility facility for zoning purposes, since so many of them have the same land use impacts. This draft simply identifies “utility facilities” and “utility substations,” and then lists examples of which types of facilities fall into those two categories.

³⁹ 2005 NOTE: This section revised based on comments from Chugach Electric, among others.

⁴⁰ 2005 NOTE: Industry representatives submitted extensive comments on this section. This is a generally new section that represents a modified version of the standards from the prior draft, combined with some additional standards from the existing code.

⁴¹ NOTE: For discussion purposes, this draft proposes two distinct types of farming. The current code distinguishes between commercial farming of 10 acres or more, and other farming that seems to be on a smaller scale but its size is not defined. The existing commercial farming use is allowed only in D-2 and D-3 districts, which are not being carried forward.

⁴² NOTE: Suggested new standards. Should there also be a restriction on the unit number of animals allowed per acre of land? Such an approach is common in communities with agricultural operations, but would require a new table to be included here defining specific animal units (e.g., goats versus cows).

⁴³ 2005 NOTE: Reduced from five to two acres in the 2005 draft.

⁴⁴ NOTE: Suggested new standards.

⁴⁵ NOTE: This standard is carried forward from the existing 21.45.245 “Standards--Nightclub, unlicensed,” with no major substantive changes. The exemption section was obsolete and was removed. The Anchorage Municipal Attorney’s Office currently is working on broad revisions to this and similar uses (e.g., teen nightclubs). Revisions are anticipated to include new use names, revisions to title 10 and other parts of the Anchorage code, and possibly some new land-use standards that should be included in the new title 21. We will continue to monitor that project, with staff’s assistance, and will fold in new material as it becomes available.

⁴⁶ NOTE: This is a streamlined set of new standards, based on the existing section 21.50.310 “Standards for Motorized Sports Facilities.”

⁴⁷ 2005 NOTE: This new set of standards has been provided by staff.

⁴⁸ 2005 NOTE: Replaced with the “alpine skiing facility” definition from the Girdwood code.

⁴⁹ 2005 NOTE: Financial institutions in the AC district are intended to be branch facilities. Larger bank facilities are intended for the CBD and mixed-use districts.

⁵⁰ NOTE: This use now consolidates an extensive list of specific office types in the current code (e.g., attorneys, insurance sales, engineers, etc.)

⁵¹ 2005 NOTE: This use revised from the former “Fuel Sales with Convenience Store.” The intent is that any site with both a fueling station and convenience store will simply have two principal uses on the site. The prior “Gasoline Service Station” use been removed in this draft, since such functions are covered adequately by “Fueling Station” and “Vehicle Service and Repair, Minor.”

⁵² 2005 NOTE: This draft collapses the former small, medium, and large retail uses into one use type. The existence of special standards for “large retail establishments” in the development standards chapter, along with size thresholds for retail uses in some districts, takes away the need for the small/medium/large distinction.

⁵³ 2005 NOTE: New use-specific standard in this draft to help distinguish junkyards.

⁵⁴ 2005 NOTE: New use-specific standard in this draft to clarify that some larger vehicles may be sold by this use. However, uses that concentrate in the sale of very large vehicles and equipment should be classified as “heavy equipment sales and rental.”

⁵⁵ 2005 NOTE: Proposed new restriction in CCMU district in this draft, per staff suggestion.

⁵⁶ 2005 NOTE: These standards have been relocated to this use from “gasoline service station” in the prior draft.

⁵⁷ 2005 NOTE: Added planes in this draft. NOTE: From self-storage ordinance draft.

⁵⁸ NOTE: New standards suggested by staff. The intent is to provide a limited set of standards that are not so onerous that they prevent development of this use, yet also serve to minimize the conversion of existing apartment buildings into extended-stay lodgings.

⁵⁹ 2005 NOTE: Proposed new requirement in this draft.

⁶⁰ 2005 NOTE: Proposed new requirement in this draft.

⁶¹ NOTE: This is a suggested new umbrella use that incorporates a variety of specific uses from the current code. These uses all have similar land use impacts and thus can be treated collectively in title 21. All these uses are proposed to now be limited to the I-2 district. Reviewers should advise if any of these uses should be allowed in other districts beyond I-2.

⁶² 2005 NOTE: The standard has been revised to not require a sales area. OLD NOTE: This section is based on Girdwood Draft Title 22: 22.100.170. Staff notes the following: “An ‘Arts and Crafts’ industrial use is anticipated to be applied to limited areas of the Anchorage Bowl, in districts which are more urban and mixed-use industrial in character from Girdwood, such as in the Mt. View Arts & Culture District.”

⁶³ NOTE: This is a suggested new umbrella use that incorporates a variety of specific uses from the current code. These uses all have similar land use impacts and thus can be treated collected in title 21.

⁶⁴ NOTE: This is a suggested new umbrella use that incorporates a variety of specific uses from the current code. These uses all have similar land use impacts and thus can be treated collected in title 21.

⁶⁵ 2005 NOTE: Name changed by staff. Definition expanded to include information from Girdwood code.

⁶⁶ NOTE: Based on the existing 21.50.070 “*Conditional use standards--Natural resource extraction*” and on the respective district sections of the existing chapter 21.40 “*Zoning Districts.*” No substantive changes were made. The first two paragraphs originated as a consistent requirement of all the districts allowing this use. The permit submittal requirements were removed for inclusion in the Title 21 User’s Guide.

⁶⁷ 2005 NOTE: Definition expanded to include information from Girdwood code.

⁶⁸ NOTE: Based on the draft self-storage ordinance.

⁶⁹ NOTE: This section should be revisited and streamlined following drafting of the general landscaping and screening provisions in chapter 21.07 as part of Module 3.

⁷⁰ NOTE: This standard consolidates the current existing section 21.50.090, “*Conditional use standards—Junkyards*” and the existing 21.50.080 “*Conditional use standards--Storage yards,*” with some tighter standards suggested.

⁷¹ NOTE: Suggested new standards.

⁷² 2005 NOTE: New standards proposed in this draft by staff.

⁷³ 2005 NOTE: New use and use-specific standards proposed by staff in this 2005 draft.

⁷⁴ 2005 NOTE: Maximum allowable height raised to 35 feet (from 25 in prior draft). The proposed restriction on hours of operation has been removed. NOTE: This is based generally on the existing section 21.50.270 "*Conditional use standards--Snow disposal sites,*" with numerous edits per staff suggestions.

⁷⁵ NOTE: Suggested new standards.

⁷⁶ NOTE: This is a substantially new section. In the current title 21, each zoning district contains a list of specific accessory uses allowed, but there are no general standards that apply to all accessory uses. This new section proposes a set of general standards with which all accessory uses must comply, and then lists the specific accessory uses allowed, and whether they are subject to any additional use-specific standards. The general standards are new; the use-specific standards are from the current code, unless otherwise indicated.

⁷⁷ 2005 NOTE: One change to this section, in response to comments: remove previous language about total percent lot coverage by accessory structures.

⁷⁸ NOTE: From the new ADU ordinance.

⁷⁹ 2005 NOTE: Changed in this 2005 draft to two bedrooms, as was passed by the Assembly.

⁸⁰ 2005 NOTE: From the new 2005 version of the assisted living ordinance prepared by the Municipality.

⁸¹ 2005 NOTE: Section revised in this draft to eliminate the distinction in standards based on number of bedrooms. This standard is based on the existing sections 21.45.250, "*Bed and breakfast with three or less guestrooms*" and 21.45.255 "*Bed and breakfast with four guestrooms.*"

⁸² NOTE: Existing standards; no major substantive changes; however, standard at end regarding distance from setbacks is new.

⁸³ 2005 NOTE: Changed from a primary use to an accessory use in this draft.

⁸⁴ 2005 NOTE: Changed from a primary use to an accessory use in this draft. The use-specific standards are new in this draft.

⁸⁵ NOTE: Need to reevaluate this section once new parking standards are drafted; general stacking space standards are being drafted as part of the new parking requirements.

⁸⁶ 2005 NOTE: Changed from a primary use to an accessory use in this draft.

⁸⁷ NOTE: Existing standard; no major substantive changes.

⁸⁸ 2005 NOTE: The two-acre minimum size limit from the previous draft has been removed, and the language has been restricted to crops.

⁸⁹ NOTE: Based on the existing section 21.45.150, "*Home occupations,*" with various minor edits.

⁹⁰ 2005 NOTE: A number of edits have been made to the numeric requirements in this section, based on comments. This draft reverts back to the current standard of 25 percent requirement in (A). OLD NOTE: This is a suggested increase from 25 to 35 percent to support non-intrusive home occupations (e.g., mixed-use, tele-work) and home occupations that comply with the standards and do not affect neighboring residences. Some cities go as high as 50%. For MOA, 35% (1/3) is consistent with the rationale used for ADU ordinance, which leaves 2/3 majority as house.

⁹¹ 2005 NOTE: This use moved from a primary use in the prior draft to an accessory use in this draft. No additional discussion has occurred on this topic, and so for now we have carried forward the existing standards from section 21.50.300 "*Conditional use standards--Incinerator facilities and thermal desorption units.*"

⁹² 2005 NOTE: This section has been revised to reflect the standards of the current code, in anticipation of possible revisions through the Large Animal Ordinance, per staff suggestion. Staff members recorded many comments that objected to the suggested standards in the prior draft.

⁹³ 2005 NOTE: The 2005 draft distinguishes between outdoor storage and outdoor display.

⁹⁴ NOTE: Suggested new standards.

⁹⁵ 2005 NOTE: The "outdoor" qualification added in the 2005 draft. OLD NOTE: Carried forward from the respective district sections of the existing code with no major substantive changes.

⁹⁶ 2005 NOTE: Section revised to eliminate distinction between all districts and residential districts. NOTE: New section proposed for consideration. No standards in the current title 21 appear to prohibit any type of accessory uses.

⁹⁷ NOTE: 15.20.010: Is not currently registered under AS Ch. 28.10 for operation upon the public roads of the municipality or does not display a valid, current seasonal waiver tab issued by the state division of motor vehicles based on a seasonal use waiver granted under section 15.80.060 pursuant to AS Ch. 46.14; Is stripped, wrecked or otherwise inoperable due to mechanical failure; Has not been repaired because of mechanical difficulties or because the cost of repairs required to make it operable exceeds the fair market value of the vehicle; or Is in a condition which exhibits more than one of the following elements: a. Broken glass; b. Missing wheels or tires; c. Missing body panels or parts; or d. Missing drive train parts.)

⁹⁸ 2005 NOTE: Changed to commercial only, to avoid conflict with the hobby vehicle repair category, which is allowed.

⁹⁹ 2005 NOTE: This section has been reorganized to put the general standards at the end and list the allowed temporary uses up front.

¹⁰⁰ NOTE: There are various ways to state which temporary uses are allowed. The method used in this draft lists allowed temporary uses in a text list, along with any accompanying requirements. Another, more detailed approach would be to list the uses allowed in a table that shows any or all of the following: the temporary use, maximum allowable time frame, temporary signage requirements, specific regulations, and permit requirements. Any specific regulations for uses could then be described in a separate section. Items listed here were listed in the Annotated Outline or were suggested by staff or are common uses that could be considered.

¹⁰¹ NOTE: Certain temporary uses or structures are already dealt with in other sections of the Anchorage code, including: 3.80.110 (Exemptions from zoning regulations during period of emergency); and 10.45.030 (Circuses, Carnivals, Fairs, and Other Amusements); 10.60 (Vendors); and 24.80.010 (Exhibitions).

¹⁰² NOTE: This topic not yet discussed. Should standards be drafted for large special events (e.g., festivals) that do not fall within the permit exemption thresholds at the beginning of this section?

¹⁰³ 2005 NOTE: There were strong comments on both sides of this issue – some people favoring this prohibition, and others against it. Staff recommends keeping the prohibition in the draft for further comment.

¹⁰⁴ 2005 NOTE: The six-month time limit is suggested for discussion purposes. It is a default in case no specific limit is provided.

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TABLE OF CONTENTS

CHAPTER 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS 306

21.06.010 Dimensional Standards Tables..... 306

 A. Table of Dimensional Standards: Residential Districts 307

 B. Table of Dimensional Standards: Commercial and Industrial Districts 311

 C. Table of Dimensional Standards: Mixed-Use Districts 313

 D. Table of Dimensional Standards: Other Districts 314

21.06.020 Measurements and Exceptions 316

 A. Setbacks 316

 B. Usable Yard 322

 C. Lot Coverage and Floor Area Ratio (FAR) 322

 D. Density 323

 E. Height 323

1 **CHAPTER 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS**

2 **21.06.010 DIMENSIONAL STANDARDS TABLES**

3 This section contains tables that list the requirements for lot dimensions and building bulk,
4 density, location, and height for all types of development. All primary and accessory
5 structures are subject to the dimensional standards set forth in the following tables. Bracketed
6 numbers refer to notes at the bottom of each table. These general standards may be further
7 limited or modified by other applicable sections of this title. In particular, some uses have use-
8 specific standards in chapter 21.05 that impose stricter requirements than set forth in these
9 tables. General rules for measurement and exceptions are set forth in section 21.06.020.

1

A. Table of Dimensional Standards: Residential Districts¹

TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS (Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)										
Use	Minimum lot dimensions			Minimum setback requirements (ft)			Min. usable yard area per dwelling unit (sq ft)	Max number of principal structures per lot or tract	Max. floor area ratio (FAR)	Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear				
R-1: Single-Family Residential District²										
Residential uses	6000	50	30	20	5	10	N/A	1	N/A	Principal structures: 30
All other uses	10,000	70			10					Accessory garages/carports: 20 Other accessory structures: 12
R-2: Two-Family Residential District³										
Dwelling, single-family detached	6000	50	30	20	5	10	N/A	1	N/A	Principal structures: 30 Detached ADUs: 25 Accessory garages/carports: 20 Other accessory structures: 12
Dwelling, two-family			40							
Dwelling, single-family attached	3500	35	40							
All other uses	10,000	70	40		10					
R-3: Mixed Residential District										
Dwelling, single-family detached	6,000 minimum 12,000 maximum	50	30	15	5 (N/A on common lot line)	10	N/A	On lots or tracts greater than one acre, one	N/A	Principal structures: 30 Detached ADUs: 25

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS
(Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)

Use	Minimum lot dimensions			Minimum setback requirements (ft)			Min. usable yard area per dwelling unit (sq ft)	Max number of principal structures per lot or tract	Max. floor area ratio (FAR)	Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear				
Dwelling, two-family	6,000	50	40					additional principal structure may be allowed per lot or tract, per each additional acre; otherwise, only a single principal structure allowed		Accessory garages/carpports: 20 Other accessory structures: 12
Dwelling, single-family attached	3000	Attached single-family: 35 (40 on corner lots)								
Dwelling, townhouse ⁴		Townhouse: 24 (30 on corner lots)								
Dwelling, multiple-family (up to 8 units permitted)	10,000 +2,000 for every unit over 3 units	50		10		400				
All other uses	10,000	70				N/A				
R-4: Multi-Family Residential District^b										
Dwelling, townhouse	3000	20	50	10	5 (N/A on common lot line)	10	300 ⁶	More than one principal structure may be allowed on any lot or tract.	2.0 (for 11 units or more)	30 for townhouses; 45 or four stories for all other uses
Dwelling, multi-family	6000 +1000 for every unit over 4 units	50	50	10	5	10	300		2.0 (for 11 units or more)	No portion of a structure within 50 feet of any

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS
(Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)

Use	Minimum lot dimensions			Minimum setback requirements (ft)			Min. usable yard area per dwelling unit (sq ft)	Max number of principal structures per lot or tract	Max. floor area ratio (FAR)	Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear				
All other uses	10,000	70	50	10	5	10	300	(maximum residential density: 40 dwelling units/acre)	N/A	other residential zoning district shall exceed the height limitations of that district
R-5: Low-Density Residential with Mobile Homes District										
Dwelling, single-family, or one mobile home	43,560	150	20	25	10	10	N/A	1	N/A	Principal structures: 35 Accessory garages/carports: 30 Other accessory structures: 25
Dwelling, two-family	87,120	150								
All other uses	43,560	150								
R-6: Low-Density Residential (1 acre) District										
Dwelling, single-family	43,560	150	20	25	15	25	N/A	1	N/A	Principal structures: 35 Accessory garages/carports: 30 Other accessory structures: 25
Dwelling, two-family	87,120 ⁷	200								
All other uses	43,560	150								
R-7: Low-Density Residential (one-half acre) District⁸										
Dwelling, single-family	20,000, plus addl. 20,000 sq ft for each dwelling unit in	120	30	25	10	20	N/A	1	N/A	Principal structures: 35 Accessory garages/carports: 30

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS
(Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)

Use	Minimum lot dimensions			Minimum setback requirements (ft)			Min. usable yard area per dwelling unit (sq ft)	Max number of principal structures per lot or tract	Max. floor area ratio (FAR)	Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear				
	excess of 1									Other accessory structures: 25
R-9: Low-Density Residential (2.5 acres) District⁹										
Dwelling, single-family	87,120	180	5	25	15	25	N/A	1	N/A	Principal structures: 35
Dwelling, two-family	130,680									Accessory garages/carports: 30
All other uses	87,120									Other accessory structures: 25
R-10: Low-Density Residential Alpine/Slope District										
All uses	(See section 21.06.020.A.2.b.)			10	25 feet, 50 feet if average slope exceeds 30 percent	10	N/A	1	N/A	Principal structures: 30 Accessory garages/carports: 25 Other accessory structures: 18

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1 B. Table of Dimensional Standards: Commercial and Industrial Districts

TABLE 21:06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS (Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)								
Use	Minimum lot dimensions			Minimum setback requirement (ft)			Min. usable yard area per residential dwelling unit (sq ft)	Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear		
AC: Automobile Commercial District								
All uses	6000	50	N/A	5	All buildings shall have a wall within 0.3 feet of a lot line or be set back from the lot line at least 10 feet	N/A	100	45, or three stories
CBD-1, CBD-2, and CBD-3: Central Business Districts NOTE: Buildings in the CBD districts also shall comply with the bulk, lot coverage, and height requirements in section 21.04.030.C.								
Residential uses	6000	50	100	N/A	N/A	N/A	60	CBD-1: Nine stories
Other uses							N/A	CBD-2: Five stories CBD-3: Three stories
MC: Marine Commercial District								
All uses	6000	50	N/A	5	None, except that, if a side or rear setback is provided, it shall be not less than 40 feet in width if such setback abuts the bulkhead		100	90 feet above mean sea level
O: Office District								
Dwelling, multi-family (minimum density of 12 dwelling units/acre if principal use on lot)	6000	50	N/A	5	None		100	45, or three stories
All other uses	6000							

TABLE 21:06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS (Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)								
Use	Minimum lot dimensions			Minimum setback requirement (ft)			Min. usable yard area per residential dwelling unit (sq ft)	Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear		
IC: Industrial / Commercial District								
All uses	6000	50	N/A	5	None		N/A	50
I-1 & I-2: Industrial Districts								
All uses	6000	50	N/A	10	None		N/A	50 feet in the I-1; otherwise none
MI: Marine Industrial District								
All uses	6000	50	N/A	10	None, except that, if a side or rear setback is provided, it shall be not less than 40 feet in width if such setback abuts the bulkhead		N/A	None

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1 C. Table of Dimensional Standards: Mixed-Use Districts

TABLE 21.06-3: TABLE OF DIMENSIONAL STANDARDS - MIXED-USE DISTRICTS (Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)							
Uses	District Size		Minimum Residential Density [1]	Front Setbacks	Building Bulk and Height		
	Min.	Max.			Maximum Height (Ft)	Min. Lot Coverage	Maximum Floor Area Ratio
RMX: Residential Mixed-Use District							
All	None	None	15 dwelling units/acre (40 dwelling units/acre maximum)	Min: 0 ft. Max: 10 ft. Max (residential on ground floor): 15 ft. Building shall occupy a minimum of 35 percent of frontage line. 20-foot minimum setback for 3 rd story uses	60 feet or 5 stories (2 stories minimum)	To be determined	To be determined
NMU-1: Small-Scale Neighborhood Mixed Use District							
All	None	4 acres	None	Min: 0 ft. Max: 10 ft. Max (residential on ground floor): 15 ft. Building shall occupy a minimum of 35 percent of frontage line. 20-foot minimum setback for 3 rd story uses	35 feet or 3 stories	50%	0.67:1 FAR [2] [3]
NMU-2: Neighborhood Mixed Use District							
All	5	25 acres	None	Min: 0 ft. Max: 10 ft. Max (residential on ground floor): 15 ft. Building shall occupy a minimum of 35 percent of frontage line. 20-foot minimum setback for 3 rd story uses	35 feet or 3 stories	25%	0.67:1 FAR [2] [3]
CCMU: Community Commercial Mixed Use District							
All	15 acres	160 acres	None	Min: 0 ft. Max: 10 ft. Max (residential on ground floor): 15 ft. Building shall occupy a minimum of 50 percent of frontage line.	45 feet or 4 stories	35%	1.0:1 FAR [2] [3]

TABLE 21:06-3: TABLE OF DIMENSIONAL STANDARDS - MIXED-USE DISTRICTS
 (Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)

Uses	District Size		Minimum Residential Density [1]	Front Setbacks	Building Bulk and Height		
	Min.	Max.			Maximum Height (Ft)	Min. Lot Coverage	Maximum Floor Area Ratio
RCMU and MMU: Regional Commercial Mixed-Use District and Midtown Mixed-Use District							
All	50 acres	None	8 dwelling units/acre	Min: 0 ft. Max: 10 ft. Max (residential on ground floor): 15 ft. Building shall occupy a minimum of 50 percent of frontage line.	RCMU: 120 feet or 8 stories MMU: 180 feet or 15 stories	35%	To be determined
NOTES: [1] Minimum residential density shall be measured as an average over the gross floor area of only the residential portion of the development. [2]: Floor Area Ratio <i>Mixed-use Incentive</i> : An additional .07 FAR is not included in the calculation of maximum allowable FAR if the additional .07 FAR is residential, and residential is 50% or more of the gross floor area of the development project. [3]: Floor Area Ratio <i>Private Usable Open Space Incentive</i> : An additional .02 FAR is not included in the calculation of maximum allowable FAR if the additional .02 FAR is residential, and the majority of residential dwellings in the development project each have at least 72 square feet of <i>private usable open space</i> .							

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2 **D. Table of Dimensional Standards: Other Districts**

TABLE 21:06-4: TABLE OF DIMENSIONAL STANDARDS - OTHER DISTRICTS
 (Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)

Uses	Minimum lot dimensions		Max lot coverage (%)	Minimum setback requirements (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
AD: Airport Development District¹⁰							
All	4,000	20	N/A	N/A	N/A	N/A	Not applicable, except that within 250 feet of any residential district boundary, no portion of any structure shall exceed the height limitations of that residential district
AF: Antenna Farm District							
All	87,120	120	50	50	25	25	Unlimited, except that structures shall not interfere with FAA regulations on airport approaches

TABLE 21:06-4: TABLE OF DIMENSIONAL STANDARDS - OTHER DISTRICTS
(Additional Standards May Apply. See Use-Specific Standards in Chapter 21.05.)

Uses	Minimum lot dimensions		Max lot coverage (%)	Minimum setback requirements (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
OL: Open Lands District							
All	5 acres	100	20	Front, side, and rear setbacks shall be 25 feet when the abutting district is PR, PLI, or residential (including RMX); otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			35
PR and PLI: Parks and Recreation, and Public Lands and Institutions Districts							
All	6,000	50	45	Front, side, and rear setbacks shall be 25 feet when the abutting district is OL, PR, PLI or residential (including RMX); otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			Unrestricted, except where buildings exceed 35 feet in height adjacent to a residential use or district, the minimum setback requirements shall be increased one foot for each 1.5 feet in height exceeding 35 feet
TA: Turnagain Arm District							
Residential (Bird Creek, Indian Valley, Portage inholdings)	50,000	100	20	25	15	25	35, unless a conditional use permit is obtained for a greater height
Residential (Rainbow Valley inholdings)	216, 300						
Commercial (without sewers)	50,000	25	25	15	25		
Industrial (without sewers)							
Institutional (without sewers)							
W: Watershed District							
All	N/A	N/A	5	N/A	N/A	N/A	50

1 **21.06.020 MEASUREMENTS AND EXCEPTIONS¹¹**

2 **A. Setbacks**

3 **1. Required Setbacks**

- 4 a. A building, structure, or lot shall not be developed, used, or occupied
5 unless it meets the minimum setback requirements set forth in section
6 21.06.010 for the zoning district in which it is located, except as
7 otherwise established in this title for particular uses, or unless a
8 variance or minor modification has been granted.
- 9 b. Setbacks shall be unoccupied and unobstructed by any structure,
10 except as provided in subsection 2. below, and except that fences,
11 walls, trellises, poles, posts, ornaments, furniture and other customary
12 yard accessories may be permitted in any setback subject to height
13 limitations and requirements limiting obstruction of visibility.
- 14 c. A setback or other open space required by this title shall not be
15 included as part of a setback or other open space required by this title
16 for another building or structure or lot.

17 **2. Projections into Required Setbacks**

18 The following structures or features may project into required front, side, or
19 rear setbacks as specified in this subsection:

- 20 a. ***Paved Terraces***
21 Paved terraces may project into any required setback, provided that
22 no structures placed there shall violate other requirements of this title.
- 23 b. ***Unroofed Landings, Decks, and Stairs***
24 Except as provided in subsection c. below, unroofed landings, decks,
25 and stairs may project into required front and rear setbacks only,
26 provided that no portion other than a handrail shall extend higher than
27 30 inches above the finished grade level.
- 28 c. ***Roofs Over Porches and Other Exterior Approaches***
29 Roofs over porches, stairways, landings, terraces, or other exterior
30 approaches to pedestrian doorways may encroach up to five feet into
31 a front setback, provided that, where such roof projections encroach
32 within the setback, the roof projections shall comprise no more than
33 50 percent of the total length of a building's front façade. The
34 covered porch or entrance area encroaching into the setback shall
35 remain exterior to the building, and unenclosed or only partly
36 enclosed, as by a railing.
- 37 d. ***Incidental Architectural Features***
38 Windowsills, fireplace chases, belt courses, cornices, eaves and
39 similar incidental architectural features may project up to two feet into
40 any required setback.
- 41 e. ***Bay Windows***
42 Bay windows, measuring no more than eight feet in width where the
43 projection breaks the plane of the wall, may project up to two feet into

- 1 any required setback, so long as there is a minimum of eight feet
2 between the bay window and any opposing bay window on an
3 adjacent lot.
- 4 **f. Private Garage or Carport**
5 A private garage or carport may project into a required rear setback
6 abutting an alley.
- 7 **g. Accessory Structures**
8 As allowed in 21.05.070B.3.b.
- 9 **h. Handicap Access Ramps**
10 The Director may allow the installation of handicap access ramps in
11 any required setback if they meet the following criteria:¹²
- 12 i. The ramp is architecturally compatible with the structure in
13 design and bulk; and
- 14 ii. The width of the ramp does not exceed 48 inches.
- 15 **3. Construction on Adjoining Lots**
16 In determining minimum setback requirements, each lot shall be determined
17 individually and minimum setback requirements may not be calculated on the
18 basis of two or more combined lots. In all instances where a building may be
19 constructed immediately adjacent to a lot line, the building may be
20 constructed upon or over such lot line, provided that the portion of the building
21 on each individual lot is otherwise permitted on each lot, and provided further
22 that the building complies with building code requirements.
- 23 **4. Corner Lots with Two or More Frontages¹³**
24 In the case of corner lots with two or more frontages, the Director shall
25 determine the front setback requirements subject to the following limitations:
- 26 a. At least one front setback shall be provided having the full depth
27 required generally in the district.
- 28 b. No other front setback on such lot shall have less than half the depth
29 required generally for front setbacks in the district.
- 30 **5. Double-Frontage Lots**
31 In the case of double-frontage lots, front setbacks shall be provided on all
32 frontages.
- 33 **6. Setback from Planned Utility Transmission Facilities**
34 a. No new structural or land development activity requiring a building or
35 land use permit shall be permitted within the minimum area stated in
36 the Utility Corridor Plan¹⁴ for planned electrical or telecommunication
37 transmission facilities for which there is a projected easement or right-
38 of-way, except as allowed under paragraph b., below.
- 39 b. The following uses and activities are permitted, with written
40 acknowledgement of coordination with the affected utilities, within the
41 setbacks described in paragraph a., above:

- 1 i. Sidewalks and pathways;
- 2 ii. Trails and bicycle paths;
- 3 iii. Bus shelters and bus turnouts;
- 4 iv. Kiosks and seating units;
- 5 v. Utilities, utility easements and utility-related structures;
- 6 vi. Landscaping required by section 21.07.080, Landscaping,
7 Screening, and Fences, and consisting of ground cover,
8 shrubs and understory trees whose maximum height does not
9 exceed 30 feet;
- 10 vii. Surface parking required by section 21.07.090, *Off-Street*
11 *Parking and Loading*;
- 12 viii. Temporary parking as described in section 21.05.080;
- 13 ix. Additional parking to that required by this title;
- 14 x. Open space and usable yards;
- 15 xi. Fences and signs;
- 16 xii. Retaining walls;
- 17 xiii. Remodeling of or addition to structures existing as of
18 February 27, 1990, so long as it does not further intrude
19 within the setback area after that date; and
- 20 xiv. Driveways and vehicular access points.
- 21 c. Applicable setback requirements stated elsewhere in this title may
22 include the area of setback for electrical transmission facilities.

23 **7. Setbacks from Projected Rights-of-Way**

24 **a. *Minimum Setback***

25 No new structural or land development activity requiring a building or
26 land use permit shall be permitted within the minimum setback set
27 forth in the table below from the existing or projected centerline of a
28 street designated on the official streets and highways plan (OSHP), or
29 within 30 feet from the existing or projected centerline of a street,
30 road reservation, or public use easement not so designated on the
31 OSHP, but designated in an adopted neighborhood or district plan,
32 except as allowed under subsection b., below:

TABLE 21.06-5: SETBACKS FROM PROJECTED RIGHTS-OF-WAY CENTERLINE	
Street Class on Official Streets and Highways Plan	Setback from Centerline (feet)
IC, IIA, IIIC	30
IB	35
I, IA, II	40
III, IIIB	50
IIIA, IV	65
V	75

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- b. **Permitted Uses Within Setback**
 The following uses and activities are permitted within the setbacks described in paragraph a., above:
 - i. Sidewalks, trails, and pathways;
 - ii. Bus shelters and bus turnouts;
 - iii. Kiosks, seating units and skywalks;
 - iv. Utilities and utility easements;
 - v. Temporary parking, temporary open space and usable yards, temporary fences and signs, or temporary retaining walls, as described in paragraph d., below;
 - vi. Additional parking to that required by this title;
 - vii. Remodeling of or addition to structures existing as of May 19, 1987, so long as such remodeling or addition does not further intrude within the setback area or increase the floor area of the structure within the setback area; and
 - viii. Driveways and vehicular access.
- c. **Additional Setback Requirements**
 Applicable setback requirements stated elsewhere in this chapter shall be in addition to those stated in this subsection 21.06.020.A.7.
- d. **Temporary Features¹⁵**
 As used in this subsection 21.06.020.A.7.d., the term "temporary" or "temporarily" means that period of time between the issuance of a building or land use permit and the right of entry conveyed to the Municipality or other government entity for a road project that affects the setback area required by this subsection 21.06.020.A.7.d. Parking, open space and usable yards, fences and signs, and

1 retaining walls required by this title may be provided temporarily
2 within a setback area described in this subsection 21.06.020.A.7.d.
3 only if the Director and the traffic engineer first find that:

- 4 i. The temporary features to be used on the lot conform to all
5 other applicable requirements of this title;
- 6 ii. An alternate site plan has been submitted with an application
7 for a building or land use permit for permanent required
8 features on the lot, excluding all setback areas thereon, in
9 conformance with all applicable requirements of this title; and
- 10 iii. An agreement between the owner of the lot and the
11 Municipality has been executed and recorded so as to give
12 notice of the temporary requirements to be applied to the lot
13 and of the date or event by which the temporary features
14 shall be abandoned in favor of the permanent configuration
15 stated in the alternate site plan.

16 **8. Sight Distance Triangles**

17 **a. Prohibition**

18 No person may place within a sight distance triangle area any
19 structure between 2½ feet and eight feet above the nearest curb or
20 street centerline grade, whichever is higher, except for:

- 21 i. A public utility pole;
- 22 ii. A tree that is trimmed so that the trunk is bare to a height of
23 eight feet measured from the nearest curb or street centerline
24 grade, whichever is higher; or
- 25 iii. A warning sign or signal installed on the lot by a government
26 agency.

27 **b. Definition**

28 As used in this section, the term “sight distance triangle” refers to the
29 roadway area visible to the driver. The required length is the distance
30 necessary to allow safe vehicular egress from a street, driveway, or
31 alley to a major street. Criteria for required sight distance are given
32 below.

33 **c. Criteria**

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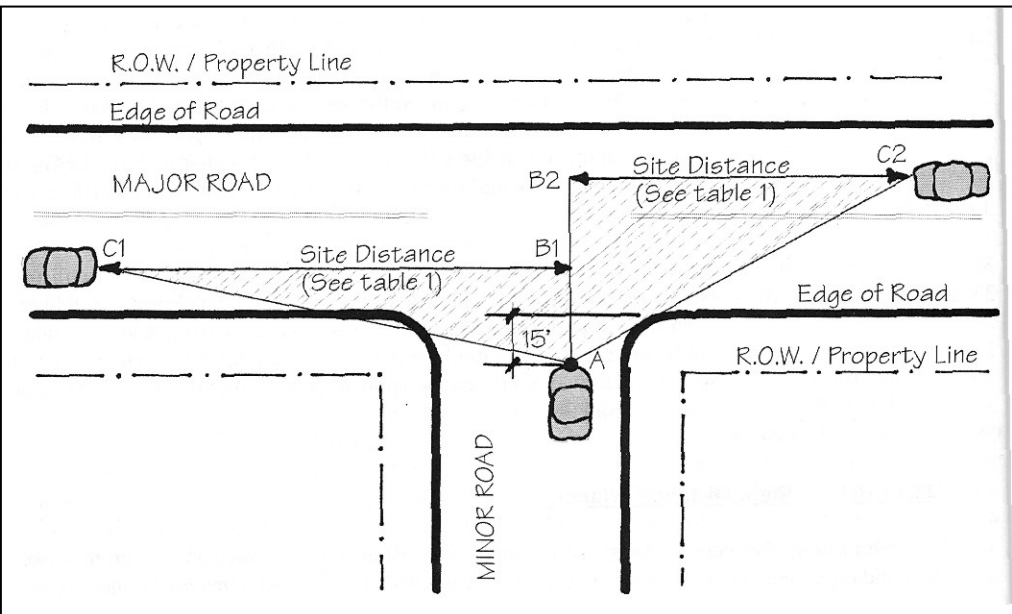
The sight distance triangle is shown in the figure below and described as follows:

- i. Point A is located on the minor approach 15 feet from the edge of major road travelway;
- ii. Point B1 is located in the center of lane 1;
- iii. Point B2 is located in the center of lane 2;
- iv. Points C1 and C2 are located based on the design speed of the major road and is the distance shown in Table 21.0-6-6; and

Table 21.06-6: Required Sight Distances in Sight Distance Triangles	
Design Speed (mph)	Sight Distance (ft)
60	650
50	515
40	415
30	310
20	210

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11

- v. Point A is connected to Points C1 and C2 by a straight line.



1 **B. Usable Yard**

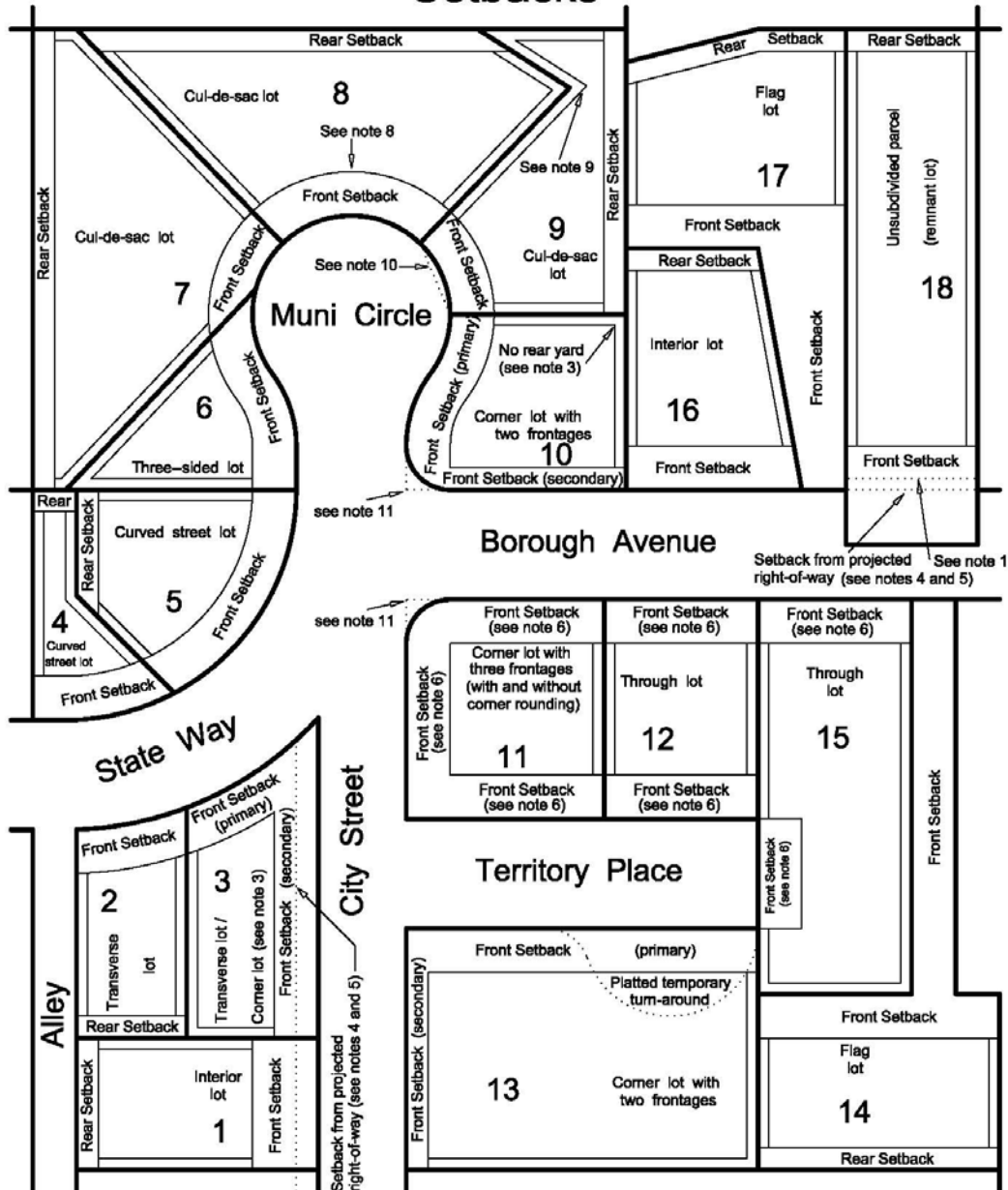
- 2 1. Usable yard shall be provided per dwelling unit in accordance with Tables
3 21.06-1 through 21.06-4.
- 4 2. No dimension of a usable yard required by this chapter shall be less than ten
5 feet; except, however, private balconies or decks containing no less than one
6 four-foot dimension and containing a minimum of 20 square feet may be
7 counted for up to 50 percent of required usable yard area in the R-3, R-4, and
8 RMX districts, and up to 100 percent of required usable yard area in the
9 NMU-1, NMU-2, CCMU, RCMU, MMU, and CBD districts.¹⁶
- 10 3. Usable yard area may include required side and rear setbacks and utility
11 easements, but may not include front setbacks, refuse storage or collection
12 areas, wetlands, or areas with slopes in excess of 15 percent.
- 13 4. Up to 30 percent of the required usable yard area may be collocated with
14 required landscaping.

15 **C. Lot Coverage and Floor Area Ratio (FAR)¹⁷**

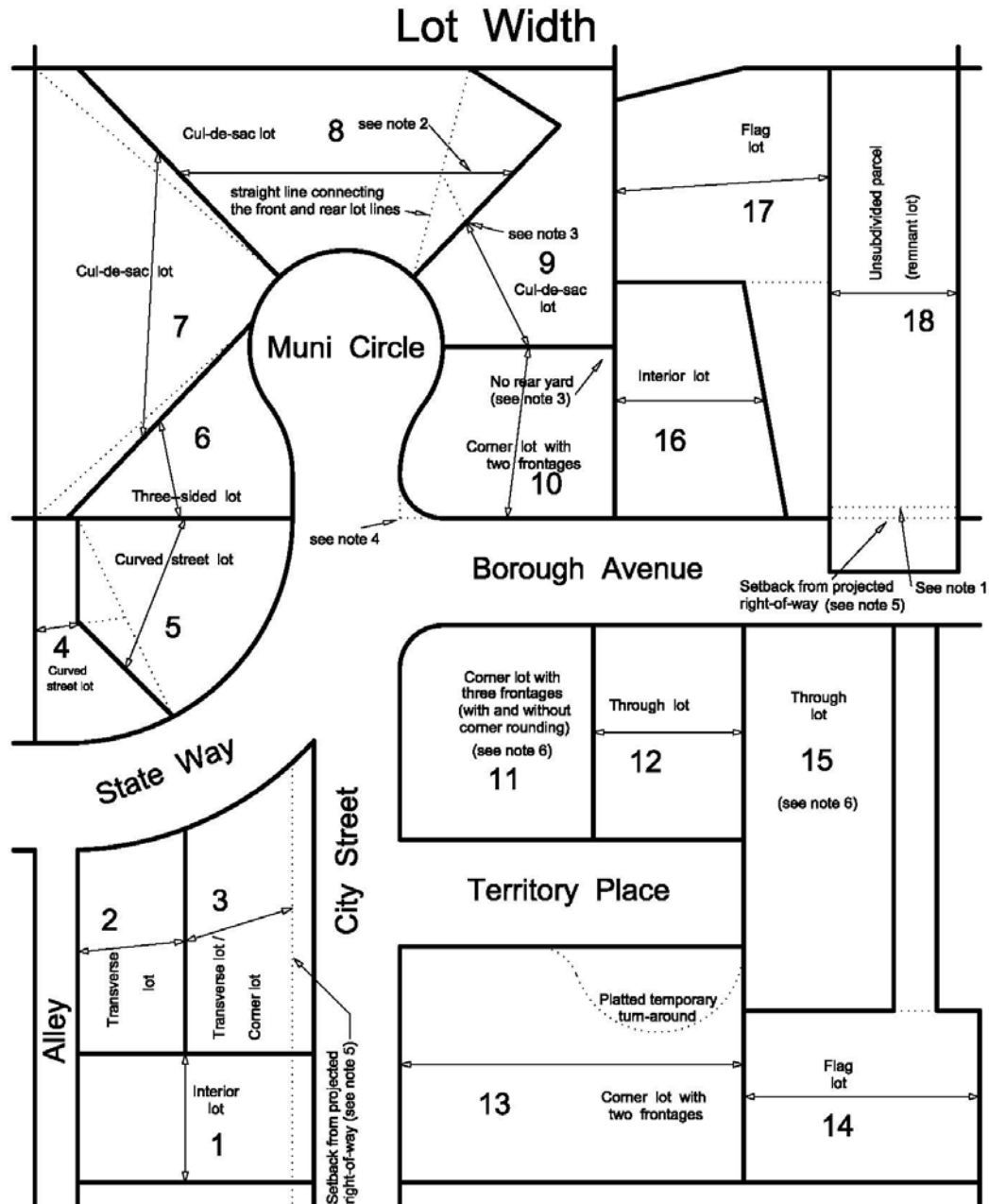
- 16 1. **Lot Coverage Requirement Generally**
17 No building, structure, or lot shall be developed, used, or occupied unless it
18 meets the lot coverage and FAR requirements set forth in section 21.06.010
19 for the zoning district in which it is located.
- 20 2. **Structures Not Considered in Measuring Lot Coverage**
21 Unless otherwise provided in this title, all structures shall be considered in
22 determining lot coverage except for the following:
- 23 a. Structures less than 30 inches above the finished grade level (such
24 as paved terraces or ground-level decks);
- 25 b. Windowsills, bay windows, fireplace chases, belt courses, cornices,
26 eaves, and similar incidental architectural features;
- 27 c. Handicap ramps that comply with section 21.06.020.A.2.g., *Handicap*
28 *Access Ramps*, above;
- 29 d. Fences, trellises, poles, posts, ornaments, lawn furniture, and similar
30 and customary yard accessories; and
- 31 e. Hot tubs.
- 32 3. **Structures Not Considered in Measuring Floor Area Ratio (FAR)**
33 Unless otherwise provided in this title, all gross floor area shall be considered
34 in determining FAR except for the following:
- 35 a. Uninhabitable attics; and
- 36 b. Usable open space areas.

- 1 **D. Density**
- 2 **1. Measurement of Residential Density¹⁸**
- 3 Residential density is determined by dividing the gross parcel size by the
- 4 minimum lot size of the zoning district where the parcel is located, and then
- 5 rounding down to the whole number. This operation yields a certain number
- 6 of units per acre with no decimals.
- 7 **E. Height**
- 8 **1. Rules for Measuring Height**
- 9 Building height shall be measured as shown in the illustrations at the end of
- 10 the chapter.
- 11 **2. Reference Datum**
- 12 The reference datum for determination of building height shall be selected by
- 13 either of the following, whichever yields a greater height of building:
- 14 **a.**The elevation of the highest adjoining sidewalk or ground surface
- 15 within a five-foot horizontal distance from the exterior wall of the
- 16 building, when such sidewalk or ground surface is not more than ten
- 17 feet above lowest grade within a five-foot horizontal distance from the
- 18 exterior wall of the building.
- 19 **b.**An elevation ten feet higher than the lowest grade when the sidewalk
- 20 or ground described in the subsection a., above, is more than ten feet
- 21 above the lowest grade.
- 22 **3. Height Exceptions**
- 23 Except as specifically provided elsewhere in this title, the height limitations
- 24 contained in this chapter do not apply to spires, belfries, cupolas, flagpoles,
- 25 chimneys, antennas, heating and ventilation equipment, elevator housings,
- 26 stairwell towers, solar reflectors, or similar appurtenances; provided, however,
- 27 the following:
- 28 **a.**The appurtenance does not interfere with Federal Aviation
- 29 Regulations, Part 77, Objects Affecting Navigable Airspace;
- 30 **b.**The appurtenance does not extend more than 25 feet above the
- 31 maximum permitted building height, except for flagpoles, religious
- 32 assembly belfries, and antennas that must be of greater height in
- 33 order to function;
- 34 **c.**The appurtenance is not constructed for the purpose of providing
- 35 additional floor area in the building; and
- 36 **d.**The appurtenance complies with the screening requirements for
- 37 mechanical equipment and appurtenances in 21.07.080G.,
- 38 *Screening*.
- 39 **4. Height Limitations**
- 40 Special height limitations, set forth in section 21.04.070.C., apply to all
- 41 development within the Airport Height Overlay District.

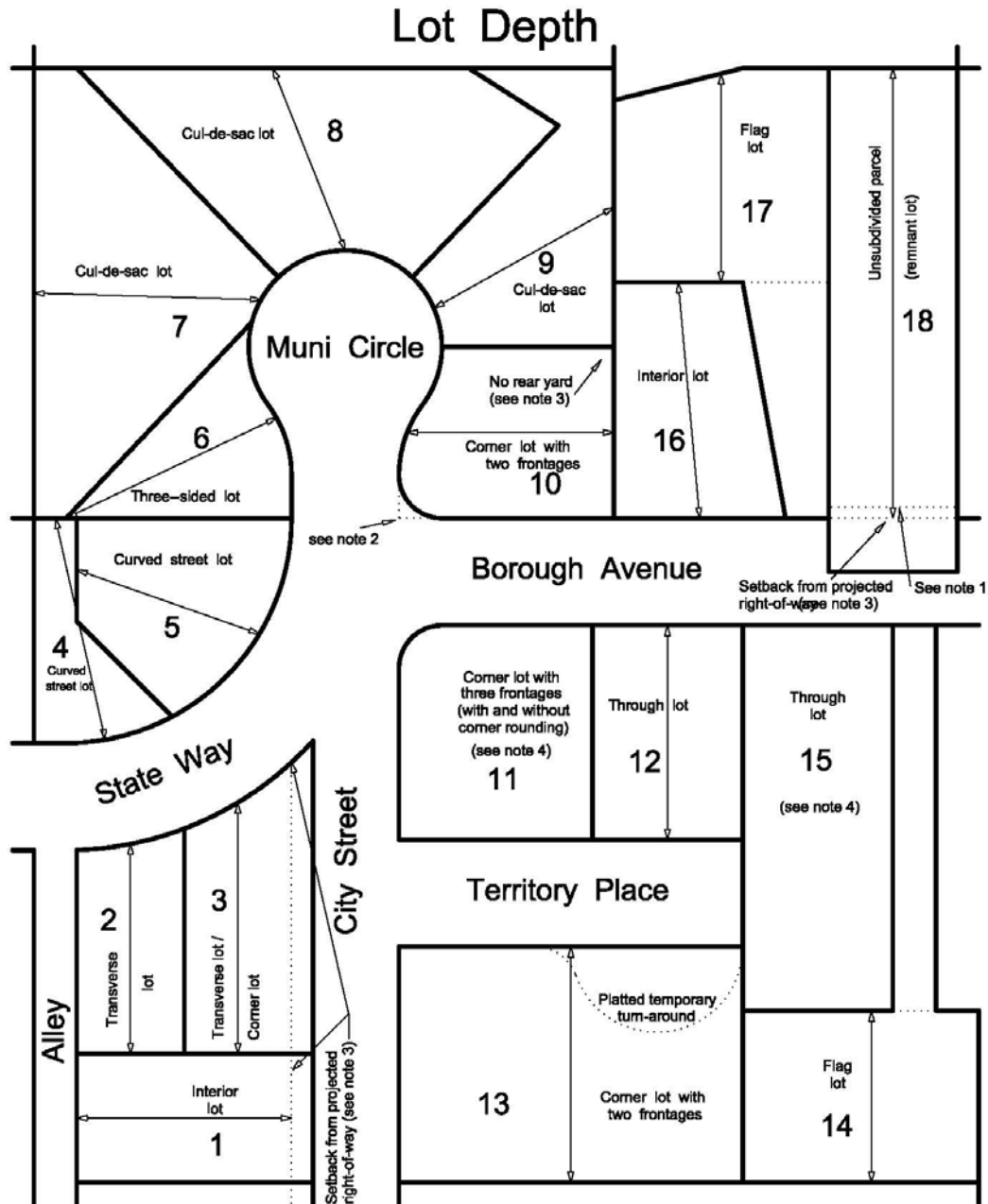
Setbacks



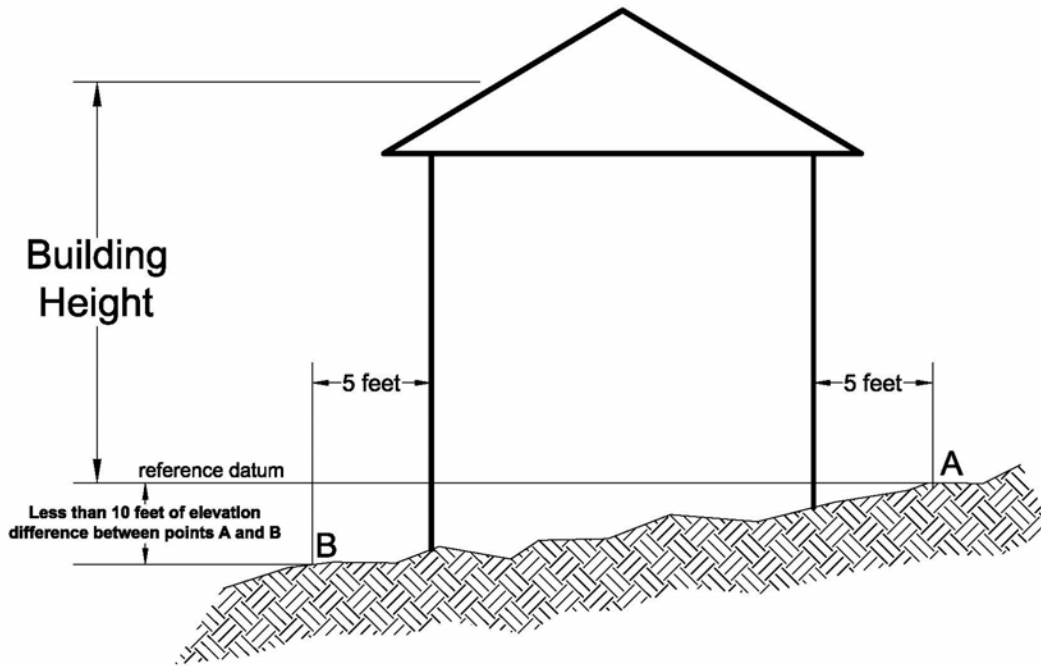
1. Section line easement, BLM road reservation, road or public use easement.
2. All setbacks not called out in the illustration are side setbacks.
3. In the case of corner, through, and three-sided lots, there are no rear setbacks, but only front and side setbacks.
4. The area between the property line and the setback from projected right-of-way is subject to the same regulations as a front setback.
5. The front setback is measured from the setback from projected right-of-way.
6. The Director shall determine the depth of the front setbacks. Until such determination, full-depth setbacks apply on all frontages.
7. Primary and secondary front setbacks are determined by the Director, in accordance with the prevailing setback pattern.
8. The setback follows the curve of the lot line.
9. Side setbacks are extended to intersect.
10. The rear property line is the line (or lines intersecting at an interior angle of not less than 135 degrees) most parallel to the chord of the front property line.
11. Front property lines intersect by extrapolation.



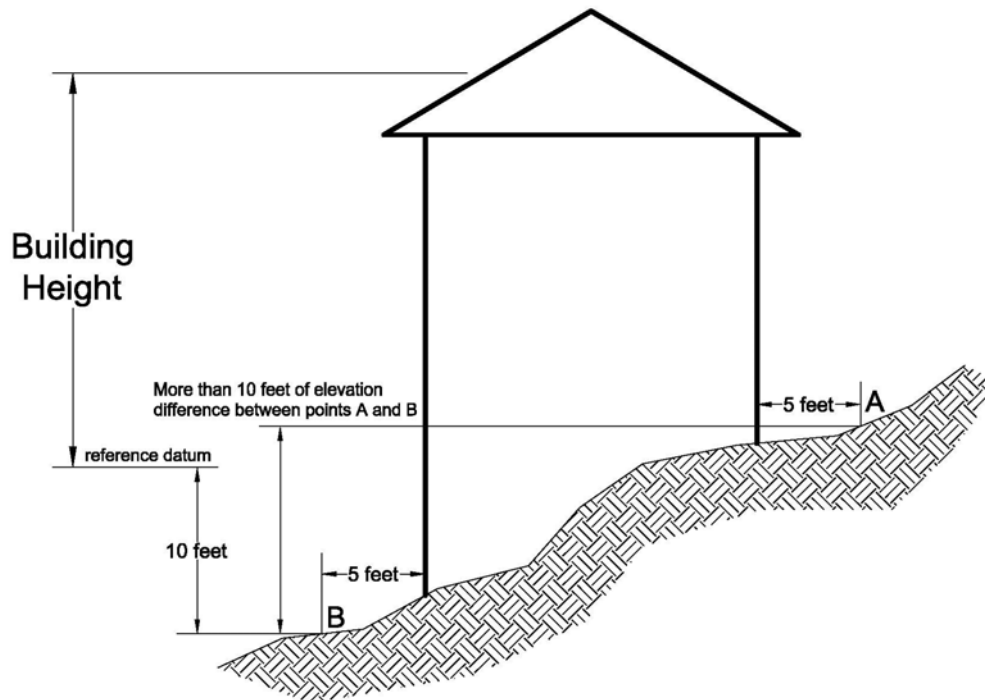
1. Section line easement, BLM road reservation, road or public use easement.
2. "such measurement shall extend to the side property lines"
3. "such measurement shall not extend beyond the property lines of the lot being measured"
4. Front property lines intersect by extrapolation.
5. The setback from projected right-of-way is considered the front property line for computing lot width.
6. When the definitions do not unambiguously identify the lot width, the Director shall determine the lot width.



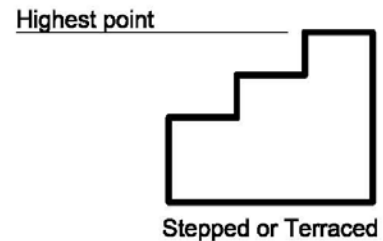
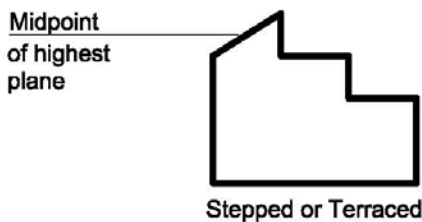
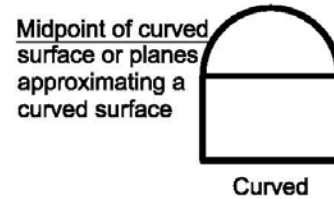
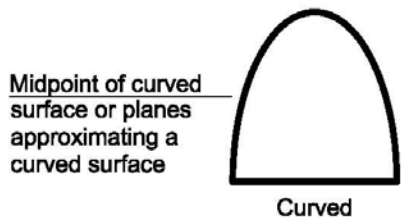
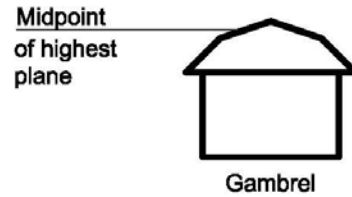
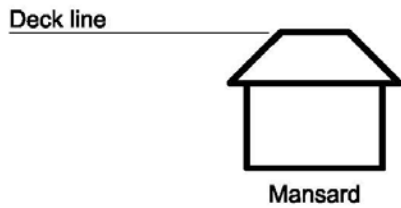
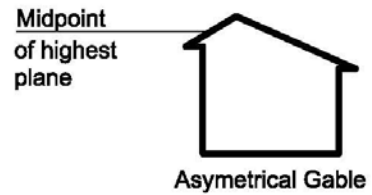
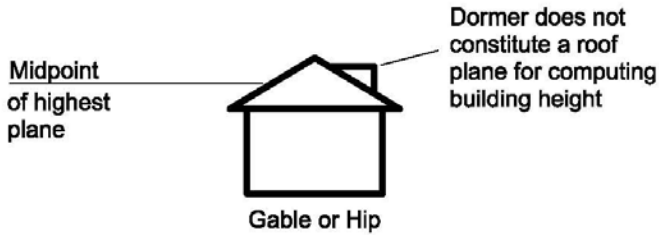
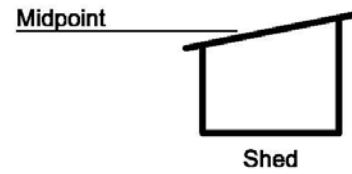
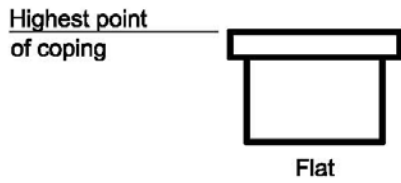
1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
3. The setback from projected right-of-way is considered a property line for computing lot depth.
4. When the definitions do not unambiguously identify the lot depth, the Director shall determine the lot depth.
5. The setback from projected right-of-way is XXXXXXXXXXXXXXXXXXXX for computing lot depth.



Case 1



Case 2



¹ 2005 NOTE: A number of changes are suggested in these tables in the 2005 draft in response to numerous comments. Only the most significant changes are noted.

² NOTE: This new district is a proposed consolidation of the existing R-1 and R-1A districts. The only distinction between the two districts in the current code is that R-1A has a larger minimum lot size (8,400 square feet, versus 6,000), and a larger minimum lot width requirement (70 feet, versus 50 feet). Further discussion needed about the appropriate lot size and width in this district. For discussion purposes, this draft proposes using the lower minimum requirements to avoid making existing properties nonconforming.

³ 2005 NOTE: Lot coverages changed in this district to be more consistent with other districts, per staff suggestion. OLD NOTE: This is a new district composed of the existing R-2A and R-2D district. Again, the minimum lot dimensions of these two districts are different. This draft proposes the less restrictive R-2D dimensions for discussion purposes.

⁴ NOTE: These are lower suggested lot dimensional requirements to encourage development of these uses. There are design issues to consider for single-family attached and townhouse dwellings, as part of Module 3. Specifically, staff has requested that townhouses and single-family attached dwellings in both R-3 and R-4 that are permitted on narrow lots should only have driveway access from rear alleys. Otherwise, the front facades of these units could be made up almost entirely with pavement / garage doors. Another issue is bulk, and staff has requested a limit (e.g., 5-6 units) of how many of these units can be attached in a row, or other methods to mitigate townhouse bulk.

⁵ NOTE: This new district is a consolidation of the existing R-3 and R-4 districts. Given that this new district is intended to provide medium to high density, we recommend using the less restrictive standards of the existing R-4 district. There is a proposed new height limit of 50 feet for multi-family dwellings.

⁶ NOTE: This is a suggested increase from the existing requirement of 100 square feet per dwelling unit.

⁷ NOTE: This is a proposed requirement, lower than the existing requirement of 108,900 sq ft. Staff is proposing to lower the lot size and also to exclude the current provision which allows a portion of the abutting street ROW to be used toward the calculation of minimum lot area.

⁸ 2005 NOTE: Existing R-7 district. New in this 2005 draft.

⁹ 2005 NOTE: New lot sizes proposed by staff for this district in this draft.

¹⁰ 2005 NOTE: As indicated in chapter 21.04, the airport and state personnel object to the AD district as currently proposed. Additional discussions are scheduled between municipal and state/airport officials.

¹¹ 2005 NOTE: This section has been significantly simplified and revised based on numerous comments. Many sections have been rewritten. All the district-specific material (e.g., height requirements in the airport overlay) has been moved to the districts chapter (21.04).

¹² 2005 NOTE: The requirement that the ramp be temporary has been removed.

¹³ 2005 NOTE: This reworked provision provides more flexibility than the previous draft for corner lots.

¹⁴ 2005 NOTE: This note was received from Chugach Electric regarding this provision: "We note that the draft contains language about the Utility Corridor Plan and we urge continued preservation of the Utility Corridor Plan routes as well as the language provisions that ensure our ability to protect the setbacks associated with the routes."

¹⁵ NOTE: This existing section has been broadened, per staff suggestion, to cover more than just temporary parking.

¹⁶ 2005 NOTE: New provision drafted by staff.

¹⁷ 2005 NOTE: New provision in this draft, based on scattered similar provisions in the prior draft.

¹⁸ 2005 NOTE: Relocated into this chapter from the definitions chapter in the prior draft.

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TABLE OF CONTENTS

1
 2
 3 **CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS 333**
 4 **21.07.010 General Provisions 333**
 5 A. Purpose 333
 6 B. Alternative Equivalent Compliance..... 333
 7 **21.07.020 Natural Resource Protection 335**
 8 A. Purpose 335
 9 B. Stream, Water Body, and Wetland Protection..... 335
 10 C. Steep Slope Development..... 341
 11 D. Wildlife Conflict Prevention Areas 344
 12 **21.07.030 Open Space 345**
 13 A. Purpose 345
 14 B. Private Common Open Space..... 345
 15 **21.07.040 Drainage, Stormwater Runoff, Erosion Control..... 347**
 16 **21.07.050 Utility Distribution Facilities 348**
 17 A. Underground Placement Required for New or Relocated Lines 348
 18 B. Exceptions 348
 19 C. Variances..... 348
 20 D. Nonconforming Overhead Lines..... 349
 21 E. Designation of Target Areas..... 349
 22 F. Nonconforming Overhead Lines..... 351
 23 G. Lines in Municipal Right-of-Way..... 352
 24 H. Conversion of Service Connections 353
 25 **21.07.060 Transportation and Connectivity..... 353**
 26 A. Purpose 353
 27 B. Applicability..... 353
 28 C. Traffic Impact Mitigation 353
 29 D. Streets and On-Site Vehicular Circulation..... 354
 30 E. Standards for Pedestrian Facilities..... 357
 31 F. Standards for Bicycle Facilities 359
 32 **21.07.070 Neighborhood Protection Standards 359**
 33 A. Purpose and Relationship to Other Requirements..... 359
 34 B. General Conditions..... 359
 35 C. Residential Development Adjacent To Existing Commercial or Industrial Use..... 360
 36 **21.07.080 Landscaping, Screening, and Fences..... 360**
 37 A. Purpose 360
 38 B. Applicability..... 361
 39 C. Landscaping Plan 361
 40 D. Alternative Equivalent Compliance..... 361
 41 E. Cross-reference to Other Requirements 362
 42 F. Landscaping 362
 43 G. General Landscaping Requirements and Standards 372
 44 H. Screening..... 376
 45 I. Fences..... 378
 46 **21.07.090 Off-Street Parking and Loading..... 380**
 47 A. Purpose 380
 48 B. Applicability..... 380
 49 C. Parking Lot Layout and Design Plan (10 or More Spaces)..... 381
 50 D. Off-Street Parking Requirements 382
 51 E. Parking Alternatives..... 393
 52 F. Off-Street Loading Requirements..... 396

1	G. Computation of Parking and Loading Requirements	399
2	H. Parking Lot Design Standards.....	401
3	I. Vehicle Stacking Spaces.....	408
4	J. Accessible Parking Requirements.....	409
5	K. Modification of Parking Requirements.....	412
6	21.07.100 Residential Building Standards.....	412
7	A. Purpose	412
8	B. Applicability.....	412
9	C. Alternative Equivalent Compliance.....	412
10	D. Standards for Single-Family and Two-Family Residential Dwellings	412
11	E. Standards for Townhouse Residential	415
12	F. Standards for Multi-Family Residential (Four or Fewer Stories)	416
13	G. Standards for Multi-Family Residential (More Than Five Stories).....	420
14	21.07.110 Public/ Institutional and Commercial Building Standards.....	420
15	A. Purpose	420
16	B. Applicability.....	420
17	C. Alternative Equivalent Compliance.....	420
18	D. Weather Protection for Pedestrians	421
19	E. Height Transitions For Neighborhood Protection	421
20	F. Snow Storage	421
21	G. General Standards Menu	421
22	21.07.120 Large Commercial Establishments	425
23	A. Purpose	425
24	B. Applicability.....	426
25	C. Relationship to Other Standards	426
26	D. Mandatory Standards	426
27	E. General Standards Menu	428
28	21.07.130 Exterior Lighting	433
29	A. Purpose	433
30	B. Applicability.....	433
31	C. Exempt Lighting.....	434
32	D. Nonconformities.....	434
33	E. Lighting Zones Established	434
34	F. Standards for Safety, Personal Security, and Convenience.....	435
35	G. Control of Glare and Light Trespass	436
36	H. Timing Controls	437
37	I. Standards for Specific Types of Lighting.....	437
38	21.07.140 Operational Standards	439
39	A. Purpose	439
40	B. Applicability.....	440
41	C. Standards	440
42		

CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS¹

21.07.010 GENERAL PROVISIONS

A. Purpose²

The development and design standards set forth in this chapter shall apply to the physical layout and design of development in Anchorage. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community. The specific purposes of this chapter include:

1. To encourage the proper use of the land by promoting an appropriate balance between the built environment and the preservation and protection of open space and natural resources;
2. To protect public and private investment through preservation of open spaces, protection of natural resources including existing trees, providing buffers between incompatible uses and along roadways, and encouraging the planting of new trees and vegetation as deemed appropriate;
3. To promote sound management of water quality and quantity through preservation of natural areas and their functions and by encouraging soil management and the use of native plant materials;
4. To provide appropriate standards to ensure a high quality appearance for Anchorage and promote good design while also allowing flexibility, individuality, creativity, and artistic expression;
5. To provide development and design standards that address and are tailored to Anchorage's northern climate;
6. To strengthen and protect the image, identity, and unique character of Anchorage and thereby to enhance its business economy;
7. To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of its surrounding area;
8. To encourage developments that relate to adjoining public streets, open spaces, and neighborhoods with building orientation and physical connections that contribute to the surrounding network of streets and walkways; and
9. To provide road connectivity for the movement of people, goods, and services.

B. Alternative Equivalent Compliance³

1. Purpose

Alternative equivalent compliance is a procedure that allows development to meet the intent of the design-related provisions of this chapter through an alternative design. It is not a general waiver or weakening of regulations. Rather, the procedure permits a site-specific plan that is equal to or better

1 than the strict application of a design standard specified in this title. This
2 procedure is not intended as a substitute for a variance or administrative
3 modification or as a vehicle for relief from standards in this chapter.

4 **2. Applicability**

5 The alternative equivalent compliance procedure shall be available only for
6 the following sections of this chapter:

- 7 a. Section 21.07.060, *Transportation and Connectivity*;
- 8 b. Section 21.07.080, *Landscaping, Screening and Fencing*;
- 9 c. Section 21.07.090, *Off-Street Parking and Loading*;
- 10 d. Section 21.07.100, *Residential Building Standards*;
- 11 e. Section 21.07.110, *Public/Institutional and Commercial Building*
12 *Standards*;
- 13 f. Section 21.07.120, *Large Commercial Establishments*; and
- 14 g. Section 21.07.130, *Exterior Lighting*.

15 **3. Pre-Application Conference Required**

16 An applicant proposing to use alternative equivalent compliance under this
17 section shall request and attend a pre-application conference prior to
18 submitting the site plan for the development, to determine the preliminary
19 response from the Director. Based on that response, the site plan application
20 shall include sufficient explanation and justification, in both written and
21 graphic form, for the alternative compliance requested.

22 **4. Decision-Making Responsibility**

23 Final approval of alternative equivalent compliance under this section shall be
24 the responsibility of the decision-making body responsible for deciding upon
25 the application. For example, proposed alternative equivalent compliance on
26 a major site plan application shall be considered and decided upon by the
27 Urban Design Commission. By-right projects that would not ordinarily require
28 review under this title, yet which are proposing alternative equivalent
29 compliance, shall receive written approval of the alternative equivalent
30 compliance from the Director. All applications for alternative equivalent
31 compliance shall be processed and reviewed in a timely fashion.

32 **5. Criteria**

33 To grant a request for alternative equivalent compliance, the decision-making
34 body shall find that the following criteria are met:

- 35 a. The proposed alternative design achieves the intent of the subject
36 design standard to the same or better degree than the subject
37 standard.
- 38 b. The proposed alternative design achieves the goals and policies of
39 the Comprehensive Plan to the same or better degree than the
40 subject standard.

1 c. The proposed alternative design results in benefits to the community
2 that are equivalent to or better than compliance with the subject
3 design standard.

4 **6. Effect of Approval**

5 Alternative compliance shall apply only to the specific site for which it is
6 requested and does not establish a precedent for assured approval of other
7 requests.

8 **21.07.020 NATURAL RESOURCE PROTECTION⁴**

9 **A. Purpose**

10 The Municipality contains many natural amenities, including stream corridors, river
11 corridors, natural drainages, wildlife habitat areas, water bodies, wetlands, significant
12 viewsheds, and hillsides, as well as significant amounts of native forest, tree cover,
13 and open space, all of which contribute to the Municipality's character, quality of life,
14 and property values. The regulations of this section are intended to ensure that the
15 natural character of the Municipality is reflected in patterns of development and
16 redevelopment, and significant natural features are incorporated into open space
17 areas.

18 **B. Stream, Water Body, and Wetland Protection⁵**

19 **1. Purpose**

20 The following requirements are intended to promote, preserve, and enhance
21 the important hydrologic, biological, ecological, aesthetic, recreational, and
22 educational functions provided by stream and river corridors, associated
23 riparian areas, water bodies, and wetlands.

24 **2. Applicability**

25 This subsection 21.07.020.B. shall apply to all new development, except for
26 the following development or activities:

27 a. Development on lots of record that were approved for single-family
28 residential use prior to the effective date of this title, which shall
29 remain subject to applicable setback regulations in effect prior to
30 adoption of this title;

31 b. Maintenance and repair of existing public roads, utilities, and other
32 public facilities within an existing right-of-way or easement;

33 c. Flood prevention or rehabilitation work carried out by a government
34 agency or approved by a government agency;

35 d. Maintenance and repair of flood control structures and activities in
36 response to a flood emergency; and

37 e. Wetland and wildlife habitat restoration, construction, and/or
38 enhancement that improves or restores the wetland or stream corridor
39 functions, provided that the proposed activity is approved by the
40 appropriate agency such as the U.S. Corps of Engineers or the
41 Alaska Department of Fish and Game.

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3. Relationship to Other Regulations

- a. This subsection 21.07.020.B. does not repeal or supersede any existing federal, state, or local laws, easements, covenants, or deed restrictions. When this subsection imposes a higher or more restrictive standard than found in another applicable ordinance, statute, or regulation, this subsection shall apply.
- b. No person shall engage in any activity that will disturb, remove, drain, fill, dredge, clear, destroy, or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under a permit issued by the appropriate federal agency.
- c. The decision-making body shall not grant preliminary or final approval to any development or activity, including subdivisions, in a wetland that falls within the federal government’s jurisdiction until all necessary federal approvals and permits have been obtained.

4. Buffer/Setback Requirements

a. Streams or River Corridors⁶

- i. In the R-10 district, all buildings, accessory structures, and parking lots shall be set back at least 100 feet horizontally from the ordinary high-water mark of stream or river corridors or, if not readily discernible, from the defined bank of the stream or river. Except as provided in 6. below, no disturbance is permitted in the 100-foot setback area. Development in the R-10 district also is subject to the district-specific development standards in section 21.04.020.I.
- ii. In the R-5, R-6, R-7, R-9, I-1, and I-2 zoning districts, all buildings, accessory structures, and parking lots shall be set back at least 50 feet horizontally from the ordinary high-water mark of stream or river corridors or, if not readily discernible, from the defined bank of the stream or river. Except as provided in 6. below, no disturbance is permitted in the 50-foot setback area.
- iii. For all zoning districts not listed in subsections i. and ii. above, all buildings, accessory structures, and parking lots shall be set back at least 25 feet horizontally from the high-water mark of stream or river corridors or, if not readily discernible, from the defined bank of the stream or river. Except as provided in 6. below, no disturbance is permitted in the 25-foot setback area.
- iv. Segments of streams or tributaries that are contained in culverts for a contiguous length of 100 feet or more are not regulated by this subsection.
- v. Setbacks required in this subsection shall extend the specified distance from both sides of the stream or river.

- 1 vi. For parcels where there are wetlands contiguous with a
2 stream, setback requirements are listed in Table 2 of the
3 Anchorage Wetlands Management Plan.
- 4 b. **Wetlands**
- 5 i. To the maximum extent feasible, class A and those class B
6 wetlands which, as a result of U.S. Corps of Engineers
7 permitting, are not authorized for development, shall be
8 tracted out and thus not included as part of a platted
9 development lot. Wetland classes are defined and delineated
10 in the Anchorage Wetlands Management Plan.
- 11 ii. Except as provided in 6. below, all buildings, accessory
12 structures, fills and other storage of materials, and parking
13 lots shall be set back at least 15 feet horizontally from the
14 delineated edge of all Class A wetlands, and all portions of
15 Class B and C wetlands not authorized for development; no
16 disturbance is permitted in the 15-foot setback area.
- 17 c. **Water Bodies**
- 18 In all districts, all buildings, accessory structures, and parking lots
19 shall be set back at least 15 feet horizontally from the edge of water
20 bodies. Except as allowed in 6. below, no disturbance is permitted in
21 the 15-foot setback area. Uses such as docks, boathouses, and
22 floatplane storage sheds that require direct access to a water body by
23 their very nature or function shall be exempted from this setback
24 requirement.
- 25 d. **Credit for Other Requirements of this Title**
- 26 Stream corridor, water body, and wetland setback areas shall be
27 credited toward any applicable private open space requirements or
28 landscaping requirements only if such setback areas serve the
29 purposes of those requirements as set forth in this title.
- 30 5. **Boundary Delineation**
- 31 a. **Official Definitions and Standards⁷**
- 32 i. In cases where stream channels or water bodies are not
33 mapped and recorded in official plans or other documents,
34 delineation of such features shall be made according to the
35 municipal Watershed Management Division's definitions and
36 standards, and may be subject to formal verification by the
37 municipal Watershed Management Division.
- 38 ii. In cases where wetlands are not mapped and recorded in
39 official plans or other documents, including the Anchorage
40 Wetlands Management Plan, delineation of such features
41 shall be performed using procedures as described in the U.S.
42 Corps of Engineers 1987 Wetlands Manual. Delineations
43 shall be subject to formal verification by the Department
44 and/or the U.S. Corps of Engineers.

1 **b. Stream and River Corridor Boundaries**

2 Stream and river corridors shall be delineated at the ordinary high-
3 water mark or, if not readily discernible, the defined bank of the
4 stream or river, as those terms are defined in chapter 21.13. The
5 municipal Watershed Management Division shall maintain the official
6 record of all stream and river corridor boundaries.

7 **c. Wetland Boundaries**

8 i. *Mapped Wetlands*

9 Boundary delineation of wetlands shall be established by
10 reference to the Anchorage Wetlands Management Plan,
11 which is available for reference in the Department and which
12 is hereby adopted and incorporated into this title by
13 reference. Plats shall depict class A and B wetland
14 boundaries, and boundaries of class C wetlands that are not
15 authorized for development.

16 ii. *Unmapped Wetlands*

17 The review of a development proposal may discover a
18 potential wetland that has not been mapped or for which the
19 boundaries have not been clearly established. In such
20 instances, the boundaries of the wetland shall be delineated
21 according to subsection 5.a.ii. above. Any new wetland
22 boundaries delineated herein shall be submitted to the U.S.
23 Corps of Engineers for approval.

24 **6. Development Standards⁸**

25 **a. Prohibited Activities**

26 i. No person shall engage in any activity that will disturb,
27 remove, fill, drain, dredge, clear, destroy, or alter an area,
28 including vegetation, within stream or river corridors, pond or
29 lake edges, wetlands, or their associated buffer/setback
30 areas, except as may be expressly allowed in this section or
31 title.

32 ii. Channel alteration, including culvertization other than for
33 roadway and driveway crossings, is prohibited unless a
34 variance is obtained under the provisions of section
35 21.03.190, a flood hazard permit is obtained as per section
36 21.03.100, and relevant state and federal permits are
37 obtained.

38 iii. No storage or processing of hazardous materials or other
39 substances that would constitute a violation of AMC chapter
40 15.40 is permitted.

41 **b. Utilities**

42 Utilities, including potable water wells, may be allowed in a
43 buffer/setback area only if the decision-making body determines that
44 there is no practical alternative. Any disturbance of the buffer area
45 shall be reclaimed by regrading to original contours and revegetation
46 with native species. Provisions for reclamation of the disturbed area
47 shall be included in any development or improvements agreement for

1 the project, with adequate collateral to guarantee the reclamation will
2 completed. Utility corridors in buffer/setback areas shall be
3 located at the outside edge of the area or if crossing the setback
4 laterally shall disturb only the minimum area necessary to install the
5 utility. Access roads for maintenance of utilities shall be located
6 outside the buffer/setback area to the maximum extent feasible.
7 Access for maintenance of utilities in buffer/setback areas should be
8 at specific points rather than parallel to the utility corridor whenever
9 possible.

10 **c. Recreation, Education, or Scientific Activities**

11 Structures and improvements for recreational, educational, or
12 scientific activities such as trails, docks, fishing access, and wildlife
13 management and viewing may be permitted in a buffer/setback area
14 by the appropriate government agency.

15 **7. Preservation and Restoration of Vegetation**

16 All existing vegetation within the stream/river corridor, lake or pond edge, or
17 wetland buffer/setback area shall be preserved and, where necessary to
18 provide adequate screening or to repair damaged riparian areas,
19 supplemented with additional native planting and landscaping. The removal
20 of dead or naturally fallen trees or vegetation, or trees or vegetation that the
21 Municipality finds to be a threat to the public health, safety, or welfare, shall
22 be exempt from this requirement.

23 **8. Wetland Mitigation Requirements**

24 When a wetland or its buffer is altered in violation of law or without specific
25 permission or approval by the decision-making body, the Director shall require
26 restoration to the previous condition, to the maximum extent feasible,
27 according to an approved wetland mitigation plan.

28 **9. Structures and Uses Otherwise Prohibited**

29 This section does not permit any structure, or any use of land or a structure,
30 otherwise prohibited by this title.

31 **10. Implementation of Anchorage Wetlands Management Plan⁹**

32 **a. Municipal Zoning and Platting Actions**

33 Municipal zoning and platting actions taken under this title shall be
34 consistent with the Anchorage Wetlands Management Plan.

35 **i. "A" Wetlands**

36 Wetlands designated "A" in the Anchorage Wetlands
37 Management Plan and in Table 2 of that Plan shall be
38 protected as indicated in that table and in chapter 4 of the
39 Anchorage Wetlands Management Plan.

40 **ii. "B" Wetlands**

41 New development plans in "B" wetlands shall obtain a U.S.
42 Corps of Engineers permit, concurrent with or prior to
43 necessary approval by the Platting Board and/or the Planning
44 and Zoning Commission. In order to maximize protection of
45 wetlands designated "B," in addition to the criteria normally
46 considered in subdivision, site plan, and conditional use

1 applications, the Platting Authority or the Planning and Zoning
2 Commission shall, prior to approval, make explicit findings
3 that, or the applicant shall certify with their U.S. Corps of
4 Engineers permit that:

5 (A) The proposed design and placement of roadways, utility
6 lines, and structures will not interfere with the natural
7 drainage function indicated in the required hydrologic
8 studies or that such interference can be adequately
9 mitigated to maintain the natural drainage function;

10 (B) The soils in the area proposed for development shall
11 adequately support roadways and structures, or that
12 properly designed roads and foundations will be
13 provided; and

14 (C) Habitat areas identified in federal, state, or municipal
15 documents shall be adequately protected.

16 Maintenance of open space in its natural state shall be
17 required where the Platting Authority or the Planning and
18 Zoning Commission determines that such maintenance is
19 necessary to protect the hydrologic and habitat values of
20 wetlands on the property being developed or on adjacent
21 property. Areas where open space is to be preserved in its
22 natural state shall be indicated on the plat or approved site
23 plan. The Platting Authority and Planning and Zoning
24 Commission may require such land development techniques
25 and such additional conditions as may be appropriate to carry
26 out the intent of the wetlands plan and such other wetlands
27 studies as may be relevant.

28 iii. "C" Wetlands

29 When approving plats or conditional use permits in wetlands
30 designated "C" under the plan, the Platting Authority or the
31 Planning and Zoning Commission shall, whenever
32 practicable, include the recommended construction mitigation
33 techniques and conditions and enforceable policies in Table 2
34 of the Anchorage Wetlands Management Plan.

35 b. **Application of Plan to Approved Projects**

36 Conditional uses and preliminary plats approved prior to March 12,
37 1996, the date of adoption of the revised Anchorage Wetlands
38 Management Plan, shall not have additional conditions imposed upon
39 them as a result of requirements of the plan except as follows:

40 i. The "A" designation shall apply regardless of prior approvals.

41 ii. Approved plats or conditional uses in wetlands that are
42 returned to the Platting Authority or Planning and Zoning
43 Commission for major amendment may be examined for
44 conformity with plan goals and enforceable policies of the
45 Anchorage Wetlands Management Plan.

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- ii. Except for driveways, cut and fill slopes shall be entirely contained within a lot (i.e., natural grade at the lot lines shall be maintained).
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- iii. Sharp angles shall be rounded off, in a natural manner, at the top and ends of cut and fill slopes (within approximately five feet of the sharp angle) unless steep angles are a natural character of the site. Where this would damage tree root systems, the amount of rounding off may be reduced and shrubs used instead to hide the transition.
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- c. ***Raising or Lowering of Natural Grade***
The original, natural grade of a lot shall not be raised or lowered more than four feet at any point for construction of any structure or improvement, except:
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- i. The site's original grade may be raised or lowered a maximum of six feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this subsection.
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- ii. As necessary to construct a driveway from the street to a garage or parking area, grade changes or retaining walls up to six feet may be allowed.
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- iii. For the purposes of this subsection 21.07.020.C.3.c., basements and buildings set into a slope are not considered to lower the natural grade within their footprint.
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- d. ***Retaining Walls***
Retaining walls may be used to minimize cut and fill. Generally, a retaining wall shall be no higher than four feet, except that a wall varied in height to accommodate a variable slope shall have an average height no greater than four feet and a maximum height no greater than eight feet in any 100-foot length. A higher wall is permitted:
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- i. Where used internally at the split between one- and two-story portions of a building; and
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- ii. Where substantially hidden from public view at the rear of a building, where it may not exceed the eave height of the building.
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- e. ***Vehicular Routes***
 - i. Streets, roads, private access roads, driveways, and other vehicular routes shall not be allowed to cross slopes between 30 and 50 percent, except that a short run of no more than 100 feet or 10 percent of the road/street's entire length, whichever is less, may be allowed by the decision-maker upon finding that:

- 1 (A) Such street or road will not have significant adverse
2 safety or environmental impacts, or appropriate
3 engineering or other measures will be taken by the
4 developer to substantially mitigate any such adverse
5 impact; and
- 6 (B) No alternate location for access is feasible or available.
- 7 ii. No street, road, private access road, driveway, or other
8 vehicular route shall cross slopes greater than 50 percent.
- 9 iii. Streets, roads, private access roads, and other vehicular
10 routes shall follow natural contour lines to the maximum
11 extent feasible.
- 12 iv. Grading for streets, roads, private access roads, and other
13 vehicular routes shall be limited to the cartway portion of the
14 right-of-way, plus up to an additional ten feet on either side of
15 the cartway as needed, except that when developing access
16 on slopes in excess of 25 percent, only the cartway right-of-
17 way shall be graded plus the minimum area required for any
18 necessary curb, gutter, or sidewalk improvements. The
19 remainder of the access right-of-way shall be left undisturbed
20 to the maximum extent feasible.
- 21 f. **Natural Drainage Patterns**
22 Site design shall not change natural drainage patterns, except as
23 provided below.
- 24 i. All final grading and drainage shall comply with title 23 and
25 the Municipality's Erosion-Sediment Control Handbook.
- 26 ii. To the maximum extent feasible, development shall preserve
27 the natural surface drainage pattern unique to each site as a
28 result of topography and vegetation. Grading shall ensure
29 that drainage flows away from all structures, especially
30 structures that are cut into hillsides. Natural drainage
31 patterns may be modified on site only if the applicant shows
32 that there will be no significant adverse environmental
33 impacts on site or on adjacent properties. If natural drainage
34 patterns are modified, appropriate stabilization techniques
35 shall be employed.
- 36 iii. Development shall mitigate all negative or adverse drainage
37 impacts on adjacent and surrounding sites.
- 38 iv. Standard erosion control methods shall be used during
39 construction to protect water quality, control drainage, and
40 reduce soil erosion. Sediment traps, small dams, barriers of
41 straw bales, or other methods acceptable to the Municipality
42 shall be located wherever there are grade changes, to slow
43 the velocity of runoff.

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- 11 **D. Wildlife Conflict Prevention Areas¹⁴**
- 12 **1. Applicability**
- 13 This subsection shall apply within 200 feet on either side of the ordinary high
- 14 water of the following streams: Eklutna River (downstream from the Old
- 15 Glenn Highway), Thunderbird Creek, Peters Creek and its tributaries; Fire
- 16 Creek (downstream from the Old Glenn Highway), Eagle River, South Fork of
- 17 Eagle River (below the falls), Ship Creek (upstream from Reeve Blvd.),
- 18 Campbell Creek (upstream from Lake Otis Parkway); Rabbit Creek, Little
- 19 Rabbit Creek, Indian Creek, Bird Creek, and Portage Creek.
- 20 **2. Standards**
- 21 Within the area identified in subsection 1. above, the following mandatory
- 22 standards shall apply:
- 23 **a.** No landfills, transfer stations, schools, or campgrounds are allowed.
- 24 **b.** Any commercial, institutional, or industrial development shall store
- 25 edible garbage in bear-proof containers, and shall not store food
- 26 outside.
- 27 **c.** Roads and driveways are allowed only if there is no feasible and
- 28 prudent alternative.
- 29 **d.** Stream crossings, either by roads, driveways, or trails, shall be
- 30 designed to facilitate wildlife passage along the stream, and minimize
- 31 wildlife-human conflicts.
- 32 **3. Guidelines**
- 33 Within the area identified in subsection 1. above, the following voluntary
- 34 guidelines shall apply:
- 35 **a.** Fences are discouraged.
- 36 **b.** New buildings are encouraged to be sited outside these areas.
- 37 **c.** Trails should be sited outside these areas, and/or with direct
- 38 consultation with the state Department of Fish and Game.
- 39 **d.** All outdoor trash receptacles should be bear-proof.

- e. Bird feeders should be empty between April 15 and October 15.
- f. Food, including pet food and bird seed, should be stored indoors and/or in bear-proof containers.
- g. Bee hives, vegetable gardens, fruit trees and berry bushes, and composting is discouraged in this area.
- h. Pet runs and livestock should not be kept in this area, or should be penned with an electric fence.

21.07.030 OPEN SPACE

A. Purpose

This section 21.07.030 is intended to ensure that open space and natural areas throughout the Municipality are considered and protected during the development review process. Open space serves numerous purposes, including preserving natural areas and resources and scenic views; providing health benefits and greater resident access to open areas and recreation; and enhancing the quality of new development in the Municipality.

B. Private Common Open Space¹⁵

1. Purpose

Private common open space is private open land area set aside for the exclusive use and enjoyment of a development's residents, employees, or users. Goals and requirements for common open space complement this title's requirements for dedicated open space and parks, and serve similar purposes.

2. Applicability¹⁶

Development in the Municipality shall be required to set aside a portion of land as private common open space according to the following minimum requirements, except as provided in subsection 3. below:

- a. Multi-family residential development containing six or more units: 800 square fee per dwelling unit.
- b. Commercial/Mixed-Use development: 15 percent of total land area.

3. Infill and Redevelopment Areas—In-Lieu Option¹⁷

In lieu of a percent open space set aside, all commercial and residential development in the central business districts, the Midtown Mixed-Use District, and designated infill and redevelopment areas may, with the approval of the Director, provide alternative open space and environmental amenities such as those listed below. The economic value of the amenities provided pursuant to this subsection shall be comparable to the economic value of the space that shall have been required under subsection 2. above.

- a. Plazas;
- b. Fountains;

- 1 c. Roof gardens;
- 2 d. Playgrounds;
- 3 e. Street trees and landscaping not already required by this title or other
- 4 Municipal ordinances or policies; or
- 5 f. Community meeting space open to the public.

6 **4. Standards**

7 **a. Locational Criteria**

8 To the maximum extent feasible, where significant natural and scenic
9 resource assets exist on a property, the subdivider, developer, or
10 owner shall give priority to their preservation as private common open
11 space. In reviewing the proposed location of private common open
12 space areas, the Director shall use all applicable plans, maps, and
13 reports to determine whether significant resources exist on a
14 proposed site that should be protected, with priority being given to the
15 following areas (which are not listed in a particular order):

- 16 i. Wetlands;
- 17 ii. Flood Hazard Overlay District;
- 18 iii. Lakes, rivers, and stream/riparian corridors;
- 19 iv. Wildlife migration corridors;
- 20 v. Areas with average slopes over 20 percent; and
- 21 vi. Tree retention areas.

22 **b. Areas Not Credited**

23 Lands within the following areas shall not be counted towards
24 required private common open space set-aside areas:

- 25 i. Private yards, except that 50% of a private yard may count
26 towards required private common open space as long as no
27 dimension is less than fifteen feet;
- 28 ii. Public or private streets or rights of way;
- 29 iii. Open parking areas and driveways for dwellings; and
- 30 iv. Land covered by structures not intended solely for
31 recreational uses.

32 **c. Use of Common Open Space Areas**

33 Common open space areas shall not be disturbed, developed, or
34 improved with any structures or buildings, except for the limited
35 purposes allowed below:

- 1 i. Facilities for active recreation (equipment for such uses shall
2 be indicated on the site and/or subdivision plan provided by
3 the developer).
- 4 ii. Common open space areas may include passive recreational
5 and educational purposes approved by the Director, including
6 but not limited to walking, biking, picnicking, fishing,
7 preservation of natural areas and scenic resources, parks,
8 environmental education, and wildlife habitat protection.
- 9 iii. Clearing of underbrush and debris and the provision of walks,
10 fountains, fences, and other similar features are allowed.
- 11 d. **Design Criteria**
12 Land set aside for private common open space shall meet the
13 following design criteria, as relevant:
- 14 i. Common open space areas shall be distributed throughout
15 the development and located so as to be readily accessible
16 and useable by residents, unless the lands are sensitive
17 natural resources and access should be restricted. At least
18 one-half of such open space shall be contiguous, and no
19 portion of the required open space may be less than 2,000
20 square feet or less than 30 feet in its smallest dimension.
- 21 ii. The lands shall be compact and contiguous unless the land
22 shall be used as a continuation of an existing trail, or specific
23 topographic features require a different configuration. An
24 example of such topographic features would be the provision
25 of a trail or private open area along a riparian corridor. A
26 portion of the open space should provide focal points for the
27 development.
- 28 iii. Where private common open space areas, trails, parks, or
29 other public spaces exist adjacent to the tract to be
30 subdivided or developed, the private common open space
31 shall, to the maximum extent feasible, be located to adjoin,
32 extend, and enlarge the presently existing trail, park, or other
33 open area land.
- 34 e. **Ownership**
35 All private common open space areas shall be owned jointly or in
36 common by the owners of the development or permanently preserved
37 through some other mechanism satisfactory to the Director.
- 38 f. **Fee In Lieu Prohibited**
39 The payment of fees in lieu of the set-aside of land for private
40 common open space is prohibited.

41 **21.07.040 DRAINAGE, STORMWATER RUNOFF, EROSION CONTROL**

42 [RESERVED]¹⁸

21.07.050 UTILITY DISTRIBUTION FACILITIES¹⁹

A. Underground Placement Required for New or Relocated Lines

1. Except as provided in subsection B. below, all newly installed or relocated utility distribution lines shall be placed underground.
2. Utility distribution lines owned or operated by utilities that are parties to a joint trench agreement shall be placed underground in a joint trench.
3. Nothing in this section restricts the maintenance, repair, or reinforcement of existing overhead utility distribution lines.

B. Exceptions

1. Except where an assessment district has been formed to convert overhead utility distribution lines as provided in title 19.60, utility distribution lines need not be placed underground in the Class B improvement area defined in subsection 21.08.050.B., or in the I-2 zoning district. However, in the following areas newly installed or relocated utility distribution lines shall be placed underground: Lower Hillside, between and including Abbott Road, Rabbit Creek Road, Hillside Drive and the New Seward Highway.
2. Except where an assessment district has been formed to convert overhead utility distribution lines as provided in title 19.60, CATV utility distribution lines need not be placed underground where there are other overhead utility distribution lines; provided that, when all of the other overhead distribution lines are placed underground, the CATV utility distribution line shall be placed underground in a joint trench with the other utility distribution lines.
3. A new utility distribution line may be placed overhead when necessary immediately to restore service interrupted by accident or damage by flood, fire, earthquake or weather; provided that the utility distribution line shall be replaced by a utility distribution line conforming to this chapter within 12 months of its placement.
4. A utility distribution line or service connection may be placed on the surface of frozen ground, provided that it is placed underground within 12 months thereafter.
5. New facilities may be added to existing overhead utility distribution facilities located outside target areas.
6. A temporary utility distribution line may be placed overhead in connection with new construction if the utility's tariff approved by the state public utilities commission expressly provides for removal of that line by a date certain, not to exceed 12 months thereafter.

C. Variances

1. The Director may grant a variance from subsection A. above when any of the following is found:

- 1 a. Placing a utility distribution line underground would cause an
2 excessive adverse environmental impact;
- 3 b. Placing a utility distribution line underground would threaten public
4 health and safety, because the placement cannot be shown to meet
5 acceptable technical standards for safety; or
- 6 c. Placing a utility distribution line underground in an environmentally
7 sound and safe manner would cost more than three times the cost of
8 placing the line overhead, where the applicant demonstrates the
9 relative cost to the satisfaction of the Director.
- 10 2. The Director may grant a variance from subsection A. above when he or she
11 finds that the utility distribution line is being placed overhead temporarily for
12 one of the reasons listed in this subsection:
- 13 a. The line is being placed to provide service when weather conditions
14 do not allow excavation for underground placement;
- 15 b. A permanent location for underground placement is not available
16 because of construction in progress; or
- 17 c. The line is being placed to provide service to a temporary use or
18 structure.
- 19 3. The Planning and Zoning Commission may adopt regulations in accordance
20 with AMC chapter 3.40, delegating authority to grant variances under
21 subsection 1. and 2. above to the Director.
- 22 4. A variance issued under this subsection shall expire within two years of its
23 issuance.
- 24 **D. Nonconforming Overhead Lines²⁰**
- 25 Existing overhead utility distribution lines located where this title requires new or
26 relocated utility distribution lines to be placed underground are nonconforming utility
27 distribution lines and are subject to the provisions of this subsection. A utility
28 distribution line is not a nonconforming structure or use under chapter 21.11,
29 *Nonconformities*, solely because it is a nonconforming overhead line under this
30 section.
- 31 **E. Designation of Target Areas²¹**
- 32 1. An electric utility that owns poles that support nonconforming utility
33 distribution lines shall prepare or otherwise include as part of its annual
34 capital improvement plan, a five-year undergrounding program consistent with
35 subsection F. below. This five-year program shall be updated on an annual
36 basis. Priorities shall be based on undergrounding in conjunction with the
37 electric utility's essential system improvements and then by target area as set
38 forth below in no particular order of priority. The Director shall review and
39 provide comment for consideration by the electric utilities on these five-year
40 programs. When reviewing and commenting on these programs, the Director
41 shall consider the following factors in no particular order of priority:

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- a. Whether undergrounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities.
 - b. Whether the street or general area is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.
 - c. Whether the appearance of grounds and structures adjacent to the roadway is such that the removal of the overhead facilities will substantially improve the general appearance of the area.
 - d. Whether the street or area affects a public recreation area or an area of scenic interest.
 - e. Whether there is a significant opportunity to achieve economies due to the anticipated relocation or replacement of overhead lines or the widening or realignment of streets within a given area.
 - f. Whether the five-year program sufficiently addresses the objectives of subsection F. below.
 - g. Whether the area under consideration is within a zone where new and relocated distribution lines are required to be placed underground.
 - h. Whether the installation of underground distribution lines is economically, technically and environmentally feasible, including the effect on the attached utility.
2. The Director shall confirm annually that the electric utilities have developed project undergrounding implementation plans. The Director shall consult with the utilities and public agencies affected by any implementation plan. In reviewing implementation plans, the Director shall consider the factors stated in subsection 1. above.
3. The following shall be target areas:
- a. Central Business District: between and including Third Avenue and Tenth Avenue and L Street and Ingra Street.
 - b. Mid-town area: between and including New Seward Highway and Minnesota Drive and International Airport Road and Fireweed Lane.
 - c. All municipal and state street improvement projects except for those which do not require relocation of utility distribution facilities.
 - d. The following major traffic corridors:
 - i. Old Seward Highway.
 - ii. Ingra and Gambell Streets between and including Ninth Avenue and Fireweed Lane.

- 1 derived from utility service connections within the Municipality,
2 excluding toll revenues. For the purpose of satisfying 21.90.070, the
3 utility's expenditures pursuant to AS 42.05.381(h) within the
4 Municipality of Anchorage are counted toward this two percent
5 expenditure limit.
- 6 c. The electric utility that owns poles may choose which existing lines to
7 underground in order to fulfill the two percent expenditure
8 requirement, in consultation with appropriate public agencies and any
9 other utilities.
- 10 d. An electric utility that owns poles that does not expend the amount
11 required in subsection A. of this section, or that expends more than
12 that amount, may carry over the under expenditure or over
13 expenditure as an adjustment to the following year's obligation.
- 14 2. The electric utility that owns poles shall notify the Director, and utilities or
15 entities with lines attached to such poles, of the approximate date that the
16 owner plans to remove the poles. Such notice, where possible, shall be given
17 at least four months in advance of the undergrounding except where an
18 emergency or other unforeseen circumstances preclude such notice, in which
19 case such advance notice as is reasonable under the circumstances shall be
20 provided.
- 21 3. A utility shall annually submit a report of its undergrounding projects and
22 expenditures for non-conforming lines to the Director within 120 days of the
23 end of the preceding calendar year.
- 24 4. All new service connections shall be placed underground in the same manner
25 as required for utility distribution lines under subsection A. above. New
26 service lines may be temporarily installed above ground from October through
27 May, if placed underground within one year of installation.
- 28 **G. Lines in Municipal Right-of-Way**
- 29 1. The Department of Project Management and Engineering shall furnish to a
30 utility owning or operating utility distribution lines all planning documents for
31 municipal road construction that will require the relocation of those utility
32 distribution lines.
- 33 2. Once a utility installing a utility distribution line underground in material
34 compliance with a right-of-way permit issued by the Department of Project
35 Management and Engineering and in accordance with this chapter, the
36 Municipality shall reimburse the cost of any subsequent relocation of the utility
37 distribution line required by municipal road construction.
- 38 3. If municipal road construction requires the relocation of a nonconforming
39 utility distribution line, the Municipality, as part of the road construction project
40 cost, shall reimburse the cost of the relocation. Reimbursable costs under
41 this subsection include engineering and design, inspection, construction and
42 general overhead costs, but exclude utility plant betterment costs. Plant
43 betterment costs are the costs of providing utility distribution line capacity or

1 quality beyond what current industry standards require for the capacity or
2 level of service existing before the relocation.

3 **H. Conversion of Service Connections**

4 A utility that places a nonconforming utility distribution line underground as required by
5 subsection c. above shall bear the cost of placing underground any related service
6 connections or other utility facilities on a customer's premises, in accordance with the
7 utility's applicable tariff or rules or regulations of operation.

8 **21.07.060 TRANSPORTATION AND CONNECTIVITY**

9 **A. Purpose**

10 The purpose of this section 21.07.060 is to support the creation of a highly connected
11 transportation system within the Municipality in order to provide choices for drivers,
12 bicyclists, and pedestrians; increase effectiveness of municipal service delivery;
13 promote walking and bicycling; connect neighborhoods to each other and to local
14 destinations such as employment, schools, parks, and shopping centers; reduce
15 vehicle miles of travel and travel times; improve air quality; reduce emergency
16 response times; mitigate the traffic impacts of new development, and free up arterial
17 capacity to better serve regional long-distance travel needs.

18 **B. Applicability**

19 The standards of this section 21.07.060 shall apply to all development in the
20 Municipality.

21 **C. Traffic Impact Mitigation**

22 **1. Traffic Impact Analysis Required**

23 The transportation system for new development shall be capable of
24 supporting the proposed development in addition to the existing uses in the
25 area. Evaluation of system capacity shall be undertaken through a Traffic
26 Impact Analysis (TIA), which should consider the following factors without
27 limitation: street capacity and level of service; vehicle access and loading; on-
28 street parking impacts; the availability of transit service and connections to
29 transit; impacts on adjacent neighborhoods; and traffic safety including
30 pedestrian safety. At a minimum, a Traffic Impact Analysis (TIA) shall be
31 required with applications for development review and approval when:

- 32 **a.** Trip generation during any peak hour is expected to exceed 500 trips
33 per day or more than 100 trips during any one-hour peak period,
34 based on traffic generation estimates of the Institute of Transportation
35 Engineers' Trip Generation Manual (or any successor publication);
- 36 **b.** A TIA is required by the Planning and Zoning Commission or
37 Assembly as a condition of any land use application approved
38 pursuant to the requirements of this title; or
- 39 **c.** The Director shall, unless the Traffic Engineer deems it unnecessary
40 through a waiver, also require a TIA for:

- 1 i. Any project that proposes access to a street with Level of
2 Service "D" or below;
- 3 ii. Any application for a rezoning, conditional use, or major site
4 plan review;
- 5 iii. Any case where the previous TIA for the property is more
6 than two years old;
- 7 iv. Any case where increased land use intensity will result in
8 substantially increased traffic generation and reduction of the
9 existing level of service on affected streets by at least one
10 service level; or
- 11 v. Any case in which the Traffic Engineer determines that a TIA
12 should be required because of other traffic concerns than
13 may be affected by the proposed development.

14 **2. TIA and Development Review Process**

- 15 a. A scoping meeting between the developer and the Traffic Engineer
16 shall be required prior to the start of the TIA in order to determine its
17 parameters.
- 18 b. When access points are not defined or a site plan is not available at
19 the time the TIA is prepared, additional studies may be required when
20 a site plan becomes available or the access points are defined.

21 **3. Traffic Mitigation Measures**

22 The applicant shall, as part of the Traffic Impact Analysis, recommend
23 measures to minimize and/or mitigate the anticipated impacts and determine
24 the adequacy of the development's planned access points. Mitigation
25 measures shall be acceptable to the Traffic Engineer and may include,
26 without limitation: an access management plan; transportation demand
27 management measures; street improvements on or off the site; placement of
28 pedestrian, bicycle or transit facilities on or off the site; or other capital
29 improvement projects such as traffic calming infrastructure or capacity
30 improvements.

31 **D. Streets and On-Site Vehicular Circulation**

32 **1. Street Standards**

33 All streets shall meet the standards and requirements set forth in subsections
34 21.08.030.F.2., *Street Grades*, 21.08.030.F.3., *Street Alignment*, and
35 21.08.030.F.4. *Street Intersections*.

36 **2. Parking Lots**

37 In addition to complying with the standards in this subsection 21.07.060.D.,
38 parking areas shall comply with the standards set forth in section 21.07.090,
39 *Off-Street Parking and Loading*.

40 **3. Street Connectivity**

41 **a. Purpose**

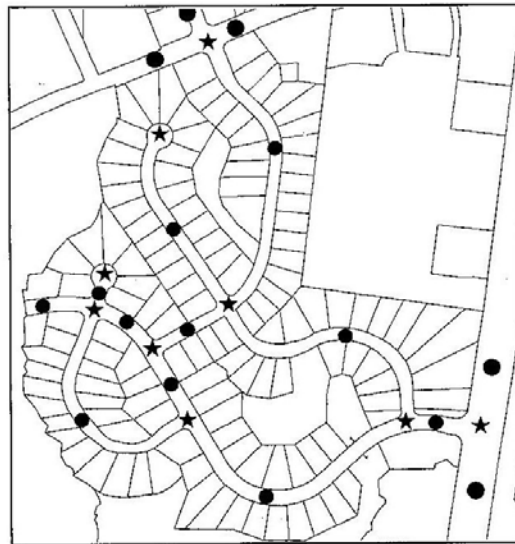
1 Street and block patterns should include a clear hierarchy of well-
2 connected streets that distribute traffic over multiple streets and avoid
3 traffic congestion on principal routes. Within each residential
4 development, the access and circulation system and a grid of street
5 blocks should accommodate the safe, efficient, and convenient
6 movement of vehicles, bicycles, and pedestrians through the
7 development, and provide ample opportunities for linking adjacent
8 neighborhoods, properties, and land uses. Local neighborhood street
9 systems are intended to provide multiple direct connections to and
10 between local destinations such as parks, schools, and shopping.
11 These connections should knit separate developments together,
12 rather than forming barriers between them.

13 **b. Internal Street Connectivity (Connectivity Index)²²**

14 i. All development shall achieve a connectivity index of 1.65 or
15 greater.

16 ii. The connectivity index for a development is calculated by
17 dividing its links by its nodes. Figure 21.07-1, *Calculation of*
18 *Connectivity*, provides an example of how to calculate the
19 connectivity index. Nodes (stars) exist at street intersections
20 and cul-de-sac heads within the development. Links (circles)
21 are stretches of road that connect nodes. Street stub-outs
22 are considered as links. One link beyond every node that
23 exists in the development and provides access to the greater
24 municipal street system shall be included in the index
25 calculation. In the diagram, there are 16 links (circles) and
26 nine nodes (stars); therefore the connectivity index is 1.78
27 ($16/9 = 1.78$).

28 **FIGURE 21.07-1: CALCULATION OF CONNECTIVITY**



29
30 iii. The Connectivity Index standard of 1.65 or greater may be
31 reduced if the owner/developer demonstrates it is impossible

1 or impracticable to achieve due to topographic conditions,
2 natural features, or adjacent existing development patterns.

3 iv. Whenever cul-de-sac streets are created, at least one eight-
4 foot wide pedestrian access easement shall be provided, to
5 the extent practicable, between each cul-de-sac head or
6 street turnaround and the sidewalk system of the closest
7 adjacent street or pedestrian pathway. This requirement shall
8 not apply where it would result in damage to or intrusion into
9 significant natural areas such as stream corridors, wetlands
10 and steep slope areas.

11 c. **External Street Connectivity**

12 i. The arrangement of streets in a development shall provide for
13 the alignment and continuation of existing or proposed streets
14 into adjoining lands in those cases in which the adjoining
15 lands are undeveloped and intended for future development
16 or in which the adjoining lands are developed and include
17 opportunities for such connections.

18 ii. Street rights-of-way shall be extended to or along adjoining
19 property boundaries such that a roadway connection or street
20 stub shall be provided for development at least every 1,500
21 feet for each direction (north, south, east, and west) in which
22 development abuts vacant lands. The Director may waive
23 this requirement where topography or the presence of
24 sensitive natural areas makes compliance impractical.

25 iii. At all locations where streets terminate with no street
26 connection, but a future connection is planned or
27 accommodated, a sign shall be installed at the location with
28 the words "FUTURE ROAD CONNECTION" to inform
29 property owners.

30 d. **Vehicular Access to Public Streets**

31 Any development of more than 100 residential units or additions to
32 existing developments such that the total number of units exceeds
33 100 shall be required to provide vehicular access to at least four
34 public streets unless such provision is deemed impractical by the
35 Director, Traffic Engineer, and Municipal Engineer due to topography,
36 natural features, rural character (if the area within which the
37 development is located is rural), or the configuration of adjacent
38 developments.

39 e. **Connections to Vacant Land**

40 Where new development is adjacent to land likely to be developed or
41 redeveloped in the future, all streets, bicycle paths, and access ways
42 in the development's proposed street system shall continue through
43 to the boundary lines of the area, as determined by the Director,
44 Traffic Engineer, and the Municipal Engineer, to provide for the
45 orderly subdivision of such adjacent land or the transportation and
46 access needs of the community. In addition, all redevelopment and
47 street improvement projects shall take advantage of opportunities for

1 retrofitting existing streets to provide increased vehicular and
2 pedestrian connectivity.

3 **f. Cul-de-Sacs and Dead-End Streets**

4 The design of street systems is encouraged to use through-streets.
5 Permanent cul-de-sacs and dead-end streets are appropriate when
6 topography, the presence of natural features, and/or vehicular safety
7 factors make a vehicular connection impractical. Where cul-de-sacs
8 or dead-end streets are unavoidable, site and/or subdivision plans
9 shall incorporate provisions for future vehicular connections to
10 adjacent, undeveloped properties, and to existing adjacent
11 development where existing connections are poor.

12 **g. Cross Access to Adjacent Properties**

13 All non-residential development shall be designed to allow for cross-
14 access to adjacent properties to encourage shared parking and
15 shared access points on public or private streets. When cross-access
16 is deemed impractical by the Traffic Engineer or Municipal Engineer
17 on the basis of topography, the presence of natural features, or
18 vehicular safety factors, this requirement may be waived provided that
19 appropriate bicycle and pedestrian connections are provided between
20 adjacent developments or land uses. A cross access easement must
21 be recorded prior to issuance of a Certificate of Zoning Compliance
22 for the development.

23 **h. Neighborhood Protection from Cut-through Traffic**

24 Street connections shall connect neighborhoods to each other and to
25 local destinations such as schools, parks, greenbelt trail systems and
26 shopping centers, while minimizing neighborhood cut-through vehicle
27 traffic movements that are non-local in nature. Configuration of local
28 and internal streets and traffic calming measures shall be used to
29 discourage use of the local street system for cut-through collector or
30 arterial vehicle traffic.

31 **E. Standards for Pedestrian Facilities**

32 **1. Sidewalks**

33 **a.** All sidewalks shall be designed to comply with the standards of the
34 Design Criteria Manual (DCM) and Municipality of Anchorage
35 Standard Specifications (MASS).

36 **b.** Sidewalks shall be installed on both sides of all arterials, collector
37 streets, and local streets (including loop streets and cul-de-sacs), and
38 within and along the frontage of all new development or
39 redevelopment. This requirement shall not apply to local streets in
40 districts in which the minimum lot size is 40,000 square feet or greater
41 or in steep-slope areas where sidewalks on one side of the street
42 may be approved by the Director to reduce excessive slope
43 disturbance, adverse impacts on natural resources, and potential soil
44 erosion and drainage problems.²³

45 **c.** To the extent reasonably feasible, pedestrian crossings shall be
46 made safer for pedestrians whenever possible by shortening

1 crosswalk distance with curb extensions, reducing sidewalk curb radii,
2 and eliminating free right-turn lanes. Signals that allow longer
3 crossing times in commercial and mixed-use districts, mid-block
4 crossings in high-pedestrian use areas (if well-marked and traffic
5 speeds are low), and raised crosswalks and medians shall be
6 provided as appropriate.

7 **2. On-site Pedestrian Walkways**

8 **a. Continuous Pedestrian Access**

9 Pedestrian walkways shall form an on-site circulation system that
10 minimizes conflict between pedestrians and traffic at all points of
11 pedestrian access to on-site parking and building entrances.

12 **b. On-site Pedestrian Connections**

13 Site plans shall orient to pedestrian site access points and
14 connections to surrounding street and trails networks, to destinations
15 such as schools or shopping within one-quarter mile of the site, and
16 to pedestrian linkage points on adjacent parcels, including building
17 entrances, transit stops, walkway easements, and signalized street
18 crossings. On-site pedestrian walkways shall connect (a) building
19 entrances to one another and (b) from building entrances to public
20 sidewalk connections and existing or planned transit stops. If
21 buildings are not placed directly on the public sidewalk, then
22 pedestrian walkways shall link the principal pedestrian site access to
23 building entrances. All developments that contain more than one
24 building shall provide walkways between the principal entrances of
25 the buildings.

26 **c. Through-Block Connections**

27 Within residential and/or non-residential developments, pedestrian
28 ways, crosswalks, or multi-purpose trails no less than five feet in
29 width shall be constructed near the center and entirely through any
30 block that is 900 feet or more in length where necessary to provide
31 adequate pedestrian circulation or access to schools, churches, retail
32 stores, personal service establishments, recreational areas, or
33 transportation facilities.

34 **d. Cul-de-sacs and Dead-end Streets**

35 Where residential developments have cul-de-sacs or dead-end
36 streets, such streets shall be connected to the closest local or
37 collector street or to cul-de-sacs in adjoining subdivisions via a
38 sidewalk or multi-use path, except where deemed impractical by the
39 Director.

40 **3. Trails**

41 While not encouraged to substitute for a good system of on-street facilities,
42 multi-use trails may be used to enhance pedestrian and bicycle travel where
43 the existing circulation system does not serve these needs well, or where
44 other open spaces provide corridors free of obstacles. However, all trails
45 shall connect to the street system in a safe and convenient manner, and shall
46 meet the following requirements in addition to the standards contained in the
47 Areawide Trails Plan, Design Criteria Manual (DCM), and Municipality of
48 Anchorage Standard Specifications (MASS):

- 1 a. All trail connections shall be well-signed with destination and
2 directional signing.
- 3 b. All trails shall connect origin and destination points such as residential
4 areas, schools, shopping centers, parks, etc.
- 5 c. All trails shall be built in locations that are visible and easily
6 accessible, for the personal safety of users.
- 7 d. Trails shall be designed in such a manner that motor vehicle
8 crossings can be eliminated or significantly minimized.

9 **4. Use and Maintenance of Sidewalks, Walkways, and Trails**

- 10 a. **Restrictions on Use**
11 Sidewalks, walkways, and trails are intended to provide pedestrian
12 access. Vehicle parking, required snow storage for vehicle areas,
13 garbage containers, merchandise storage or display, utility boxes and
14 poles, signs, trees, and other obstructions shall not encroach into the
15 required minimum clear width of any required sidewalk, trail, walkway,
16 or other pedestrian way. Pedestrian amenities including bollards and
17 garbage containers for pedestrians are exempt from this requirement.
- 18 b. **Maintenance and Snow Removal**
19 Sidewalks, trails, and walkways required by this title shall be
20 maintained in usable condition throughout the year, including snow
21 removal as appropriate.

22 **F. Standards for Bicycle Facilities**

- 23 1. **Bicycle Lanes Encouraged**
24 Locations for bicycle lanes are identified in the Areawide Trails Plan and
25 information about the design standards are included in the Design Criteria
26 Manual. Bicycle lanes are encouraged in the design of all arterial, collector,
27 and local streets where low traffic speeds and volumes allow bicyclists and
28 motorists to share the road safely.

29 **21.07.070 NEIGHBORHOOD PROTECTION STANDARDS²⁴**

30 **A. Purpose and Relationship to Other Requirements**

31 This section provides for transitions between non-residential and residential uses,
32 through discretionary approval criteria that may be applied in combination with other
33 development standards in this chapter 21.07, in order to provide significantly more
34 protection for neighborhoods from the impacts of adjacent development. This section
35 makes available a menu of additional tools to use in discretionary approvals to protect
36 residential neighborhoods from potential adverse impacts of adjacent nonresidential
37 uses, including limitations on hours of operation, noise, and lighting.

38 **B. General Conditions**

39 As a condition of the approval of any conditional use permit, site plan review²⁵,
40 subdivision, or variance of any nonresidential use located in or within 300 feet of any
41 residential district, the decision-making body shall be authorized to impose conditions

1 that are necessary to reduce or minimize any potential adverse impacts on residential
2 property. Such conditions may include but are not limited to the following:

- 3 1. Hours of operation and deliveries;
- 4 2. Location on a site of activities that generate potential adverse impacts on
5 adjacent uses, such as noise and glare;
- 6 3. Placement of trash receptacles, compactors, or recycling;
- 7 4. Location and screening of loading and delivery areas;
- 8 5. Lighting location, design, intensity, and hours of illumination;
- 9 6. Placement and illumination of outdoor vending machines, telephones, or
10 similar outdoor services and activities;
- 11 7. Additional landscaping and screening to mitigate adverse impacts;
- 12 8. Height restrictions to preserve light and privacy and views of significant
13 features from public property and rights of way;
- 14 9. Preservation of natural lighting and solar access;
- 15 10. Ventilation and control of odors and fumes; and
- 16 11. Paving to control dust.

17 **C. Residential Development Adjacent To Existing Commercial or Industrial Use²⁶**

18 When a residential development is proposed adjacent to an existing commercial or
19 industrial use, the decision-making body may impose neighborhood protection
20 standards and may require the residential development to be configured and dwelling
21 units located to minimize potential conflicts with or adverse impacts from the existing
22 industrial development. Any required mitigation measures shall be installed and
23 maintained by the residential development, not the existing commercial or industrial
24 use.

25 **21.07.080 LANDSCAPING, SCREENING, AND FENCES²⁷**

26 **A. Purpose**

27 This section is intended to ensure that new landscaping and the retention of existing
28 vegetation is an integral part of all development and that it contributes added high
29 quality to development, retains and increases property values, improves the
30 environmental and aesthetic character of the community. It is also the intent of this
31 section to provide flexible requirements that encourage and allow for creativity in
32 landscape design. Specific purposes include to:

- 33 1. Improve the general appearance of Anchorage, its aesthetic appeal and
34 identity, and the image of its street corridors and urban districts;

- 1 2. Encourage a pleasant visual character for new development which recognizes
2 aesthetics and safety issues;
- 3 3. Unify development and enhance and define public and private spaces;
- 4 4. Improve compatibility between land uses by reducing the visual and
5 operational impacts of more intensive uses upon adjacent properties;
- 6 5. Promote the use of existing vegetation and retention of Anchorage's trees,
7 woodlands and urban forest;
- 8 6. Reduce runoff and erosion, control dust, and preserve air and water quality;
9 and
- 10 7. Encourage use of native plants or provide landscaping that is compatible with
11 the climate and natural setting of the Anchorage area and can provide desired
12 effects even during harsh urban and winter conditions.

13 **B. Applicability**

14 All development, unless specifically exempted in this section 21.07.080 shall comply
15 with the landscaping and screening standards of this section 21.07.080. Additional
16 landscaping may be required by other standards set forth in this title. Except where
17 specifically stated otherwise, the following development is exempt from the
18 requirements of this section:

- 19 1. Individual single-family, two-family and townhouse residential dwellings on
20 separate lots, where such residential use is the primary use on the lot;
- 21 2. New single-family, two-family and townhouse subdivisions with fewer than 5
22 lots and less than 5 dwellings; and
- 23 3. Temporary uses listed in section 21.05.080, except that landscaping and/or
24 screening may be required pursuant to the provisions for the specific
25 temporary use in section 21.05.080.

26 **C. Landscaping Plan²⁸**

27 All landscaping and screening required under this section 21.07.080 shall be reflected
28 on a landscaping plan reviewed and approved by the decision-making body. Such
29 plan may be combined with any land clearance, vegetation protection, erosion control,
30 or snow removal plan required for compliance with other sections of this title. Where
31 a landscaping plan is required under this title, the plan shall include the information
32 specified in the Title 21 User's Guide.

33 **D. Alternative Equivalent Compliance**

34 The standards of this section 21.07.080 are intended to encourage development
35 which is economically viable and allow creative solutions while achieving the intent of
36 this section. Site conditions may arise where normal compliance is impractical or
37 impossible, or where the maximum achievement of the Municipality's objectives can
38 be obtained through alternative compliance. The alternative equivalent compliance
39 procedure set forth in subsection 21.07.010.B. may be used to propose alternative

1 means of complying with the intent of this section. Any proposed alternative
2 landscaping and screening shall be equal to or greater than normal compliance in
3 terms of quality, durability, hardiness and ability to fulfill the standards of this section.
4 In order to be considered for alternative equivalent compliance, one or more of the
5 following landscaping-specific conditions shall be met:

- 6 1. Topography, soil, vegetation, or other site conditions are such that full
7 compliance is impossible or impractical; or improved environmental quality
8 would result from the alternative compliance;
- 9 2. Sites involving space limitations or unusually shaped parcels may justify
10 alternative compliance for in-fill sites and for improvements and
11 redevelopment in older areas;
- 12 3. Safety considerations make alternative compliance necessary; or
- 13 4. An alternative compliance proposal is equal to or better than normal
14 compliance in its ability to fulfill the intent of this section.

15 **E. Cross-reference to Other Requirements**

16 Any use required to provide landscaping or screening pursuant to the use-specific
17 standards of sections 21.05.030 through 21.05.060 shall provide such use-specific
18 landscaping or screening. In the event of a conflict between the use-specific
19 requirements and the requirements of this section 21.07.080, the use-specific
20 provisions shall govern.

21 **F. Landscaping²⁹**

22 **1. General Description of Landscaping Requirements**

23 Four types of landscaping³⁰ may be required for a development, depending
24 on the use and zoning district of the property and adjacent properties, and the
25 portion of the property involved. These types of landscaping are: (1) site
26 enhancement landscaping, (2) site perimeter landscaping, (3) parking lot
27 landscaping, and (4) trees. Each type of required landscaping shall meet the
28 minimum standards of subsection 21.07.080G, *General Landscaping*
29 *Requirements and Standards*, and shall be shown on a landscaping plan that
30 meets the requirements of subsection 21.07.080C, Landscaping Plan, unless
31 exempted by the terms of those sections. The type and amount of planting
32 material required to meet these requirements is determined by adding up
33 "landscape units," which are described in subsection 21.07.080F.3. below.
34 The site enhancement, site perimeter, parking lot and tree landscaping
35 requirements are set forth in subsections 21.07.080F.4., 5., 6., and 7. below.

36 **2. Shared Credit among Landscaping Types**

37 Credit for one type of landscaping may be applied to another, within the
38 following parameters:

- 39 a. Landscaping provided to meet a site perimeter landscaping
40 requirement may be used to satisfy a requirement for parking lot
41 perimeter landscaping, or vice versa, along the same lot line or street
42 frontage;

- 1 b. Trees retained or planted as part of site enhancement, perimeter or
- 2 parking lot landscaping may be counted toward a tree landscaping
- 3 requirement, where the landscaping area coincides with a required
- 4 tree area;

- 5 c. Trees retained or planted as part of a tree requirement may count
- 6 toward other kinds of landscaping;

- 7 d. Where one kind of required landscaping area coincides with another,
- 8 the stricter provisions shall apply; and

- 9 e. Site enhancement and interior parking lot landscaping may not be
- 10 counted toward site perimeter or parking lot perimeter landscaping.
- 11 Interior parking lot landscaping requirements may not be met by any
- 12 other type of landscaping.

13 **3. Landscape Units Awarded**

14 To provide for flexibility, allow design creativity, and encourage use of larger

15 trees and retention of natural vegetation, the required amount of planting

16 material for site enhancement, site perimeter, parking lot or tree retention

17 landscaping is based on a “landscape units” point system. The number of

18 units awarded to each landscaping element is as follows:

19

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TABLE 21.07-2: LANDSCAPE UNITS AWARDED		
Landscape Material	Landscape Units Awarded	
	Newly Installed	Existing Retained
Landmark or Signature Tree	n/a	16
Evergreen Tree, >10 ft high	8	14
Evergreen Tree, >8 – 10 ft high	8	11
Evergreen Tree, 6 – 8 ft high	6	9
Deciduous Tree, > 8” caliper	n/a	14
Deciduous Tree, >4 – 8” caliper	n/a	11
Deciduous Tree, >2.5 – 4” caliper	7	7
Deciduous Tree, 1.5” – 2.5” caliper or multi-stem	4	4
Shrubs, 36” high	1	1.2
Shrubs, 24” high	0.8	0.9
Shrubs, 18” high	0.5	0.6
Perennials/ground cover	1 per 400 sq ft	
Annual flower bed	1 per 400 sq ft	
Lawn Grass	1 per 800 sq ft	
Flower Basket Support	0.2 per basket	
Earthen Berm, minimum 18” high	0.05 per linear foot	

TABLE 21.07-2: LANDSCAPE UNITS AWARDED	
Hardscape Material	Units Awarded
Decorative (Ornamental) Fence	0.20 per linear foot
Screening (Opaque) Fence (6 ft high or greater)	0.40 per linear foot
Shredded bark or 3"+ rock mulch such as river rock	1 per 500 sq ft
Ornamental pavers	1 per 250 sq ft
Landscape Boulders, 3' or greater in height	1 per boulder
Seating	0.40 per linear foot
Landscape lighting, sculpture, art, water feature, and/or sheltering structure/landmark	As determined by UDC, per 21.07.080.E.1.d
Retained Existing Vegetation Mass [1]	Bonus Landscaping Units Awarded
300+ square feet with a minimum of 3 deciduous trees (4" caliper or greater), 3 evergreen trees (minimum 6 feet high) or any combination thereof	15%
500+ square feet with a minimum of 5 deciduous trees (4" caliper or greater), 5 evergreen trees (minimum 6 feet high) or any combination thereof	20%
800+ square feet with a minimum of 8 deciduous trees (4" caliper or greater), 8 evergreen trees (minimum 6 feet high) or any combination thereof	25%
NOTES:	
[1] Points awarded for retained vegetation in perimeter buffers may only be applied in the buffer area along the same lot line or street frontage where the vegetation is found.	

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4. Site Enhancement Landscaping³¹

a. Purpose

Site enhancement landscaping increases the greenery and seasonal color on open areas of a site, adding beauty to both the property and the community. It includes foundation plantings, front, side and rear-yard greenery, and common area plantings, but not street frontage space, parking lots or site perimeter buffers. It enhances the appearance and function of the building and site and reinforces its continuity with the surrounding properties. For example, site enhancement landscaping can provide orientation and improve pedestrian comfort.

b. Applicability of Site Enhancement Landscaping

All ground surfaces on any development site that are not devoted to buildings, structures, storage yards, drives, walks, off-street parking or other authorized facilities, and not otherwise devoted to landscaping required by this chapter, shall provide site enhancement landscaping.

c. Specifications for Site Enhancement Landscaping

In any area where site enhancement landscaping is required, a minimum of 1 landscape unit per 50 square feet (.02 units per 1 square foot) of planting area shall be provided, with at least one-half of the landscape units being trees. Buildings shall be separated from vehicle driveways or parking areas by a walkway or foundation

1 plantings, except in loading service areas and in industrial zones or
2 the AD district.

3 **5. Site Perimeter Landscaping**

4 **a. Purpose**

5 Site perimeter landscaping separates land uses of different
6 characteristics or intensities, to minimize the effects of one land use
7 on another. It softens or reduces unwanted views, operational
8 effects, and other impacts of a land use on adjacent properties.
9 Buffers include the use of trees, shrubs, setbacks devoted to
10 vegetation, berms and fences. Perimeter landscaping can also mark
11 the interface between public streets and individual property, soften
12 the visual impacts of development on public streets, and help to
13 frame Anchorage’s streetscapes with trees and vegetation. Four
14 levels of site perimeter landscaping are provided to accommodate a
15 variety of land uses at a variety of intensities:³²

16 **i. L1 Edge Treatment**

17 Edge Treatment perimeter landscaping is used to define the
18 boundary between private property and public streets, or
19 between two parcels. It is applied where a minimal visual
20 break or buffer is adequate to soften the impacts of a use,
21 and additional landscaping is not necessary. It does not
22 visually obscure the appearance of a land use. It consists of
23 ground covers, perennials, wildflowers, shrubs, fencing, or
24 other hardscape elements.

25 **ii. L2 Buffer**

26 Buffer perimeter landscaping uses a combination of distance
27 and low level buffer landscaping to soften the visual impacts
28 of a use or development, or where visibility between areas is
29 more important than a visually obscuring screen. It is usually
30 applied along street lot lines, and helps to frame Anchorage’s
31 streetscapes with consistent treatments of trees and
32 vegetation. It is the narrowest buffer that provides enough
33 planting bed width for trees.

34 **iii. L3 Separation**

35 Separation perimeter landscaping is intended to provide
36 greater physical and visual separation between uses or
37 developments. It provides enough width so that trees may be
38 clustered to provide greater visual buffering.

39 **iv. L4 Screening**

40 Screening perimeter landscaping is employed as the highest
41 level separation where there are incompatible land uses of
42 contrasting character and density. It is also used along
43 freeways to protect major visual corridors and entrance
44 gateways into the community.

45 **b. Applicability of Site Perimeter Landscaping**

46 Site perimeter landscaping shall be provided along the perimeter
47 property line of development sites, except for at approved points of

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pedestrian or vehicle access, in accordance with Table 21.07-3 as follows:

TABLE 21.07-3: APPLICABILITY OF SITE PERIMETER LANDSCAPING									
District of Proposed Development	Required Level of Site Perimeter Landscaping (Level 1, 2 or 3) Adjacent to the Following Zoning Districts or Streets:								
	R-5 to R-10, TA, W	R-1, R-2, R-3	R-4, RMX, O	C-2 (A,B,C), RCMU	NMU-1, NMU-2, CCMU	AC, I-1	OL	Freeway [2]	Collector, Arterial, Expressway
R-5 - R-10, TA [1]								L4	L2
PLI	L3	L2	L2					L4	L3
R-1, R-2 [1]	L2						L2	L4	L2
R-3 [1]	L3	L2					L2	L4	L2
R-4, RMX	L4	L3					L3	L4	L2
C-2 (A, B, C)								L4	
NMU-1, NMU-2, CCMU, O	L3	L2	L2				L3	L4	
RCMU, MMU		L3	L2		L2		L3	L4	
AC, MC	L3	L3	L3	L2	L2		L3	L4	L2
I-1 IC	L3	L3	L3	L2	L2		L3	L4	L2
AF	L3	L3	L3	L3	L3			L4	L4
MI, I-2, AD	L4	L4	L4	L3	L3	L2	L4	L4	L2
Non-residential use in R zone	L3	L2	L2				L2	L4	L2
NOTES: [1] Individual single-family, two-family and townhouse residential dwellings on separate lots, or to new single-family, two-family and townhouse subdivisions with fewer than 5 lots and less than 5 dwellings are exempt from site perimeter landscaping requirements. L4 screening landscaping requirement along freeways shall apply to any lot adjacent to the right-of-way of a freeway designated in the OS&HP on roadway sections built to freeway design standards with full grade separations of intersecting streets, or to streets functioning as frontage roads for such freeways.									

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c. **Specifications for Site Perimeter Landscaping**

In any area where site perimeter landscaping is required according to Table 21.07-3, the planting requirements in Table 21.07-4 shall apply. The amount of landscaping required in Table 21.07-4 is measured per linear foot of property line or street frontage. Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining site perimeter landscaping area.

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TABLE 21.07-4: SPECIFICATIONS FOR SITE PERIMETER LANDSCAPING

Requirement	L1 Edge Treatment	L2 Buffer	L3 Separation	L4 Screening [3]
Planting Area Width (minimum average) [1]	3 ft	8 ft	15 ft	30 ft.
Planting Area Width (minimum at any point) [1]	3 ft	8 ft	12 ft	20 ft
Total Landscape Units Required per linear foot of property line or street frontage	0.30 units per linear foot	0.40 units per linear foot	1.1 units per linear foot	2.2 units per linear foot
Minimum number of landscape units that shall be trees	none	0.25 units per linear foot	0.60 units per linear foot	1.5 units per linear foot [4]
Minimum number of landscape units that shall be evergreen trees	none	none	0.30 units per linear foot [2]	1.0 units per linear foot [2]
Minimum number of landscape units that shall be shrubs	0.20 units per linear ft, either hedge or fence	0.05 units per linear foot	0.10 units per linear foot	0.15 units per linear foot
Additional Standards:				
[1] Minimum width of planting area shall be measured as the width of the planting beds between the back of edge curbing. Where there will be vehicle overhang along any curb edge, add 2 feet to the required minimum width.				
[2] Because of low sun angles at Anchorage's latitude, in order to minimize solar shadowing of abutting residential lots in the spring and fall, the director may waive the requirement that a minimum number of trees shall be evergreen, along north lot lines that abut residential or mixed-use districts, where the lot line runs within 30 degrees of east-west.				
[3] No sign of any kind is permitted along freeways within the planting area of L4 Screening perimeter landscaping. ³³				
[4] Existing natural vegetation in any required L4 Screening perimeter landscaping area shall not be disturbed, provided that, if that vegetation does not meet the standards for L4 Screening, screening landscaping shall be planted. Existing vegetation cannot be disturbed to achieve the screening standard through supplemental plantings. If disturbed, it shall be restored. ³⁴				

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6. Parking Lot Landscaping³⁵

a. Purpose

Parking lot landscaping softens and adds texture to extensive paved surfaces associated with multifamily residential and non-residential development. It also contributes to storm water management, provides orientation to entrances, increases outdoor comfort levels, and mitigates wind and dust in large parking areas. Parking lot landscaping is intended as a visual buffer that softens visual impacts, not a barrier that eliminates natural surveillance. It consists of perimeter and interior parking lot landscaping.

b. Applicability of Parking Lot Landscaping

Parking lot landscaping requirements shall apply to parking lots with six (6) or more parking spaces that are accessory to any multifamily

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1 or non-residential building or use established, and to parking lots that
2 are the principal use on a site.

3 **c. *Parking Lot Perimeter Landscaping***

4 Perimeter parking lot landscaping shall be required for all parking lots
5 having more than five spaces where the parking lot is adjacent to a
6 public street or a non-retail use such as a residential area,
7 institutional use (e.g., hospital), or office, as provided below.

8 **i. *General Requirement***

9 The parking lot perimeter landscaping requirement may be
10 satisfied by complying with one of the following options:

11 **(A) *Option 1:*** L4 Screening as defined in subsection
12 21.07.080F.5.a.iv. and Table 21.07-4; or

13 **(B) *Option 2:*** L3 Separation as defined in subsection
14 21.07.080F.5.a.iii. and Table 21.07-4, with
15 ornamental fencing and a maximum two-foot vehicle
16 overhang area or no parking spaces adjacent to the
17 landscaping. This option shall be available only to
18 parking lots with fewer than 100 spaces, or if less
19 than 70 percent of the parking spaces are located in
20 the Front Parking Area; or

21 **(C) *Option 3:*** L2 Buffer as defined in subsection
22 21.07.080F.5.a.ii. and Table 21.07-4, with ornamental
23 fencing and no vehicle overhang or no parking
24 spaces adjacent to the landscaping. This option shall
25 be available only to parking lots with fewer than 40
26 spaces, or if less than 50 percent of the parking
27 spaces are located in the Front Parking Area.

28 **(D) *Option 4:*** Where lots are being developed under a
29 common site plan, master site plan, or joint
30 parking/circulation plan in a mixed-use district, the
31 parking lot perimeter landscaping requirement may
32 be waived along an interior lot line, providing that
33 interior parking lot landscaping applies to both
34 parking lots together.

35 **ii. *Exceptions - Mixed Use Zoning Districts***

36 **(A)** Option 2 from the subsection above is available to any
37 parking lot;

38 **(B)** Option 3 from the subsection above is available to any
39 parking lot in which less than 50 percent of the
40 parking spaces are located in the Front Parking Area.

41 **(C)** L1 Edge Treatment perimeter landscaping as defined
42 in subsection 21.07.080F.5.a.i. and Table 21.07-4,
43 may be used to satisfy a parking lot perimeter
44 requirement along interior lot lines. It may also be

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- iv. ***Landscape Massing***
Landscaping should be massed rather than spread throughout the interior of a lot to create a more significant visual impact, to increase the rate of survival of the landscaping, and to facilitate snow removal. Trees and shrubs should be massed within planting areas to protect them from damage and to facilitate snow removal/storage.
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- v. ***Preferred Locations***
The preferred locations for planting areas within parking lots are along major drives and entryways, dividing more than two double-loaded parking bays, and outlining pedestrian walkways within the parking areas.³⁷
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- vi. ***Natural Surveillance and Safety***
Good visibility in parking lots is important for both security and traffic safety reasons. Plants and trees that restrict visibility, such as tall shrubs and low branching trees, should be avoided. Therefore, parking lot interior landscaping shall minimize vegetation and solid or semi-open fences between 3 feet and 7 feet above grade. Berms used as part of interior landscaping areas shall not exceed three feet in height.
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- vii. ***Central Business Zone Districts***
No interior landscaping shall be required for parking lots within the CBD Districts.
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7. **Trees³⁸**
- a. ***Purpose***
This section is a tree requirement for new residential development. It encourages the retention of trees, minimizes the impact of tree loss during construction, and promotes a sustained presence of trees and woodlands in urbanized areas of Anchorage. Trees are an important characteristic of Anchorage, providing economic support of local property values; enhancing the Anchorage's natural beauty and identity; reinforcing the pleasant physical character of residential neighborhoods; protecting anadromous fish and wildlife habitat; ameliorating impacts of development on drainage, soil erosion, air quality, and water quality in Anchorage's water ways; sheltering from inclement weather; and visual buffering of urban development.
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- b. ***Applicability of Tree Requirement***
The tree requirement applies to new multifamily development and residential subdivisions. The tree requirement does not apply to individual single-family, two-family and townhouse dwellings on a separate lot, where such residential use is the primary use on the lot, or to new single-family, two-family and townhouse subdivisions with fewer than 5 lots and less than 5 dwellings. Nor does it apply to the removal of dead, diseased or naturally fallen trees or vegetation, or trees or vegetation that the Director finds to be a threat to the public health, safety or welfare.

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- c. **Minimum Tree Density**
A minimum of number of tree landscape units, as defined in Table 21.07-2 in subsection 21.07.080F, is required on the buildable area of residential development, as provided below. Tree density may consist of retained trees, installed trees, or a combination of retained and installed trees. For the purpose of calculating required minimum tree density, “buildable area” shall not include areas to be dedicated as public right-of-way.
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- i. A minimum tree density of 165 tree landscape units per acre is required on each single family lot in new residential subdivisions.
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- ii. A minimum tree density of 165 tree landscape units per acre is required on each multifamily residential development site.
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- d. **Tree Retention and Planting**
The minimum tree density requirement may be met using trees on the lot. Trees to be retained shall be depicted on the landscaping plan. Where site characteristics or construction preferences to not support tree preservation, tree plantings may be used to satisfy this standard.
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- e. **Tree Retention Priorities**
Priorities for preservation of existing trees are listed below, in order of descending priority. Landscaping plans should preserve existing trees in the highest priority category of on-site location possible. No tree retention area used to meet the requirements of this section may be located in public or private rights-of-way, utility easements or visibility clearance areas as defined in subsection 21.06.020A.8.
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- i. *Landmark Trees*
- ii. *Signature Trees*
- iii. *Sensitive Environmental Areas and Existing Wooded Areas*
Sensitive environmental areas and features, including areas with large numbers of mature trees, areas containing multiple signature trees, wetland areas, stream corridors, the margins of existing lakes or ponds, natural drainages, wildlife habitat areas, steep slopes or geological hazard areas.
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- iv. *Required Perimeter Landscaping Areas*
Areas where site perimeter or parking lot perimeter landscaping is required pursuant to this section 21.07.080.
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- v. *Other Individual Trees or Groups of Trees*
- f. **Tree Tracts**
For residential subdivisions consisting of more than 50 residential lots, at least 75% of the required minimum tree density shall be located within separate deeded tree tracts held in common ownership by the homeowners association, or comparable entity. Tree tracts shall be a condition of approval and identified on the face of the plat.

1 The applicant shall also execute a covenant in a form agreeable to
2 the municipality which shall require compliance of the owner and
3 homeowner's association with the maintenance requirements of this
4 section.

5 **G. General Landscaping Requirements and Standards³⁹**

6 All required landscaping, screening or fences shall comply with the following
7 standards:

8 **1. Plant Materials**

9 **a. *Plant Choices and Quality*⁴⁰**

10 Plant species selected shall be adapted to the local climate and
11 suitable for the site. Trees, shrubs, and groundcover plants affected
12 by streets, driveways, and parking lots shall be salt-resistant, tolerant
13 to urban conditions such as pollution, and should be drought-tolerant
14 to ensure a low-maintenance landscape and increase survival rates.
15 All plant materials for required landscaping and screening shall be
16 selected from the Anchorage Master Tree and Shrub List, and shall
17 be living and free of defects; and of normal health, height, and spread
18 as defined by the American Standard for Nursery Stock, ANSI Z60.1,
19 latest available edition, American Nursery and Landscaping
20 Association. Plants may be nursery grown, field grown, or
21 transplanted, provided transplanting meets ANSI standards.

22 **b. *Credit for Retaining Existing Plant Materials***

23 Given the short growing season, difficulty in establishing vegetation,
24 and the size and character of individual trees, the retention of existing
25 vegetation typically produces a far more beneficial effect in
26 Anchorage than installed landscaping. Therefore, existing vegetation
27 may be retained to meet the standards in a required landscaping
28 area, if vegetation retention areas are protected and maintained
29 during and after construction as specified in [x-ref], *Planting Beds and*
30 *Vegetation Areas*, below, and if the vegetation is not listed as
31 prohibited on the Anchorage Master Tree and Shrub List. If existing
32 vegetation does not meet the standards for the required landscaping
33 area, then it may be supplemented with installed landscaping as
34 necessary to comply with the requirement. Applicants receive greater
35 credit for retained trees than for planted trees, as provided in Table
36 21.07-2, *Landscape Units Awarded*.

37 **c. *Winter Color and Interest***

38 The use of plants with year-round color and texture to offset the
39 reduced daylight and whites, browns, and grays of the seven months
40 outside of the growing season is encouraged. The use of permanent
41 hardscape features such as landscape lighting, landscape boulders,
42 or landscape structures that provide color and interest year-round
43 may be counted toward the total landscaping units required for
44 landscaping, as provided in table 21.07-2. Awarding of landscaping
45 units for artistic sculptures and aesthetic landscape lighting shall be
46 determined by the Urban Design Commission through a non-public
47 hearing review.

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d. **Tree Plantings**
Planted and transplanted trees shall be mulched with composed mulch 4 inches or more in depth. Species selection and spacing of trees to be planted shall be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting or transplanting. Evergreen trees installed shall meet the ANSI standard of having a minimum 5:3 height to spread ratio.

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2. **Planting Location⁴¹**
Tree planting shall take into consideration the growth habits of each species and shall allow adequate space for healthy growing conditions.

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a. **Adequate Distance from Curb**
Plants placed adjacent to public sidewalks and curbs where issues of obstruction and interference with pedestrians and vehicles are likely to occur shall include appropriate plant materials such as trees with high canopies. Trees installed to meet the requirements of this title shall provide a minimum of 8 foot vertical clearance over sidewalks and walkways and 14 foot vertical clearance over streets, parking, driveways and other vehicle operation areas. Plant materials that can accommodate vehicle overhangs including low shrubs and perennials are required for the first 3 feet from back-of-curb where there will be vehicle overhang.

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b. **Wind Protection and Sunlight Access**
Location of trees and landscaping areas to increase the hospitability of outdoor climates and extend the warm outdoor season is encouraged. Planting clusters or shelterbelts can shelter proposed building entrances, parking areas, or outdoor pedestrian spaces against prevailing winter winds and precipitation, and airborne dust during early spring after breakup. Evergreen trees should be located in careful consideration of wind protection and/or maintaining sun exposure for windows, sidewalks, and outdoor spaces during fall and spring.

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c. **Utility Easements⁴²**
Where required landscaping areas are parallel to utility easements, fifty percent of the landscaping area may be located in the utility easement, provided that any required trees are planted in that part of the landscaping area that does not coincide with the utility easement. Where a utility easement crosses a required landscaping area, trees shall not be planted in the area that coincides with the utility easement. The utility is not responsible for replacement of disturbed landscaping within the utility easements. The utility must provide written notice to the affected property owner at least one week prior to disturbance of the landscaping, except in emergencies involving life or safety.

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d. **Visibility Clearance Areas**
All landscaping and screening materials shall comply with the visibility clearance requirements of chapter 21.06.020A.8.

1 3. **Planting Beds and Areas**

2 a. ***Protection of Landscaping***

3 All required landscaped areas, particularly trees and shrubs, shall be
4 protected from potential damage by adjacent activities and uses,
5 including parking and storage areas. Concrete barrier curbs or other
6 approved barriers at least six inches high shall be provided between
7 vehicular use areas and landscaped areas. Landscaped areas shall
8 be marked or otherwise made to be visible during snow removal
9 operations.

10 b. ***Tree Retention Area Protection***

11 Tree retention areas used toward landscaping requirements under
12 this section 21.07.080 shall be adequately protected from damage
13 through adherence to the following:

14 i. ***Construction Fence***

15 A construction fence shall be placed around each tree to be
16 retained at or beyond the edge of the critical root zone. The
17 fence shall be placed before construction starts and remain in
18 place until construction is complete. The fence shall meet
19 one of the following:

20 (A) The fence shall be 6-foot high orange plastic and be
21 secured to the ground with 8-foot metal posts; or

22 (B) The fence shall be 6-foot high steel, such as chain
23 link, on concrete blocks.

24 ii. ***Development Limitations in Tree Retention Areas***

25 Within the root protection zone of each tree, the following
26 development is not allowed:

27 (A) Grade change, excavations, or cut and fill, either
28 during or after construction;

29 (B) New impervious surfaces;

30 (C) Utility or drainage field placement;

31 (D) Attachment of objects to a tree designated for
32 retention;

33 (E) Staging or storage of materials and equipment,
34 vehicle maneuvering areas, or other activities likely to
35 cause soil compaction or above-ground damage;

36 (F) Placement, storage or dumping of solvents, soil
37 deposits, excavated material, or concrete washout.

38 iii. ***Subsequent Landscaping Work***

39 Any landscaping done in the critical root zone subsequent to
40 the removal of construction barriers shall be accomplished
41 with light machinery or hand labor.

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- c. **Raised Planting Beds**
Raised planting beds are encouraged to increase the durability and effectiveness of landscaping and to protect the landscaping investment. Raised planting beds surrounded by a minimum 18-inch high wall may be reduced in width by two feet from the minimum required planting area width of any site perimeter or parking lot perimeter landscaping area. Wall height may be reduced to 12-inches where there will be no vehicle overhang.
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- d. **Berms**
Berms may be incorporated into any required landscaping or screening area, except that berms are prohibited in mixed-use and central business zoning districts. Berms for on-site landscaping shall not be placed in a public right of way, and shall not interfere with natural drainage or cause water to be drained onto streets. No installed berm shall have a slope of greater than 3:1.
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- e. **Retention Ponds**
Retention ponds shall be physically, functionally, and visually integrated into adjacent landscape uses through the use of topography, building and parking lot placement, plantings, permanent water features, recreational or open space amenities, or other methods.
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4. **Installation of Landscaping⁴³**
All required landscaping and screening shall be installed by the developer. All landscaping shall be installed before a certificate of zoning compliance is issued. If a certificate of zoning compliance is requested between September and May, then the certificate shall be conditioned upon the landscaping being installed before the following June 30. A letter of credit, escrow, performance bond, or other surety approved by the municipal attorney for proper installation of the landscaping and equal in value to 125 percent of the value of the landscaping, as determined by the project landscape architecture firm, shall remain in place with the Director for 24 months after installation to ensure survival and proper maintenance of the landscaping in accordance with this section. Any landscape element that dies or is otherwise removed or is seriously damaged shall be removed within 30 days of the beginning of the growing season and replaced based on the requirements of this section. The bond shall be subject to forfeit if inspection has not been requested within 18 months. If the owner or other responsible party fails to fulfill this obligation during the first 18 months after installation of the landscaping, the Municipality shall either perform the work and seek reimbursement from the responsible party's or owner's surety, or demand performance by the surety. An initial inspection fee shall be charged as part of the permitting process.⁴⁴
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5. **Use of Landscaped Areas**
Except as provided in F.5.b. above, no structure, parking or loading area, driveway, or paved area may be located in areas required for landscaping pursuant to this title.
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6. **Maintenance and Replacement**
a. **Maintenance**

1 Trees, shrubs, and other vegetation, irrigation systems, fences, and
2 other landscaping, screening, and fencing elements shall be
3 considered as elements of a development in the same manner as
4 other requirements of this title. The property owner shall be
5 responsible for regularly maintaining all landscaping elements in good
6 condition. All landscaping shall be maintained free from disease,
7 weeds, and litter to the extent reasonably feasible. Plants that die
8 shall be replaced in kind. All landscaping, screening, and fencing
9 materials and structures shall be repaired and replaced periodically to
10 maintain them in a structurally sound and aesthetically pleasing
11 condition.

12 **b. Irrigation**
13 To ensure that plants will survive, particularly during the critical two-
14 year establishment period when they are most vulnerable due to lack
15 of watering, the bonding requirement established in subsection
16 21.07.080G.4 above may be waived for any landscaping area that will
17 be irrigated by one of the following:

- 18 i. A built-in irrigation system with an automatic controller; or
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20 ii. An irrigation system designed and certified by a licensed
21 landscape architect as part of the landscape plan, which
22 provides sufficient water to ensure that the plants will become
established.

23 **H. Screening⁴⁵**

24 **1. Purpose**
25 Screening consists of landscaping, the retention of natural vegetation, or the
26 use of physical structures to block views of specific activities or specific parts
27 of a property or structure. Applicants are encouraged to locate the types of
28 features listed in this section where they are not visible from off-site or public
29 areas of a site, so that screening is unnecessary.

30 **2. Applicability**
31 Notwithstanding the exemptions of 21.07.080.C.2.a. and b., all townhouse
32 residential, multi-family residential, public/institutional, commercial, and
33 industrial uses shall be required to provide screening as specified in this
34 subsection 21.07.080.E. to block the views of the specified features from any
35 adjacent street or public open space or any adjacent property or public areas
36 of a site. Public areas of a site include public parking areas, sales areas,
37 outside eating areas, or other areas to which customers, clients, and guests
38 are given regular access.

39 **3. Refuse Collection**
40 In order to improve the image of Anchorage's streets and neighborhoods, to
41 reduce the visual impacts of multi-family and nonresidential development, and
42 to avoid problems with blown trash, snow, and pests, all refuse collection
43 receptacles shall adhere to the standards that follow. For purposes of this
44 section, the term "refuse collection receptacles" includes dumpsters, garbage
45 cans, debris piles, or grease containers, but does not include trash or
46 recycling receptacles for pedestrians or for temporary construction sites. This

1 section also does not apply to refuse collection receptacles such as garbage
2 cans that are normally stored indoors and brought outdoors on garbage
3 pickup days.

4 **a. Location**

5 Outdoor refuse collection receptacles shall not be located in a
6 required front setback, and should, depending on the size of the site
7 and need for access by refuse collection vehicles, be set back from
8 the front plane of the principal structure. Refuse collection
9 receptacles for non-residential uses shall not be located in any
10 setback area or required landscaping area which abuts an adjacent
11 residential use. Refuse collection receptacles shall not be located
12 within any area used to meet the minimum landscaping or parking
13 and loading area requirements of this chapter, or be located in a
14 manner that obstructs or interferes with any designated vehicular or
15 pedestrian circulation routes onsite.

16 **b. Screening Enclosure**

17 Each refuse collection receptacle shall be screened from view on all
18 sides by a durable sight-obscuring enclosure consisting of a solid
19 fence or wall of between six feet and eight feet in height. Where the
20 access to the enclosure is visible from adjacent streets or residential
21 properties, the access shall be screened with an opaque gate of at
22 least five feet in height. Gates which swing open shall have a one-
23 foot height clearance above grade to account for snow. The walls
24 and gate shall be compatible in architectural design and materials
25 with the principal building(s). The enclosure shall be maintained in
26 working order, and remain closed except during trash deposits and
27 pick-ups.

28 **c. Maintenance of Refuse Collection Receptacle**

29 The lids of receptacles in screening enclosures without roof structures
30 shall remain closed between pick-ups, and shall be maintained in
31 working order.

32 **d. Amortization of Nonconforming Refuse Collection Receptacles⁴⁶**

33 Any lawful permanent refuse collection receptacle erected prior to the
34 adoption of this chapter that does not comply with the requirements of
35 this section shall be removed or altered to comply within [five] years
36 from the effective date of this title.

37 **4. Service and Off-Street Loading Areas**

38 Service and off-street loading areas create visual and noise impacts on
39 surrounding uses and neighborhoods. These standards visually screen on-
40 site service and off-street loading areas from public rights-of-way and
41 adjacent uses.

42 Service and off-street loading areas shall be designed and located to reduce
43 the visual and acoustic impacts of these functions on adjacent properties and
44 public streets. Non-enclosed service and off-street loading areas shall be
45 screened with durable, sight-obscuring walls and/or fences of between six
46 feet and eight feet in height. Screening materials shall be the same as, or of
47 equal quality to, the materials used for the primary building and landscaping.

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5. **Rooftop Mechanical Equipment⁴⁷**
Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. Any parapet wall shall have an elevation of no more than four feet. In the event such parapet wall does not fully screen all rooftop equipment then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary façade of the building so as to achieve complete screening from the property line.
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6. **Wall-Mounted Mechanical Equipment and Meters⁴⁸**
Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites; through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary façade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least 80 percent of the equipment from view. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.
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7. **Ground-Mounted Mechanical Equipment and Utility Fixtures⁴⁹**
Ground-mounted above-grade mechanical equipment shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites; through the use of ornamental fences or screening enclosures, or through the use of trees or shrubs that block at least 80 percent of the view. Above-grade ground-mounted utilities are prohibited on sidewalks in the central business and mixed-use zoning districts.
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8. **Outdoor Merchandise Display Areas⁵⁰**
Screening shall be required of outdoor merchandise display areas as set forth in section 21.05.070D.17.
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9. **Outdoor Storage Areas⁵¹**
Screening shall be required of outdoor storage areas as set forth in section 21.05.070D.18.
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- I. **Fences⁵²**
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1. **Applicability**
Notwithstanding the exemptions of 21.07.080.C.2, the provisions of this subsection 21.07.080.F shall apply to all construction, substantial reconstruction, or replacement of fences, retaining walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot or to separate lots from each

1 other. The provisions of this subsection do not apply to temporary fencing for
2 construction, emergencies or special public events or performance areas.

3 **2. Location**

4 A fence may be constructed within property boundaries, or at the lot line,
5 subject to the limitations in this section. No fence shall be installed so as to
6 block or divert a natural drainage flow onto or off of any other property.

7 **3. Maximum Height**

8 Fences shall not exceed the maximum heights set forth below. Such
9 maximum heights shall be measured from the top of any retaining wall, or if
10 no retaining wall has been constructed, then from natural grade. Unless
11 specifically allowed by this title, no fence shall exceed eight feet in height.

12 a. In the R-1, R-2, R-3, R-4, and RMX districts, fences in front setbacks
13 shall not exceed four feet in height.

14 b. In the R-5, R-6, R-9, and R-10 zone districts, fences in front setbacks
15 shall not exceed six feet in height if the fencing material is sight-
16 obscuring. Examples of non-sight obscuring fencing include chain-
17 link and split rail fencing.

18 c. In the CBD, AC, NMU, CCMU, RCMU, MMU, and MC districts, fences
19 in front yards shall not exceed three feet in height and shall not
20 exceed eight feet in side or rear yards.

21 d. Enclosures provided as a part of a permitted tennis court, ball field, or
22 other recreational facility shall be exempt from the height restrictions
23 of this section.

24 **4. Through Lots**

25 In the case of a through lot, as defined in chapter 21.13, which abuts a street
26 of collector or greater classification, a fence may be constructed within the
27 secondary front setback up to a maximum of eight feet in height, provided that
28 vehicular access to the street is prohibited. A fence higher than four feet, or
29 six feet in zoning districts R-5, R-6, R-9, and R-10, shall not be constructed
30 within a front setback if access to the street is required due to a plat note, by a
31 conditional use permit, or under other provisions of law.

32 **5. Finished Appearance Outward**

33 Whenever any fence will be visible from adjacent streets, and whenever a
34 fence is installed as part of required buffering landscaping and is visible from
35 adjacent properties, it shall be installed so that the more finished side (i.e., the
36 side with fewer or no visible structural framing or bracing elements) faces
37 outward from the lot on which it is installed.

38 **6. Prohibited Materials**

39 Fences made of debris, junk, or waste materials are prohibited, unless such
40 materials have been recycled and reprocessed into building materials
41 marketed to the general public and resembling new building materials.

21.07.090 OFF-STREET PARKING AND LOADING⁵³

A. Purpose

This section establishes off-street parking requirements as a necessary part of the development and use of land, to ensure the safe and adequate flow of traffic in the public street system, and to ensure that parking areas are designed to perform in a safe, efficient manner. It is also the intent of this section to attenuate the adverse visual, environmental, and economic impacts of parking areas. Specific purposes include to:

1. Ensure that off-street parking, loading, and access demands will be met without adversely affecting other nearby land uses and neighborhoods;
2. Provide for vehicle and pedestrian circulation and safety in parking areas, and create a safe and more pedestrian-friendly environment;
3. Encourage the efficient use of land by avoiding excessive amounts of land being devoted to parking and thus unavailable for other productive uses;
4. Improve the visual appearance of public street corridors by encouraging buildings and other attractive site features to become more prominent relative to parking areas;
5. Provide for better pedestrian movement and encourage alternative modes of transportation by reducing the expanses of parking that must be traversed between destinations;
6. Support a balanced transportation system that is consistent with cleaner air and water, greater transportation choices, and efficient infill and redevelopment; and
7. Allow flexibility in addressing vehicle parking, loading, and access issues, including providing alternatives to standard required surface parking.

B. Applicability

1. Generally

- a. The off-street parking and loading standards of this section 21.07.090 shall apply to all parking lots and parking structures accessory to any new building constructed and to any new use established in every district.
- b. Except for the off-street loading requirements of subsection 21.07.090F., all other requirements of this section shall apply to Girdwood unless specifically preempted in chapter 21.09.
- c. The off-street parking requirements set forth in subsection 21.07.090D shall not apply in the CBD Districts. However, all other standards of this section 21.07.090 shall apply to the CBD Districts.

1 d. Except when specifically exempted, the requirements of this section
2 21.07.090 shall apply to all temporary parking lots and parking lots
3 that are the principal use on a site.

4 **2. Expansions and Enlargements⁵⁴**

5 The off-street parking and loading standards of this section shall apply when
6 an existing structure or use is expanded or enlarged. Additional off-street
7 parking and loading spaces shall be required to serve the enlarged or
8 expanded area, provided that in all cases the number of off-street parking and
9 loading spaces provided for the entire use (pre-existing plus expansion) must
10 equal 100 percent of the minimum ratio established in this section.

11 **3. Regulation of Parking Space Use⁵⁵**

12 The providers of required off-street parking spaces and the Municipality of
13 Anchorage may reasonably control the users thereof by means that may
14 include, but are not limited to, restricting all parking to the users of the facility;
15 parking lot attendants control gates; tow-away areas; areas for exclusive use
16 by employees, tenants or staff; areas restricted for use by customers or
17 visitors; and imposing reasonable time limitations on users other than tenants,
18 employees, or staff. Direct charges may be made to users who exceed
19 maximum time limits. The Traffic Engineer may review all methods of control
20 and may disapprove of any restriction that adversely affects the purpose of
21 this section. The Municipality may enforce any approved restrictions through
22 any of the code enforcement provisions set forth in chapter 21.12,
23 *Enforcement*.

24 **4. Local Improvement Assessments and Parking**

25 Any property against which local improvement assessments have been levied
26 for the construction of public off-street parking shall be exempted from
27 providing and maintaining one space for each 100 square feet of property so
28 assessed.

29 **C. Parking Lot Layout and Design Plan (10 or More Spaces)**

30 **1. Applicability**

31 For all proposed parking lots with 10 or more spaces, the applicant shall
32 submit a parking lot layout and design plan for review and approval by the
33 Traffic Engineer.⁵⁶ The plan shall contain sufficient detail to enable the Traffic
34 Engineer to verify compliance with this section 21.07.090. Subject to
35 approval of the Traffic Engineer, the parking layout and design plan may be
36 combined with other plans required under this title, such as the landscaping
37 plan required in 21.07.080, *Landscaping, Screening, and Fences*.

38 **2. Minimum Plan Requirements**

39 **a.** The parking lot layout and design plan shall be prepared by a design
40 professional.

41 **b.** The Building Official and Traffic Engineer shall establish the minimum
42 submittal requirements for such plans that will enable staff to
43 adequately review and ensure compliance with the standards and
44 requirements of this section 21.07.090. Such submittal requirements,
45 to be included in the User's Guide, shall include but not be limited to
46 elements such as placement and dimensions of spaces, landscaping,

pedestrian and vehicle circulation, snow storage, lighting, loading and trash collection areas, and drainage.

- c. The Traffic Engineer shall ensure that provisions have been made for minimum interference with street traffic flow and safe interior vehicular and pedestrian circulation, transit, and parking.

D. Off-Street Parking Requirements⁵⁷

1. Schedule A⁵⁸

Unless otherwise expressly stated in this title, off-street parking spaces shall be provided in accordance with Table 21.07-5, *Off-Street Parking Schedule A*.

TABLE 21.07-5: OFF-STREET PARKING SCHEDULE A ("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)				
<i>[NOTE: The use classifications in the June 2005 draft have not yet been adjusted to match the new use table. They be adjusted so that the first two columns of this table exactly match the first columns of the use tables in chapter 21.05.]</i>				
Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.F	See Stacking Subsection 21.07.090.I
RESIDENTIAL USES (* Ratios for residential uses are still being discussed)				
Household Living	Dwelling, mixed use	See Schedule B.		
	Dwelling, multiple-family	<ul style="list-style-type: none"> • 1.25 per efficiency unit; • 1.5 per one-bedroom unit • 1.5 per two-bedroom unit 800 sf or less • 1.75 per two-bedroom unit over 800 sf • 1.75 per three-bedroom unit 900 sf or less • 2.5 per three-bedroom unit over 900 sf All multiple-family dwellings shall provide 0.25 guest spaces per unit.	X	
	Dwelling, single-family detached	<ul style="list-style-type: none"> • 2 per du up to 1,800 square feet; • 3 per du over 1,800 square feet, including any unfinished area which may be converted to living area 		
	All other Household Living uses	2 per du		
Group Living	Correctional community residential center	1 per 2,000 sf gfa	X	
	Dormitory	1 per 1,000 sf gfa	X	
	Habilitative Care Facility	1 per 400 sf gfa, and 1 additional space, reserved for pickup and delivery of adults, per 800 sf gfa plus requirement for principal use	X	

TABLE 21.07-5: OFF-STREET PARKING SCHEDULE A
 (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)

[NOTE: The use classifications in the June 2005 draft have not yet been adjusted to match the new use table. They be adjusted so that the first two columns of this table exactly match the first columns of the use tables in chapter 21.05.]

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.F	See Stacking Subsection 21.07.090.I
	Residential care (7+ client capacity)	1 per four beds plus 1 per 350 sf of office area plus requirement for dwelling, if located in a dwelling	X	
	Roominghouse	1.5 per two guestrooms		
	All other Group Living uses	1 per two beds plus 1 per 100 sf of assembly area		
PUBLIC/INSTITUTIONAL USES				
Adult Care	Adult care, 1-6 adults	1 per 400 sf gfa, and 1 additional space, reserved for pickup and delivery of adults, per 800 sf gfa (plus requirement for principal use, if approved as accessory use)		
	Adult care, 7+ adults	1 per 400 sf gfa, and 1 additional space, reserved for pickup and delivery of adults, per 800 sf gfa	X	
Child Care	Child care, 1-6 children	1 per 400 sf gfa, and 1 additional space, reserved for pickup and delivery of children, per 800 sf gfa (plus requirement for principal use if approved as accessory use)		
	Child care, 7+ children	1 per 400 sf gfa, and 1 additional space, reserved for pickup and delivery of children, per 800 sf gfa	X	
Community Service	Community assembly	1 per 80 sf of principal assembly area plus 1 per 350 sf of office area	X	
	Community center ⁵⁹	1 per 250 sf gfa	X	
	Family self-sufficiency service	1 per 300 sf gfa		
	Homeless and transient shelter	1 per 300 sf gfa		
	Neighborhood recreation center ⁶⁰	1 per 300 sf gfa		
Cultural Facility ⁶¹	Aquarium	1 per 500 sf gfa	X	
	Botanical gardens	.75 per acre of site area, plus 1 per 1000 sf gfa	X	
	Library	1 per 400 sf gfa	X	
	Museum or cultural center	1 per 400 sf gfa	X	
	Planetarium	1 per 400 sf gfa	X	
	Zoo	1 per 2,000 sf gross land area	X	

TABLE 21.07-5: OFF-STREET PARKING SCHEDULE A
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[NOTE: The use classifications in the June 2005 draft have not yet been adjusted to match the new use table. They be adjusted so that the first two columns of this table exactly match the first columns of the use tables in chapter 21.05.]

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.F	See Stacking Subsection 21.07.090.I
	All other uses	1 per 300 sf gfa	X	
Educational Facility	Boarding school	See Schedule C.	X	
	College and university	1 per 300 sf of enclosed floor space	X	
	Computer-aided learning center	1 per 300 sf of enclosed floor space	X	
	Elementary school	1 per 50 sf of floor area in the multipurpose room	X	
	High school or middle school	1 per six seats in the main auditorium or assembly room, based on maximum capacity	X	
	All other Educational Facility uses	1 per 300 sf of enclosed floor space	X	
Government Facility	Correctional institution	See Schedule C.	X	
	Governmental office	1 per 300 sf gfa	X	
	Governmental service	1 per 600 sf gfa	X	
	Police/fire station	See Schedule C.		
Health Care Facility	Health care facility or nursing home, all uses other than hospitals	1 per four beds, based upon maximum capacity. If the facility is used exclusively for the housing of the elderly, disabled, or handicapped, the Zoning Board of Examiners and Appeals may allow a portion of the area reserved for off-street parking to be landscaped if the board finds that the landscaping is suitable and is in the best interests of the residents of the neighborhood.	X	
	Health service establishment	1 per 250 sf gfa	X	
	Hospital	1 per two beds, based on maximum capacity, plus 1 per 350 sf of office and administrative area, plus required parking for supplemental uses	X	
Park and Open Area	Cemetery	See Schedule C.		
	Community garden	1 per 5,000 sf of lot area		
	Nursery, public	See Schedule C.		

TABLE 21.07-5: OFF-STREET PARKING SCHEDULE A
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[NOTE: The use classifications in the June 2005 draft have not yet been adjusted to match the new use table. They be adjusted so that the first two columns of this table exactly match the first columns of the use tables in chapter 21.05.]

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.F	See Stacking Subsection 21.07.090.I
	Park, public	See Schedule C. Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field.		
Trans- portation Facility	Airport	See Schedule C.	X	
	Airstrip, private	See Schedule C.	X	
	Bus transit center	See Schedule C.	X	
	Heliport	2 per each helicopter based at the facility (2 spaces minimum) plus 1 per 100 sf waiting area	X	
	Railroad freight terminal	See Schedule C.	X	
	Railroad passenger terminal	See Schedule C.		
	Taxicab dispatching office	See Schedule C.		
Utility Facility	All uses	1 per 1,000 sf gfa		
Communica- tion Structures	All uses	None		
COMMERCIAL USES				
Agricultural Uses	Farming, animal husbandry	See Schedule C.		
	Farming, horticultural	See Schedule C.		
Animal Sales, Service & Care	Animal control shelter	1 per 400 sf gfa		
	Animal grooming service	1 per 400 sf gfa		
	Kennel	1 per 800 sf gfa		
	Paddock or stable	1 per 5 stalls		
	Pet shop	1 per 300 sf gfa		
	Veterinary clinic	1 per 600 sf gfa		
Assembly	Civic/convention center	1 per four seats of principal room. If no fixed seating, then based on maximum capacity under provisions of International Building Code.	X	
	Club/lodge/meeting hall	1 per 300 sf gfa	X	
	Entertainment event, major	See Schedule C.	X	

TABLE 21.07-5: OFF-STREET PARKING SCHEDULE A
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[NOTE: The use classifications in the June 2005 draft have not yet been adjusted to match the new use table. They be adjusted so that the first two columns of this table exactly match the first columns of the use tables in chapter 21.05.]

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.F	See Stacking Subsection 21.07.090.I
Entertainment, Indoor	Amusement establishment	Indoor entertainment facility: 1 per 300 sf gfa		
	Bowling Alley	4 per bowling lane		
	Fitness and recreational sports center	1 per 225 sf gfa or 1 per 8 persons based on the maximum allowable occupancy For athletic court areas: 1 per 275 sf		
	Movie theater	1 per four seats of principal room. If no fixed seating, then based on maximum capacity under provisions of International Building Code.		
	Nightclub, licensed or unlicensed	1 per three seats. If no fixed seating, then based on maximum capacity under provisions of International Building Code.	X	
	Theater company or dinner theater	1 per four seats of principal room. If no fixed seating, then based on maximum capacity under provisions of International Building Code.		
Entertainment / Recreation, Outdoor	General outdoor recreation, commercial	1 per 5,000 sf of land area, or 1 per 3 persons capacity (maximum), whichever is greater; playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field	X	
	Golf course	4 per green		
	Golf driving range	1 per tee		
	Motorized sports facility	1 per 2 spectator seats in a structure such as a grandstand, stadium; or 1 per 2,000 sf of site area; whichever is greater	X	
	Shooting range, outdoor	2 per target area, or 1 per 5 seats, whichever is greater		
	Skiing facility	See Schedule C.	X	
Financial Institutions	Financial institution	1 per 350 sf gfa, except 1 per 300 sf gfa of areas associated with teller services (plus vehicle stacking spaces if drive-through is provided)		X
Food and Beverage Service	Bar or tavern	1 per 100 sf gfa	X	
	Brew pub	1 per 200 sf gfa	X	
	Food and beverage kiosk	1 per establishment, plus vehicle stacking spaces		X

TABLE 21.07-5: OFF-STREET PARKING SCHEDULE A
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Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.F	See Stacking Subsection 21.07.090.I
	Restaurant	1 per 100 sf gfa (plus vehicle stacking spaces if drive-through is provided)	X	X
Office	Office, business or professional	1 per 350 sf gfa	X	
	Broadcasting and recording facility	1 per 300 sf gfa		
Retail (Personal Service)	Pharmacy/Drugstore and Video Rental Store	1 per 400 sf gfa (plus vehicle stacking spaces if drive-through is provided)		X
	Dry-cleaning, drop-off site/Mail Package Service/Locksmith Shop	1 per 600 sf gfa, (plus vehicle stacking spaces if drive-through is provided)		X
	Funeral services	1 per 150 sf gfa in main assembly areas	X	
	All other uses	1 per 300 sf gfa	X	
Retail (Repair and Rental)	All uses	1 per 300 sf gfa	X	
Retail (Sales)	Auction house	1 per 300 sf gfa	X	
	Business service establishment	1 per 300 sf gfa	X	
	Carpet Store	1 per 500 sf gfa		
	Convenience store	1 per 300 sf gfa	X	
	Farmers market	1 per 250 sf, with a minimum of 6		
	Furniture, Home Appliance Store	1 per 800 sf gfa		
	Meat and seafood processing, storage, and sales ⁸²	1 per 400 sf gfa	X	
	General retail	1 per 300 sf gfa	X	
	Grocery or food store	1 per 250 sf gfa		
	Liquor store	1 per 300 sf gfa	X	
	Lumber yard/building materials store	1 per 300 sf gfa	X	
	Nursery, commercial	1 per 250 sf retail sales area; 1 per 500 sf greenhouse sales area; 1 per 1,000 sf outdoor display area	X	

TABLE 21.07-5: OFF-STREET PARKING SCHEDULE A
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Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.F	See Stacking Subsection 21.07.090.I
	Pawnshop	1 per 300 sf gfa	X	
	Plumbing and heating equipment dealer	1 per 400 sf gfa	X	
Vehicles and Equipment	Aircraft and marine vessel sales	1 per 7,000 sf outdoor display/sales area; 1 per 400 sf indoor floor area	X	
	Fueling station	1 per fueling pump		X
	Heavy equipment, sales and rental	1 per 7,000 sf outdoor display/sales area; 1 per 400 sf indoor floor area	X	
	Impound yard	1 per 500 sf gfa, plus 1 per 5,000 sf of outdoor storage area		
	Vehicle parts and supplies	1 per 400 sf gfa	X	
	Vehicle – large and small, sales and rental	1 per 7,000 sf outdoor display/sales area; 1 per 400 sf indoor floor area	X	
	Vehicle service and repair, major and minor	2 per car wash bay; 4 per other service bay (provided that all vehicles in custody of operator of business for purpose of service, repair or storage shall be stored on premises or on a separate off-street parking lot or building)		
	Vehicle storage yard	1 per 50 vehicles stored, based on maximum capacity ⁶³ , plus 1 per 350 sf gfa of office area, plus vehicle stacking spaces for security gate		X
Visitor Accommodations	Camper park	1.1 spaces for each recreational vehicle space		
	Extended-stay lodgings	1 per guestroom or 1 bedroom unit; 1.25 per 2 bedroom unit; 1.5 per 3 bedroom or more unit	X	
	Hostel	1 per 600 sf gfa		
	Hotel	.9 per guestroom, plus .3 per each 5 occupants of meeting area, plus any supplemental uses	X	
	Inn	1 per guestroom, plus 1 per 90 sf gfa of meeting or lounge area		
	Motel	.9 per guestroom, plus .3 per each 5 occupants of meeting area, plus any supplemental uses	X	
	Recreational and vacation camp	1 per 2 beds, or 1 per cabin, sleeping unit, or tent site, whichever is greater		

TABLE 21.07-5: OFF-STREET PARKING SCHEDULE A
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Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.F	See Stacking Subsection 21.07.090.I
INDUSTRIAL USES [1]				
Industrial Service [1]	Data processing facility	1 per 1,000 sf gfa	X	
	General industrial service	1 per 750 sf gfa (1-3,000 gfa); 1 per 1,000 sf gfa (3,001-5,000 gfa); 1 per 1,500 sf gfa (more than 5,000 gfa)		
	Research laboratory	1 per 300 sf gfa		
Manufacturing and Production [1]	Cottage Crafts	1 per 300 sf gfa	X	
	Food service contractor or caterer	1 per 400 sf gfa for catering; 1 per 800 sf gfa for food processing		
	Manufacturing (heavy and light)	1 per 750 sf gfa (1-3,000 gfa); 1 per 1,000 sf gfa (3,001-5,000 gfa); 1 per 1,500 sf gfa (more than 5,000 gfa)		
	Natural resource extraction	See schedule C.		
Marine Facility [1]	Aquaculture	See Schedule C.	X	
	Boat storage facility	1 per 75 storage units		
	Cold storage and ice processing for marine products	1 per 250 sf gfa of area devoted to customer service; see Manufacturing ratios above for processing and storage areas		
	Facility for combined marine and general construction	See Schedule C.		
	Marine operations (general and limited)	See Schedule C.		
	Marine wholesaling	1 per 400 sf gfa		
Warehouse and Freight Movement [1]	Bulk storage of hazardous materials	See Schedule C.	X	
	Motor freight terminal	see Warehouse		
	Self-storage facility	1 per 75 units, plus 1 per 300 sf of office area, plus vehicle stacking spaces for security gate. Aisles suitable for temporary loading and unloading may be counted as required parking stalls in accordance with Table 21.07-4 as determined by the traffic engineer.	X	X
	Storage yard	1 per 2,000 sf of outdoor storage area		

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Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090.F	See Stacking Subsection 21.07.090.I
	Warehouse	1 per 1,000 sf gfa (1-10,000 sf); 1 per 1,250 sf gfa (10,000-50,000 sf); 1 per 1,500 sf gfa (more than 50,000 sf)		
	Wholesale establishment	1 per 400 sf gfa		
Waste and Salvage	All uses	See Schedule C.	X	
Notes [1] The off-street parking requirements for industrial uses in this Schedule A shall not include space devoted to office or other non-industrial related use. Where a warehousing or industrial facility contains office or other non-industrial related use, off-street parking for such spaces shall be computed using the requirements set forth in the Schedule A.				

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2. Schedule B⁶⁴

TABLE 21.07-6: OFF-STREET PARKING SCHEDULE B – MIXED-USE DISTRICTS

Use Type	Minimum Spaces Required
Residential	Multi-family and mixed-use residential uses within 700 feet of a transit stop on a transit development corridor with peak hour service headways of 30 minutes or less shall be eligible for a reduction from the minimum number of required spaces in Schedule A, as follows: <ul style="list-style-type: none"> ▪ Minimum of 1 space per 1-bedroom unit ▪ Minimum of 1.33 spaces per 2-bedroom unit ▪ Minimum of 1.5 spaces per 3-bedroom unit
Non-residential	Non-residential uses shall be eligible for a five percent (5%) reduction from the minimum number of required spaces in Schedule A.

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3. Schedule C⁶⁵

Uses that reference “Schedule C” have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application for a use subject to Schedule C standards, the Building Official and the Traffic Engineer shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by

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1 the Traffic Engineer, and shall include other reliable data collected from uses
 2 or combinations of uses that are the same as or comparable with the
 3 proposed use. Comparability shall be determined by density, scale, bulk,
 4 area, type of activity, and location. The study shall document the source of
 5 data used to develop the recommendations.

6 **4. Maximum Number of Spaces Permitted**

7 **a. Purpose**

8 The purpose of this subsection is to establish an upper limit on the
 9 number of parking spaces allowed in order to promote efficient use of
 10 land, enhance urban form, provide for better pedestrian movement,
 11 encourage alternative modes of transportation, and to protect air and
 12 water quality. The maximum ratios allow a percent of parking that is
 13 greater than the minimum amount of parking needed to
 14 accommodate the majority of auto trips to a site based on typical
 15 peak parking demand. Exceptions and flexibility procedures are
 16 provided where a required limit on the number of parking spaces is
 17 problematic for a certain use.

18 **b. Maximum Number of Spaces**

19 For any use categorized as a Public/Institutional, Commercial or
 20 Industrial use in Table 21.05-1 or Table 21.05-2, *Tables of Allowed*
 21 *Uses*, the maximum number of off-street vehicle parking spaces shall
 22 be as established in Table 21.07-7 below. The table applies the
 23 maximum number of spaces allowed as a percentage of the minimum
 24 parking requirements established in Table 21.07-5, *Off-Street Parking*
 25 *Schedule A*. Uses in the Parks and Open Areas, Transportation
 26 Facility, and Utility Facility use categories are exempt.

TABLE 21.07-7 MAXIMUM NUMBER OF ALLOWED PARKING SPACES

Number of Off-Street Parking Spaces Required	Maximum Allowed (% of minimum required in Table 21.07-8, <i>Off-Street Parking Schedule A</i>)
< 40 spaces	150% [1] [2]
40 – 160 spaces	125% [1]
> 160 spaces	110% [1] [3]
<p>Notes:</p> <p>[1] Restaurant Uses: In spite of Note [2] below, restaurant, bar/tavern, and brew pub establishments that do not serve fast food and that do not include customer drive-throughs may, in any use district, have up to 200% of the minimum parking required in Table 21.07-8, <i>Off-Street Parking Schedule A</i>.</p> <p>[2] CBD and Mixed-Use Districts: In districts intended for more intense, pedestrian friendly, and mixed-use development, namely the CBD, MMU, CCMU, and RMX districts, the maximum number of spaces allowed shall be 125% of the minimum parking required in Table 21.07-8, <i>Off-Street Parking Schedule A</i>.</p>	

TABLE 21.07-7 MAXIMUM NUMBER OF ALLOWED PARKING SPACES

[3] Establishments with more than 160 required parking spaces that wish to provide more than 110% of their required parking, may provide more than 110% of their required parking when they provide a 1% increase in interior landscaping for every 1% increase in parking over 110%, up to a maximum of 135%. (For example, an establishment that desires to provide 115% of their required parking shall add 5% more interior landscaping than required in section 21.07.080F.6.d.)

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c. Exceptions

- i. If application of the maximum parking standard would result in fewer than six parking spaces, the development shall be allowed six parking spaces.
- ii. For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirement:
 - (A) Accessible parking
 - (B) Vanpool and carpool parking
 - (C) Parking structures, underground parking, and parking within, above, or beneath the building(s) it serves.
- iii. For the purpose of calculating parking requirements, fleet vehicle parking shall not count against either the minimum or maximum requirements:
- iv. Exceptions to the maximum parking requirement may be allowed by the Traffic Engineer and the Building Official in situations that meet all of the following criteria:
 - (A) The proposed development has unique or unusual characteristics such as high sales volume per floor area or low parking turnover, which create a parking demand that exceeds the maximum ratio and which typically does not apply to comparable uses; and,
 - (B) The parking demand cannot be accommodated by on-street parking or shared parking with nearby uses; and,
 - (C) The request is the minimum necessary variation from the standards; and,
 - (D) If located in a mixed-use district, the uses in the proposed development and the site design are highly supportive of the mixed-use concept and support

high levels of existing or planned transit and pedestrian activity.

E. Parking Alternatives⁶⁶

The Traffic Engineer and Director may approve alternatives to providing the number of off-street parking spaces required by subsection 21.07.090D., in accordance with the following standards.

1. Shared Parking⁶⁷

The Traffic Engineer and Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

a. Location

Shared parking spaces shall be located within 600 feet of an entrance, unless approved by the Traffic Engineer.

b. Zoning Classification⁶⁸

Shared parking areas shall be located on a site with the same or a more intensive zoning classification than required for the primary uses served.

c. Shared Parking Study

Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to staff that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Traffic Engineer and shall be made available to the public. It shall address, at a minimum, the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties.

d. Agreement for Shared Parking

The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Traffic Engineer and Administrative Official as to form and content. The agreement shall guarantee the use of the shared parking facilities in perpetuity, and shall provide for the maintenance of jointly used parking facilities. The Traffic Engineer and Director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance of a building permit for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of subsection 21.07.090D.

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2. Off-Site Parking⁶⁹

The Traffic Engineer and Administrative Official may approve the location of required off-site parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

a. Ineligible Activities

Required parking spaces for residential uses must be located on the site of the use or within a tract owned in common by all the owners of the properties that will use the tract. Required parking spaces for persons with disabilities may not be located off-site.

b. Location

No off-site parking space may be located more than 600 feet from an entrance (measured along the shortest legal pedestrian route) unless approved by the Traffic Engineer. Off-site parking spaces shall be connected to the use by acceptable pedestrian facilities. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway, a traffic signal, a shuttle bus, or other traffic control is provided or other traffic control or remote parking shuttle bus service is provided.

c. Zoning Classification

Off-site parking areas shall have the same or a more intensive zoning classification applicable to the primary use served.

d. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required. The agreement shall guarantee the use of the off-site parking area in perpetuity. An attested copy of the agreement between the owners of record shall be submitted to the Municipality for recordation in a form established by the Municipal Attorney. Recordation of the agreement shall take place before issuance of a building permit or certificate of occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of this chapter. No use shall be continued if the parking is removed unless substitute parking facilities are provided, and the Traffic Engineer and Administrative Official shall be notified at least 60 days prior to the termination of a lease for off-site parking.

3. On-street Parking

In mixed-use districts, on-street parking spaces in the right-of-way along the property line, between the two side lot lines of the site, may be counted to satisfy the minimum off-street parking requirements. In all other districts, on-street parking meeting the above criteria shall be counted towards off-street parking requirements if approved by the Traffic Engineer.

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4. **District Parking**
Minimum required off-street parking spaces may be waived for properties within the boundaries of a public parking or local improvement district that provides district-wide parking facilities.
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5. **Stacked, Tandem, and Valet Parking**
Stacked, tandem, or valet parking for nonresidential uses is allowed if an attendant is present to move vehicles. In addition, a guarantee acceptable to the Municipality shall be filed with the Municipality ensuring that a valet parking attendant shall always be on duty when the parking lot is in operation.
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6. **Parking Structures**
- a. **Maximum Parking Waiver**
Where 75 percent or more of the parking provided for a use is in one or more parking structures, there shall be no maximum cap on the number of parking spaces.
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- b. **Credit for Nearby Public Parking Structures**
In the mixed-use districts, spaces available in public parking structures located within 600 feet of the subject use may be counted toward the total amount of required off-street parking.
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- c. **Floor Area Bonus for Automated and Underground Parking in the CBD and Mixed-use Districts**
A floor area bonus shall be granted for underground parking structures and automated parking structures in the CBD and mixed-use districts. The bonus shall be granted at a ratio of three square feet of additional bonus area for each square foot of structured parking that is underground or within an automated parking structure.
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7. **Sites in Mixed-use Districts**
In the mixed-use districts, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately, subject to the modifications set forth below.
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- i. All uses within the mixed-use districts shall be eligible for a five percent parking reduction to reflect the reduced automobile use associated with mixed-use developments.
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- ii. A 10 percent parking reduction for multifamily residential dwellings may be allowed if the proposed use is located within 600 feet of a transit stop with midday service headways of 30 minutes or less in each direction.
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- iii. For non-residential uses, the minimum parking requirement may be reduced 10 percent if the use incorporates a transit stop that meets minimum design standards established by the Municipality.
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- iv. The total number of parking spaces required for a use or uses in a mixed-use District may be further reduced by the Traffic Engineer and Director if the applicant prepares a parking evaluation that demonstrates a reduction is appropriate

1 based on the expected parking needs of the development,
 2 availability of mass transit, and similar factors. The parking
 3 evaluation shall be prepared in a form and manner prescribed
 4 by the Traffic Engineer.

5 **8. Other Eligible Alternatives**

6 The Traffic Engineer may approve any other alternative to providing off-street
 7 parking spaces on the site of the subject development if the applicant
 8 demonstrates to the satisfaction of the Traffic Engineer that the proposed plan
 9 will protect surrounding neighborhoods, maintain traffic circulation patterns,
 10 and promote quality urban design to at least the same extent as would strict
 11 compliance with otherwise applicable off-street parking standards.

12 **F. Off-Street Loading Requirements⁷⁰**

13 No building or structure used for any multi-family, commercial, industrial, or
 14 public/institutional use shall be erected, nor shall any such existing building or
 15 structure be altered so as to increase its gross floor area by 25 percent or more,
 16 without prior provision for off-street loading space in conformance with the following
 17 minimum requirements:

18 **1. Types of Loading Berths**

19 Required off-street loading space shall be provided in berths that conform to
 20 the following minimum specifications:

- 21 a. Type A berths shall be at least 60 feet long by ten feet wide by 14 feet
 22 six inches high, inside dimensions.
- 23 b. Type B berths shall be at least 30 feet long by ten feet wide by 14 feet
 24 six inches high, inside dimensions.
- 25 c. Type C berths shall be located in the rear of a lot and utilize part of an
 26 adjacent alley. The building setback shall be a minimum of five feet
 27 from the property line along the alley for the entire width of the lot.

28 **2. Number of Spaces**

29 The following numbers and types of berths shall be provided for the specified
 30 uses in Table 21.07-8, *Off-Street Loading Berths*; provided, however, that, in
 31 any mixed-use district, one type C berth may be substituted for one type B
 32 berth. The uses specified in this subsection shall include all structures
 33 designed, intended, or arranged for such use.

TABLE 21.07-8: OFF-STREET LOADING BERTHS			
Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
Residential Uses			
Multiple-family dwellings	25,000--150,000	1	B
	150,000--400,000	2	B

TABLE 21.07-8: OFF-STREET LOADING BERTHS			
Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
	Each additional 250,000 or fraction thereof	1 additional	B
Public/Institutional Uses			
Cultural facilities ⁷¹	24,000--50,000	1	B
	50,000--100,000	2	B
	Over 100,000, each additional 50,000 or major fraction thereof	1 additional	B
Educational facilities	Over 14,000	1	B
Health care facilities	10,000--100,000	1	B
	Over 100,000	2	B
Railroad freight terminals and other transportation facilities	12,000--36,000	1	A
	36,000--60,000	2	A
	60,000--100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
Commercial Uses			
Assembly uses	25,000--150,000	1	B
	150,000--400,000	2	B
	Each additional 250,000 or fraction thereof	1 additional	B
All commercial establishments not otherwise specified	7,000--24,000	1	B
	24,000--50,000	2	B
	50,000--100,000	3	B
	Over 100,000, each additional 50,000 or major fraction thereof	1 additional	B
Visitor accommodations and office uses	25,000--40,000	1	B
	40,000--100,000	2	B

TABLE 21.07-8: OFF-STREET LOADING BERTHS			
Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
	Each additional 100,000 or major fraction thereof	1 additional	B
Industrial Uses			
All industrial uses	12,000--36,000	1	A
	36,000--60,000	2	A
	60,000--100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A

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3. Uses Not Specifically Mentioned

In the case of a use not specifically mentioned in this section, the requirements for off-street loading facilities shall be the same as the use mentioned in this section which, in the opinion of the Traffic Engineer, is most similar to the use not specifically mentioned.

4. Concurrent Different Uses

When any proposed structure will be used concurrently for different purposes, final determination of loading requirements shall be made by the Traffic Engineer, but in no event shall the loading requirements be less than the total requirements for each use based upon its aggregate gross floor area, unless approved by the Traffic Engineer.

5. Location of Off-Street Loading Facilities

Off-street loading facilities required under this title shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. The required off-street loading space shall not be part of the area used to satisfy the off-street parking requirements unless approved by the Traffic Engineer. To the maximum extent feasible, loading areas shall be located to the rear of a site and/or away from adjacent residential areas. However, noise and glare impacts shall be considered when loading facilities are proposed to be placed adjacent to residential areas, or in an area with a residential zoning classification. Mitigation techniques, including appropriate siting and site design measures, may be required by the Traffic Engineer.

6. Manner of Using Loading Areas

No space for loading or unloading of vehicles shall be so located that a vehicle using such loading space projects into any public street. Loading space shall be provided with access to an alley, or, if no alley adjoins the lot, with access to a street. Any required front, side, or rear yard may be used for loading unless otherwise prohibited by this title. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the Traffic Engineer. Service and off-street loading areas shall

1 comply with the screening requirements for such areas set forth in subsection
2 21.07.080H.4.

3 **7. Signs**
4 The owners of the property shall provide, locate, and maintain loading signs
5 as specified by the Traffic Engineer. Such signs shall not be counted against
6 allowed advertising sign area.

7 **G. Computation of Parking and Loading Requirements**

8 **1. Fractions**
9 For residential uses, when measurements of the number of required spaces
10 result in a fractional number, any fraction shall be rounded up to the next
11 higher whole number. For all other uses, when measurements of the number
12 of required spaces result in a fractional number, any fraction shall be rounded
13 down to the next lower whole number.

14 **2. Multiple Uses⁷²**
15 Developments containing more than one use shall provide parking and
16 loading in an amount equal to the total of the requirements for all uses, except
17 as allowed by this section. However, loading facilities may be shared
18 between uses when approved by the Traffic Engineer.

19 **3. Area Measurements**
20 Unless otherwise specified, all square footage-based parking and loading
21 standards shall be computed on the basis of gross floor area of the use in
22 question. A parking structure within a building and any enclosed rooftop
23 mechanical equipment shall not be counted in such measurement.

24 **4. Computation of Off-Street Parking**
25 Required off-street loading space shall not be included as off-street parking
26 space in computation of required off-street parking space, unless approved by
27 the Traffic Engineer pursuant to subsection F.5. above.

28 **5. Parking for Unlisted Uses**
29 Parking requirements for uses not specifically listed in subsection
30 21.07.090.C. shall be determined by the Traffic Engineer based on the
31 requirements for the closest comparable use, as well as on the particular
32 parking demand and trip generation characteristics of the proposed use. The
33 Traffic Engineer may alternately require the submittal of a parking demand
34 study that justifies estimates of parking demand based on the
35 recommendations of the Institute of Transportation Engineers, and includes
36 relevant data collected from uses or combinations of uses that are the same
37 or comparable to the proposed use in terms of density, scale, bulk, area, type
38 of activity, and location.

39 **6. Dimensions of Parking Spaces⁷³**
40 The parking configuration stated in the following table shall apply to all
41 required off-street parking, except as stated below.

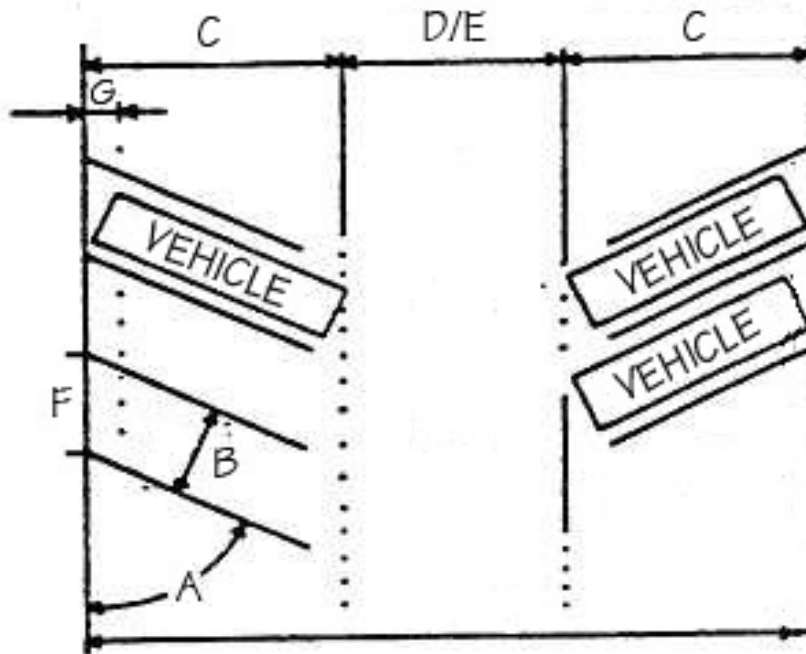
TABLE 21.07-9: PARKING ANGLE DIMENSIONS						
A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall to Curb	Aisle Width 1-way	Aisle Width 2-way	Curb Length	Overhang
0°	9.0	9.0	12.0	24	23.0	0
	9.5	9.5	12.0	24	23.0	
	10.0	10.0	12.0	24	23.0	
20°	9.0	15.0	12.0	24	26.3	0.7
	9.5	15.5	12.0	24	27.8	
	10.0	15.9	12.0	24	29.2	
30°	9.0	17.3	12.0	24	18.0	1.0
	9.5	17.8	12.0	24	19.0	
	10.0	18.2	12.0	24	20.0	
40°	9.0	19.1	12.0	24	14.0	1.3
	9.5	19.5	12.0	24	14.8	
	10.0	19.9	12.0	24	15.6	
45°	9.0	19.8	12.0	24	12.7	1.4
	9.5	20.1	12.0	24	13.4	
	10.0	20.5	12.0	24	14.1	
50°	9.0	20.4	12.0	24	11.7	1.5
	9.5	20.7	12.0	24	12.4	
	10.0	21.0	12.0	24	13.1	
60°	9.0	21.0	18.0	24	10.4	1.7
	9.5	21.2	18.0	24	11.0	
	10.0	21.5	18.0	24	11.5	
70°	9.0	21.0	19.0	24	9.6	1.9
	9.5	21.2	18.5	24	10.1	
	10.0	21.2	18.0	24	10.6	
80°	9.0	20.3	22.0	24	9.1	2.0
	9.5	20.4	21.0	24	9.6	
	10.0	20.5	22.0	24	10.2	
90°	9.0	20.0	23.0	24	9.0	2.0
	9.5	20.0	22.0	24	9.5	
	10.0	20.0	22.0	24	10.0	

NOTE: All dimensions are to the nearest tenth of a foot.

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7. Calculation of Parking Space Dimensions

The spatial relationships described in Table 21.07-9 shall be calculated in the manner depicted in the following diagram⁷⁴:



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- 8. **Exception for Employee Parking Spaces**
 Parking spaces that are signed for employees only may be a minimum of 8.5 feet wide and 20 feet long.
- 9. **Recreational Vehicle Spaces**
 Parking spaces for recreational vehicles, if provided, shall be a minimum of 10 feet by 40 feet.

H. Parking Lot Design Standards

Parking lots and spaces provided in accordance with the requirements of this section shall meet the following standards:

- 1. **Location of Parking Lots**
 Parking lots shall be located on the proposed development site in accordance with the following standards for each use type specified, except when alternate configuration is approved by the Traffic Engineer and the Building Official.
 - a. **Commercial Developments in the AC, O, IC, I-1, and I-2 Districts**
 - i. *Relationship to Buildings*
 In order to reduce the scale of the paved surfaces, to create a unified streetscape, and to shorten the walking distance between the parked vehicle and the building, off-street parking for all commercial developments shall be located according to one of the following options.

- 1 (A) No more than 70 percent of the off-street surface
2 parking spaces provided for all uses contained in the
3 development's primary building(s) shall be located in
4 the front parking area (i.e., the remaining spaces
5 must be located to the rear or side of the primary
6 building), or
- 7 (B) More than 70 percent of the off-street parking spaces
8 provided for all uses contained in the development's
9 primary building(s) may be located in the front
10 parking area, provided the size of the parking lot
11 perimeter landscaping required by section
12 21.07.080F.6. is increased by 50 percent. (For
13 example, if the required parking lot perimeter
14 landscaping is 10 feet and 75% of the parking is
15 between the front façade and the street, then the
16 landscaping area would be increased to 15 feet and
17 additional landscaping required.) For purposes of
18 this section, the "primary building" shall be defined as
19 the building with the most business activity.[ADD
20 ILLUSTRATION]
- 21 ii. *Parking in Buffers*
22 No parking shall be permitted in any required perimeter
23 landscape buffer.
- 24 iii. *Relationship to Residential Areas*
25 To the maximum extent feasible, parking lots shall be located
26 away from any adjoining residential uses while still remaining
27 in compliance with the standards and requirements of this
28 section.
- 29 b. **Commercial Development in the CBD and Mixed-Use Districts**
30 i. *Relationship to Street Frontage*
31 No more than 70 percent of a site's frontage on the primary
32 adjacent public street shall be occupied by a parking lot,
33 perimeter parking lot buffer, or driveways. At least 30 percent
34 must be occupied by a wall of the primary building. [ADD
35 ILLUSTRATION]
- 36 c. **Multi-Family Development in the R-3, R-4, and O Districts**
37 i. *Relationship to Street Frontage*
38 No more than 50 percent of a site's frontage on the primary
39 adjacent public street shall be occupied by a parking lot,
40 perimeter parking lot buffer, parking structure, garages, or
41 carports. [ADD ILLUSTRATION]
- 42 ii. *Parking in Buffers*
43 No parking shall be permitted in any required perimeter
44 landscape buffer.

d. **Multi-Family Development in the CBD and Mixed-Use Districts**

i. **Relationship to Street Frontage**

No more than 70 percent of a site's frontage on the primary adjacent public street shall be occupied by a parking lot, perimeter parking lot buffer, or driveways. At least 30 percent must be occupied by a wall of the primary building(s).

ii. **Parking Underneath Buildings**

Parking may be allowed on the ground level underneath a building provided the parking area is fully screened by a wall or façade or other architectural treatment consistent with the rest of the building in terms of style, detail, and materials.

iii. **Parking Structures⁷⁵**

The ground floor of all parking structures must be screened by usable ground-floor commercial, institutional, or residential space of a minimum depth of 25 feet from any property line that abuts a public street.

2. **Location of Parking Spaces⁷⁶**

a. **General**

Except as provided in this section, all required parking spaces shall be on the same lot as the main building served, or on an abutting lot provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, site plan review use, or conditional use. Such abutting lot shall be under the same ownership as that of the building to be served, and there shall be a parking agreement, approved by the Municipality and recorded, which provides for parking requirements in perpetuity.

b. **Mixed Use**

Any off-street or structured parking in the mixed-use districts may be on the same lot as the building served, abutting or contiguous lots, or any lot within 600 feet.

c. **Recreational Vehicle Spaces**

All lots with 100 or more spaces associated with a retail commercial use shall provide one designated parking space for recreational vehicles per 100 regular spaces. The recreational vehicle spaces shall be depicted on the parking lot layout plan.

d. **Carpool and Vanpool Spaces**

All non-residential lots with 100 or more spaces or that serve uses with 50 or more employees on a single shift shall designate at least two percent of the long-term employee or student parking spaces for carpool/vanpool parking. These designated spaces shall be located closer to the building entrances than other employee or student parking, with the exception of disabled-accessible and short-term visitor parking. These spaces shall be clearly marked "Reserved – Carpool/Vanpool Only" and include hours of use, per the Manual of Uniform Traffic Control Devices.

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3. Pedestrian Access and Circulation

a. Purpose

These standards are intended to provide safe, efficient, and convenient pedestrian access and circulation patterns within parking lots. By creating a safe, continuous network of pedestrian walkways within and between parking lots and developments and adjoining streets and developments, pedestrians will feel more inclined to walk (rather than drive) between stores and other destinations. A pedestrian network that offers clear circulation paths from the parking areas to building entries also creates a safer, more inviting pedestrian environment.

b. Pedestrian Circulation Plan Required

Applicants shall submit a pedestrian circulation plan for all parking areas that demonstrates compliance with the following standards.

c. Pedestrian Connections

In addition to any pedestrian connections required under this chapter, clearly defined on-site pedestrian walkways shall:

- i. Connect each primary entrance of any multi-family or non-residential building with all parking areas or parking structures that serve such primary building(s), and with any required drop-off areas.
- ii. Within all parking lots containing 40 or more spaces, be provided between a public right-of-way and building entrances when buildings are not located directly adjacent to the sidewalk.

d. Demarcation of Pedestrian Connections

Where an on-site pedestrian walkway system abuts a parking lot or internal street or driveway, the walkway shall be clearly marked and physically separated from the parking lot or drive through the use of a (1) an upright curb of six inches or more in height, bollards, or other physical buffer; and (2) a change in paving materials distinguished by its color, texture, edge, or striping. The vehicle overhang shall not encroach into a curbed walkway. Where an on-site pedestrian walkway crosses a parking lot or internal street or driveway, the crosswalk shall be clearly marked and delineated through a change in paving materials distinguished by its color, texture, edge, or striping, and shall meet any requirements of the American with Disabilities Act. Additionally, pedestrian use areas shall be delineated with visual elements such as light poles, bollards, planters, and architectural elements to highlight their location, particularly after a snowfall.

e. Pedestrian Drop-Off Areas

For all parking lots with 40 or more spaces, a defined pedestrian drop-off area shall be provided near the primary building entry. The drop-off areas shall meet the standards set forth in the following section.

1 4. **Vehicular Access and Circulation**⁷⁷

2 Parking areas should be designed for a safe and orderly flow of traffic
3 throughout the site. Plans shall be reviewed and approved by the Traffic
4 Engineer. Applicants shall submit a vehicular circulation plan for all parking
5 areas that demonstrates compliance with the following standards:

6 a. **Key Elements**

7 The vehicular circulation plan shall address the following elements as
8 they relate to parking lots, including but not limited to: fire lanes,
9 emergency access, drive-throughs, drop-offs, and loading areas.

10 b. **Circulation Patterns**

11 Circulation patterns within parking areas shall be well defined with
12 curbs, landscaping, landscaped islands, and other similar features. In
13 order to define circulation and provide better site distance, islands at
14 the end of each aisle are encouraged. Parking spaces along major
15 circulation drives are prohibited. Where loading facilities are required,
16 truck circulation shall be considered, and truck turning radii shall be
17 shown on the vehicular circulation plan.

18 c. **Dead-End Parking Aisles**

19 To the maximum extent feasible, dead-end parking aisles shall be
20 avoided.

21 d. **Relationship to Adjacent Properties and Parking Lots**

22 The plan shall show existing parking and circulation patterns on
23 adjacent properties and potential connections.

24 e. **Parking Area Entries/Driveways**

25 Entries and driveways providing access to parking areas shall
26 conform to the Municipality of Anchorage Driveway Design Standards
27 currently adopted by the Traffic Department. A copy of those
28 standards can be obtained from the Traffic Department. Access to
29 roads owned by the State of Alaska requires Department of
30 Transportation and Public Facilities approval and a current valid
31 driveway permit. The Municipality cannot issue driveway permits for
32 State-owned roads.

33 f. **Passenger Drop-Off Areas**

34 All institutional, entertainment, and commercial uses such as
35 schools/daycare, stadiums, and theaters that have high-volume peak
36 traffic volumes shall provide an area for drop-offs and pick-ups that
37 meets the following requirements:

38 i. **Plan**

39 The vehicle access and circulation plan shall show the
40 location and design of the proposed passenger drop-off area.
41 The plan shall also include information regarding projected
42 usage, hours of operation, peak loading/unloading time, plans
43 for directing traffic, safety measures, and other information
44 deemed necessary by the Traffic Engineer to designing a
45 safe and well-functioning drop-off area.

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- ii. **Schools**
Drop-off and pick-up areas shall be required for schools (public or private). Drop-off and pick-up areas may be adjacent to a primary driveway access or aisle, but shall be located far enough off the roadway so that they do not cause traffic to stop. Additionally, access to drop-off areas shall not be impeded by location of parking lot access drives. Length and design of the drop-off and pick-up areas shall be approved by the Traffic Engineer.

 - g. **Parking and Maneuvering**
All parking spaces and vehicle maneuvering areas required by this section, except those that serve single-family and duplex residences, shall be located entirely on private property unless specifically provided otherwise by this section.

 - h. **Alleys**
The usable portion of an alley may be credited as aisle space subject to safety approval by the Traffic Engineer.

 - i. **Parking Lot Connections**
Required parking areas serving a site, whether located on that same lot or on an adjacent lot, may be connected by means of a common access driveway within or between the interior of such lots.

 - j. **Ingress and Egress Points**
 - i. Ingress and egress to parking facilities shall be designed to maintain adequate sight distance and safety and as prescribed in municipal driveway standards.

 - ii. Adequate ingress to and egress from each parking space shall be provided without backing more than 25 feet.

 - k. **Parking Space Obstructions**
No wall, post, guardrail, or other obstruction that would restrict vehicle door opening shall be permitted within five feet of the centerline of a parking space.
5. **Snow Storage and Handling**
- a. **Snow Storage in All Zoning Districts**
 - i. No snow shall be stored in required landscaping areas or on pedestrian walkways or sidewalks.

 - ii. No snow pile shall be taller than fifteen (15) feet, except as allowed by 21.05.060E.4., *Snow Disposal Site*.

 - iii. Snow shall not be stored on any site (except for a *Snow Disposal Site* pursuant to subsection 21.05.060E.4.) for more than 21 days.

1 **b. Snow Storage in Multi-Family Developments of Five (5) or More**
2 **Units**

3 In addition to the general requirements of a. above, multi-family
4 developments of five (5) or more units shall meet the following
5 requirements:

6 i. In addition to the area set aside to meet the off-street parking
7 requirements of this chapter, a portion of the site equal to a
8 minimum of 20 percent of the area devoted to uncovered and
9 unheated surface parking and driveways shall be set aside
10 for snow storage. No parking credit shall be given for snow
11 storage areas. The snow storage area shall be clearly
12 indicated on the parking lot plan.

13 ii. The designated snow storage area may overlap with fifty
14 percent (50%) of the private open space required in section
15 21.07.030C, provided that:

16 (A) No trees or shrubs exist in that portion of private open
17 space which overlaps with the snow storage area;
18 and

19 (B) All areas of the private open space used for snow
20 storage are within fifteen (15) feet of a paved area.

21 **6. Refuse and Trash Collection Areas**

22 a. All refuse and trash collection areas shall be delineated on the
23 parking lot layout and design plan.

24 b. All refuse and trash collection areas shall be screened in accordance
25 with 21.07.080H.3., *Refuse Collection*.

26 c. Refuse and trash collection areas shall not be located within any area
27 used to meet the minimum parking specifications of this section or on
28 or near any pedestrian use areas such as sidewalks or walkways.

29 d. Refuse and trash collection receptacles shall not be located in a
30 manner that obstructs or interferes with any designated vehicular or
31 pedestrian circulation routes within a parking lot.

32 **7. Maximum Grade⁷⁸**

33 The maximum grade for any parking space or interior drive lanes shall be five
34 percent, except that for accessible spaces the maximum grade shall be two
35 percent (2%), as required by the Americans with Disabilities Act.

36 **8. Paving**

37 a. **Material**

38 Except as provided in b. below and in section 21.07.100D.2.e, *Paved*
39 *Driveways*, all parking lots shall be paved. The paving shall be with
40 impermeable materials such as a concrete or asphalt compound to
41 standards prescribed by the Traffic Engineer, except that a
42 permeable surface may be used when approved by the Traffic

1 Engineer. Single- and two-family development in the R-5, R-6, R-9,
 2 R-10, and TA districts are exempt from this requirement.

3 **b. Temporary Parking Lots**

4 Temporary parking lots shall not be paved, unless required by the
 5 Municipal Engineer.

6 **9. Bicycle Racks**

7 All parking lots with more than 40 spaces shall provide at least one bicycle
 8 rack with a minimum of four parking slots. Such racks shall be conveniently
 9 located near the primary entry of the primary building on the site, but shall not
 10 obstruct pedestrian use areas.⁷⁹

11 **I. Vehicle Stacking Spaces⁸⁰**

12 The vehicle stacking standards of this section shall apply unless otherwise expressly
 13 approved by the Traffic Engineer:

14 **1. General**

15 Uses of land and structures requiring a drive-through shall provide sufficient
 16 queuing space within the site to avoid vehicles waiting within the public right-
 17 of-way. Such uses shall demonstrate to the Traffic Engineer that sufficient in-
 18 line waiting spaces are provided as part of the parking plan to avoid
 19 encroachment into the public rights-of-way.

20 **2. Minimum Number of Spaces**

21 Off-street stacking spaces shall be provided as follows:

TABLE 21.07-10: VEHICLE STACKING AREAS		
Activity Type	Minimum Stacking Spaces	Measured From
Bank teller lane	4	Teller or window
Automated teller machine drive-through	3	Teller machine
Restaurant drive-through	6	Order box
Restaurant drive-through	4	Order box to pick-up window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	3	Entrance
Food and Beverage Kiosks	4	Pick-up Window
Gasoline pump island	2	Pump island
Security gate entrance for self storage or vehicle storage facility	[1]	Security gate
Other	Determined by Traffic Engineer.	
Note [1]: The required on-site queue lane shall measure no less than 50 feet in length and 24 feet in width. The width of the self-storage facility gate is excluded from this requirement.		

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3. Design and Layout

Required stacking spaces are subject to the following design and layout standards.

a. Size

Stacking spaces shall be a minimum of eight feet by 20 feet in size, except as noted above in Table 21.07-10, *Vehicle Stacking Areas*, for self-storage and vehicle storage facilities.

b. Location

Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

c. Design

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Traffic Engineer for traffic movement and safety.

J. Accessible Parking Requirements⁸¹

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for the use by persons with physical disabilities.

1. Number of Spaces Required

Accessible parking requirements for commercial, industrial, public, and institutional uses, and multi-family developments requiring more than 25 spaces, are as follows:

TABLE 21.07-11: ACCESSIBLE PARKING REQUIREMENTS			
Total Vehicle Spaces in Parking Lot	Minimum Car Accessible Spaces	Minimum Van Accessible Spaces	Total Accessible Parking Spaces, Required Minimum
1--25	0	1	1
26--50	1	1	2
51--75	2	1	3
76--100	3	1	4
101--150	4	1	5
151--200	5	1	6
200--300	6	1	7
301--400	7	1	8
401--500	8	1	9
501--549	9	1	10
550--599	10	1	11
600--649	11	1	12
650--699	12	1	13
700--749	13	1	14
750--799	14	1	15
800--849	14	2	16
850--899	15	2	17
900--949	16	2	18

TABLE 21.07-11: ACCESSIBLE PARKING REQUIREMENTS

Total Vehicle Spaces in Parking Lot	Minimum Car Accessible Spaces	Minimum Van Accessible Spaces	Total Accessible Parking Spaces, Required Minimum
950--999	17	2	19
1,000--1,099	18	2	20
1,100--1,199	19	2	21
1,200--1,299	20	2	22
1,300--1,399	21	2	23
1,400--1,499	21	3	24
1,500--1,599	22	3	25
1,600--1,699	23	3	26
1,700--1,799	24	3	27
1,800--1,899	25	3	28
1,900--1,999	26	3	29
2,000--2,099	27	3	30
2,100--2,199	28	3	31
2,200--2,299	28	4	32
2,300--2,399	29	4	33
2,400--2,499	30	4	34
2,500--2,599	31	4	35
2,600+	Total accessible spaces minus total van spaces	1 per each 8 accessible spaces	20 plus 1 for each 100 over 1,000 total vehicle spaces

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2. Dimensions

Accessible vehicle spaces shall be at least eight feet wide with an access aisle at least five feet wide abutting the space. One in every eight accessible vehicle spaces shall have an abutting aisle eight feet in width for vans. Accessible vehicle space access aisles shall be part of an accessible route to the building or facility entrance as specified in subsection 3. below, *Accessible Routes*. Two accessible vehicle spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Accessible vehicle spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

3. Accessible Routes⁸²

a. Location

At least one accessible route to the building or facility entrance shall be provided from accessible parking and accessible passenger loading zones.

b. Width

The minimum clear width of an accessible route shall be 36 inches.

c. Surface Textures

Ground surfaces along accessible routes shall be stable, firm, and slip-resistant.

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- d. **Changes in Levels**
Changes in level up to 1/4 inch may be vertical and without edge treatment. Changes in level between 1/4 inch and 1/2 inch shall be beveled with a slope no greater than one to two. Changes in level greater than 1/2 inch shall be accomplished by means of a ramp.
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- e. **Gratings**
If gratings are located in walking surfaces on an accessible route, then they shall have spaces no greater than 1/2 inch wide in one direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.
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- f. **Ramps**
ADA ramps cannot protrude into the ADA access aisle. Ramp details shall be included on the plans.
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4. **Location**
Accessible vehicle spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. The accessible route of travel shall not pass behind parking spaces. In parking facilities that do not serve a particular building, accessible vehicle spaces shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible vehicle spaces shall be dispersed and located closest to the accessible entrances.
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5. **Signs**
Accessible vehicle spaces shall be designated as reserved by a sign showing the symbol of accessibility. Van-accessible spaces shall have an additional sign reading "Van-Accessible" mounted below the symbol of accessibility.
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- a. Eight-foot van accessible aisles require a no-parking sign.
- b. Signs shall be located so that they do not obstruct the ramps or other pedestrian access.
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- c. A handicapped sign detail shall be included in the plan submittal per Municipality sign specifications.
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6. **Implementation of ADA**
Regulations may be promulgated under section 21.03.040, *Amendments to Text of Title 21*, to implement the requirements of Americans with Disabilities Act of 1991 as it may be amended or interpreted by federal regulation.
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7. **Standards for Parking as Principal Use**⁸³
Where a parking structure or lot is a permitted principal or conditional use and is not providing required parking for another principal use, accessible parking spaces in accordance with this section shall be provided.

1 **K. Modification of Parking Requirements⁸⁴**

2 The number of required parking spaces shall be that specified in this title unless
3 modified pursuant to section 21.03.180, *Minor Modifications*, or section 21.03.190,
4 *Variances*.

5 **21.07.100 RESIDENTIAL BUILDING STANDARDS⁸⁵**

6 **A. Purpose**

7 The standards of this section 21.07.100 are intended to promote high-quality
8 residential development and construction; protect property values; encourage visual
9 variety and architectural compatibility; and promote an integrated character for
10 Anchorage's neighborhoods. Specifically, the standards:

- 11 1. Promote new residential developments that are distinctive, have character,
12 and relate and connect to established neighborhoods;
- 13 2. Provide variety and visual interest in the exterior design of residential
14 buildings;
- 15 3. Provide for a variety of lot sizes and housing types for a range of households
16 and age groups;
- 17 4. Enhance the residential streetscape and diminish the prominence of garages
18 and parking areas;
- 19 5. Enhance public safety by preventing garages from obscuring main entrances
20 or blocking views of the street from inside residences;
- 21 6. Locate active living spaces, entrances, and windows to improve the physical
22 and visual connection from residences to the street, and foster opportunities
23 for casual surveillance of the street and outwardly expressed proprietorship of
24 the neighborhood; and
- 25 7. Improve the compatibility of attached and multi-family residential development
26 with the residential character of surrounding neighborhoods.

27 **B. Applicability**

28 This section applies to all residential development except for residential development
29 in the R-5, R-6, R-7, R-9, and R-10 districts. This section does not apply in Girdwood.

30 **C. Alternative Equivalent Compliance**

31 The alternative equivalent compliance procedure set forth in subsection 21.07.010.B.
32 may be used to propose alternative means of complying with the intent of this section.

33 **D. Standards for Single-Family and Two-Family Residential Dwellings**

34 1. **Purpose**

35 This subsection 21.07.100.D. is intended to promote building design that
36 contributes to a sense of neighborhood and to the overall streetscape by
37 carefully relating buildings, yards, and garages in relation to public streets and

1 adjacent properties. The standards support visual variety, avoid monotony in
2 home designs and layouts, and protect property values of both the subject
3 property and surrounding development.

4 **2. Design Standards**

5 **a. *Mix of Housing Models*⁸⁶**

6 Any development of 5 or more units shall have a mix of housing
7 models according to the following table:

Table 21.07-12 MIX OF HOUSING MODELS	
Number of units	Number of different models required
5-10	2
11-30	3
31 or more	4

8
9 Each housing model shall have at least two of the following
10 variations:

- 11 i. Noticeably different floor plans;
- 12 ii. Noticeably different placement of the building footprint on the
13 lot;
- 14 iii. Noticeably different garage placement; or
- 15 iv. Noticeably different roof lines.

16 The development shall be arranged to avoid placing identical housing
17 types on adjacent lots.

18 **b. *Orientation of Dwellings to the Street***

19 Each residence shall have at least one primary pedestrian doorway
20 for access to the dwelling located on the elevation of the dwelling
21 facing the front lot line of the property, on or within 8 feet of the most
22 forward plane of the house, and clearly visible from the street or
23 public area adjacent to the front lot line. On corner lots, such
24 pedestrian doorway may be located facing any adjacent street.
25 Unless prohibited by terrain or other site constraints, the orientation of
26 new lots shall repeat the predominant relationship of buildings to
27 buildings and buildings to street along the same block face or the
28 facing block face.

29 **c. *Garages*⁸⁷**

- 30 i. Garage doors facing the street shall comprise no more than
31 65 percent of the total length of a dwelling's façade and no
32 more than 30 percent of the overall square footage of the
33 dwelling's front façade that faces the street. Ranch-style

- 1 homes are exempted from the overall square footage
2 limitation.
- 3 ii. Dwelling units with garage doors that face the street and
4 comprise more than 50 percent of the width of the façade
5 shall be recessed at least four feet behind the remaining
6 façade and shall feature at least one design element from List
7 A and one design element from List B:
- 8 (A) *List A:*
9 (1) Balcony over the garage
10 (2) Eyebrow mansard over the entire length of the
11 garage door extending a minimum of two (2) feet
12 (3) Entry is pronounced using a porch, columns, or
13 other similar features
- 14 (B) *List B:*
15 (1) Windows in the garage door
16 (2) At least two different materials used on the front
17 façade
18 (3) Special paving patterns in the driveway
- 19
20 iii. The minimum front building setback may be reduced by five
21 feet when there is a detached garage located in the rear of
22 the lot behind the principal dwelling structure, or a rear
23 garage attached to the principal dwelling if the front wall of
24 the garage is located at least 10 feet behind the façade of the
25 house.
- 26 d. ***Alleys***⁸⁸
27 i. If a development includes alleys, the alleys may either be
28 easements across the rear side of lots, or the alleys may be
29 dedicated, but in that case, the lot depth requirement is
30 reduced by half the width of the alley.
- 31 ii. If a residential unit has alley access to a garage, the front
32 setback for the living portion of the house (but not the garage)
33 may be reduced to 10 feet.
- 34 iii. If a residential unit is served by an alley, no driveways in the
35 front yard shall be permitted. All vehicular access, including
36 to garages, shall be through the alley.
- 37 e. ***Paved Driveways***
38 For new homes constructed on lots of less than one acre, or in
39 subdivisions where the majority of lots are less than one acre, all
40 residential driveways that are less than 150 feet in length shall be
41 paved with concrete, asphalt, or an asphaltic all-weather surface (not

1 including gravel) to standards prescribed by the Traffic Engineer for
2 their entire length. For such residential driveways exceeding 150 feet
3 in length, at least the 100 feet of driveway closest to the public street
4 shall be paved with such materials. Alternative paving materials may
5 be used if approved by the Traffic Engineer.

6 **E. Standards for Townhouse Residential⁸⁹**

7 **1. Purpose**

8 The purpose of these standards is to provide a distinctive architectural
9 character in new townhouse residential development that avoids featureless
10 design and repetition of facades.

11 **2. Applicability**

12 These standards shall apply to all townhouse structures as well as to
13 townhouse-style construction on a single lot.

14 **3. Building Articulation and Architectural Variety**

15 **a.** No more than eight townhouse units may be attached in a single row
16 or building cluster.

17 **b.** The building which is the aggregation of up to eight townhouse units
18 shall be given architectural and visual interest through two or more of
19 the following methods:

20 **i.** Providing a projection, recess, or reveal at least every twenty
21 feet, with a minimum change of plane of two feet;

22 **ii.** Use of two or more distinct materials on each facade;

23 **iii.** Use of distinct variations in architectural style or features,
24 such as a balcony or similar feature, between individual units;

25 **iv.** Use of distinct variations in roof form.

26 **4. Entryway Treatment**

27 **a.** Entrances should be prominent and visible from the street and from
28 parking areas.

29 **b.** The main entry of each unit shall be emphasized by the use of at
30 least two of the following:

31 **i.** A porch or landing;

32 **ii.** Double doors;

33 **iii.** A roofed structure such as a portico, awning, or marquee; or

34 **iv.** The inclusion of side-lights (glazed openings to the side of the
35 door), and transom-lights (glazed opening above the door) in
36 the entry design.

1 **5. Garages**

- 2 **a.** If a development includes alleys, the garages shall be accessed from
3 the alleys, and the front setback may be reduced to ten (10) feet.
- 4 **b.** If the development does not include alleys, garages on the street-
5 facing side of the building shall be recessed at least two feet behind
6 the remaining façade.

7 **F. Standards for Multi-Family Residential (Four or Fewer Stories)⁹⁰**

8 **1. Purpose**

9 The purpose of these standards is to improve the appearance of design and
10 functionality of multi-family development, recognizing the important of design
11 in the economic success of urban areas, the need to be more efficient in the
12 use of land, and the need to ensure the adequate protection of the
13 surrounding area. More specifically, these standards are intended to:

- 14 **a.** Provide a distinctive architectural character in new multi-family
15 residential developments that avoids featureless design, large
16 building masses, and repetition of facades;
- 17 **b.** Promote sensitive design and planning of multi-family housing units
18 that preserves or improves the characteristics of surrounding
19 development;
- 20 **c.** Promote building design, placement, and orientation that contributes
21 to a sense of neighborhood and community; and
- 22 **d.** Improve the quality of life of residents of multi-family residential
23 dwellings.

24 **2. Applicability**

25 All development or redevelopment of multi-family residential structures of four
26 stories or less shall comply with the following requirements. In the case of
27 mixed-use buildings, these standards and the standards of section
28 21.04.050.H., *Mixed-Use District Development Standards*, shall both apply.
29 In case of conflict, the more stringent standard shall control.

30 **3. Building and Parking Location, Layout, and Orientation**

- 31 **a.** In multi-building developments, the buildings are encouraged to be
32 arranged to enclose and frame common areas. Common areas and
33 courtyards should be convenient to a majority of units.
- 34 **b.** When more than one multi-family structure is constructed:
- 35 **i.** No side, end, or rear wall of a multi-family structure shall be
36 located within 20 feet of a side, end, or rear wall of any other
37 multi-family structure;
- 38 **ii.** No side, end, or rear wall of a multi-family structure shall be
39 located within 30 feet of the front wall of any other multi-family
40 structure; and

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- iii. No front wall of a multi-family structure shall be located within 40 feet of the front wall of any other multi-family structure.
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- For purposes of measurement in this subsection, projections such as decks and bay windows shall not be counted.
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- c. **Parking⁹¹**
All surface parking shall comply with at least two of the following requirements in addition to the parking lot landscaping requirements set forth in section 21.07.080:
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- i. Separated from any building by a landscaped strip of at least six-feet in width, or
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- ii. No more than one double-loaded row of parking between any building on the site and an adjacent public street, or
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- iii. The parking lot is broken up into pods of no more than 40 spaces with pods separated by landscaped areas, raised sidewalks, ornamental fencing, or similar features.
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- 4. **Building Mass and Articulation⁹²**
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- a. Each façade greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 10 percent of the length of the façade, and extending at least 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 50 horizontal feet.
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- b. The facades of all multi-family buildings shall be articulated through the incorporation of three or more of the following:
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- i. Balconies;
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- ii. Bay or box windows;
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- iii. Porches or arctic entries;
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- iv. Dormers;
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- v. Variations in materials and/or colors;
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- vi. Variations in roof forms;
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- vii. Variation in window sizes and shapes; or
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- viii. Vertical elements that demarcate building modules.
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- c. Buildings located within 20 feet of the public right-of-way shall have a first floor raised at least one foot off the ground to maintain privacy.
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- d. The height of each multi-family building taller than 35 feet shall be stepped down from its highest roofline at least one full story on any
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1 end of the building located within 50 feet of a street-right-of-way or an
2 adjacent area zoned R-1 or R-2.

3 **5. Roof Form**

4 **a. Roof Design**

5 i. The incorporation of a variety of roof forms is strongly
6 encouraged. Upper-level residential floors may be
7 incorporated into the roof form to reduce the apparent height
8 and mass of buildings.

9 ii. Multi-family residential buildings shall be designed to avoid
10 any continuous roofline longer than 50 feet. Rooflines longer
11 than 50 feet shall include at least one vertical elevation
12 change of at least two feet.

13 **6. Façades and Detail Elements**

14 **a. Facade Materials**

15 i. Highly reflective materials shall not be used in areas where
16 the location of the building will create undue solar, reflective
17 gain to surrounding properties

18 ii. Natural, smooth face CMU shall not be used as a primary
19 exterior finish.

20 iii. Siding material shall be continued down to within nine inches
21 of finished grade with the following exceptions:

22 (A) If a secondary wainscot finish precludes this condition;
23 or

24 (B) If grade dictates a siding transition. If this occurs then
25 the area in question must not exceed 18 inches above
26 grade and must be screened by approved landscaping.
27

28 **b. Windows**

29 Except for façades built on side lot lines, all elevations on multi-family
30 buildings shall contain at least 12 percent windows.

31 **7. Entrances and Porches**

32 **a.** Building/development entries shall comply with at least two of the
33 following requirements:⁹³

34 i. At least one main building entry shall face the primary
35 adjacent public street;

36 ii. Building entrances face a courtyard that has a direct and
37 visible connection to an adjacent public street;

38 iii. Building entries are connected to a public sidewalk by
39 walkways that are not routed through a parking lot;

1 Applicants for alternative equivalent compliance shall demonstrate design strategies
2 that address each of the four core subject areas set forth below in subsection G.

3 **D. Weather Protection for Pedestrians⁹⁷**

4 **1. General**

5 Sheltering roofs or building projections for protection from rain, wind, snow,
6 and ice shall be provided in areas of pedestrian activity around
7 public/institutional and commercial buildings, including sheltered
8 entranceways at major entrances and pedestrian-oriented facades along
9 public sidewalks or walkways.

10 **2. Primary Facades and Entrances**

11 Buildings shall incorporate canopies, awnings, or similar sheltering structures
12 across 60 percent of any ground-floor façade abutting a street sidewalk or
13 pedestrian walkway. The minimum depth of any canopy or awning shall be
14 eight feet to minimize snow, ice, and drip lines along pedestrian walkways.
15 The canopy or awning shall be at least eight feet and no more than 14 feet
16 above the sidewalk or walkway elevation.

17 **3. Protective Roof Design**

18 Buildings shall avoid roof designs, canopy structures, or other design features
19 that would allow accumulated snow, ice, or rain to fall or slide onto sidewalks
20 or walkways. Roofs shall be designed to protect doorways, exterior stairs,
21 balconies, garage entrances, bicycle parking, and pedestrian sidewalks and
22 walkways from snow and ice fall. Where sloping roofs incline toward such
23 areas, protective features such as arcades, loggias, and dormers shall be
24 used to protect pedestrians from falling snow. Such devices need not be
25 continuous if foundation planting beds are located to set the walkway away
26 from the building facades.

27 **4. Wind Study**

28 A wind study shall be performed on all buildings proposed to be over ten (10)
29 stories tall. When the study results show that the proposed building will
30 accelerate wind velocity at ground level, then Wind Mitigation
31 (21.07.110G.4.c) shall be selected as one of the minimum design
32 requirements as required below.

33 **E. Height Transitions For Neighborhood Protection**

34 The height of each building taller than 35 feet shall be stepped down from its highest
35 roofline at least one full story on any end of the building abutting an area zoned R-1 or
36 R-2.

37 **F. Snow Storage**

38 Snow storage areas shall be indicated clearly on all site plans. Location and design of
39 snow storage areas in parking lots shall comply with the provisions of subsection
40 21.07.090H.5., *Snow Storage and Handling*.

41 **G. General Standards Menu⁹⁸**

42 All buildings shall meet at least ten of the following requirements, which are organized
43 into four subject areas: Building Orientation, Building Massing, Façade Appearance,

1 and Human /Northern Climate Response. Each subject area has a minimum number
2 of options required. "Innovation credits" may be used to satisfy only one of the
3 minimum ten requirements, and shall not be used to satisfy the minimum requirement
4 in a subject area when the minimum requirement for that subject area is one. Options
5 that do not apply in certain situations shall not be chosen (for instance, structures less
6 than six stories may not choose the "Shadow Impact Analysis and Mitigation" option).
7 Some building features may satisfy more than one option.

8 **1. Building Orientation (three options required)**

9 **a. Four-sided Design**

10 Architectural features and treatments shall not be restricted to a
11 single façade of any primary structure. All sides of a building open to
12 view by the public, whether viewed from public or private property,
13 shall display a similar level of quality and architectural interest, and
14 shall include similar varieties of materials, trim, and horizontal and
15 vertical articulation.

16 **b. Multiple-Building Development Orientation**

17 If the proposed development consists of more than one building, all
18 primary and pad site buildings shall be arranged and grouped so that
19 their primary orientation frames and encloses a pedestrian and/or
20 vehicle access corridor within the development site

21 **c. Streetscape**

22 The primary building is built at the property line or setback line
23 (whichever is applicable) of the primary abutting street, with any
24 required parking either to the side or behind the building. An
25 entrance is provided on the side of the building abutting the primary
26 abutting street.

27 **d. Screening Service Functions**

28 Building functions that do not directly serve the public, such as
29 loading bays and utility boxes, shall not be placed directly along the
30 street. Garages that face streets shall be recessed behind the façade
31 of primary buildings.

32 **e. Solar Orientation**

33 Primary public entrance areas, outdoor community spaces and
34 plazas, gallerias and atriums, and other public spaces and pedestrian
35 areas shall be located and oriented for solar exposure during times of
36 public use.

37 **f. Shadow Impact Analysis and Mitigation**

38 Structures greater than six stories in height shall be designed so as
39 not to have an unnecessarily substantial shadow impact on
40 neighboring properties and public spaces. The applicant shall to
41 evaluate the impact of shadows potentially cast by proposed
42 development, and implement appropriate design measures to reduce
43 or mitigate any undesirable shadow conditions. Example measures
44 include repositioning of a structure on the lot, increasing the setbacks,
45 reducing or shifting a building's height or mass, redesigning a
46 building's shape using a narrow east-west profile, and angled or
47 terraced roof forms.

- 1 Each primary structure shall have a clearly defined main pedestrian
2 entrance featuring at least three of the following elements:
- 3 i. Canopies, porticos, overhangs, arcades, or similar sheltering
4 cover;
 - 5 ii. Recesses or projections;
 - 6 iii. Arches;
 - 7 iv. Peaked roof forms;
 - 8 v. Outdoor patios;
 - 9 vi. Display windows;
 - 10 vii. Architectural tilework or moldings integrated into the building
11 design; or
 - 12 viii. Integrated planters or wing walls that incorporate landscaped
13 areas or seating areas.
- 14 c. ***Human Scale at Street Level***
15 A human scale shall be achieved near ground level on commercial
16 buildings and along street façades and entryways through the use of
17 such scale elements as windows, doors, columns, and beams.
18 “Human scale” means the entrances, windows, doors, columns, and
19 beams on large buildings are in proportion to and not significantly
20 larger than the people using the building. For example, a ten-foot
21 high entrance cover is in proportion to a person using it; a 30-foot
22 high colonnade is not.
- 23 d. ***Aesthetic Innovation***
24 Credit will be allowed for special attention to façade treatment through
25 innovations not covered by above credits. The applicant shall
26 demonstrate a specific aesthetic intent that enhances the
27 development.
- 28 4. **Human / Northern Climate Factors (one option required)**
29 a. ***Weather Protection for Buildings***
30 Buildings shall incorporate weather-resistant (concrete or cement
31 board siding) as a protective covering where snow is likely to drift or
32 accumulate against exterior walls in the winter. Finish shall be
33 durable as to withstand impacts and abrasion due to snow removal
34 activities at sidewalks.
- 35 b. ***Heated Sidewalks (this option counts for two requirements)***
36 Provide automatic snow-melt systems across 60 percent of any
37 ground-floor façade abutting a street sidewalk or pedestrian walkway.
38 The minimum depth of any system shall be eight feet and include
39 provisions to prevent ice accumulation at limits of heated areas.
- 40 c. ***Wind Mitigation***

1 Wind effects shall be minimized on and around tall buildings by use of
2 one of the following techniques

3 i. *Aerodynamic Profile*

4 The tower portion of tall buildings with more than six stories
5 should have rounded aerodynamic profiles and turn their
6 narrow face or be angled diagonal to prevailing winter winds.
7 Wider buildings with long sides to the wind which increase the
8 downwash effect shall be avoided.

9 ii. *Stepped Terraced Form*

10 Terrace taller buildings down to the street in stair-step
11 fashion. Buildings significantly taller (more than twice as tall)
12 than their neighbors or that are taller than 6 stories shall be
13 designed with horizontal projections and stepped, setback
14 facades starting between 20 to 35 feet (4 stories maximum)
15 above the street. The setback from the street wall to the
16 tower portion of a tall building shall be at least 20 feet.

17 iii. *Protective Wall Projections*

18 Use projections such as awnings, balconies, and marquees
19 to protect the public spaces and building entrances below
20 from wind down drafts.

21 d. *Microclimate Wind Mitigation*

22 Buildings should be relatively low in height, or similar in height to
23 adjacent buildings. Abrupt changes in building height from one
24 building to the next significantly impact winter wind velocity in streets
25 and spaces. Gradual height transitions allow more of the cold wind to
26 pass over the tops of buildings. Where building heights increase in
27 the direction of prevailing wind flow, buildings taller than their upwind
28 neighbors should be less than twice the average height of the nearest
29 upwind buildings. Height transitions from one building to another
30 should not exceed 100 percent.

31 e. *Innovation in Northern Design*

32 Credit will be allowed for special attention to specific treatment
33 through innovations not covered by above credits. The applicant
34 shall demonstrate a specific northern design strategy that enhances
35 the development.

36 **21.07.120 LARGE COMMERCIAL ESTABLISHMENTS⁹⁹**

37 **A. Purpose**

38 Large commercial establishments often have high visibility from major public streets, a
39 large physical scale, and a great volume of use by many residents and visitors. As a
40 consequence, their design determines much of the character, function, and image of
41 this community and its streetscapes and commercial areas. The purpose of this
42 section is to encourage major commercial developments to contribute to and respect
43 Anchorage as a unique place and to physically integrate with the community in a
44 positive and architectural and site design sensitive manner. The standards of this
45 section augment existing basic standards for development found elsewhere in this

1 chapter with more specific interpretations that apply to large commercial
2 establishments. These standards promote: a basic level of architectural variety and
3 interest; a compatible appearance and scale; pedestrian and parking lot access;
4 orientation of buildings and entrances in relation to surrounding streets; provisions for
5 adaptive reuse of prominent vacant buildings; and mitigation of negative impacts of
6 large scale commercial developments.

7 **B. Applicability**

8 The standards of this section 21.07.120 shall apply to any use in the Retail (Sales);
9 Retail (Personal Service); Retail (Repair and Rental); Animal Sales, Service, and
10 Care; Food and Beverage Service; or Indoor Entertainment use category, or any
11 combination thereof, occupying more than 25,000 gross square feet of floor area,
12 including any secondary buildings or pad lots as part of the same development site.

13 **C. Relationship to Other Standards**

14 The provisions of this section shall replace the provisions of section 21.07.110,
15 Public/Institutional and Commercial Building Standards, but shall apply in addition to
16 all other generally applicable standards found elsewhere in this chapter and title.
17 Where there is a conflict with generally applicable standards in this chapter, the
18 standards of this section shall apply. Where there is a conflict with district-specific
19 standards in chapter 21.04 of this title, the district-specific standards shall apply.

20 **D. Mandatory Standards**

21 **1. Weather Protection for Pedestrians**

22 Buildings and roofs shall be designed so that precipitation shall not fall on
23 sidewalks, walkways, or building entrances. Design options in the “Ground
24 Level Expression” and “Prominent Entries” subject areas may fulfill this
25 requirement.

26 **2. Adjacent Residential Development**

27 Level 4 Screening landscaping shall be provided along property lines that are
28 adjacent to residentially-zoned property. The landscaping shall allow for any
29 pedestrian connections provided by this section.

30 **3. Prohibited Materials**

31 Exterior building materials shall not include the following:

- 32 a. Plywood without board and batten;
- 33 b. Unstained or untreated wood, except for cedar or redwood;
- 34 c. T-111 siding; and
- 35 d. Smooth-face CMU used on more than 20% of each façade.

36 Neon tubing shall not be an acceptable building/roofline outline feature.

37 **4. Outdoor Sales and Display**

38 **a. Intent Statement**

1 To screen storage and display areas of large commercial
2 establishments from adjacent properties, public streets, and customer
3 entrances, and to mitigate visual and noise impacts.

4 **b. Permanent Outdoor Display, Sales, and Storage of Merchandise**

5 i. Any outdoor storage, display, or sales location shall be
6 permanently defined on a site plan.

7 ii. The size of permanent outdoor storage, display, and sales
8 areas shall be ten percent (10%) of the footprint of the
9 principal building, or 15,000 square feet, whichever is less.

10 iii. Permanent outdoor storage, display, and sales areas shall be
11 contiguous to the building and shall not be within 100 feet of
12 residential property.

13 iv. All outdoor storage, display, and sales areas shall have
14 permanent walls and/or screening fences, no more than 15
15 feet high, made of materials and colors designed to be
16 complementary to those used as predominant materials and
17 colors on the building. Merchandise shall not be stacked
18 above the height of the screening wall or fence. Any chain
19 link fencing used shall be dark-colored and covered with a
20 windscreen, which shall be maintained in good repair.

21 v. Outdoor storage, display, and sales areas shall be counted
22 when calculating required parking.

23 **c. Temporary Outdoor Display and Sales**

24 Temporary outdoor display and sales of merchandise shall not be
25 located in required parking areas, on pedestrian walkways or
26 sidewalks, or in required landscaping.

27 **5. Master Site Plan and Secondary Buildings**

28 **a. Intent**

29 To integrate the location, orientation, and appearance of all structures
30 and improvements within a large commercial establishment as a
31 unified, coherent and accessible site development.

32 **b. Master Site Plan**

33 Large commercial establishments on sites that include more than one
34 building, or that include multiple pad lots or platted lots for separate
35 commercial establishments, shall, at the time of plat review or major
36 site plan review, be required to establish a master site plan for the
37 location, design and orientation of principal and secondary buildings
38 on site.

39 **c. Applicability of Large Commercial Establishment Regulations**

40 Building and site design standards for large commercial
41 establishments in this section, unless stated to apply specifically to
42 principal buildings, apply to both principal and secondary buildings on
43 any commercial tract within a large commercial establishment site or
44 site master plan area.

1 d. **Secondary Building Orientation to Public Streets**

2 Peripheral secondary buildings located at the edge of the site next to
3 a public street or street corner shall provide at least one customer
4 entrance facing each abutting public street. A corner entrance facing
5 both streets may meet this requirement. In such a case, for purposes
6 of design requirements in this section for facades with customer
7 entrances, the entrance shall be considered to be on both facades.

8 e. **Integration of Secondary Buildings with Principal Building and
9 Site Design**

10 Building colors and materials, architectural features, detail elements,
11 and roof forms of secondary buildings on the site shall be compatible
12 and integrated with the colors, building materials and architectural
13 character and design of the principal building(s) on the site.

14 E. **General Standards Menu**

15 All large commercial establishments shall meet at least 11 of the following
16 requirements, which are organized into six subject areas: Site Layout, Pedestrian
17 Connections and Common Spaces, Roof Form, Façade Articulation, Ground Level
18 Expression, and Prominent Entries. Each subject area has a minimum number of
19 options required. "Innovation credits" may be used to satisfy only one of the minimum
20 11 requirements, and shall not be used to satisfy the minimum requirement in a
21 subject area when the minimum requirement for that subject area is one. Options that
22 do not apply in certain situations shall not be chosen (for instance, a development with
23 a flat-roofed building may not choose the "Sloping Roof Form" option). Some building
24 features may satisfy more than one option.

25 1. **Site Layout (one option required)**

26 a. **Location of Parking Lots**

27 No more than 50 percent of vehicle parking spaces provided shall be
28 located in the front parking area (defined in 21.13).

29 b. **Multiple Entrances**

30 The principal building(s) shall have customer entrances on at least
31 two sides of the building that face an abutting street from which
32 access to the site is taken, with at least one of the required entrances
33 facing the street to which the building is closest. A corner entrance
34 shall be counted as an entrance on either façade.

35 c. **Pedestrian-Friendly Entrance**

36 At least one customer entrance of the principal building is located
37 within one hundred (100) feet of the property line abutting the street
38 from which the main access to the site is taken.

39 d. **Innovation in Site Layout**

40 Credit will be allowed for special attention to site layout through
41 innovations not covered by the above options. The applicant shall
42 demonstrate a specific site layout that enhances the development.

43 2. **Pedestrian Connections and Common Spaces (one option required)**

44 a. **Connections to Neighboring Properties**

1 Pedestrian walkways shall be provided from the principal building to
2 adjacent developments, and to adjacent neighborhoods where trail or
3 street connections are available.

4 **b. Building Façade Walkways**

5 Walkways at least six feet wide (at least 8 feet if abutting a parking lot
6 without wheel stops to prevent vehicle overhang into the walkway)
7 shall be provided along the full length of every building façade that
8 has a customer entrance or abuts a customer parking lot. This option
9 may be incorporated with a covered arcade as part of a “Façade
10 Articulation” option, or with foundation plantings, as part of a “Ground
11 Level Expression” option.

12 **c. Common Space Provided**

13 The establishment shall provide at least one common public space,
14 such as a plaza, patio, courtyard, or atrium with indoor/outdoor
15 connections, at or near the principal customer building entrance. The
16 common space(s) shall total not less than one percent (1%) of the
17 total gross floor area of the principal building, and no dimension shall
18 be less than fifteen (15) feet. The common space(s) shall be visible
19 and central to pedestrian circulation on site. Common spaces are
20 encouraged to have good solar access and/or provide views of the
21 Chugach Mountains or other major landmark(s).

22 **d. Innovation in Pedestrian Connections and Common Spaces**

23 Credit will be allowed for special attention to pedestrian connections
24 and common spaces through innovations not covered by the above
25 options. The applicant shall demonstrate a specific pedestrian
26 amenity that enhances the development.

27 **3. Roof Form Variation (one option required)**

28 **a. Sloping Roof Form**

29 The roof of the principal building shall include at least three roof slope
30 planes.

31 **b. Parapet Variation**

32 Parapet height shall vary by at least two vertical feet, at least every
33 100 horizontal feet. Variations to parapet height may include pilasters
34 and projecting raised entrance features.

35 **c. Varied Roof Form**

36 Roof form variation shall be achieved by one of the following:

- 37 i. A change in materials and/or color;
- 38 ii. A projecting cornice line;
- 39 iii. Overhanging roof or eaves, extending no less than three (3)
40 feet past the supporting walls, supported by brackets; or
- 41 iv. Sloping rooflines with an average slope of no less than one
42 (1) foot of vertical rise for every three (3) feet of horizontal

run, and not greater than one (1) foot of vertical rise for every one (1) foot of horizontal run.

d. Innovation in Roof Form Variation

Credit will be allowed for special attention to roof form variation through innovations not covered by the above options. The applicant shall demonstrate a specific roof form variation that enhances the development.

4. Façade Articulation and Features (one option required)

a. Façade Articulation

All façades longer than 100 feet in length, measured horizontally, shall be articulated into smaller units of building mass by incorporating wall plane offsets having a depth of at least 5 percent of the length of the façade and extending at least 20 percent of the façade.

b. Façade Variation

In order for buildings to display the greatest amount of visual interest and appear less industrial whether they function as single or multiple-story buildings, all building façades that face public streets, or residential, parks and recreation, or PLI-zoned land, shall consist of distinguishable base, middle, and top sections.

i. Base

Base level or ground floor facades shall provide the greatest collection of architectural detail features to create visual interest at the pedestrian level. Methods shall include two or more of the architectural detail features listed below: (applicable items may also satisfy the "Principal Ground Floor Facades" option below):

- (A) Masonry cladding;
- (B) Windows;
- (C) Architectural bays;
- (D) Changes in materials and/or color;
- (E) Ornamental details and/or artwork;
- (F) Roof overhangs, canopies, or arcades.

ii. Middle

The middle shall be distinguishable from the base section, and include one or more of the architectural detail features listed below:

- (A) Windows;
- (B) Signage;

- 1 (C) Changes in materials and/or colors.
- 2
3 iii. *Top*
4 The topmost portion of a building shall be made visually
5 prominent using the features required in subsection 3, Roof
6 Form Variation.
- 7
8 c. ***Innovation in Façade Articulation and Features***
9 Credit will be allowed for special attention to façade articulation and
10 features through innovations not covered by the above options. The
11 applicant shall demonstrate specific façade articulation and features
12 that enhance the development.
- 13
14 5. **Ground Level Expression (three options required)**
- 15 a. ***Principal Ground Floor Façades***
16 Façades of any principal or secondary building that front directly onto
17 onsite walkways, public streets, or parking lots, or that have a
18 customer entrance, shall incorporate three or more of the following
19 ground floor detail elements (applicable items may also satisfy the
20 Base requirement of the “Façade Variation” option above):
- 21 i. Masonry or stone cladding;
- 22 ii. Artwork;
- 23 iii. Ornamental pedestrian lighting and brackets;
- 24 iv. Medallions;
- 25 v. Belt courses;
- 26 vi. Ornamental plinths for columns;
- 27 vii. Kickplates for storefront windows;
- 28 viii. Prominent window sills;
- 29 ix. Tilework.
- 30 b. ***Arcades and Canopies***
31 Canopies, awnings, arcades, or similar sheltering structures, at least
32 eight (8) feet in depth and no more than fourteen (14) feet above
33 ground level, shall be provided along sixty percent (60%) of any
34 ground floor façade abutting a street sidewalk or pedestrian walkway.
- 35 c. ***Transparency***
36 A minimum of sixty percent (60%) of the area between two (2) and
37 ten (10) feet above grade of any ground floor façade that has a
38 customer entrance or faces a public street, shall be comprised of
39 windows with views into the interior of the building. A minimum of
twenty-five percent (25%) of ground floor facades that face parking
lots shall be comprised of windows with views into the interior of the
building.

- 1
2
3
- d. **Window Bays and Mullions**
Windows at the ground level shall be divided into increments by mullions and architectural bays.
- 4
5
6
- e. **Foundation Landscaping**
Planting beds at least six (6) feet wide shall be provided at the base of facades that face public streets and/or parking areas.
- 7
8
9
10
11
- f. **Innovation in Ground Level Expression**
Credit will be allowed for special attention to ground level expression through innovations not covered by the above options. The applicant shall demonstrate specific ground level expression that enhances the development.
- 12
13
6. **Prominent Entrances (one option required)**
- 14
15
16
- a. **Visual Prominence**
In order to provide clearly defined and highly visible entrances, principal building(s) and secondary buildings on a site shall have customer entrances featuring at least three of the following:
- 17
18
19
- i. Canopies, arcades or porticos that, while satisfying weather protection requirements of subsection A.1. above, also lend visual prominence to the entrance;
- 20
- ii. Overhangs, recesses, or projections;
- 21
- iii. Raised corniced parapets over the door;
- 22
- iv. Peaked roof forms;
- 23
24
- v. Tower features integrated with the building design that extend above the building roof line;
- 25
- vi. Arches;
- 26
- vii. Outdoor patios;
- 27
- viii. Display windows;
- 28
- ix. Integral planters or wing walls;
- 29
- x. Entrance atriums with visual connections to outside.
- 30
31
32
- b. **Transparency and Light**
The principal customer entrance to any building shall feature at least two of the following elements:
- 33
- i. Clerestory windows;
- 34
- ii. Transom windows;
- 35
- iii. Windows flanking the main entrance door (sidelight windows);

- iv. Large entrance door(s)—transparent and double hung;
- v. Ornamental light fixtures.

c. *Innovations in Prominent Entrances*

Credit will be allowed for special attention to prominent entrances through innovations not covered by the above options. The applicant shall demonstrate a specific prominent entrance feature that enhances the development.

21.07.130 EXTERIOR LIGHTING¹⁰⁰

A. Purpose¹⁰¹

Exterior lighting, as a part of the urban infrastructure, is an urban design tool that helps to determine the safety, livability, and ambiance of Anchorage as northern climate community. The purpose of this section is to foster outdoor lighting for municipal, residential, commercial, industrial, and public/institutional developments that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Specific purposes are to require outdoor lighting that:

1. Provides safety and personal security as well as convenience and utility in areas of public use or traverse, for municipal, commercial, industrial, multifamily residential, and institutional uses where there is outdoor public activity during hours of darkness;
2. Controls glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
3. Controls trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
4. Results in cost and energy savings to establishments by carefully aiming and directing light only at the surface area or activity to be illuminated, using only the amount of light necessary;
5. Fits the needs and tolerances of the surrounding district, to provide adequate illumination levels in commercial districts while protecting residential areas and places of sleep from excessive light; and
6. Controls light pollution to minimize the negative effects of misdirected light and recapture views to the winter night sky.

B. Applicability

1. Outdoor Site Lighting

All outdoor lighting shall comply with the standards of this section, unless exempted in subsection 21.07.130.C. below.¹⁰² In addition, in certain cases applicants for interior or exterior modifications or expansions of existing

1 structures and uses may be required to comply with the following standards
2 pursuant to subsection 21.11.010.H, *Expansion, Alteration, or Major Repair*.

3 **2. Attention-Getting Devices**

4 Signs and other attention getting devices as defined in chapter 21.13,
5 including any lighting of a specific architectural feature, name, or logo
6 designed to act as advertising devices calling attention to the building owner
7 or tenant, are subject to the sign illumination standards of chapter 21.10.

8 **C. Exempt Lighting**

9 The following luminaires and lighting systems are exempt from the requirements of
10 this section:

- 11 1. Single-Family Residential: Soffit or wall-mounted luminaires with a light output
12 of less than 1000 lumens and permanently attached to residential dwellings,
13 not to exceed the height of the eave¹⁰³ (homeowners may use luminaries with
14 a higher light output, but will then have to comply with section G. below);
- 15 2. Temporary decorative seasonal lighting provided that individual lamps do not
16 exceed a light output of 200 lumens;¹⁰⁴
- 17 3. Temporary lighting for emergency or nighttime work and construction;
- 18 4. Temporary lighting for theatrical, television, and performance areas, or for
19 special public events;
- 20 5. Lighting for a special district, street, or building that, according to an adopted
21 municipal plan or ordinance, is determined to require special lighting
22 aesthetics as part of its physical character;
- 23 6. Lighting required and regulated by the Federal Aviation Administration; and
- 24 7. Public street and right-of-way lighting.

25 **D. Nonconformities¹⁰⁵**

26 In order to (1) amortize existing nonconforming lighting that may otherwise linger for
27 years or decades, and (2) maximize fairness between both pre-existing and new
28 establishments, there shall be a grace period for all outdoor lighting. Outdoor lighting
29 shall be required to conform to the standards of sections G.1. and G.2., within five
30 years from the effective date of this title. Project applications received prior to such
31 conformance date may choose to conform or to postpone conformance until the five-
32 year deadline.

33 **E. Lighting Zones Established**

34 Using Table 21.07-13 as a guide, the municipality shall determine and maintain three
35 lighting zones to ensure that lighting standards fit the needs and tolerances of
36 Anchorage's broad range of urban and rural, commercial and residential, and low
37 versus high intensity use areas. Lighting zones are intended to allow for relatively
38 higher illumination intensities in commercial districts, while protecting the more light-
39 sensitive neighborhoods and residential areas from excessive or misdirected light.

The lighting zone (LZ) of a site or project shall determine the standards for lighting as specified in this section. An increase of one LZ number may be granted to a specific site or project upon special approval through the variance process.

TABLE 21.07-13: LIGHTING ZONE CHARACTERISTICS

Lighting Zone	Ambient Light Level	Representative Locations	Zoning Districts
LZ-1	Relatively Low	Rural areas, low-density urban areas, natural open spaces.	W, R-1, R-2, R-5, R-6, R-7, R-9, R-10, OL, TA, AF, PLI [1], Girdwood [2].
LZ-2	Medium	Medium to high density residential neighborhoods.	R-3, R-4, RMX, NMU, O, PLI [1].
LZ-3	Relatively High	Medium to high intensity commercial and industrial districts.	C-2A, C-2B, C-2C, GC, I-1, IC, AD RCMU, CCMU, MC, MI, I-2, PLI [1].
<u>Additional Standards:</u>			
[1] In the PLI District, lighting standards for development shall be that of the Lighting Zone that most closely matches the character of the setting surrounding the project site.			
[2] <i>Girdwood</i> : LZ-1 the default lighting zone for Girdwood zoning districts, except where stated otherwise in section 21.09.[x-ref].			

F. Standards for Safety, Personal Security, and Convenience.¹⁰⁶

1. Illumination Levels and Locations

Sufficient lighting shall be provided in pedestrian use areas and in high-risk locations. Key locations and high-risk uses such as parking lots, transit stops, ATMs, and convenience stores shall be illuminated to facilitate nighttime use and enhance security. Lighting shall be designed to avoid excessive brightness or glare which reduces visibility and visual acuity, or the fish-bowl effect which allows users to be observed but makes it difficult for them to observe their surroundings. Parking lot lighting shall adhere to minimums required in subsection I.1 below. Pedestrian walkways leading to primary building entries, exterior stairways, and other pedestrian paths that are used after daylight hours shall be illuminated at least to minimum IESNA standards, using a uniformity ratio not greater than 10:1 maximum to minimum, to avoid extreme contrasts between lighting levels.¹⁰⁷ Dedicated pedestrian lighting, lit interior spaces with retail windows along sidewalks, and other pedestrian-oriented lighting sources are preferred.

2. Color Rendition¹⁰⁸

White light sources improve nighttime vision and reduce reaction time to possible danger by providing superior color recognition, object identification, and peripheral vision detection. Nighttime environments become more visible, comfortable, and inviting at lower light levels with less disability glare. All fixtures for area lighting shall use white light sources that have a color rendering index (CRI) of 70 or greater.

3. Maintenance, Repair and Replacement¹⁰⁹

Poorly maintained luminaires may not provide adequate illuminance for safety and security. Lighting installations shall be maintained such that they continually provide acceptable illuminance levels and glare control required in

1 this section. Damaged and/or inoperative lighting fixtures and luminaires shall
 2 be promptly repaired or replaced. All luminaires shall be properly and
 3 permanently installed so as to maintain required shielding. Any structural part
 4 of the fixture providing this shielding must be permanently fixed.

5 **G. Control of Glare and Light Trespass¹¹⁰**

6 **1. Shielding and Glare**

7 **a. Generally Applicable Standard**

8 For all outdoor area lighting, cutoff-type luminaires shall be installed
 9 pursuant to Table 21.07-14 below. Directional luminaires such as
 10 floodlights and spotlights shall be so installed pursuant to section I
 11 below.

12 **b. District-Specific Shielding Standards**

13 Shielding requirements specific to the various districts shall be as
 14 shown in Table 21.07-14. Residential uses in the R-5, R-6, R-7, R-9,
 15 and R-10 districts, shall be exempt from the standards of Table 21.07-
 16 14.

TABLE 21.07-14: REQUIRED SHIELDING AND MAXIMUM LUMENS

Lighting Zone	Full Cut-off Luminaire	Cut-off Luminaire	Semi Cut-off Luminaire	Non Cut-off Luminaire
LZ-1	10,000	6,000	1,000	1,000
LZ-2	26,000	10,000	2,000	1,000
LZ-3	40,000	10,000	5,000	2,000

17 [illustrate the luminaire cut-off types here]

18 **c. Glare onto Neighboring Properties**

19 All lighting that emits more than 2,000 lumens shall be aimed,
 20 shielded, or located such that the source of illumination (bulb or direct
 21 bulb image) is not visible from any adjacent property, viewed at the
 22 site's property line.
 23
 24

25 **2. Light Trespass**

26 Maximum light levels measured vertically at the site's property line, at eye
 27 level (measured at five feet in height), shall be as shown in Table 21.07-15:¹¹¹

TABLE 21.07-15: MAXIMUM LIGHT TRESPASS

Lighting Zone of Neighboring Property	Maximum Light at the Property Line
LZ-1	0.1 footcandles
LZ-2	0.5 footcandles
LZ-3	1 footcandles

28 **3. Mounting Height**

29 Mounting heights of lighting fixtures shall be limited to avoid defeating the
 30 purpose of cut-off style shielding, as follows:
 31

- 1 a. **Pole Mounted Lighting**
2 Lights mounted onto poles or any structures intended primarily for
3 mounting of lighting shall not exceed a maximum mounting height
4 according to the following table:

Lighting Zone	Parking Lots, Driveways, Exterior Sales and Display, Loading Areas.	Pedestrian Walkways and Areas
LZ-1	20	14
LZ-2	25	18
LZ-3	30 [1]	18

Additional Standards:
[1] The mounting height may be up to 35 feet where the fixture is located beyond 75' from the site's boundary, provided that for mounting heights in excess of 30 feet, the distance of the fixture to the site's boundary is not less than three times the mounting height.

- 5
6 b. **Lighting Mounted to Buildings or Structures**
7 Light fixtures mounted to buildings or other structures shall not
8 exceed the height of the roof or eave of the building or structure at the
9 location of the light.

10 H. **Timing Controls**

11 Exterior lighting shall be timer-controlled with photocell override. Simple dusk-to-
12 dawn controls keep lights on for the maximum time during hours of sleep and
13 inactivity, and waste energy. More appropriate timing controls shall be used, as
14 follows:

- 15 a. All non-residential building, service and loading area lighting, except
16 security lighting, shall be turned off one hour after business
17 operations have ceased for the day and shall remain turned off until
18 one hour before business operations resume on the next day.¹¹²
- 19 b. When provided, security lighting shall be activated with motion
20 sensors so that lights come on only when someone is in the
21 immediate area, except where the applicant can demonstrate that
22 motion-sensor lighting will cause unacceptable increased risk and
23 continuous security lighting levels must be maintained. Maximum
24 average illumination levels for security lighting that is not motion
25 activated shall be 1.5 footcandles.

26 I. **Standards for Specific Types of Lighting**

27 The additional standards in this subsection shall be in addition to the generally
28 applicable standards. However, where there is a conflict, the more restrictive
29 standard shall apply.

30 1. **Parking Lot Lighting**

- 31 a. **Maximum Lighting Level Uniformity at Any Point**
32 **(Maximum:Minimum)**

- 1 i. Residential: 15:1
- 2 ii. Nonresidential: 10:1
- 3 **b. *Maximum Initial Horizontal Illumination at Any Point***
- 4 i. Residential: Five foot-candles
- 5 ii. Nonresidential: Ten foot-candles
- 6 **c. *Maximum Initial Lamp Lumens***
- 7 i. Residential: 3,500 lumens for five or less parking spaces;
- 8 8,500 lumens for six or more spaces.
- 9 ii. Nonresidential: 21,500 lumens; 24,000 lumens for 5 acre or
- 10 larger parking lots
- 11 **d. *Spillover***
- 12 No parking lot lighting shall result in spillover lighting on adjacent
- 13 property that exceeds one-tenth foot-candle, measured vertically at
- 14 eye level at the property line.
- 15 **e. *Hours of Operation***
- 16 All parking lot lighting fixtures, except for the minimum necessary for
- 17 security, shall be extinguished between one hour after the close of
- 18 the facility and one hour before the opening of the facility. No more
- 19 than a maximum average of 1.5 foot-candles shall be maintained for
- 20 security purposes.
- 21 **2. *Lighting of Service Canopies***¹¹³
- 22 **a.** Service canopy lighting fixtures shall be fully recessed or full cut-off,
- 23 as defined by the IESNA, and the canopy fascia shall extend at least
- 24 twelve (12) inches below the lowest point of the bulb. However,
- 25 indirect up light is permitted under a canopy provided that no direct up
- 26 light is emitted beyond the canopy.
- 27 **b.** Lights shall not be mounted on the top or sides (fascias) of canopies,
- 28 and the sides (fascias) of canopies shall not be externally illuminated,
- 29 except as part of an internally illuminated sign pursuant to section
- 30 21.10.
- 31 **c.** Lighting at ground level under a service canopy shall not exceed 50
- 32 footcandles.
- 33 **3. *Lighting of Building Façades***
- 34 Building façade lighting shall only be used to highlight important building
- 35 entries or specific architectural features. Uniform floodlighting of building
- 36 facades is discouraged and shall be permitted only by through a variance or
- 37 alternative equivalent compliance review process. To the maximum extent
- 38 feasible, lighting fixtures shall be located, aimed and shielded so that light is
- 39 directed downward rather than upward, and only onto the building façade.
- 40 Such light fixtures shall emit no more than 2,000 lumens.

1 4. **Hardscape and Landscape Lighting**

2 Light fixtures used to illuminate flags, statues, or any other objects mounted
3 on a pole, pedestal, or platform shall, to the maximum extent feasible, keep
4 light beams entirely within the mass of the display by using shielding and
5 luminaires with the correct beam spread. Luminaires should be located and
6 aimed so that the source of light cannot be seen directly from any point on the
7 property line. Such light fixtures shall emit no more than 2,000 lumens.

8 5. **Lighting of Exterior Sports / Performance Facilities**

9 a. ***Dual Lighting System***

10 The main lighting of the event or activity shall be turned off no more
11 than forty-five (45) minutes after the end of the event or activity. A
12 low level lighting system shall be installed to facilitate patrons leaving
13 the facility, cleanup, nighttime maintenance, etc. The low level
14 lighting system shall provide an average horizontal illumination level,
15 at grade level, of no more than 3.0 foot-candles with a uniformity ratio
16 no greater than 10:1.

17 b. ***Lighting of Primary Playing or Activity Areas***

18 Where playing fields, ski slopes, or other special activity areas are to
19 be illuminated, lighting fixtures may include spotlighting and
20 floodlighting. Regardless, all fixtures shall be shielded, mounted, and
21 aimed so that their beams fall within the primary playing area and
22 immediate surroundings, and so that no direct illumination is directed
23 off the site.

24 6. **High Intensity, Special Purpose Lighting**

25 The following lighting systems are prohibited from being installed or used
26 except by special approval by variance, which shall not be granted for any
27 use in LZ-1.

28 a. Aerial Lasers;

29 b. “Searchlight” or beacon style lights;

30 c. Blinking, flashing, or changing intensity lights except for temporary
31 holiday displays;

32 d. Other very intense lighting, defined as having a light source
33 exceeding 200,000 lumens or intensity in any direction of 2,000,000
34 candelas or more.

35 **21.07.140 OPERATIONAL STANDARDS¹¹⁴**

36 A. **Purpose**

37 The purpose of these operational standards is to prevent land or buildings within the
38 Municipality from being used or occupied in any manner so as to create any
39 dangerous, injurious, noxious, or otherwise objectionable condition that would create
40 adverse impacts on the residents, employees, or visitors on the property itself or on
41 nearby properties.

1 **B. Applicability**

2 The provisions of this section 21.07.140 shall apply to all land within the Municipality.
3 The Director may authorize temporary exemptions from one of more of the standards
4 in this section during construction.

5 **C. Standards**

6 **1. Vibration**

7 No vibration shall be produced that is transmitted through the ground and is
8 discernible without the aid of instruments at or at any point beyond the lot line.
9 This standard shall not apply to railroad-related uses.

10 **2. Air Pollution**

11 There shall not be discharged into the atmosphere any contaminant for which
12 threshold limit values are listed for working atmosphere by the American
13 Conference of Governmental Industrial Hygienists in such quantity that the
14 concentration of the contaminant at ground level at any point beyond the
15 boundary of the property shall at any time exceed the threshold limit. Visible
16 emissions of any kind at ground level past the lot line of the property on which
17 the source of the emissions is located are prohibited.

18 **3. Odors**

19 Any condition or operation that results in the creation of odors, vapors, or
20 gaseous emissions of such intensity and character as to be detrimental to the
21 health and welfare of the public or that interferes unreasonably with the
22 comfort of the public shall be removed, stopped, or so modified as to remove
23 the odor.

24 **4. Electromagnetic Radiation**

25 It shall be unlawful to operate, or cause to be operated, any planned or
26 intentional source of electromagnetic radiation for such purposes as
27 communication, experimentation, entertainment, broadcasting, heating,
28 navigation, therapy, vehicle velocity measurement, weather survey, aircraft
29 detection, topographical survey, personal pleasure, or any other use directly
30 or indirectly associated with these purposes that does not comply with the
31 then-current regulations of the Federal Communications Commission
32 regarding such sources of electromagnetic radiation.

33 **5. Fire and Explosion**

34 In all districts in which the storage, use, or manufacture of blasting agent,
35 combustible fibers, combustible liquid, or compressed gas is permitted, the
36 requirements as set forth in the Building and Fire Codes, as adopted in title 23
37 of the Anchorage Municipal Code, shall be met.

38 **6. Materials and Waste Handling**

39 **a.** No person shall cause or permit any materials to be handled,
40 transported, or stored in a manner that allows particulate matter to
41 become airborne or liquid matter to drain onto or into the ground.
42 This provision shall not apply to snow melt and stormwater.

43 **b.** All materials or wastes that might cause fumes or dust or that
44 constitute a fire hazard or that may be edible by or otherwise be

1 attractive to wildlife or insects shall be stored outdoors only in closed,
2 impermeable trash containers that are screened in accordance with
3 this title. This provision shall not apply to stacks of building materials,
4 such as lumber, otherwise allowed by this title.

5 c. Toxic and hazardous materials and chemicals shall be stored,
6 secured and maintained so that there is no contamination of ground,
7 air, or water sources at or adjacent to the site. Notwithstanding
8 anything contained herein, all treatment, storage, disposal, or
9 transportation of hazardous waste shall be in conformance with all
10 federal and state statutes, codes, and regulations. Provisions shall
11 be provided so that all lubrication and fuel substances shall be
12 prevented from leaking and/or draining onto the property.

¹ 2005 NOTE: Northern climate design issues are woven throughout many parts of title 21. Examples include the subdivision design standards to ensure solar access, the building design standards regarding roof form and building orientation, and the snow storage provisions in the parking standards. Rather than consolidate such unrelated provisions into one section, we have decided to separate those sections out into the code in the places where they make the most sense. For example, the revised section on commercial building design has a core area of standards that focuses on many aspects of Northern Climate Design. As a result, a separate section addressing this issue is not included in the revised draft.

² NOTE: Suggested new purpose statement.

³ 2005 NOTE: Name of procedure changed from the prior “alternative compliance.” The purpose section has been revised to make clear that alternative compliance must be equivalent and is not intended as a substitute for a variance or administrative modification. The list of standards to which the section applies has been expanded. Generally, standards related to site and building design will be eligible for alternative compliance, but not those related to natural resources and the environment. The procedure section has been expanded to clarify the process.

⁴ 2005 NOTE: The section on avalanche area protection has been removed at the suggestion of staff. They note that the relevant maps are not current and will not be updated in the near future for funding reasons. Further, existing municipal policies address much of what the draft section intended to accomplish, and the municipality intends to continue implementing such policies.

⁵ NOTE: This section is based loosely on the existing section 21.45.210, *Stream protection setback*. However, we have made major changes, including: a new purpose statement; a new applicability statement; consolidation of standards for wetlands and streams; and increases in the setback requirement from 25 to 50 feet.

⁶ NOTE: Per discussions with staff, we have suggested a new citywide setback requirement of 50 feet, with the current 25 feet standard still applicable in some places (more urban areas). The existing 100-foot setback requirement in the R-10 district is retained.

⁷ 2005 NOTE: This section changed to refer to municipal standards, as opposed to leaving discretion to a “qualified professional,” as was done in the previous draft.

⁸ NOTE: The current code splits the stream buffer area into a 15-foot section and a 10-foot section, and specifies allowed uses in each. This suggested new section takes a simpler approach and provides uniform standards for the entire buffer.

⁹ 2005 NOTE: The previous “Municipal Programs” section was obsolete and has been removed. OLD NOTE: This is the current section 21.05.115. We have made no substantive changes yet, though have reorganized the material and added new subheadings. Is this section necessary? We are not sure of its value, given the new uniform wetlands standards we suggest in the previous section. This section appears to make wetlands protection applicable only to public actions by the Municipality -- correct? The new “Stream and Wetlands Protection” section we drafted above is applicable to both public and private actions. Do the A, B, and C designations used here need to be maintained in the code? (Also, we have removed here the provision dealing with the existing reserve tract provisions in the current section 21.80.100, since we received instructions to remove the reserve tract concept entirely from the new subdivision chapter.)

¹⁰ NOTE: This new section is intended to replace the existing sections 21.80.360 (Hillside lots) and 21.80.370 (R-10 District). The existing standards are fairly vague and general.

¹¹ NOTE: This section suggests a common approach that has worked in many other communities with steep slopes, such as Reno; Estes Park, Colorado; Salt Lake County, Utah, etc. For Anchorage, a threshold figure of 20 percent is proposed for discussion purposes. Development is limited on steep slopes over 20 percent and banned on slopes of 30 percent or more. The approach in this draft is a more moderate one; other communities ban development on slopes of 20 percent or more, or limit density on slopes of 20 percent or more.

¹² 2005 NOTE: New subheadings added. OLD NOTE: The following voluntary guidelines are proposed to supplement the mandatory code standards. We recommend placing all guidelines in a separate user’s

guide rather than in the code itself. “The following guidelines should be followed by all proposed development on sites where the average slope of the site exceeds 20 percent. Compliance with such guidelines may be considered in development review, but failure to comply with guidelines shall not be independent grounds for denial of development approval.

- a. Orient roads and building sites to minimize grading.
- b. Orientation of buildings should consider views from the site as well as the aesthetic impact of views of the site from surrounding properties.
- c. Hilltops, if graded, should be rounded to blend with natural slopes rather than leveled.
- d. Slopes providing a transition from graded areas into natural areas should be varied in percent grade both up-slope and across the slope, in the undulating pattern of surrounding natural slopes; so that the top or the toe (or both) of the cut or fill slope will vary from a straight line in plan view.
- e. Parking areas should be constructed on multiple levels and follow natural contours as necessary to minimize cut and fill.
- f. Roads should follow natural topography to the extent feasible, to minimize cut and fill. Necessary grading should be constant half-cut and half-fill along the length of the road (versus all cut or all fill at points) unless other arrangements would result in less severe alteration of natural terrain.
- g. Repetitive padding or terracing of a series of lots (stair-stepping up a slope) is discouraged. Creation of a single large pad or terrace (especially creating a single pad or terrace of an entire lot) should be an exception to typical design, to deal with circumstances that cannot be managed with other techniques. Typical design should utilize full split pads (separate level for a down-slope lower story), a split foundation (adapting a single story to a slope), setting the building into a cut in the hillside, or a combination of techniques.”

¹³ 2005 NOTE: The final two standards are new and suggested by staff.

¹⁴ 2005 NOTE: This is an entirely new subsection intended to reconcile the various conflicting comments received on the prior draft standards.

¹⁵ NOTE: New section.

¹⁶ 2005 NOTE: These are suggested new percentages. The threshold for residential development has been raised (i.e., the number of developments that will be meet the requirement is smaller). The industrial requirement has been deleted. At workshops in December 2004, representatives of the development community indicated that a total open space set-aside requirement for residential of 10 acres/1000 residents seemed reasonable.

¹⁷ 2005 NOTE: This is a suggested new section in the 2005 draft. If the concept is endorsed, then additional specificity is necessary to define “designated infill and redevelopment areas” and the quantity of such amenities that will be required.

¹⁸ 2005 NOTE: PM&E is working on a new ordinance to address these issues, and it should come up for review sometime in late spring or summer 2005.

¹⁹ NOTE: Existing 21.90.020. Some sections rewritten for clarity.

²⁰ NOTE: Carried forward from existing 21.90.050. Further discussion needed. Is this policy still in place -- the standard nonconformity provisions do not apply?

²¹ 2005 NOTE: The revisions in this and subsequent subsections reflect amendments adopted by the Assembly in AO No. 2005-2.

²² 2005 NOTE: To replace the more rigid standards in the initial draft regarding connectivity, cul-de-sacs, and related issues, staff has suggested adopting a more flexible approach known as a connectivity index, which has been used in other communities such as Cary, North Carolina, and Rock Hill, South Carolina. The index affords developers significant flexibility in laying out streets, connections, and cul-de-sacs in a development if a certain overall level of connectivity is achieved, which is based on a numerical index. Staff has tested the index on several existing developments and believes it is workable in Anchorage.

²³ 2005 NOTE: The exemption in steep-slope areas is new in this 2005 draft.

²⁴ NOTE: A suggested new section emphasizing the types of conditions that may be placed on development approvals to minimize impacts on adjacent neighborhoods. This authorization, in combination with the wide variety of new development standards in this chapter, provide significantly more protection for neighborhoods than exists in the current code.

²⁵ 2005 NOTE: One member of the Assembly has raised the issue whether the Urban Design Commission, which will be reviewing major site plans, should have the authority to impose neighborhood protection standards. Needs further discussion.

²⁶ 2005 NOTE: This subsection C. is new in the 2005 draft. The prior subsection C. (dealing with setbacks) has been deleted because it repeated a standard contained in the new chapter 21.07.

²⁷ 2005 NOTE: NOTE: This is a substantially new landscaping section, based on the recommendations of the 1998 draft Landscape Ordinance project, other 1995-2003 audits, and staff experience with landscaping in Anchorage.

²⁸ 2005 NOTE: This subsection about Landscape Plan submittal requirements appeared at the very end of the section in the previous draft. It has been moved to the front of the landscaping section for clarity. Its content is unchanged from the previous draft. The list of submittal requirements from the current adopted code are removed, for placement in the Title 21 user's guide.

²⁹ 2005 NOTE: The Planning Department has proposed this system, based on the 1998 draft landscaping ordinance and their experience with local landscaping conditions in Anchorage, with revisions based on public comments from the previous public draft.

³⁰ 2005 NOTE: The June 2005 draft landscaping section includes parking lot landscaping, which appeared under the off-street parking section in the previous draft. Tree retention, which also appeared under a separate section in the previous draft, is now incorporated into the landscaping section and substantially revised in response to public comment.

³¹ 2005 NOTE: The content for this landscaping category has been clarified and streamlined from the previous draft.

³² 2005 NOTE: The June 2005 draft introduces a new lowest and least stringent level of perimeter landscaping. This level, called "Edge Treatment", provides a tool for situations when a greater landscape buffer does not appear warranted. Level 2 site perimeter landscaping is carried forward from the previous (2004) draft. It replaces existing adopted title 21 street frontage landscaping categories, and provides a low-level buffer between certain uses. Level 3 provides greater buffering and separations. Level 4 screening applies the existing adopted title 21 highway screening landscaping as the most intensive type of site perimeter landscaping.

³³ NOTE: Clarion has eliminated a proposed exception here for small real estate signs; sign regulations should not be content-based.

³⁴ 2005 NOTE: This language is a modified version of the existing adopted title 21 standard for highway screening landscaping.

³⁵ 2005 NOTE: Parking lot landscaping standards appeared in the off-street parking section of the previous draft. Parking lot landscaping is now incorporated into the landscaping section, appearing with the other landscaping categories. Planning Department staff has revised its content to make it consistent with the format of the rest of the landscaping section.

³⁶ NOTE: Need to discuss issue of bringing non-conforming lots into conformity with these new standards.

³⁷ NOTE: Rather than require that lots be broken up into parking blocks with a specified maximum number of spaces, we have indicated preferred locations. The parking block concept works well in climates with less snow, but we feel may significantly inhibit snow removal.

³⁸ 2005 NOTE: In response to public comment and testing of the previous draft, tree retention standards have been substantially revised and incorporated into the landscaping section. The landscaping section provides greater incentive for tree preservation, while allowing for tree replacement (new planting) as an option.

³⁹ NOTE: Most of the material in this section is new.

⁴⁰ NOTE: The Planning Department is arranging with the local chapter of the Association of Landscape Architects and local arborists to update the master plant list concurrent with the code rewrite. Among other features, it is intended to identify which plants are drought tolerant, and should identify which provide winter color.

⁴¹ NOTE: From 1998 draft ordinance. For public discussion.

⁴² NOTE: Anchorage has a serious problem with overlapping landscaping and utility easements in Anchorage, in part because utility easements tend to be on site and not in public ROW.

⁴³ NOTE: This provision has been revised to replace the 18-month installation period with a requirement that landscaping be installed early in the next growing season. An alternative approach would be to provide that no final certificate of occupancy may be issued until required landscaping has been installed.

⁴⁴ NOTE: This broad maintenance requirement may be moved to the general landscaping or enforcement sections with a cross-reference here.

⁴⁵ NOTE: The material in this section is new. The existing screening provisions were better suited to buffering purposes, and the current code does not include effective techniques to block the view of specific areas such as refuse collection areas, rather than a site in general.

⁴⁶ NOTE: The proliferation of unscreened dumpsters has been identified in the Diagnosis and in discussions with city leaders as a major concern. The general idea of an amortization provision for dumpsters has been discussed and endorsed in concept by the Assembly, though the specific time frame requires further discussion. Note that the provision does not amortize the dumpsters themselves necessarily, just their screening and location.

⁴⁷ 2005 NOTE: Several citizens and organizations provided comments regarding the roof and wall-mounted mechanical equipment screening requirements in the previous draft. Rather than propose changes in this particular draft, Planning Department will consult further with these citizens and organizations, and provide improved draft content in the next iteration draft which reflects further discussion and consultation with the community.

⁴⁸ 2005 NOTE: See previous note.

⁴⁹ 2005 NOTE: Proposed new content to begin community discussion regarding ground-mounted mechanical equipment. This subsection was an empty placeholder in the previous draft.

⁵⁰ NOTE: Staff intends to define this use as both an accessory and primary use type in the new title 21, and so proposes to address its screening requirements in Ch. 21.05.

⁵¹ NOTE: Staff intends to define this use as both an accessory and primary use type in the new title 21, and so proposes to address its screening requirements in Ch. 21.05.

⁵² NOTE: Much of this material is new, but it incorporates the standards in section 21.45.110 (Fences) of the current code.

⁵³ NOTE: This section contains a comprehensive rewrite of the Anchorage parking standards. This draft section was prepared as part of a separate project overseen by the Anchorage Traffic Department. Key new features include a complete new table of off-street parking ratios, a new emphasis on alternative parking arrangements, and a new set of parking lot design standards.

⁵⁴ NOTE: The existing section 21.45.080.A.5 regarding the procedure to reduce parking requirements for additions, enlargements, and changes in occupancy has been moved to the last part of this parking section -- *Modifications*. See discussion there regarding current procedures and suggested alternatives.

⁵⁵ NOTE: This is existing section 21.45.080.W.5 with revisions. As discussed in the diagnosis, this section has been moved out of the design portion so that it will clarify that control of use is generally applicable to both new and existing parking areas. Other issues that might be addressed in this section are derelict/inoperable vehicle storage and use of surplus parking for other uses.

⁵⁶ NOTE: The size trigger for parking lot plans is subject to further discussion. Some jurisdictions require for all; others require only for larger lots.

⁵⁷ NOTE: This section contains existing information regarding parking requirements put into table format. Existing requirements have been reviewed, compared to other standards around the nation, and modified as necessary. Additional requirements have been added for uses that were not previously addressed in the existing code. The Institute for Traffic Engineers will release a new edition of their Parking Manual in early 2004, and we recommend reviewing their new standards at that time.

⁵⁸ NOTE: Staff feedback indicates that drive-through uses will be considered "accessory uses." Table 21.07-1 Schedule A currently only lists principal uses, based on the revised principal use table contained in revised chapter 21.05 *Use Regulations*. If a principal use may have a drive-through as an accessory use, that has been noted along with a reference to vehicle stacking requirements.

⁵⁹ NOTE: Requirements noted in the literature vary widely for this use; staff should review based on use in Anchorage.

⁶⁰ NOTE: Requirements noted in the literature vary widely for this use; staff should review based on use in Anchorage.

⁶¹ NOTE: Requirements noted in the literature vary widely for most of these cultural facility uses, especially for library, museum, and planetarium uses. For example, library parking requirements were found to vary from 1 per 250 to 1 per 1000 sf gfa. Staff should review based on use in Anchorage.

⁶² NOTE: Requirements noted in the literature vary widely for this use; staff should review based on use in Anchorage.

⁶³ NOTE: Highlighted text has been added to text from the recent ordinance for clarification.

⁶⁴ Note: This is a new section to address multiple activities on one site.

⁶⁵ NOTE: This is a new section to provide for uses whose parking requirements may vary widely.

⁶⁶ NOTE: This section contains revised shared/joint parking regulations and new sections on off-site parking and other alternative parking topics.

⁶⁷ NOTE: This is existing section 21.45.080.W.3 "Joint Use" with revisions highlighted.

⁶⁸ NOTE: The intent of this requirement is to ensure that shared parking is not sited on more sensitive sites (e.g., residential areas).

⁶⁹ NOTE: This section is new.

⁷⁰ NOTE: This is the existing section 21.45.090. It has been moved into this combined section on parking and loading.

⁷¹ NOTE: This category has been added to this table and the requirements for general commercial uses have been used as a starting point.

⁷² NOTE: If any accessory uses have their own, additional parking requirements, those requirements are set forth in the accessory use regulations in chapter 21.05.

⁷³ NOTE: There were comments that Anchorage has a significant percentage of trucks and larger vehicles and that this should be considered. National research about SUV parking indicates that parking spaces 8 feet, 6 inches wide and 18 feet long will accommodate the average SUV but door maneuvers are "less comfortable," there is a smaller margin of error for the driver, and sight distance (which is already inadequate for smaller vehicles) is more restricted. The City of Detroit recently chose to require minimum stall dimensions of 9 feet wide and 20 feet long to accommodate larger American vehicles throughout the city. Anchorage's primary stall dimensions start at a width of 9 feet and therefore may be adequate for larger vehicles. Per staff direction, we have eliminated the existing provisions for compact spaces. However, we heard conflicting advice on this issue from different staff departments, and we note that always requiring larger spaces will increase the overall size of parking lots, which may be contrary to other 2020 Plan goals.

⁷⁴ NOTE: The illustration from the current regulations (section 21.45.080.W.9.) is inserted here for now. This illustration will be updated for the final product.

⁷⁵ NOTE: This duplicates a standard in the current draft of 21.05, Use Regulations. We recommend the standard should be carried forward as part of the parking regulations rather than the use regulations.

⁷⁶ NOTE: Subsection 2.a. "General" is carried over from existing section 21.45.080.W.1. The other subsections are new.

⁷⁷ NOTE: This is a mix of new and existing requirements.

⁷⁸ 2005 NOTE: Still researching this issue, but plan to suggest accommodations for heated, textured, or covered surfaces.

⁷⁹ NOTE: Should move to general standards. Discuss issue of motorcycle parking.

⁸⁰ NOTE: Item 1 is carried over from existing section 21.45.080.W.4.j. Items 2 and 3 are new.

⁸¹ NOTE: Most of the material in this section is pulled forward from the existing section 21.45.080.W.8; a general statement and residential requirements have been added. Titles have been added to clarify topics in this section.

⁸² NOTE: The existing code contains a reference to the ADA text regarding accessible routes. This section contains relevant information from that section of the ADA text for ease of reference for the user.

⁸³ NOTE: This subsection is carried over from existing section 21.45.080.Y.

⁸⁴ NOTE: This is a new proposed section that replaces existing sections related to modifications to parking requirements. As recommended in the interim report, this is a streamlined option that simply references the minor modifications procedure in chapter 21.03. As part of edits to Module 1, we will ensure that the Traffic Engineer is given the authority to make such modifications. *Also need to address in this section:* Need to discuss requiring conformity with landscaping and lighting provisions within 5-10 years for nonconforming lots.

⁸⁵ NOTE: This section incorporates a number of proposed new residential building standards, many of which have been suggested by staff.

⁸⁶ 2005 NOTE: Section changed in the 2005 draft. Additional edits by staff following Clarion revisions.

⁸⁷ 2005 NOTE: Extensive changes are suggested to these garage standards, based on the December 2004 workshop, staff suggestions, and numerous other comments received. The size requirements for garage doors have been relaxed, and there is a larger menu of tools to use to minimize the visual impact of garage doors.

⁸⁸ 2005 NOTE: This is a new subsection in the 2005 draft.

⁸⁹ 2005 NOTE: Several changes have been made to this section in the 2005 draft. The applicability section is new. The number of units allowed in a single row in subsection 3. has been increased from six to eight. The section on entryway treatment is new. The garage section has been rewritten.

⁹⁰ 2005 NOTE: There are a number of suggested changes in this 2005 draft to this section. These standards now apply just to multi-family residential of four or fewer stories; larger buildings must comply with the public/institutional standards in the following section. Other specific changes are noted in the section.

⁹¹ 2005 NOTE: These are new standards in the 2005 draft. We have not added the standard suggested by staff regarding buffering around parking lots—this is specifically addressed in the proposed parking lot landscaping section.

⁹² 2005 NOTE: The menu of tools in this section has been lengthened. Three tools are required instead of two, but the façade length requirement, which was mandatory in the prior draft, is now one of the options.

⁹³ 2005 NOTE: This is a new subsection in the 2005 draft.

⁹⁴ 2005 NOTE: New section in the 2005 draft.

⁹⁵ NOTE: Staff has proposed density bonuses as incentives for developing underground parking garages. Further discussion needed. The idea is a good one, but some research would be necessary to determine the appropriate level of bonus that might be necessary in Anchorage to offset the additional cost of providing such parking.

⁹⁶ 2005 NOTE: This section has been significantly revised, as noted below. The exemption for special-purpose buildings such as airports is new. OLD NOTE: Suggested new standards. Again, the approach is quite simple and is designed to be both easy to administer and politically palatable, yet also substantive enough to get at some of the key design issues in Anchorage. Menus of standards are offered for purposes of flexibility. Many of these standards were originally considered as part of the draft Retail Design Standards Manual. However, material from that draft manual has been heavily edited and supplemented based on staff suggestions.

⁹⁷ 2005 NOTE: To staff: We have extracted several optional standards from the four core areas and kept them mandatory (weather protection, height transitions, snow storage). We feel strongly that these are design elements that should not be optional because of public safety or neighborhood protection reasons.

⁹⁸ 2005 NOTE: This is a substantially different approach from the earlier draft. Instead of setting out a list of required standards, the draft allows applicants to choose options from a set of four core areas. We recommend that applicants be required to satisfy at least TWO standards in each core area to prevent “shopping” for the weakest standard in each area—which has been the experience with other “point” systems like this.

⁹⁹ 2005 NOTE: In a similar fashion to the Public/Institutional and Commercial Building Standards, the draft allows applicants to choose options from a set of six core areas. A few important standards have remained as mandatory requirements. NOTE: This section drafted by staff, based on work done with another consultant on the Retail Design Standards Manual.

¹⁰⁰ NOTE: This section drafted by staff. Parking lot lighting is exempt from the requirements of this section and instead has to comply with separate lighting requirements in the parking section.

¹⁰¹ NOTE: Intro paragraph is based in part on IESNA RP 33-99, as well as northern city design considerations. Bulleted specific purpose statements follow the format of other chapter 7 sections in identifying specific issue areas of concern. Primary issues in Anchorage appear to be: safety and visual acuity, glare and misdirected light, and excessive illumination for some uses.

¹⁰² NOTE: Low-intensity lighting for single-family and other residential uses is exempted in subsection C which follows. The lighting standards would only limit very bright or glaring lights in residential areas. It is intended to protect neighborhoods, homeowners, or residents in cases of unusually intense or glaring lights on neighboring properties.

¹⁰³ NOTE: This exemption is for single-family and other residential development with low impact lighting. The lumens figure provided is approximately the output of a 75 watt incandescent bulb. The provision would exempt a 60 watt incandescent bulb, for example. It is intended as a starting point for discussion on the most appropriate wattage or brightness level to be exempted.

¹⁰⁴ NOTE: This exemption allows for holiday season and “City of Lights” style decorative wintertime illumination. The lumens figure provided exempts typical hanging decorative lights consisting of 10 watt or even 15 watt incandescent bulbs.

¹⁰⁵ NOTE: Staff recommends amortizing lighting. A grace period for all old and new lighting is suggested as a starting point for community discussion. The issue of concern is that a lighting fixture can last for decades. There are numerous examples of old and fading mercury vapor parking lot lighting still in use around the community, as well as barnyard style non cut-off lights from the 1970s.

¹⁰⁶ NOTE: Public safety and convenience are community priorities in Anchorage. This section establishes the need for adequate lighting which avoids disability glare. It is intended to be further developed pending community review and discussion.

¹⁰⁷ NOTE: Uniformity ratio recommended by IESNA RP-33-99 as a starting point for public discussion.

¹⁰⁸ NOTE: NEMA recommends basing standards on a performance standard such as CRI, rather than just a list of product types. This better accommodates new technology such as LED or induction lamps. Need to define “area lighting” to carefully exempt aesthetic hardscape, façade or landscape lighting.

¹⁰⁹ NOTE: IESNA RP 33-99 recommends ordinance provisions for maintenance, repair, and replacement. This would address safety and maintenance issues that exist in Anchorage.

¹¹⁰ NOTE: Suggested new section for glare control applicable to all lighting. This approach eliminates the need to provide glare control provisions for each type of lighting—parking, building, etc. It also eliminates potential loopholes in the code for light intensive uses like car sales lots.

¹¹¹ Suggested maximum light trespass figures in Table 3 are suggested by the IESNA as a starting point for community discussion for community lighting ordinances.

¹¹² NOTE: IESNA suggests lowering lighting levels. NEMA suggests lowering lighting levels only in certain areas.

¹¹³ NOTE: Need to move gas station canopy standards from 21.05.050.L.2.b.i.(B) here to be generally applicable, and consolidate it with canopy lighting provisions.

¹¹⁴ NOTE: Suggested new section. These are relatively simple performance standards intended help protect adjacent properties from the impacts of intensive uses.

TABLE OF CONTENTS

1

2

3 **CHAPTER 21.08: SUBDIVISION STANDARDS451**

4 **21.08.010 Purpose..... 451**

5 A. General 451

6 B. Specific 451

7 **21.08.020 Applicability..... 451**

8 A. Generally 451

9 B. Approvals Required 451

10 **21.08.030 Design Standards..... 451**

11 A. Subdivision Layout and Design Generally..... 451

12 B. Phasing Schedule..... 452

13 C. Maintenance of Existing Natural Drainage 452

14 D. Drainage Design 452

15 E. Legal and Physical Access 453

16 F. Streets 453

17 G. Block Arrangement 455

18 H. Lot Dimensions 455

19 I. Lot Frontage and Access..... 456

20 J. Landscaping 456

21 K. Reserve Strips 457

22 L. Electrical and Telecommunication Utilities 457

23 M. General Subdivision Standards Are Minimum Standards 457

24 **21.08.040 Dedication..... 457**

25 A. Streets 457

26 B. Alleys 458

27 C. Walkways..... 458

28 D. Trails 458

29 E. Riparian Protection and Maintenance Easements 458

30 F. Utility Easements..... 459

31 **21.08.050 Improvements..... 459**

32 A. General Requirements 459

33 B. Improvement Areas Defined..... 459

34 C. Improvement Requirements by Improvement Area 460

35 D. Interior Streets 461

36 E. Optional Residential Interior Streets..... 463

37 F. Access Streets, Peripheral Streets, and Half Streets..... 464

38 G. Curbs and Gutters 464

39 H. Sidewalks..... 464

40 I. Walkways..... 465

41 J. Street Lighting 465

42 K. Traffic Control Devices 465

43 L. Monuments 465

44 M. Drainage System 465

45 N. Telecommunication and Electric Facilities 466

46 O. Water Supply Facilities 466

47 P. Sanitary Sewer Facilities 467

48 Q. Erosion and Sedimentation Control..... 468

49 R. Landscaping 468

50 S. Natural Gas Facilities 468

51 **21.08.060 Subdivision Agreements..... 468**

52 A. Agreement Required; Application; Contents 468

53 B. Approval by Assembly 469

54 C. Time Limit for Completion of Improvements..... 470

1	D. Payment of Costs of Required Improvements.....	470
2	E. Guarantee of Completion of Improvements Required; Amount; Methods	474
3	F. Release of Guarantee of Improvements	475
4	G. Improvement Warranty	476
5	H. Correction of Deficiencies Under Warranty	476
6	I. Release of Warranty	477
7	J. Default	477
8	K. Standards May Not Be Altered; Enforcement of Chapter	477
9	21.08.070 Conservation Subdivisions.....	477
10	A. Purpose	477
11	B. Applicability.....	478
12	C. Conservation Design Process	478
13	D. Reduction in Minimum Lot Area Allowed.....	478
14	E. Lot Coverage Allowed	478
15	F. Minimum Open Space.....	478
16	G. Dedication and Recording	478
17		

CHAPTER 21.08: SUBDIVISION STANDARDS¹

21.08.010 PURPOSE²

A. General

These standards are enacted generally to promote the health, safety, convenience, order, and welfare of the present and future inhabitants of the Municipality; to ensure adequate and convenient open spaces, minimized traffic, and adequate utilities and public safety facilities; to provide recreation opportunities, light, and air; and to avoid congestion of the population.

B. Specific

Planning, layout, and design of a subdivision are of the utmost concern. The subdivision must provide safe, efficient, and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide appropriate settings for the buildings that are to be constructed, make use of natural contours and protect the views, afford privacy for the residents, and protect residents from adverse noise and vehicular traffic. Natural features and vegetation of the area should be preserved. Schools, parks, churches, and other community facilities should be planned as an integral part of the area.

21.08.020 APPLICABILITY

A. Generally³

This chapter shall be applicable to all subdivision of land within the Municipality that results in the partitioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the state or Municipality.

B. Approvals Required

1. General

Before a preliminary plat for a subdivision shall be granted, the owner or his or her authorized agent shall apply for and secure approval under the provisions of section 21.03.060, *Subdivisions and Plats*.

2. Before Certificate of Zoning Compliance

A Certificate of Zoning Compliance shall not be issued, and a building or structure shall not be occupied, until and unless all dedications and improvements required by this chapter have been installed or agreements/guarantees made in a satisfactory manner and approved by the Municipality.

21.08.030 DESIGN STANDARDS

A. Subdivision Layout and Design Generally⁴

No subdivision shall be approved unless it complies with all of the following standards:

- 1 **1. Name of Subdivision**
2 The title under which the subdivision will be recorded shall not duplicate the
3 name of any existing subdivision in the Municipality.
- 4 **2. Compliance with Comprehensive Plan**
5 The design of subdivisions shall be consistent with the appropriate elements
6 of the Comprehensive Plan.
- 7 **3. Compliance with Other Provisions of this Title**
8 All subdivisions shall comply with all other applicable zoning, design, and
9 development regulations set forth in this title, including but not limited to:
- 10 a. The requirements of the zoning district in which the property is
11 located (see chapter 21.04); and
- 12 b. Applicable development and design standards (see chapter 21.07).
- 13 **B. Phasing Schedule⁵**
- 14 The Platting Authority may require that a subdivision conform to a phasing schedule
15 based upon the scheduled availability of infrastructure to serve the subdivision.
16 Submittals for the initial phase of a subdivision shall indicate utility easements and
17 transportation connections to adjacent and undeveloped land/areas that are not part
18 of the initial phase yet are under the same ownership.
- 19 **C. Maintenance of Existing Natural Drainage⁶**
- 20 The general lot configuration and layout of proposed rights of way, open space tracts,
21 and development setbacks shall be consistent with naturally occurring drainage
22 features and historical drainage patterns within the subdivision and surrounding areas.
23 Every effort shall be made to mitigate the damming and/or diversion of natural and
24 historical drainageways or watercourses. The subdivision design shall ensure that
25 neighboring parcels, adjacent rights of way, waterbodies, wetlands, and existing storm
26 drainage facilities are in no way adversely impacted by new or altered drainage
27 resulting from the development.
- 28 **D. Drainage Design⁷**
- 29 Submittals for new subdivisions shall comply with the following standards:
- 30 1. Any and all waters of the United States, including wetlands, streams, lakes,
31 and marine waters, located either in whole or in part within the proposed
32 development shall be surveyed and mapped.
- 33 2. All pre- and post-development points of drainage entrance and exit to the
34 development, and all site drainage receiving waters shall be clearly identified.
- 35 3. All existing and proposed drainageways affected by the proposed
36 development, natural or constructed, shall be clearly identified.
- 37 4. Plans for proposed development must demonstrate provision for integrated
38 contiguous drainage for all entrance drainage and site drainage, including the
39 drainage from individual lots.

- 1 5. Estimates for watercourse flow rates contributed by groundwater from
2 subdrains, ditching, or natural features that may convey shallow groundwater
3 to the existing and/or proposed drainage network shall be provided.
- 4 6. Estimates of pre- and post-development peak flow rates for the 2 year 6 hour,
5 and the 10 year 3 hour design storm events for all drainage entrance and exit
6 points to the proposed development shall be provided. Post development
7 estimates for drainage exit points shall reflect proposed storm water detention
8 or retention controls.
- 9 7. Developments shall be designed such that post-development runoff volumes
10 meet both of the following criteria:
- 11 a. Post-development runoff volumes calculated from the 2 year, 6 hour
12 design storm event shall equate to a zero net increase from the pre-
13 development conditions; and
- 14 b. Post-development runoff volumes calculated from the 10 year, 3 hour
15 design storm event shall equate to no more than double the
16 calculated runoff volumes from pre-development conditions. Design
17 storm events shall be obtained from the Municipality's most current
18 standard WQ hyetograph.
- 19 **E. Legal and Physical Access**
- 20 A subdivision shall have legal and physical access.
- 21 **F. Streets**
- 22 All streets shall comply with the standards of the Design Criteria Manual and section
23 21.07.060, *Transportation and Connectivity*, and in addition shall comply with the
24 following intent and standards:
- 25 1. **Intent**
- 26 Streets shall be arranged in relation to topography to provide usable lots, safe
27 streets, reasonable gradients, and minimum damage to terrain and existing
28 vegetation.
- 29 2. **Street Grades⁸**
- 30 a. Except as provided in this section, cul-de-sac turnaround grades shall
31 not exceed five percent, and other street grades shall not exceed ten
32 percent.
- 33 b. Notwithstanding subsection a. above, residential street grades in a
34 subdivision may be up to 15 percent. However, any street grade
35 exceeding ten percent shall be on a straight alignment no more than
36 100 feet long; provided that the Municipal Engineer may allow the
37 grade to continue longer where required by topographic conditions
38 and consistent with sound design principles.
- 39 c. Streets shall comply with the standards of subsection 21.07.020.C.,
40 *Steep Slope Development*.

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3. **Street Alignment⁹**
- a. Arterial and collector streets shall be aligned to continue existing streets from adjoining areas into the proposed subdivision. Local streets shall be aligned to discourage their use by through traffic. This provision is not intended to encourage cul-de-sacs or dead-end streets. Stub streets with temporary turnaround areas shall be extended to the boundaries of the proposed subdivision where appropriate to provide future street connections to adjacent unsubdivided areas.
- b. Grade or median separations of street lanes may be permitted to preserve natural features, provide space for landscaping, or facilitate access in subdivisions containing hillside lots.
- c. In areas subject to extreme winds, the minimizing of potential wind damage shall be considered in aligning streets.
4. **Street Intersections¹⁰**
- Streets shall intersect at or as near as is feasible to a 90-degree angle and in no event at less than a 75-degree angle. The distance between intersection centerlines shall be at least 150 feet.¹¹ Corner roundings at intersections shall conform to the standards of the Department.
5. **Cul-de-Sacs¹²**
- a. Where topography and traffic circulation permit, the length of a cul-de-sac shall not exceed 900 feet in the R-5, R-6, R-9, R-10, and TA zoning districts, and 600 feet in all other zoning districts.
- b. The length shall be measured from the centerline of intersecting through streets to the radius point of the cul-de-sac bulb.
- c. A cul-de-sac shall terminate with a turnaround having a minimum radius of 50 feet and a minimum return radius of 50 feet. Commercial/industrial cul-de-sacs shall have a minimum radius of 65 feet. The Platting Authority may permit a cul-de-sac street to terminate with a T-shaped or Y-shaped turnaround, or other turnaround approved by the Traffic Engineer, when such a design is required by extreme environmental or topographical conditions or unusually or irregularly shaped boundaries.
6. **Alleys**
- Dead-end alleys shall be prohibited.
7. **Street Names and Addresses¹³**
- a. The subdivider shall provide names for all new streets in the subdivision, which names shall neither duplicate, nor be subject to confusion with, the spelling or the pronunciation of any existing street name in the Municipality. The subdivider's selection of street names shall be subject to review by the Director or his designee, who may reject any proposed street name that does not conform to this section or to any regulation promulgated pursuant to this section. The Municipality shall name all streets that are peripheral to the subdivision and all extensions of existing streets into the subdivision.

1 Where a new street extends or continues an existing street, the name
2 of the existing street shall be used for the new street.

3 b. Pursuant to AMC chapter 3.40, the Director may promulgate
4 regulations establishing a uniform street designation terminology. All
5 street names shall conform to the terminology so established.

6 c. Street names may be modified using the procedure adopted by the
7 Director.

8 **8. Street Addresses¹⁴**

9 a. The Director shall assign all official street address numbers within the
10 Municipality. A permanent address shall be assigned only for
11 property that is subject to a plat filed in accordance with law depicting
12 the dedicated right-of-way serving the property.

13 b. Pursuant to AMC chapter 3.40, the Director may promulgate
14 regulations establishing uniform street address numbering technology
15 and procedures. All street addresses shall conform to the numbering
16 technology and procedures adopted by regulation, unless unusual or
17 exceptional circumstances warrant utilization of alternate technology
18 or procedures.

19 **G. Block Arrangement¹⁵**

20 1. Blocks shall have sufficient width to provide for two tiers of lots of depth
21 meeting the minimum requirements of this title, except where lots back onto a
22 collector or greater street, natural feature, or subdivision boundary, or where
23 lots face an approved loop road or cul-de-sac.

24 2. Residential blocks in Class A improvement areas (as defined in 21.08.050.B)
25 shall not be less than 300 feet nor more than 500 feet long. Residential
26 blocks in Class B improvement areas shall not be less than 300 feet nor more
27 than 1,320 feet long.¹⁶ The Platting Authority may approve a longer block
28 length when necessary to accommodate natural features such as steep
29 slopes.

30 **H. Lot Dimensions¹⁷**

31 Subject to the lot dimensions and area requirements of chapter 21.06, all lots shall
32 have the minimum dimensions required by this section.

33 1. The depth of a lot shall be at least 80 feet.¹⁸

34 2. The width of a corner lot shall be at least 50 feet.

35 3. The width of a lot shall be at least one-third the depth of the lot.

36 4. If a lot is to be served by an on-site wastewater disposal system, the lot must
37 have the minimum area required for such a lot under AMC chapter 15.65.

38 5. Notwithstanding any other provision of this section, the width of the flagpole
39 portion of a flag-shaped lot shall be no less than:

- 1 a. Thirty feet when both public water and sewer systems are to serve
2 such a residential lot.
- 3 b. Forty feet when both public water and sewer systems are to serve
4 such a commercial or industrial lot.
- 5 c. Twenty-four feet when only a public water or a public sewer system is
6 to serve such a lot.
- 7 d. Twenty-four feet when the lot is located in the R-5, R-6, R-9, R-10, or
8 TA districts and will not be served by either the public water or the
9 public sewer system.
- 10 6. The length of the flag pole portion of the lot shall not exceed 200 feet in the R-
11 5, R-6, R-9, R-10, or TA districts or 100 feet in all other districts, and all other
12 measurements shall be consistent with other sections of this title.
- 13 7. To the extent feasible, side lot lines shall be perpendicular to straight streets
14 and radial to curved streets.
- 15 **I. Lot Frontage and Access¹⁹**
- 16 1. Except when platted under subsection 21.03.070.G., *Platting for Conditional*
17 *Uses*, all lots shall have frontage on a publicly dedicated street.
- 18 2. Unless approved by the Director, access to a residential use on a residential
19 lot shall not be from a collector or greater street as designated on the
20 OS&HP.
- 21 3. Subdivisions shall be designed to minimize lots with access to residential
22 major streets carrying more than 1,000 average daily trips.
- 23 4. Unless otherwise provided in this title, the total width of driveway entrances to
24 a lot from a street shall not exceed 40 percent of the frontage of the lot on the
25 street at the property line and 30 percent at the curb. However, a driveway
26 may always be a minimum of 14 feet wide, and the maximum width of a
27 driveway is 20 feet. This provision does not apply to flag lots or townhouse
28 lots.
- 29 5. The frontage of a lot on a cul-de-sac bulb shall be at least 35 feet, except that
30 the frontage on a cul-de-sac bulb of a lot with a side yard abated under
31 subsection 21.06.020A.3., *Construction on Adjoining Lots*, shall be at least 18
32 feet. This subsection does not apply to flag lots.
- 33 6. There shall be no more than one flag lot facing onto each cul-de-sac bulb.
- 34 **J. Landscaping²⁰**
- 35 1. The Platting Authority shall consider and require, where appropriate,
36 landscaping and screening under section 21.07.080, *Landscaping, Screening,*
37 *and Fences* to separate property from incompatible uses or structures,
38 including but not limited to streets designated for collector or greater capacity
39 on the Official Streets and Highways Plan, railroads, commercial, or industrial

1 uses. The area containing the landscaping shall be shown as an easement or
2 open space area on the plat. The landscaping shall be installed before final
3 plat approval, or its installation shall be guaranteed under section 21.08.060,
4 *Subdivision Agreements*, or by other performance guarantees acceptable to
5 the authority. The landscaping shall be maintained by the property owner or
6 designee.

- 7 2. If a landscaping easement is required, no more than 50 percent of such
8 easement shall coincide with any utility easement, per the requirements of
9 21.07.080G.2.c.

10 **K. Reserve Strips²¹**

11 Privately owned strips may not be reserved to control access to public rights-of-way.

12 **L. Electrical and Telecommunication Utilities²²**

13 The width and alignment of transmission easements within subdivisions shall conform
14 to the Utility Corridor Plan. The Platting Authority shall preclude structures or uses of
15 land within or beneath areas of electrical or telecommunications ground or aerial
16 easements that are incompatible with electrical distribution or transmission facilities.

17 **M. General Subdivision Standards Are Minimum Standards²³**

- 18 1. The design standards in this chapter are minimum standards. The Platting
19 Authority may impose more restrictive standards when it finds they are
20 necessary to conform the design of a proposed subdivision to the approval
21 criteria for subdivisions set forth in this title.
- 22 2. When the Platting Authority finds that it is not feasible to conform the design
23 of a proposed subdivision to meet the approval criteria for subdivisions set
24 forth in this title, the Platting Authority may reject a proposed subdivision in its
25 entirety.

26 **21.08.040 DEDICATION**

27 **A. Streets²⁴**

- 28 1. Except as provided in section 21.03.070, *Conditional Uses*, and 21.03.080,
29 *Site Plan Review*, all street rights-of-way shall be dedicated to the public.
- 30 2. Street right-of-way widths shall conform to the Official Streets and Highways
31 Plan (OSHP), provided that the maximum dedication width that may be
32 required for an arterial or collector street is 70 feet if the entire width of the
33 street is within the subdivision, or 35 feet if the street is on an exterior
34 boundary of the subdivision. These standards are considered to be minimum
35 standards and may be increased in a particular instance, where necessary, to
36 make a proposed street conform to sound traffic engineering standards and
37 principles. When steep slopes or other terrain features dictate, slope
38 easements that exceed normal right-of-way requirements will also be
39 required.
- 40 3. The Platting Authority may approve the dedication of a half-street only when
41 the other half of the street has been dedicated or when the Platting Authority

1 reasonably anticipates that the other half of the street will be dedicated.
2 When a subdivision borders a dedicated half street, the Platting Authority
3 shall require the dedication of the other half of the street, unless it determines
4 that the street would be unnecessary or undesirable.

5 **B. Alleys²⁵**

6 The Platting Authority may require the dedication of alley rights-of-way where it finds
7 that alleys are necessary for service access, off-street loading, or parking. The
8 minimum width of an alley right-of-way shall be 20 feet.

9 **C. Walkways²⁶**

10 The Platting Authority shall require the dedication of pedestrian walkways where it
11 finds that pedestrian walkways are necessary to convenient pedestrian circulation or
12 to protect pedestrians from hazardous traffic. The minimum width of a walkway
13 dedication shall be 10 feet. If the walkway is paved, the paving shall be a minimum of
14 four feet and a maximum of six feet wide.

15 **D. Trails²⁷**

16 The Platting Authority shall require the dedication of an easement for a trail
17 designated on adopted municipal plans when it finds that the trail cannot be located in
18 an existing dedicated easement or right-of-way. The Platting Authority may modify
19 the alignment, width, and scope of trail easements as necessary to integrate trail and
20 subdivision design.

21 **E. Riparian Protection and Maintenance Easements²⁸**

- 22 1. The Platting Authority shall require the dedication of riparian maintenance and
23 protection easements where a stream, waterbody, or wetland traverses or is
24 adjacent to the subdivision.
- 25 2. The easement shall conform substantially to the line of the watercourse. The
26 width of the easement shall be that which the Platting Authority finds
27 necessary to provide access to widen, deepen, slope, improve, and maintain
28 the stream, and to protect the stream and adjacent property from soil erosion,
29 flooding, water pollution, and destruction of fish and wildlife habitat. At a
30 minimum, the easement shall be the same as the applicable setback required
31 in the zoning district, as set forth in section 21.07.020.B.4., *Buffer/Setback*
32 *Requirements*.
- 33 3. Section 21.07.020.B., *Stream, Waterbody, and Wetland Protection*, sets forth
34 additional restrictions on development and the use of land and structures
35 within the easement and, in some districts, beyond the easement.
- 36 4. In cases where two or more easements coincide, the outer limits of the
37 combined easement shall be measured from the outer edge of the outermost
38 watercourse edge in either direction.
- 39 5. Credit towards other open space dedication or private open space set-aside
40 requirements shall be given for the dedication of riparian protection and
41 maintenance easements at a ratio of one-to-one.

1 6. For purposes of this section, maintenance shall include, but not be limited to:
2 placement of riprap, re-vegetation, debris removal, glaciation control, grading
3 and sediment removal, protection of adjacent or downstream land from
4 flooding, soil stabilization, and erosion control. Access for maintenance shall
5 be allowed within the closest 15 feet of the setback to the stream.
6 Appropriate permits may still be required for in-stream or floodplain activities.

7 **F. Utility Easements²⁹**

- 8 1. Public utilities shall be placed in dedicated rights-of-way whenever possible.
- 9 2. In situations where utilities may not be placed within rights-of-way, easements
10 shall be provided for utilities, and shall be centered along or adjacent to lot
11 lines to the greatest extent practicable.
- 12 3. Utility easements shall not be placed in required landscaping or required open
13 space areas, except where necessary to cross such areas.
- 14 4. Utility easements shall be sized according to the Utility Corridor Plan.
- 15 5. The Platting Authority may require the dedication of utility easements when a
16 utility company demonstrates a specific need for them or an easement is
17 needed to accommodate the routing included in the Utility Corridor Plan.

18 **21.08.050 IMPROVEMENTS**

19 **A. General Requirements³⁰**

- 20 1. The subdivider shall construct and install improvements in accordance with
21 this section, the design standards in section 21.08.030, and the current
22 Design Criteria Manual and Municipality of Anchorage Standard
23 Specifications.
- 24 2. The improvement standards in this section are minimum standards. The
25 Platting Authority may require additional or more extensive improvements
26 when it finds they are necessary to conform a proposed subdivision to the
27 standards of section 21.08.030, or the subdivider may provide such additional
28 or more extensive improvements.
- 29 3. All improvements required under this section shall be constructed under a
30 subdivision agreement as provided in section 21.08.060, *Subdivision*
31 *Agreements*. Lots in subdivisions shall not be eligible for building permits until
32 the improvements included in this section have been accepted for warranty by
33 the Municipality.
- 34 4. The subdivider shall have construction plans for the improvements required
35 under this section prepared by an engineer registered in the state, in
36 accordance with the requirements of the Municipal Engineer.

37 **B. Improvement Areas Defined³¹**

38 For the purpose of this section, the Municipality is divided into two distinct
39 improvement areas. The Class A improvement area includes areas of more dense

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population and thus requires a more urbanized level of improvements. The Class B improvement area includes areas that are less densely populated and thus requires a less urbanized level of improvements. The zoning districts associated with each improvement area are listed in the table below:

TABLE 21.08-1: IMPROVEMENT AREAS DEFINED		
District Type	Class A	Class B
Residential	R-1 R-2 R-3 R-4 R-7	R-5 R-6 R-9 R-10
Commercial	AC CBD MC	
Industrial	IC I-1 I-2 MI	
Mixed Use	RMX NMU CCMU RCMU MMU	
Other Districts	AD	TA W PR
AF District OL District PLI District PR District	The Platting Authority shall place a subdivision within any of these districts in the improvement area that it finds to be most compatible with the proposed use of the parcel and the zoning district classifications of the surrounding area.	

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C. Improvement Requirements by Improvement Area³²

The subdivider or developer shall construct and install the required improvements prescribed by this section for the improvement area where the subdivision is located in accordance with the table below:

TABLE 21.08-2: REQUIRED IMPROVEMENTS BY IMPROVEMENT AREA		
R = Improvement Required		
Improvement	Class A	Class B
Paved Interior Streets	R	
Strip-Paved Access and Peripheral Streets	R	R
Strip-Paved Interior Streets		R
Curbs and Gutters	R	
Sidewalks	R	
Walkways	R	R
Street Lighting	R	
Traffic Control Devices	R	R
Monuments	R	R
Drainage	R	R

TABLE 21.08-2: REQUIRED IMPROVEMENTS BY IMPROVEMENT AREA		
R = Improvement Required		
Improvement	Class A	Class B
Telephone & Electrical Facilities	R	R
Water Supply Facilities	R	
Sanitary Sewer Facilities	R	
Landscaping	R	R

D. Interior Streets³³

1. Residential Interior Streets

a. Categories

There are two categories of residential interior streets:

i. Residential Minor Streets

Residential minor streets have the sole purpose of providing frontage for service and access to individual lots. These streets carry only traffic having either an origin or a destination on the street itself, and include cul-de-sacs or small loops carrying 500 average daily trips.

ii. Residential Major Streets

Residential major streets are access streets that provide frontage for service and access to individual lots and may carry a small amount of through traffic from tributary residential minor streets. Residential major streets carry from 500 to 2,000 average daily trips. Lot frontage on residential major streets with average daily trips in excess of 1,000 should be restricted.

b. Determination of Average Daily Trips³⁴

For the purpose of classifying and designing residential streets, the average daily trips carried by a street shall be determined by applying trip rates from the most current Institute of Transportation Engineers Trip Generation Manual.

c. Improvement Design

Interior residential streets, except as provided in subsection 21.08.050.D., shall be improved in accordance with Table 21.08-4 and Table 21.08-5.

TABLE 21.08-4: PAVED RESIDENTIAL STREETS, MINIMUM STANDARDS

A.D.T. (2)	Street Section (1) (feet)		Number of Lanes		Max. Design Speed (3) (mph) (4)	Right of Way (feet)	Spillover Parking (5)	Application
	Standard	Optional	Moving	Parking				
0--75 Residential minor	30		2	1	20	60	No	Cul-de-sacs, low-volume residential streets
		24	2	0	20	60	Yes	
75--300 Residential minor	30		2	1	25	60	No	Residential minor streets, cul-de-sacs and small
		24	2	0	25	60	Yes	

TABLE 21.08-4: PAVED RESIDENTIAL STREETS, MINIMUM STANDARDS

A.D.T. (2)	Street Section (1) (feet)		Number of Lanes		Max. Design Speed (3) (mph) (4)	Right of Way (feet)	Spillover Parking (5)	Application
	Standard	Optional	Moving	Parking				
								loops
300--600 Residential minor	33		2	2	25	60	No	Residential minor streets, loop streets, high-volume cul-de-sacs
		24	2	0	25	60	Yes	
600--1,000 Residential major	33		2	2	25	60	No	Residential major streets, loop streets and high-volume cul-de-sacs
		28	2	1	25	60	Yes	
1,000--2,000	36 (6)	24 (6)	2	0	25	60	Yes	Residential limited access
			2	2	30	60	No	Residential subconnector
		36 (6)	3 (7)	0	30	60	Yes	No on-street parking permitted

NOTES:

- (1) Street dimensions are from back of curb.
- (2) See subsection 21.08.050D.1.b., *Determination of Average Daily Trips*.
- (3) Horizontal curve design of residential streets requires best judgment of planners and engineers in addition to design analysis.
- (4) Design speed (not posted speed) for vertical and horizontal curves.
- (5) Spillover parking; homeowners' association required. See subsection 21.08.050.E below.
- (6) Vertical face curb; rolled curb may be substituted when sidewalk is detached.
- (7) Center turning lane required.

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TABLE 21.08-5: STRIP-PAVED STREETS, MINIMUM STANDARDS

A.D.T.	Street Section (1) (feet) (3)	Maximum Design Speed (2) (mph)	Right-of-Way (feet)	Application
0--500	20	20	50	Residential loop streets, rural peripheral/access roads
500--1,000	24	25	50	Residential loop streets, urban peripheral/access roads
1,000--2,000	24	25	60	Major residential streets

- (1) Dimensions are from edge of pavement
- (2) Design speed (not posted speed) for horizontal and vertical curves
- (3) Street sections require two-foot shoulders with ten- and 12-foot driving lanes, respectively

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2. Commercial and Industrial Interior Streets

Commercial and industrial interior streets shall be improved in accordance with Table 21.08-6 and Table 21.08-7 below:

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TABLE 21.08-6: CLASS A COMMERCIAL AND INDUSTRIAL STREETS, MINIMUM STANDARDS

Street Section (1) (feet)	Number of Lanes		Maximum Design Speed (2) (mph)	Right-of-Way (feet)	Application
	Moving	Parking			
36(V)	2	2 (3)	30	60	Commercial/industrial streets
36(V)	3(1TL)	0	35	60	Major commercial/industrial streets; no on-street parking permitted; parking must be provided off-street
40(V)	3(1TL)	0	35 ³⁵	60	Limited application for commercial and industrial areas for turning movements when traffic warrants

(1) Street dimensions are from back of curb
 (2) Design speed (not posted speed) for vertical and horizontal curves
 (3) Parking may be provided off-street when a planter strip is used

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TABLE 21.08-7: CLASS B COMMERCIAL/INDUSTRIAL STREETS, MINIMUM STANDARDS

Street Section (1) (feet)	Design Speed (2) (mph)	Right-of-Way (feet)	Application
20	20	50	Commercial/industrial low traffic volume loop streets and cul-de-sacs, 4-foot shoulders required both sides
24	35	60	Major commercial/industrial streets, 4-foot shoulders required both sides

(1) Dimensions are from edge of pavement, or future pavement
 (2) Design speed (not posted speed) for vertical and horizontal curves

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E. Optional Residential Interior Streets³⁶

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1. Residential interior streets shall provide for on-street parking unless the Platting Authority finds it is practical to substitute spillover parking for on-street parking in accordance with subsection 21.08.050.E.2. below. If the Platting Authority so finds, residential interior streets may be improved in accordance with this section and Table 21.08-4.

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2. The Platting Authority may find that it is practical to substitute spillover parking for on-street parking only in residential subdivisions containing at least five acres or 25 dwelling units with a homeowners' association that is responsible for operating and maintaining spillover parking facilities.

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3. Spillover parking substituted for on-street parking shall conform to the design standards in section 21.07.090, *Off-Street Parking and Loading*, shall be a designated common area owned and administered by the homeowners' association, and shall not be located within an individually owned lot or tract. The design of spillover parking areas shall be subject to approval of the Traffic Engineer. The spillover parking area shall be shown on the plat, and a plat note shall be provided limiting the use of that area to spillover parking. Spillover parking areas shall not be counted toward required open space requirements. Spillover parking spaces in addition to the off-street parking spaces required under section 21.07.090 shall be provided for each lot fronting on a street without on-street parking under the following formula,

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using the maximum residential density permitted for the lot by its zoning district.

TABLE 21.08-8: ADDITIONAL SPILLOVER PARKING SPACES REQUIRED FOR EACH LOT FRONTING ON A STREET WITHOUT ON-STREET PARKING

Housing Type	Number of Spaces
Dwelling, single-family detached	1.5
Dwelling, single-family attached (1 to 4 units)	1.0
Dwelling, multiple-family (exceeding 4 units)	0.5

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F. Access Streets, Peripheral Streets, and Half Streets³⁷

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1. Access Streets

The Platting Authority may require access streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access. The Platting Authority shall determine the length of the access street that the subdivider shall improve. Access streets shall be improved in accordance with Table 21.08-5.

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2. Peripheral Streets

a. The Platting Authority may require the improvement of peripheral streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access.

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b. Peripheral streets whose improvement is required under this subsection shall be improved in accordance with Table 21.08-5, provided that peripheral streets used for access to individual lots shall be improved in accordance with Tables 21.08-4 and 21.08-6.

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3. Half Streets

The Municipal Engineer or the Platting Authority may require the improvement of a half street in the urban area to one-half of the street width specified in Table 21.08-4, if underground utilities will be installed before street construction.

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G. Curbs and Gutters³⁸

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Where required, the subdivider shall construct curbs and gutters in accordance with the Design Criteria Manual and Municipality of Anchorage Standard Specifications (MASS), or, in the case of a state-maintained road, the current standard specifications of the state department of Transportation and Public Facilities. Curbs shall be of the American Association of State Highway and Transportation Officials (AASHTO) vertical type.

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H. Sidewalks³⁹

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1. The placement of sidewalks shall be determined by the transportation and connectivity standards in section 21.07.060.

1. No surface water drainage from the subdivision shall empty into a sanitary sewer; or directly, without treatment and energy dissipation, into a creek or stream channel.
2. The size, design, and construction of drainage structures shall conform to the requirements set forth by the Municipal Engineer.
3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a stormwater or drainage easement shall be provided that substantially conforms with the lines of such watercourse, plus additional width that is adequate and necessary to convey expected storm flows and/or stormwater drainage facilities. Streets paralleling such easement may be required in connection therewith. Lakes, ponds, creeks, and similar areas will be accepted for maintenance by the Municipality only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the stormwater drainage control system.
4. The Municipality shall accept no responsibility to maintain any storm drainage structures, except for those lying within a municipal right-of-way or traversing municipally owned property.
5. The drainage system shall comply with the standards set forth in section 21.07.040, *Drainage, Stormwater Runoff, Erosion Control*.
6. No more than 20 percent of the pre-development runoff volumes shall be diverted from the original U.S. receiving water unless approved by the Municipal Engineer.
7. Unless waived by the Municipal Engineer, footing drain stub-outs shall be provided for each lot where there is a storm drain system.

N. Telecommunication and Electric Facilities⁴⁴

1. All new telecommunication and electric lines shall be installed in accordance with the specifications of the Municipality and the utility providing the service.
2. All new telecommunication and electric utility distribution lines, as defined in chapter 21.13, shall be placed underground:
 - a. As required by section 21.07.050, *Utility Distribution Facilities*; and
 - b. As required by the Platting Authority in areas with patterns of development similar to those where section 21.07.050 requires that utility distribution lines be placed underground.

O. Water Supply Facilities⁴⁵

1. **Access to Public Water System**
 - a. If the Platting Authority requires that a subdivision be served by a public water system, the subdivider shall install the system in accordance with the requirements of the state Department of Environmental Conservation and the most current edition of the

1 Design Criteria for Sanitary Sewer and Water Improvements of the
2 municipal water and wastewater utility.

3 b. Where connection to public water supply systems is required, such
4 systems shall be dedicated to the Municipality for operation and
5 maintenance, thus allowing for the orderly expansion of the
6 Municipality, its water systems, and fire protection services that
7 protect the health of the citizens of the Municipality.

8 **2. No Access to Public Water System**

9 a. If the subdivision has no access to a public water system, the Platting
10 Authority may require the subdivider to install a water system for the
11 common use of the lots in the subdivision. The subdivider shall install
12 the system in accordance with the requirements of the state
13 department of Environmental Conservation and the specifications of
14 the municipal water and wastewater utility.

15 b. If the subdivision has no access to a public water system, and the
16 Platting Authority finds that a water system for the common use of lots
17 in the subdivision is not feasible and desirable, the subdivider need
18 not install water supply facilities. A well serving an individual lot shall
19 conform to the requirements of Municipal On-Site Water and
20 Wastewater Program. A common water system serving a portion of
21 the subdivision shall not preclude individual wells for the remaining
22 lots.

23 **P. Sanitary Sewer Facilities⁴⁶**

24 **1. Access to Public Sewer System**

25 a. If the Platting Authority or provisions of law require that a subdivision
26 be served by a public sewer system, the subdivider shall install the
27 system in accordance with the requirements of the state Department
28 of Environmental Conservation and the most current edition of the
29 Design Criteria for Sanitary Sewer and Water Improvements of the
30 municipal water and wastewater utility.

31 b. Where connection to public sanitary sewer systems is required, such
32 systems shall be dedicated to the Municipality for operation and
33 maintenance, thus allowing for the orderly expansion of the
34 Municipality and its sanitary sewer system, which protects the health
35 of the citizens of the Municipality.

36 **2. No Access to Public Sewer System**

37 a. If the subdivision has no access to a public sewer system, the Platting
38 Authority may require the subdivider to install a sewer system for the
39 common use of lots in the subdivision.

40 b. If the subdivision has no access to a public sewer system, the
41 subdivider need not install sewer facilities. A sewage disposal system
42 serving an individual lot shall conform to the requirements of
43 Municipal On-Site Water and Wastewater Program.

1 **Q. Erosion and Sedimentation Control⁴⁷**

2 All grading, excavating, and removal or destruction of natural topsoil, trees, or other
3 natural vegetation shall conform to an erosion and sedimentation control plan
4 prepared by the subdivider and approved by the Department of Project Management
5 and Engineering before the work may commence. The plan shall conform to the
6 requirements of section 21.07.040, *Drainage, Stormwater Runoff, Erosion Control*, as
7 well as municipal guidelines and policies contained in *Soil Erosion and Sediment*
8 *Control Manual*, and any other applicable guidelines and policies approved by the
9 Department of Project Management and Engineering.

10 **R. Landscaping**

11 The subdivider shall be responsible for the provision of landscaping required under
12 section 21.07.080, *Landscaping, Screening, and Fences*, and it shall be installed by
13 the subdivider or guaranteed under the provisions of subsection 21.08.060.E or other
14 performance guarantees acceptable to the authority. Landscaping shall be provided
15 on an individual lot basis not later than the issuance of a final certificate of occupancy.

16 **S. Natural Gas Facilities⁴⁸**

17 All new natural gas facilities installed pursuant to this section shall be installed in
18 accordance with the standard specifications of the Municipality and the utility providing
19 the service.

20 **21.08.060 SUBDIVISION AGREEMENTS⁴⁹**

21 **A. Agreement Required; Application; Contents**

22 **1. Agreement Required**

23 Before a final plat for a subdivision where improvements are required under
24 section 21.08.050 is approved or filed, the subdivider shall enter into a
25 subdivision agreement with the Municipality in accordance with this section.
26 The Municipality reserves the right to refuse to enter into a subdivision
27 agreement with any subdivider who fails to comply with the conditions of an
28 active agreement, or is delinquent in the payment of any account with the
29 Municipality.⁵⁰

30 **2. Application**

31 Application for a subdivision agreement shall be made to the Department of
32 Project Management and Engineering. The application shall include a copy of
33 the preliminary plat, a tentative schedule of all proposed construction of public
34 improvements and utilities, and an engineer's estimate of the cost of each
35 required public improvement. The engineer's estimate shall be based on the
36 most current average bid tab calculations of the Municipality. The
37 Municipality may require a showing of the subdivider's financial responsibility.

38 **3. Contents**

39 Except as provided in subsection 21.08.060.A.4. below, the subdivision
40 agreement shall include but need not be limited to the following provisions:

- 41 a. A designation of the public improvements required to be constructed.

- 1 b. The construction and inspection requirements of the Municipality or
2 utility for which the improvements are constructed.
- 3 c. The time schedule for completing the improvements.
- 4 d. The guaranty required by subsection 21.08.060.E.
- 5 e. A schedule for any payments required under this section.
- 6 f. The allocation of costs between the Municipality and the subdivider
7 for required public improvements.
- 8 g. The warranty required by subsection 21.08.060.G.
- 9 h. The consent of the subdivider for the ownership of specified public
10 improvements to vest with the Municipality upon final acceptance by
11 the Municipality.
- 12 i. A warranty that the subdivider has title to the subdivision property and
13 the authority to execute the subdivision agreement.
- 14 j. Where the subdivision is within the regulatory floodway, a
15 requirement that the subdivider will submit certification of
16 floodproofing, information on the elevation of the lowest habitable
17 floor and information on the elevation to which the structure is
18 floodproofed, for each building or structure to be constructed as part
19 of the subdivision agreement.
- 20 k. A provision requiring the subdivider to submit plans, specifications,
21 descriptions of work, the limits of the work area, the methods to be
22 employed, a traffic control plan and any other pertinent data and
23 information necessary for the department of public works to evaluate
24 the proposed installation.
- 25 l. A provision that all work shall be performed pursuant to the
26 Municipality of Anchorage Standard Specifications (MASS), latest
27 edition.
- 28 m. A provision that work shall not commence until plans have been
29 approved by the director of public works and notice to proceed is
30 given.

31 4. **Exceptions**
32 If the subdivider elects to complete and obtain acceptance of all required
33 public improvements before the approval or filing of a final plat for the
34 subdivision, the subdivision agreement need not include the time schedule
35 and guarantee provisions specified in items c. and d. above.

36 B. **Approval by Assembly**
37 Approval by the Assembly shall be required to enter into those subdivision
38 agreements where municipal participation in the cost of the required public
39 improvements is estimated to be \$30,000.00 or more.⁵¹

1 **C. Time Limit for Completion of Improvements**

- 2 1. The improvements required under the terms of the subdivision agreement
3 shall be fully completed and accepted for warranty within two years of the
4 date of execution of the agreement. However, before the expiration of the
5 subdivision agreement, the subdivider may request a time extension from the
6 Platting Authority under the process outlined in 21.03.060. Following a public
7 hearing, the Platting Authority may grant subdivision agreement time
8 extensions, up to two years in length, upon a showing of good cause by the
9 developer and provided such extension does not unreasonably impact
10 adjacent properties or the general public. In considering whether an
11 extension should be granted, the platting board shall consider the manner in
12 which safety hazards, drainage problems, sanding, snow removal, grading
13 and other matters will be handled during the extension period and may
14 impose performance conditions on the extension to ensure that such matters
15 are adequately handled. A finding of nonconformance by the Department of
16 Project Management and Engineering shall automatically, without any further
17 action by the platting board, result in a cancellation of the extension after 30
18 days' written notice.
- 19 2. The total time of any and all such time extensions shall not exceed 60 months
20 for existing subdivision agreements of record as of September 1, 1989, unless
21 further extensions are approved by the Assembly. All other agreements may
22 obtain only a two-year extension before being required to be approved by the
23 Assembly. All time extensions shall be conditioned to require provision of an
24 adequate performance guarantee when the existing guarantee is inadequate.

25 **D. Payment of Costs of Required Improvements**

26 The cost of any public improvement shall be defined to include the cost of design,
27 engineering, contract administration, inspection, testing, and surveillance as well as all
28 work, labor, and materials furnished for the construction of the improvement. The
29 subdivision agreement shall provide for the apportionment of the cost of required
30 public improvements between the Municipality and the subdivider as follows:

31 1. **Administrative and Recording Costs Relating to Public Improvement**
32 **Guaranties**

33 The subdivider shall pay 100 percent of all costs incurred in supplying and
34 administering any method of public improvement guaranty provided for in
35 subsection 21.08.060.

36 2. **Inspection, Surveillance, and Testing**

37 The subdivider shall pay 100 percent of all costs relating to any inspection,
38 surveillance, and testing by the Municipality, necessary for final acceptance of
39 any required public improvement or during the warranty period. Surveillance
40 shall be performed by the Municipality during the course of construction and
41 up to the point of final acceptance of the completed project. Inspection shall
42 be performed by the Municipality during the warranty period.

43 3. **Administration of Agreement**

44 The subdivider shall pay 100 percent of all costs of plan review, agreement
45 administration, and attendant costs.

1 4. **Arterial and Collector Streets within Anchorage Roads and Drainage**
2 **Service Area**

3 Reasonable costs incurred in the construction of a street designated on the
4 official streets and highways plan (OSHP) as a collector, arterial, or greater
5 and within the Anchorage Roads and Drainage Service Area (ARDSA) shall
6 be apportioned as specified in subsections 21.08.060.D.4.a. through d. below.
7 For purposes of this subsection, construction costs means only those costs
8 associated with construction, design engineering, project administration and
9 inspection, related bank fees and interest payments, and fair market value of
10 right-of-way dedicated to the street in excess of 60 feet.

11 a. ***Interior Collector Streets***

12 If a collector street lies within the subdivision, the Municipality shall
13 reimburse the subdivider a sum equal to the reasonable construction
14 cost of building to the standard specified by the Platting Authority,
15 less the estimated cost of construction in accordance with the
16 residential standard approved by the Platting Authority under Tables
17 21.08-4 and 21.08-6, provided that:

18 i. When the subdivision agreement is executed:

19 (A) The street is in the Anchorage Roads and Drainage
20 Service Area;

21 (B) The street is programmed for improvement to the
22 designated standard in the six-year capital improvement
23 program; and

24 (C) Sufficient bond funds or designated state grant funds are
25 available for reimbursement in the capital improvement
26 budget for the current fiscal year; or

27 ii. When the subdivision is approved:

28 (A) The street is in the Anchorage Roads and Drainage
29 Service Area;

30 (B) Construction to the designated standard is required by
31 the Platting Authority; and

32 (C) Improvement to the designated standard is programmed
33 in the six-year capital improvement program.

34 If the conditions set forth in subsections 21.08.060.D.4.a.i. or
35 ii. are not met at the time specified, then the total cost of
36 construction required by the Platting Authority shall be borne
37 by the subdivider.

38 b. ***Interior Arterial Streets***

39 If an interior arterial or greater street is required to be constructed to
40 arterial standards by the Platting Authority, the Municipality shall
41 reimburse the subdivider 100 percent of the reasonable construction
42 cost subject to the availability of bond funds appropriated for that

1 purpose. If the Platting Authority has not required construction to
2 arterial or greater standards, the subdivider shall construct the street
3 to the standards required under subsection 21.08.050.D. and shall
4 bear 100 percent of the construction cost.

5 **c. Peripheral Streets**

6 If the subdivider is required to construct an abutting collector street,
7 the Municipality shall reimburse a sum equal to the reasonable
8 construction cost of the standards specified by the Platting Authority
9 less the estimated cost of construction in accordance with the
10 residential standards under Table 21.08-5, subject to the conditions
11 specified in subsection 21.08.060.D.4.a. above. If a subdivider is
12 required to construct an abutting arterial or greater street to arterial or
13 greater standards, the Municipality shall reimburse in a manner and
14 subject to the conditions set forth in subsection b. above. If the
15 subdivider is not required to construct an abutting street to arterial or
16 greater standards, the subdivider shall construct the street to the
17 standards required under subsection 21.08.050.F. and shall pay 100
18 percent of the cost of construction.

19 **d. Access Streets**

20 If the Platting Authority requires the construction of an access street
21 under the authority of subsection 21.08.050.D. that is designated as a
22 collector, arterial, or greater, the Municipality shall reimburse a sum
23 equal to the reasonable construction cost of the standard specified by
24 the Platting Authority less the estimated construction cost in
25 accordance with the residential standards under Table 21.08-5,
26 subject to the availability of bond funds appropriated for that purpose.
27 If the Platting Authority has not required construction to collector or
28 greater standards, the subdivider shall construct the street to the
29 standards required under subsection 21.08.050.D. and shall pay 100
30 percent of the construction costs.

31 **5. Other Streets**

32 Except as provided in subsection 21.08.060.D.4., the subdivider shall pay 100
33 percent of the cost of streets within the boundaries of the subdivision. The
34 subdivider shall additionally pay 100 percent of the cost of all peripheral
35 streets and access roads except as provided in subsection 21.08.060.D.4. of
36 this section whose construction may be required by the Municipal Engineer.
37 The property within subdivisions that is later assessed by the Municipality for
38 final improvements to access and peripheral streets shall receive credit for the
39 cost of salvageable improvements to those peripheral and access streets.
40 Nonsalvageable improvements will not receive credit. Credit will be provided
41 only when:

- 42 **a.** The Municipality approved the award of the contract which included
43 the work for which the credit is to be issued; and
- 44 **b.** The subdivider provided the Municipality with a sworn notarized
45 statement setting forth the distribution of the costs of salvageable
46 improvements, which he utilized for purposes of establishing lot price,
47 for each lot within his subdivision to which such costs were spread.

- 1 The credit will be applied as a reduction of assessment to each applicable lot,
2 except that in no case will the amount of credit given to any lot exceed the
3 amount of the assessment to that lot.
- 4 **6. Curbs, Sidewalks, and Walkways Adjacent to Streets**
5 The subdivider shall pay the cost of constructing curbs, and sidewalks and
6 walkways adjacent to streets, in the same manner as the cost of constructing
7 the streets to which they are adjacent as provided in subsections
8 21.08.060.D.4.and 21.08.060.D.5.
- 9 **7. Sidewalks and Walkways not Adjacent to Streets**
10 The subdivider shall pay 100 percent of the cost of constructing all sidewalks
11 and walkways not adjacent to streets.
- 12 **8. Storm Drains, Inlets, and Manholes**
13 The subdivider shall pay 100 percent of the cost of storm drains, inlets, and
14 manholes necessary to serve the subdivision, provided that, within areas
15 where the Municipality provides drainage maintenance, the Municipality shall
16 reimburse the subdivider those costs attributable to oversizing required by the
17 Municipality. In those areas where the Municipality does not maintain
18 drainage facilities, the subdivider shall pay all costs, including those for any
19 required oversizing.
- 20 **9. Water Improvements**
21 If the subdivision is to receive water service from a public utility, the
22 subdivider shall provide water facilities, including service connections to all
23 lots, with cost participation as provided in the current approved tariff of the
24 utility. If the subdivision is to receive water service from a community water
25 system, the subdivider shall provide water facilities, including service
26 connections to all lots, and pay 100 percent of the cost of those facilities.
- 27 **10. Sanitary Sewer Improvements**
28 The subdivider shall provide sanitary sewer facilities, including service
29 connections to all lots, with cost participation as provided in the current
30 approved tariff of the municipal sanitary sewer utility.
- 31 **11. Electrical and Telecommunication Facilities**
32 The subdivider shall provide electrical and telecommunication facilities with
33 cost participation as provided in the current approved tariffs of the applicable
34 utility companies.
- 35 **12. Deferred Utilities**
36 When paved street or sidewalk improvements are installed prior to placement
37 of traffic control devices and electrical and telecommunication cable
38 placement, the subdivider shall, at appropriate crossings as directed by the
39 Municipality, provide any necessary underground conduit consistent with
40 conduit size, type, and installations standards provided by the utility.
- 41 **13. Street Lighting⁵²**
42 The subdivider shall pay the cost of street lighting apparatus in the same
43 manner as the cost of constructing the streets to which it is adjacent as
44 provided in subsections 21.08.060D.4.and 21.08.060D.5.

1 **14. Traffic Control Devices**

2 The subdivider shall pay 100 percent of the cost of traffic control devices.
3 Traffic control devices, except electric-operated traffic signals, shall be
4 installed prior to any structure being occupied in the subdivision.

5 **15. Landscaping**

6 The subdivider is responsible for all required landscaping. Landscaping shall
7 meet the standards of section 21.07.080, *Landscaping, Screening, and*
8 *Fences.*

9 **E. Guarantee of Completion of Improvements Required; Amount; Methods**

10 **1. Guarantee Required**

11 To ensure the installation of required public improvements that are not
12 accepted at the time the final plat is filed, the subdivision agreement shall
13 require the subdivider to guarantee the completion of all such improvements
14 by one or more of the methods specified in this section. The means of a
15 guarantee may be changed during the guarantee period through a written
16 modification of the agreement. The amount of the guarantee shall be
17 determined on the basis of the subdivider's cost estimate. The guarantee
18 shall remain in effect until final acceptance of the public improvements and
19 the posting of an acceptable security for the warranty period.

20 **2. Cost Estimate; Overrun Allowance**

21 The engineer's cost estimate shall state the estimated cost of completion for
22 each required public improvement. Cost estimates for each required public
23 improvement must be approved by the Department of Project Management
24 and Engineering. For purposes of establishing the amount necessary for the
25 guarantee of completion of public improvements, a percentage for overrun
26 allowance shall be added to the total estimated cost of public improvements
27 as follows:

TABLE 21.08-10: PERCENT FOR OVERRUN ALLOWANCE

Total Estimated Cost of Improvements	Percent for Overrun Allowance
\$0.00--\$500,000.00	20
\$500,000.00--\$1,000,000.00	15
\$1,000,000.00 and over	10

28
29 **3. Methods⁵³**

30 The subdivision agreement shall include one or more of the following methods
31 to guarantee the construction of required public improvements:

32 **a. Performance Bond**

33 The subdivider may elect to provide a surety bond from a company
34 authorized to do such business in the state. The bond shall be in a
35 form acceptable to the municipal attorney and in an amount equal to
36 the estimated cost of all required public improvements, plus an
37 overrun allowance as provided in subsection 21.08.060.E.2. above.
38 The bond shall be payable to the Municipality if any required public
39 improvements are not finally accepted in accordance with the
40 provisions of this title, and shall be posted by no person other than
41 the subdivider or a contractor obligated by written contract to the

1 subdivider for construction of all the required public improvements. In
2 the event a contractor posts the bond, the subdivider and the
3 Municipality may be dual obligees under mutually agreed terms.

4 **b. Deposit in Escrow**

5 The subdivider may elect to deposit a cash sum equal to the
6 estimated cost of all required public improvements plus overrun
7 allowances as provided in subsection 21.08.060.E.2. above either
8 with the Municipality or in escrow with a responsible financial
9 institution authorized to do such business in the state. In the case of
10 an escrow account, the subdivider shall file with the Municipality an
11 escrow agreement that includes the following terms:

12 i. Funds of the escrow account shall be held in trust until
13 released by the Municipality and may not be used or pledged
14 by the subdivider as security in any matter during that period
15 other than payment for the improvements. The funds may be
16 used for payment of improvements as made, except that the
17 escrow holder shall withhold from disbursement so much of
18 the funds as is estimated as being necessary to complete the
19 construction and installation of such improvements, plus an
20 overrun allowance as provided in 21.08.060.E.2. above.

21 ii. In the case of a failure on the part of the subdivider to
22 complete any improvement within the required time period,
23 the institution shall immediately make all funds in such
24 account available to the Municipality for use in the completion
25 of those improvements.

26 **c. Letter of Credit**

27 The subdivider may elect to provide from a bank or other responsible
28 financial institution authorized to do such business in the state an
29 irrevocable letter of credit. Such letter shall be filed with the
30 Municipality and shall certify the following:

31 i. That the creditor irrevocably guarantees funds in an amount
32 equal to the estimated cost of all required public
33 improvements plus overrun allowances as provided in
34 subsection 21.08.060.E.2. above for the completion of all
35 such improvements.

36 ii. That in the case of failure on the part of the subdivider to
37 complete any specified improvements within the required time
38 period the creditor shall pay to the Municipality immediately
39 and without further action such funds as are necessary to
40 finance the completion of those improvements up to the limit
41 of credit stated in the letter.

42 **F. Release of Guarantee of Improvements**

43 1. The Municipality shall release the obligation for performance guarantees upon
44 the final acceptance of the improvement, together with the posting of
45 adequate security for warranty.

- 1 2. The Municipality may refuse to release the obligation for any particular public
2 improvement if the subdivider or contractor is in present or imminent default in
3 whole or in part on the completion of any other public improvement or
4 warranty covered by the subdivision agreement.

5 **G. Improvement Warranty**

- 6 1. The subdivider shall warrant and guarantee that required public
7 improvements constructed under the agreement will remain in good condition
8 and meet operating specifications for two years, commencing with final
9 acceptance of each public improvement when it is completed. Such warranty
10 includes defects in design, workmanship, materials, and any damage to
11 improvements caused by the subdivider, his agents or others engaged in
12 work to be performed under the subdivision agreement. The subdivider shall
13 not be responsible for cleaning, snow removal, ditching, grading, dust control,
14 or similar activities during the warranty period. Nothing in this title, however,
15 is intended to waive the requirements of AMC chapter 24.80, pertaining to
16 miscellaneous use provisions.

- 17 2. To secure the warranty:

18 a. The guarantee of performance provided for in subsection
19 21.08.060.E. shall remain in effect until the end of the warranty
20 period. If the guarantee is a performance bond posted by a
21 contractor, the bond cannot secure the warranty unless the subdivider
22 and contractor, by written agreement, elected this option at the time
23 the performance bond was posted; or

24 b. The subdivider shall furnish the Municipality with a corporate surety
25 bond, cash deposit, or letter of credit in an amount equal to a percent
26 of the total construction costs as set forth in this subsection. This
27 security shall guarantee the payment of any reconstruction or repair
28 costs that may be undertaken due to failures occurring during the
29 warranty period. Responsibility for identifying the necessity of repairs
30 or reconstruction of the improvements shall rest with the Municipality.

Total Construction Cost	Percent to Secure Warranty
\$0.00--\$500,000.00	10
\$500,000.00--\$1,000,000.00	7 1/2
\$1,000,000.00 and higher	5

31
32 **H. Correction of Deficiencies Under Warranty**

33 Within 30 days, or a reasonable extension at the sole discretion of the Municipal
34 Engineer, of notification by the Municipality of the need for repair or reconstruction,
35 the subdivider shall correct the deficiencies, satisfactory to the Municipality. Such
36 notification shall be made by certified mail. If the subdivider fails to repair or
37 reconstruct the deficiency within the time specified in this section, the Municipality will
38 make the repair at the subdivider's sole expense. The Municipality may then bill the
39 subdivider for the cost of the repair, or declare the bond or deposit forfeited.

1 **I. Release of Warranty**⁵⁴

2 Inspection will be made by the Municipality at the end of the warranty period and prior
3 to the release of guarantees. All deficiencies shall be corrected prior to release of the
4 warranty security. Upon satisfactory correction of all deficiencies, the Municipality will
5 release the remaining security.

6 **J. Default**

7 If the subdivider defaults on any obligation to construct required public improvements
8 or the obligation to warrant and repair such improvements, the Municipality may
9 demand immediate payment on the performance or warranty guarantee. In the case
10 of a performance bond, deposits in escrow, or letter of credit, the Municipality may
11 demand immediate payment of a portion of all sums obligated for the performance or
12 warranty of any improvement. In the case of a deed of trust guarantee method, the
13 Municipality may foreclose on the deed of trust and may also retain any sums
14 deposited to obtain a partial release of the deed of trust. All funds received by the
15 Municipality shall be used for any construction, repair, or reconstruction necessary to
16 ensure that:

- 17 1. All required public improvements are built to specifications necessary to
18 receive final acceptance; and
- 19 2. The improvements remain in good condition for the completion of the
20 warranty period. The Municipality may use guarantee funds for the
21 construction, repair, or maintenance of required public improvements from the
22 date of initial default until three years after the funds have become available
23 to the Municipality for such use, except that no use shall be made of the funds
24 later than two years after satisfactory completion and final acceptance of the
25 work. Following either: (1) the final acceptance of all public improvements
26 and posting of the warranty security, or (2) successful completion of the
27 warranty period, or (3) the three-year period provided for in this subsection,
28 the Municipality shall pay to the subdivider all guarantee funds which were not
29 used or obligated for the completion of the improvements.

30 **K. Standards May Not Be Altered; Enforcement of Chapter**

31 All provisions of this chapter are mandatory and may not be altered by the subdivision
32 agreement. The obligations contained in this chapter shall be enforceable by
33 methods of enforcement of ordinance as well as contract.

34 **21.08.070 CONSERVATION SUBDIVISIONS**⁵⁵

35 **A. Purpose**

36 A conservation subdivision is an alternative type of residential development in which
37 the lots are allowed to be smaller or narrower than otherwise required in the zoning
38 district, but in which the overall number of lots does not exceed the maximum number
39 of lots allowed in the subdivision by the zoning district. Conservation subdivisions are
40 intended to create a more compact residential development to preserve and maintain
41 open areas and natural lands in excess of what would otherwise be required by this
42 title.

1 **B. Applicability**

2 The conservation subdivision option may be used on any parcel with a minimum of at
3 least 10 acres in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, and R-10 zoning districts
4 provided that the proposal is consistent with the requirements in this section
5 21.08.070.

6 **C. Conservation Design Process**

7 Conservation subdivisions shall be approved through the procedure set forth in
8 section 21.03.060.

9 **D. Reduction in Minimum Lot Area Allowed**

10 Conservation subdivisions may include one or more lots that do not conform to the
11 minimum lot size or lot width requirements of chapter 21.06. The minimum lot area for
12 lots in conservation subdivisions shall be the larger of:

13 1. Eighty percent of the minimum lot area required in the applicable zoning
14 district, as set forth in chapter 21.06; or

15 2. 5,000 square feet.

16 **E. Lot Coverage Allowed**

17 The maximum lot coverage requirements for lots in a conservation subdivision, as set
18 forth in chapter 21.06, may be increased by no more than 10 percent.

19 **F. Minimum Open Space**

20 At least 35⁵⁶ percent of the property shown on the subdivision plat shall be preserved
21 as common open space. Open space shall be identified using the standards set forth
22 in subsection 21.07.030B.4., *Private Common Open Space, Standards*. No portion of
23 the land preserved as common open space may be located within the boundaries of
24 an individual lot for residential development, or in a road right-of-way or utility
25 easement.

26 **G. Dedication and Recording**

27 The required common open space shall be preserved from development in perpetuity
28 through the use of a dedication, and shall be conveyed to a property owners'
29 association or other organization with responsibility for maintenance of the open
30 space and the ability to collect assessments or dues for such purpose. The applicant
31 shall submit proof that:

32 1. Such deed restriction or easement has been recorded at the District
33 Recorder's Office; and

34 2. The property owners' association or other organization has been established
35 before any building or land use permits for construction in a conservation
36 subdivision shall be issued.

¹ NOTE: This chapter contains the design standards for new subdivisions. While this chapter is based heavily on existing standards, various, relatively minor changes have been made and are indicated with footnotes. A new conservation subdivision option is proposed.

² NOTE: Suggested new purpose statements.

³ NOTE: We need to decide to what extent site condos will be subject to the standards of this chapter and 21.07. We already have moved many important provisions (e.g., common open space requirements) from the subdivision chapter to 21.07 to make them applicable to all development, not just subdivision. But discussion is still necessary on whether site condos can or should be made subject to all or parts of this chapter.

⁴ NOTE: New subsection.

⁵ 2005 NOTE: Existing 21.80.380. Second sentence is new in 2005 draft.

⁶ 2005 NOTE: New subsection proposed by staff.

⁷ 2005 NOTE: New subsection proposed by staff.

⁸ NOTE: Existing 21.80.210. Staff notes that this subsection (and “Street Intersections” below) includes standards that perhaps duplicate the Design Criteria Manual, and thus a cross-reference to that document may be more appropriate than the listed standards. Further discussion necessary.

⁹ NOTE: Existing 21.80.220, with minor adjustments. We have removed provisions that repeat standards in the new *Transportation and Connectivity* section in 21.07.

¹⁰ 2005 NOTE: The final sentence about corner roundings was added back in (it appears in the current code. Based on the existing AMC 21.80.230 with minor adjustments.

¹¹ 2005 NOTE: There appears to be disagreement between staff and the DOT regarding whether this existing centerline provision is adequate.

¹² NOTE: Existing AMC 21.80.240, with adjustments specifying cul-de-sac lengths based upon area types.

¹³ NOTE: Existing 21.80.260 with only minor clarifications.

¹⁴ NOTE: Existing 21.80.270, with only minor clarifications. Staff has suggested relocating this provision elsewhere in the code, but this appears to be the most appropriate location – unless the material is given its own new section in chapter 21.07.

¹⁵ NOTE: This section combines the provisions from existing 21.80.280 and 290, with minor clarifications.

¹⁶ 2005 NOTE: Proposed new block length standards to distinguish by area.

¹⁷ NOTE: This section combines 21.80.300 and 320.

¹⁸ 2005 NOTE: Changed from 100feet in previous draft, per staff suggestion.

¹⁹ 2005 NOTE: Several edits based on comments received. Based on the existing 21.80.330.

²⁰ 2005 NOTE: The second provision has been rewritten. Based on the existing 21.80.340.

²¹ NOTE: Existing 21.80.350.

²² 2005 NOTE: Existing 21.80.400, with no changes. Chugach Electric recommends adding the following sentence at the end: “All proposed installations that will cross or be contained within the ground or aerial easements shall secure non-objection from the affected utility prior to approval of proposed development plans.”

²³ NOTE: Existing 21.80.390.

²⁴ NOTE: Based on the existing 21.80.010.

²⁵ NOTE: Existing 21.80.020.

²⁶ 2005 NOTE: Minimum width reduced back to 10 feet (the existing standard) in this draft. Based on the existing 21.80.030.

²⁷ 2005 NOTE: Existing 21.80.060. Extensive public comments suggest requiring the municipality to prepare an inventory of current and historic access points to Chugach State Park to help implement this provision. Comments also request that dedications be based on the Chugach State Park inventory, but dedications should only be based on adopted plans.

²⁸ 2005 NOTE: This section, which originally carried forward the current 21.80.040, has been revised based on numerous comments. The new proposed section ties the easement to the setback standards in chapter 21.07. Maintenance access is only in the 15 feet closest to the stream.

²⁹ 2005 NOTE: Several edits made in response to comments. The specific size requirements are removed and replaced by a reference to the Utility Corridor Plan.

³⁰ NOTE: Existing 21.85.010.

³¹ 2005 NOTE: Existing 21.85.020 summarized in a new table. However, the existing “urban,” “suburban,” and “rural” designations were considered confusing and thus have been replaced by the new “Class A” and “Class B” designations. The table has been updated to reflect changes in the zoning districts in the new draft.

³² 2005 NOTE: Existing 21.85.030 summarized in a new table. The lines for gravel streets have been removed.

³³ NOTE: Based on the existing 21.85.050. The tables addressing street standards at the end of the chapter have been relocated and renumbered for inclusion in this section.

³⁴ 2005 NOTE: Table summarizing most current requirements has been removed, based on fact that it will become obsolete at some point.

³⁵ NOTE: The current code does not specify the maximum design speed and right-of-way for 40 foot streets. The draft table carries forward the standards for 36-foot streets for discussion purposes.

³⁶ NOTE: This section carries forward the provisions from AMC 21.85.050 Interior streets with only minor alterations.

³⁷ NOTE: Existing 21.85.070.

³⁸ NOTE: Based on the existing 21.85.080. A major new change is the suggested vertical curb requirement, rather than the current standard practice of rolled curbs.

³⁹ NOTE: The standards from the existing 21.85.090 have been relocated to the development standards chapter to be made applicable beyond subdivisions. Table E has been relocated to this section.

⁴⁰ 2005 NOTE: This section carries forward two current provisions – the first is from subdivision improvements section of the current code, and the second is relocated from the subdivision agreements section in the current code. Comments received indicate that the street lighting standards in the Design Criteria Manual conflict with those in the other cited document. Staff should advise as to the correct reference document. Regardless of the proper source of standards, the reference should be in this section, not in the subdivision agreements section.

⁴¹ 2005 NOTE: Based on the existing 21.85.120. Modified to reflect statute and DOT manual.

⁴² NOTE: Based on the existing 21.85.030.

⁴³ 2005 NOTE: Final two provisions are new to this draft and suggested by staff. This section is based on the existing 21.85.140, but it has been supplemented with additional standards to protect surface waters and address municipal maintenance.

⁴⁴ NOTE: Existing 21.85.150.

⁴⁵ NOTE: Existing 21.85.160. 1.b. is new.

⁴⁶ NOTE: Existing 21.85.170. 1.b. is new.

⁴⁷ NOTE: The material in 21.85.180, *Erosion and sedimentation control*, has been relocated to chapter 21.07 so that its applicability extends beyond the subdivision process.

⁴⁸ NOTE: Based on the existing 21.85.200.

⁴⁹ NOTE: As discussed in the Annotated Outline, we heard no comments on the Subdivision Agreement section. We have reviewed the provisions and they are fairly straightforward and no issues or concerns are immediately apparent. This section carries forward the substance of the existing chapter 21.87 with no major changes.

⁵⁰ 2005 NOTE: Second sentence is new and proposed by staff.

⁵¹ 2005 NOTE: HBA suggests raising this threshold to \$100,000.

⁵² 2005 NOTE: In this and the following section, substantive quality standards have been removed and relocated earlier in the chapter. This section should deal only with payment responsibilities for improvements.

⁵³ 2005 NOTE: Deed of trust option deleted per request.

⁵⁴ 2005 NOTE: There were several requests that the release of the escrowed monies be done within 30 days of the completion of the warranty period. Is there support for such a provision?

⁵⁵ NOTE: This new section is proposed to replace the existing cluster housing site plan review provisions (section 21.50.210).

⁵⁶ NOTE: A flat number is proposed for ease of administration. Alternatively, a sliding scale could be used, with a larger amount of open space required for more rural districts. The number proposed is higher than that required for regular residential development under the draft private common open space standards (30 percent).

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4
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6
7
8
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TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

CHAPTER 21.10: SIGNS485

21.10.010 Purpose.....485

21.10.020 Application of This Section.....485

21.10.030 Relationship of This Section to State Law486

21.10.040 Computations, Rules of Measurement, and Definitions487

A. Determining Sign Area or Dimension of Signs487

B. Determining Building Frontage and Building Unit489

C. Determining Public Street Frontage490

D. Determining Sign Setbacks490

21.10.050 Signs In Residential Districts (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, R-10, RMX, TA^(a))490

A. Basic Regulations for Signs in the Residential Districts (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, R-10, RMX, TA^(a))490

B. Supplemental Standards for All Freestanding Signs.....490

C. Instructional Signs491

D. Temporary Signs493

21.10.060 Signs in the Public Lands and Institutions (PLI), Office (O), Watershed (W), Open Lands (OL), and Parks and Recreation (PR) Districts493

A. Basic Standards for Building Signs494

B. Basic Standards for Permanent Freestanding Signs495

C. Supplemental Standards for Freestanding Signs.....496

D. Instructional Signs497

E. Temporary Signs498

F. Display of Commercial Flags.....498

G. Unified Sign Plan498

21.10.070 Signs in the Nonresidential Districts (CBD-1, CBD-2, CBD-3, AC, MC, IC, I-1, I-2, MI, NMU-1, NMU-2, CCMU, RCMU, MMU, AD, and TA^(a)).....499

A. Basic Standards for Building Signs499

B. Basic Standards for Permanent Freestanding Signs500

C. Supplemental Standards for Freestanding Signs.....501

D. Instructional Signs503

E. Unified Sign Plan504

F. Display of Commercial Flags.....504

G. Temporary Signs505

21.10.080 Prohibited Signs.....505

21.10.090 Supplemental Sign Standards505

A. Illumination of Permanent and Temporary Signs505

B. Preservation of Sight Lines.....507

C. Construction Standards507

D. Maintenance508

21.10.100 Regulations for Nonconforming Signs509

A. Amortization of Permanent Signs509

B. Termination.....509

C. Amortization of Illuminated Signs509

D. Amortization of Pole Signs509

E. Amortization of Animated Signs509

F. Amortization of Converted Signs.....509

G. Maintenance of Nonconforming Signs509

H. Alteration, Relocation or Replacement of Nonconforming Signs510

I. Reconstruction of Damaged Sign.....510

1
2
3
4
5
6

J. Historic Signs.....510
K. Extension of Time to Comply 510
21.10.110 Variances 511

CHAPTER 21.10: SIGNS¹

21.10.010 PURPOSE

The purpose of this section is to promote the public health, safety, and welfare by establishing standards and criteria for the construction, installation, maintenance, and operation of signs in the Municipality of Anchorage, which are subject to the provisions of this section. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this section is intended to:

- A. Enhance and protect the physical appearance of the municipality.
- B. To protect property values.
- C. Promote and maintain visually attractive, high value residential, retail, commercial and industrial districts.
- D. Promote the economic well being of the community by creating a favorable physical image
- E. Ensure that signs are located and designed to:
 - 1. Provide an effective means of way finding in the community.
 - 2. Afford the community an equal and fair way to advertise and promote its products and services.
 - 3. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
 - 4. Minimize the disruption of the scenic views which when maintained protect important community values.
 - 5. Respect the unique climatic conditions such as the amount of snow fall and the effect of sustained snow piles, the amount of daylight and the acute shadows regularly occurring on the landscape
 - 6. Afford businesses, individuals and institutions a reasonable opportunity to use signs as an effective means of communication
- F. Provide review procedures that assure that signs are consistent with the Municipality's objectives and within the Municipality's capacity to efficiently administer the regulations.
- G. Prohibit all signs not expressly permitted by this section.

21.10.020 APPLICATION OF THIS SECTION

- A. The regulations contained in this section shall apply to signs outside of the public right-of-way and on the property to which the standard or regulation refers, except when specifically stated otherwise. A sign may only be erected, established, painted,

1 created or maintained in conformance with the standards, criteria, procedures, and
2 other applicable requirements of this section.

3 **B.** Unless otherwise stated in this section, all determinations, findings, and
4 interpretations shall be made by the Director or other appropriate municipal officials
5 called upon or designated by the Director.

6 **C.** The following signs and displays are exempted from this section:

7 1. Any sign displaying a public notice or warning required by a valid and
8 applicable federal, state, or local law, ordinance, or regulation;

9 2. Flags of any nation, government, or non-commercial organization;

10 3. Any sign inside a building that is not attached to the window or door and is not
11 legible from a distance of more than three feet beyond the lot on which the
12 sign is located;

13 4. Any work of art that does not display a commercial message;

14 5. Any religious symbol that does not display a commercial message;

15 6. Any traffic control sign, such as "STOP" or "YIELD," located on private
16 property that meets applicable governmental standards pertaining to such
17 signs and does not display a commercial message.

18 7. Signs erected by state or local government agencies, or their contractors, to
19 facilitate the construction, maintenance, or operation of transportation
20 facilities.

21 8. Product dispensers and trash receptacles;

22 9. Holiday and community special event decorations that do not display a
23 commercial message;

24 10. Mascots for educational institutions with primarily academic curricula;

25 11. Signs on athletic fields and scoreboards intended for on-premises viewing;

26 12. Construction signs of up to 32 square feet;

27 13. Temporary signs of six square feet or less in area, except as regulated
28 elsewhere in this chapter.

29 **21.10.030 RELATIONSHIP OF THIS SECTION TO STATE LAW**

30 No provision of this section shall be interpreted as authorizing the erection or maintenance of
31 any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the
32 main-traveled way of an interstate, primary or secondary highway, or the erection or
33 maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of
34 the main-traveled way of an interstate, primary or secondary highway with the purpose of the
35 message displayed being read from that travel way, in a manner that would conflict with the
36 provisions of Alaska Statutes sections 19.25.075 – 19.25.180.

21.10.040 COMPUTATIONS, RULES OF MEASUREMENT, AND DEFINITIONS

The following regulations shall control the computation and measurement of sign area, sign height, building frontage, and public street frontage:

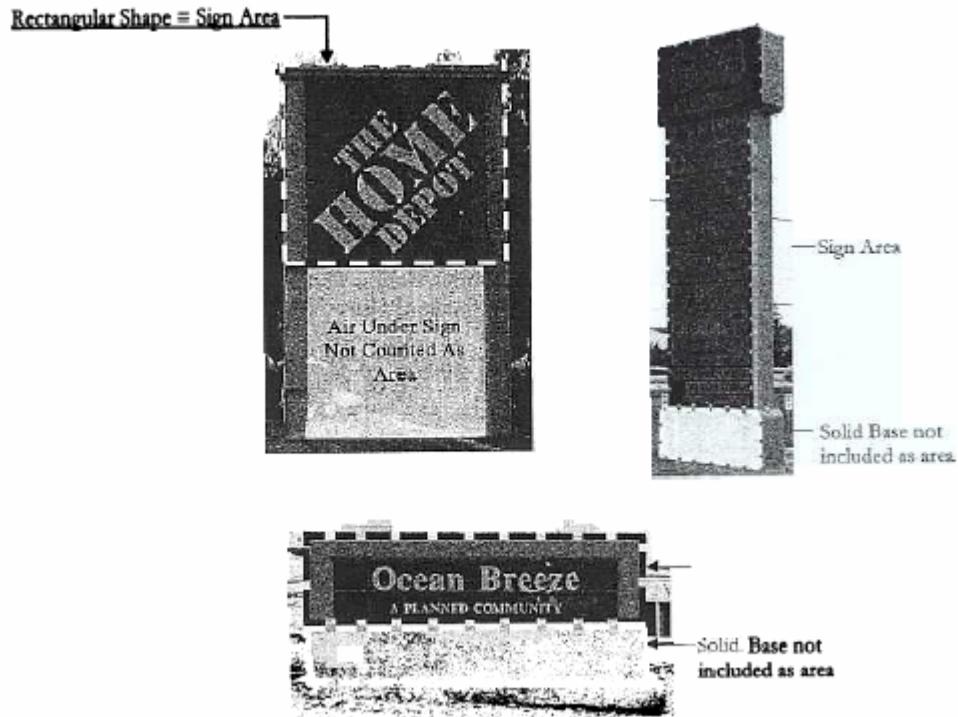
A. Determining Sign Area or Dimension of Signs

1. The sign area shall include the face of all the display area(s) of the sign. The sign area shall include the frame and structural support, as shown in Figure 1, unless such structural support is determined to be an architectural feature as defined in section 21.13.030. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations
2. For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the area of not more than three geometric shapes that encompasses the entire area of the sign including the background or frame.
3. For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped freestanding sign, the area of the sign shall be the area of not more than three regular geometric shapes that encompasses the perimeter of all the elements in the display.
 - a. When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include all the display areas, including the space between the elements.
 - b. Up to five percent of the permitted sign area may be considered minor protrusions, and extend outside of the maximum limitation of three geometric shapes and are, therefore, exempted from being included as part of the sign area.
4. For freestanding and projecting signs the sign area shall be computed by the measurement of one of the faces when two display faces are joined, are parallel, or are within 30 degrees of being parallel to each other and are part of the same sign structure. For any sign that has two display surfaces that do not comply with the above regulation, or has more than two display surfaces then each surface shall be included when determining the area of the sign.

In determining the area of freestanding signs the following shall be exempted from being considered as part of the maximum permitted area:

 - a. One half square foot of sign area shall be exempted for each digit of the street number, up to a maximum of three square feet.
 - b. The portion of a solid sign base or other sign support, up to a maximum height of four feet that:
 - i. Is at least 50 percent screened by landscaping at the time of installation; or

Figure 1. Calculation of freestanding sign area



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B. Determining Building Frontage and Building Unit

For the purposes of this section and for determining allowable wall sign area, the building frontage shall include the building walls that: face a public street, face a parking lot which serves the use, or that contains a public entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public street.

1. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.
2. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.
3. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
4. The primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit. (See Figure 2)
5. The secondary frontage shall be all other frontages. (See Figure 2)

C. Determining Public Street Frontage

For the purposes of this section and for determining allowable freestanding sign area, public street frontage is the length of the public street, which is contiguous to the adjacent private parcel for which the sign is being considered. For the purposes of these regulations a public alley is not considered a public street. For the purposes of this section, standards, which are based on a minimum length of the public street frontage, shall also apply to “any portion thereof” unless the specific section states otherwise.

D. Determining Sign Setbacks

The required setbacks for the sign shall apply to all elements of the sign including its frame and base.

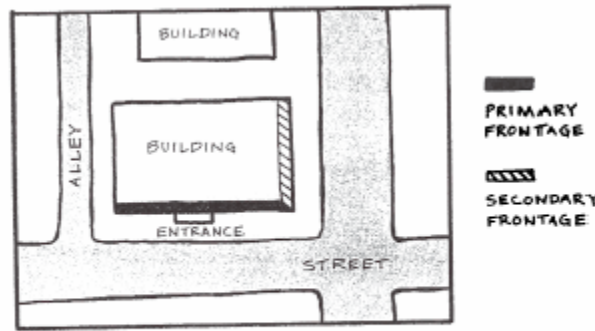


Figure 2: Primary and Secondary Frontage

21.10.050 SIGNS IN RESIDENTIAL DISTRICTS (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, R-10, RMX, TA^(A))

Signs for all residential and nonresidential uses in residential districts shall comply with the standards set forth in this section.

A. Basic Regulations for Signs in the Residential Districts (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, R-10, RMX, TA^(a))

^(a)For the TA District, the standards in this section only apply to residential parcels.

Signs for all residential and nonresidential uses in residential districts shall be limited in number, area, height, and setback based on the type of use, as set forth in Table 21.10-1.

B. Supplemental Standards for All Freestanding Signs

1. Changeable Copy

Freestanding signs for permitted nonresidential uses may have up to 100 percent of the permitted sign area set forth in Table 21.10-1 devoted to changeable copy.

- 1 a. Changeable copy may only be changed manually. Electronic
2 changeable copy is prohibited.
- 3 b. Electronic changeable copy is permitted on parcels that are ten acres
4 or greater bordering on a Class II Street having a minimum of 500
5 feet of frontage. Electronic copy cannot be changed more than once
6 per day.
- 7 c. Changeable copy is not permitted to be part of a sign that is on a
8 building or parcel that is used for any residential purposes.
- 9 **2. Multi-Occupant Facilities**
10 When a freestanding sign is permitted on a site that has more than one
11 occupant, it is the property owner's responsibility to determine if the sign area
12 shall be devoted to identification of the building(s), the anchor occupant, all
13 occupants, or some combination thereof.
- 14 **C. Instructional Signs**
- 15 Instructional signs that are clearly intended for instructional purposes shall be
16 permitted as needed on a lot in a residential district when the lot is devoted to a multi-
17 family or nonresidential use provided such signs comply with the following:
- 18 1. The signs are not larger than necessary to serve the intended instructional
19 purpose, but in any event do not exceed six square feet in area;
- 20 2. The number of instructional signs located on the site are the minimum needed
21 to serve the intended instructional purpose;
- 22 3. The signs are not located or designed to be legible or serve to attract
23 attention beyond the perimeter of the site.
- 24 4. The signs may be placed on the base of a permitted freestanding sign with
25 out the area of such instructional sign, or the background, being considered
26 as part of or added to the area of the freestanding sign.

TABLE 21.10-1: SIGNS IN THE RESIDENTIAL DISTRICTS (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, R-10, RMX, TA(2))

Type	Maximum Number Permitted	Maximum Area Per Sign	Standards for Freestanding Signs	
			Maximum Height	Minimum Setback from ROW
(A) Signs for Each Single Family Dwelling, Duplex, or Townhouses				
1. Permanent Signs				
a. Building Signplates	1 per dwelling unit	2 sq. ft. (3)	--	--
b. Freestanding Signs	1 per building	2 sq. ft.	5 ft.	0
2. Temporary Signs (1)	2 per dwelling unit	6 sq. ft.	5 ft.	0
3. Signs for Residential Subdivisions	2 per subdivision entrance	30 sq. ft.	8 ft.	5 ft.

TABLE 21.10-1: SIGNS IN THE RESIDENTIAL DISTRICTS (R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, R-10, RMX, TA(2))

Type	Maximum Number Permitted	Maximum Area Per Sign	Standards for Freestanding Signs	
			Maximum Height	Minimum Setback from ROW
(B) Multi-Family Buildings				
1. Permanent Signs				
a. Building Signplates	1 per public entrance to building	2 sq. ft.	--	--
b. Freestanding Signs	1 per development entrance or per 500 feet of public street frontage, whichever is greater	30 sq. ft.	8 ft.	Equal to height of sign
2. Temporary Signs				
a. Freestanding Signs (1)		6 sq. ft.		
(C) Permitted Nonresidential Uses				
1. Permanent Signs				
a. Building Signplates	1 per address	2 sq. ft.	--	--
b. Primary Building Signs	Not Applicable	½ sq. ft. of sign for every lineal ft. of primary building frontage	--	--
c. Freestanding Signs	1 per 500 feet of public street frontage	40 sq. ft. (4)	8 ft.	10 ft.
2. Temporary Signs				
a. Freestanding Signs (1)	2	6 sq. ft.		
(D) Instructional Signs				
Shall be exempt from requirements when in compliance with subsection 21.10.050.C.				
(1) Temporary signs are also subject to provisions of subsection 21.10.050.D.				
(2) For the TA District, the standards of this section only apply to residential parcelst.				
(3) A sign plate is not in violation of these regulations if a larger sign is determined to be necessary to accommodate identification as mandated by the Municipality.				
(4) A sign which is located within 40 feet of a property line of a parcel which is either occupied by, or is zoned for, a single family or two family dwelling unit shall be limited to a maximum area of 30 square feet.				

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Figure 3. Non-residential Uses
 Illustration: 7 ft height, 27 sq ft area
 Maximum Permitted: 8 ft height, 40 sq ft area



Figure 4. Subdivision Entrance Sign
 Illustration: 5 ft height, 24 sq ft area (Approx.)
 Maximum Permitted: 8 ft height, 30 sq ft area

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D. Temporary Signs

1. **For Single Family Dwellings, Two Family Dwellings, or Townhouses**
 Two temporary signs are permitted at any given time on any one parcel. These temporary signs may be displayed for an unspecified amount of time provided these signs do not contain any commercial messages except for the sale or leasing of the property on which the sign is located.
2. **For Multiple-Family Developments and Nonresidential Uses**
 Two temporary freestanding signs that do not exceed six square feet each may be erected for an unspecified time.
3. **Vacant Parcels**
 The following signs are permitted for an unspecified period of time:
 - a. For a parcel equal to or less than one acre, one temporary sign is permitted up to a maximum of 16 square feet.
 - b. For a parcel greater than one acre, one temporary sign is permitted up to 32 square feet. A parcel that also has frontage on a second public street is entitled to a second sign, not to exceed 32 square feet, provided that the length of the frontage along the second public street is a minimum of 300 feet.

Such signs may not be used to display commercial messages referring to products or services that are unrelated to current or pending activities on or uses of the property.

21.10.060 SIGNS IN THE PUBLIC LANDS AND INSTITUTIONS (PLI), OFFICE (O), WATERSHED (W), OPEN LANDS (OL), AND PARKS AND RECREATION (PR) DISTRICTS

Signs in the PLI, O, W, OL, and PR districts shall conform to the standards set forth in this section.

A. Basic Standards for Building Signs

1. Maximum Area of Permanent Building Signs

Building signs shall conform to the maximum area limitations set forth in Table 21.10-2.

TABLE 21.10-2: BUILDING SIGNS IN THE PLI, O, , W. OL, AND PR DISTRICTS		
Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage
Signplate	1/address	2 square feet
Building Sign on Primary Frontage (1)(2)		1 sq. ft. per lineal ft. of primary frontage (3)
Building Sign on Secondary Frontage (1)(2)		0.6 sq. ft. per lineal ft. of secondary frontage (3)
Instructional Sign	Shall be exempt from regulations when in compliance with subsection 21.10.050.C.	
<p>(1) See subsection 21.10.040.B. (2) The maximum sign area that is permitted for primary frontage may be transferred to a secondary frontage provided that the maximum sign area on any secondary frontage does not exceed one (1) square foot for each lineal foot of frontage. (3) The maximum building sign area for a building or any portion of the building which is setback more than 200 feet from the right-of-way that provides primary access to the site may be increased by 25 percent, provided the building is visible from any portion of the adjacent street.</p>		

2. Placement of Building Signs

a. The building signs permitted in Table 21.10-2 may be placed on the wall, awnings, canopies, parapets, or be a projecting sign in compliance with subsection 21.10.060.A.2.b. below.

b. Projecting signs shall be limited to occupants that have a minimum of ten feet of occupant building frontage provided that:

i. All projecting signs shall have a maximum height of 14 feet and a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.

ii. Projecting signs shall be placed on the building so the signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.

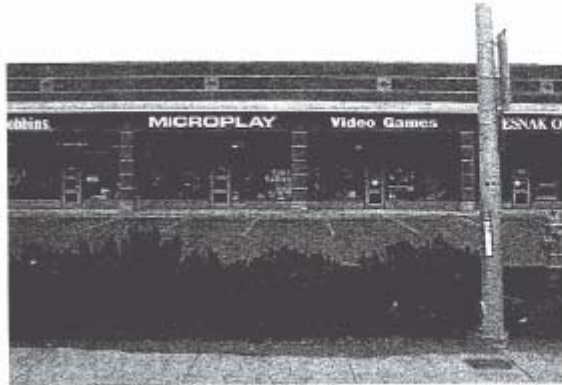


Figure 5. Building Signs
 Illustration: 1.0 sq ft per lineal ft of frontage
 Maximum Permitted: 1.0 sq ft per lineal ft of frontage

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B. Basic Standards for Permanent Freestanding Signs

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1. Maximum Number, Area and Height, Minimum Setback of Permanent Freestanding Signs

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Permanent freestanding signs shall comply with the maximum number, area, and height limitations, and minimum setback from the street right-of-way set forth in Table 21.10-3.

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2. Sign Area Proportions

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For any freestanding sign, the horizontal portion (width) of the face shall not exceed four times the height of the face.

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TABLE 21.10-3: FREESTANDING SIGNS STANDARDS IN THE PLI, W, O, OL, AND PR DISTRICTS	
Maximum Height	15 ft.
Maximum Area	120 sq. ft. for PLI, W, OL, and PR districts; 80 sq. ft. for the O district
Number/Frontage	1 per 300 ft. frontage up to a maximum of two
Minimum Separation	200 ft.
Minimum Setback from R.O.W.	None on a Class II or greater street; otherwise 10 ft.
Minimum Setback from Side Lot Line (2)	10 ft.
Entrance and Exit Signs (1)	
Maximum Area	6 sq. ft.
Maximum Height	5 ft.
(1) Entrance and exit signs, which are permitted in addition to the above freestanding signs, shall be limited to two for each entrance/exit driveway.	
(2) If the side lot is adjacent to a residential district then the minimum setback from the side lot line is 30 feet.	

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C. Supplemental Standards for Freestanding Signs

1. Number of Freestanding Signs Allowed

- a. Lots with less than 300 lineal feet of frontage may have only one freestanding sign per frontage.
- b. Lots with 300 or more lineal feet of frontage may have two freestanding signs per frontage.
- c. No more than two freestanding signs are allowed along any one frontage. Freestanding signs must be separated by a minimum distance of 150 feet. On corner lots, the property frontage on both streets shall be considered when measuring the separation.

2. Wrapping Structural Steel Supports

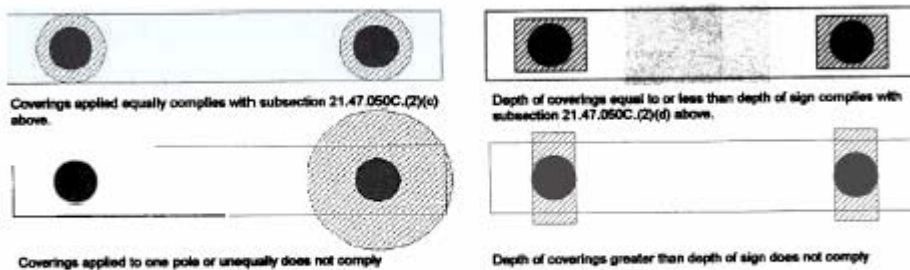


Figure 6: Examples of pole wrap. Poles depicted in plan view.

- a. All structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point.
- b. The width of the covering shall be symmetrical for all supports. (See Figure 6)
- c. The depth of the support coverings shall not exceed the depth of the sign unless the supports are located on the perimeter of the sign. (See Figure 6)
- d. In all circumstances, the covering shall extend from four inches above the ground to the base of the sign face.
- e. The following materials shall not be the visible covering for structural steel supports:
 - i. T-111
 - ii. Plywood
 - iii. Particle Board
 - iv. Sheet Metal of less than 24 gauge

- 1 v. Aluminum of less than .063 inches
- 2
- 3 **3. Changeable Copy**
- 4 Freestanding signs may have up to 30 percent of the permitted sign area set
- 5 forth in Table 21.10-3 devoted to changeable copy.
- 6
- 7 **a.** Changeable copy may only be changed manually, provided, however,
- 8 if the business or institution has frontage on a Class II or greater
- 9 street, the copy may be changed electronically or mechanically as
- 10 well as manually.
- 11 **b.** The changeable copy, which is changed electronically or
- mechanically, shall not be changed more than one time per 20-
- second period.

*Figure 7. Freestanding sign in PLI Zone
 Illustration: 3 ft. height, 45 sq ft area (approx.)
 Maximum Permitted: 15 ft height, 120 sq ft area*



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- 13 **D. Instructional Signs**
- 14 Signs that comply with the definition of “instructional sign” shall be permitted as
- 15 needed provided such signs comply with the following:
- 16
- 17 **1.** The signs are not larger than necessary to serve the intended instructional
- purpose;
- 18 **2.** The number of instructional signs located on the site are the minimum needed
- 19 to serve the intended instructional purpose; and
- 20 **3.** The signs are not located or designed to be legible or serve to attract
- 21 attention beyond the perimeter of the site.
- 22 **4.** The signs may be placed on the base of a permitted freestanding sign without
- 23 the area of such instructional sign, or the background, being considered as
- 24 part of or added to the area of the freestanding sign.

1 **E. Temporary Signs**

2 Temporary signs in the PLI, O, W, OL, and PR Districts are permitted pursuant to
3 Schedule 21.10-4 as set forth below:

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TABLE 21.10-4: TEMPORARY SIGNS IN THE PLI, O, W, OL, and PR DISTRICTS	
Maximum Area	100 sq. ft. (32 sq. ft. rigid material)
Maximum Number of Signs Per Principal Use	1
Maximum Number of Display Days	60
Lighting	Not permitted.
Motion	Animation or flashing is prohibited
Maximum Height (Freestanding)	Same as permanent signs
Setbacks	Same as permanent signs

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6 **F. Display of Commercial Flags**

7 In the PLI, W, O, OL, and PR Districts, a maximum of three flagpoles may be erected
8 on any parcel provided that:

- 9 1. A maximum of three commercial flags may be displayed simultaneously;
- 10 2. The maximum length of the flag pole shall be 30 feet; and
- 11 3. The total maximum size of all commercial flags displayed shall not exceed
12 120 square feet. Subject to the total maximum size of commercial flags, a
13 commercial or non-commercial organization may display alongside a national
14 or governmental flag, one organizational flag not larger than the national or
15 governmental flag.
- 16 4. The corporate or commercial flag may only display the name, trademark, or
17 logo of the business on the parcel and such flag may not be used for other
18 business or advertising purposes.

19 **G. Unified Sign Plan**

20 To recognize and accommodate irregular site shapes (which are typically
21 characterized by narrow lot frontages resulting in some buildings with extraordinarily
22 large setbacks and limited visibility to a public street) multiple contiguous lots and/or
23 tracts may be considered as a single site for the purposes of determining the size,
24 number, and placement of freestanding signs permitted pursuant to this section.
25 Solely for the purposes of this section:

- 26 1. The number and area of the freestanding signs permitted, pursuant to Table
27 21.10-3, shall be determined based on size and frontage of the multiple
28 properties being considered as a single parcel.
- 29 2. After a unified sign plan has been approved by the Municipality and a permit
30 has been issued, the sign rights or limitations shall be recorded with the State
31 District Recorder's Office as a deed restriction.

3. Revocation of a unified sign plan must be approved by all participants in the plan; all signs on the affected properties must be in compliance with this code before the plan can be revoked.

4. This section shall not be interpreted as authorizing the erection or maintenance of any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary or secondary highway, or the erection or maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary or secondary highway with the purpose of the message displayed being read from that travel way, in a manner that would conflict with the provisions of Alaska Statutes sections 19.25.075 – 19.25.180.

21.10.070 SIGNS IN THE NONRESIDENTIAL DISTRICTS (CBD-1, CBD-2, CBD-3, AC, MC, IC, I-1, I-2, MI, NMU-1, NMU-2, CCMU, RCMU, MMU, AD, AND TA^(A))

Signs in the nonresidential districts (CBD-1, CBD-2, CBD-3, AC, MC, IC, I-1, I-2, MI, NMU-1, NMU-2, CCMU, RCMU, MMU, AD, and TA^(a)) shall conform to the standards set forth in this section.

^(a) For the TA District, the standards of this section only apply to non-residential parcels.

A. Basic Standards for Building Signs

1. Maximum Area of Permanent Building Signs

Building signs shall conform to the maximum area limitations set forth in Table 21.10-5.

2. Placement of Building Signs

a. The building signs permitted in Table 21.10-5 may be placed on the wall, awnings, canopies, parapets, or be a projecting sign in compliance with subsection 21.10.070.A.2.b.

*Figure 8. Building Signs-General
Illustration: 1.77 sq ft per lineal ft frontage
Maximum Permitted: 2.00 sq ft per lineal ft frontage*



b. Projecting signs shall be limited to occupants that have a minimum of ten feet of occupant building frontage provided that:

i. All projecting signs shall have a maximum height of 14 feet and a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of

six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.

- ii. Projecting signs shall be placed on the building so that the signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.

3. Additional Building Signs for Multiple Story Buildings

In addition to the building signs in subsection 21.10.070.A one additional sign is permitted on each of the building’s primary and secondary frontages according to the following. For a building with two floors the additional permitted sign area is 40 square feet for an eligible building wall. This additional sign area may be increased by ten square feet for each additional floor in the building provided that the sign is placed at the floor height for which the bonus is given.

TABLE 21.10-5: BUILDING SIGNS IN ALL NONRESIDENTIAL DISTRICTS (CBD-1, CBD-2, CBD-3, AC, MC, IC, I-1, I-2, MI, NMU-1, NMU-2, CCMU, RCMU, MMU, AD, and TA (1))

Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage (2)
Signplate	1/address	2 square feet
Building Sign on Primary Frontage (3)		<ul style="list-style-type: none"> • 1.2 sq. ft. per lineal ft. of primary frontage in the CBD-1, CBD-2, CBD-3, CCMU, RCMU, and MMU Districts. • 2 sq. ft. per lineal ft. of primary frontage in all other districts regulated in section 21.10.070 (4)
Building Sign on Secondary Frontage		1.2 sq. ft. per lineal ft. of secondary frontage
Building Sign on Door of Rear Entrance		2 sq. ft. per each door
(E) Instructional Sign	Shall be exempt from regulations when in compliance with subsection 21.10.070.D	

(1) For the TA district, the standards in this section only apply to non-residential parcels.
 (2) See subsection 21.10.040.B.
 (3) The maximum sign area that is permitted for primary frontage may be transferred to a secondary frontage provided that the maximum sign area on any secondary frontage does not exceed two square feet for each lineal foot of frontage.
 (4) The maximum building sign area for a building or any portion of the building that is setback more than 200 feet from the right-of-way that provides primary access to the site may be increased by 25 percent, provided the building is visible from the street.

B. Basic Standards for Permanent Freestanding Signs

1. Maximum Area and Height, Minimum Setback of Permanent Freestanding Signs

Permanent freestanding signs shall comply with the maximum area and height limitations and minimum setback from the street right-of-way set forth in Table 21.10-6.

2. Sign Area Proportions

For any freestanding sign greater than 15 feet in height but less than 20 feet, the horizontal portion (width) of the face shall not exceed four times the height

of the face. For any freestanding sign between 20 feet and 25 feet in height, the horizontal portion (width) of the face shall not exceed three times the height of the face.

C. Supplemental Standards for Freestanding Signs

1. Number of Freestanding Signs Allowed

a. Lots with less than 300 linear feet of frontage may have only one freestanding sign per frontage.

TABLE 21.10-6: FREESTANDING SIGN REGULATIONS

	NMU-1 and NMU-2	TA (Commercial and Industrial parcels)	CBD-1, CBD-2, CBD-3, CCMU, RCMU, and MMU	AC, IC, I-1, I-2, MC, MI, and AD
(A) Maximum Height	12 ft.	12 ft.	8 ft.	25 ft.
(B) Maximum Area	80 sq. ft.	80 sq. ft.	64 sq. ft.	0.7 sq. ft. per 1 lineal foot of frontage (3)
(C) Number/Frontage	See subsection 21.10.070.C			
(D) Separation	150 ft.			
(E) Minimum Setback from R.O.W.	0 ft.	10 ft.	0 ft.	0 ft.
(F) Minimum Setback from side lot line (2)	10 ft.	10 ft.	10 ft.	10 ft.
(G) Entrance and Exit Signs (1)				
Maximum Area	6 sq. ft.			
Maximum Height	5 ft.			
(1) Entrance and Exit signs, which are permitted in addition to the above freestanding signs, shall be limited to two for each entrance/exit driveway.				
(2) If the side lot line is adjacent to a residential district then the minimum setback from the side lot line is 30 feet.				
(3) The maximum allowable area shall not be less than 70 square feet nor greater than 200 square feet.				

b. Lots with 300 or more lineal feet of frontage may have two freestanding signs per frontage.

c. No more than two freestanding signs are allowed along any one frontage. Freestanding signs must be separated by a minimum distance of 150 feet. On corner lots, the property frontage on both streets shall be considered when measuring the separation.

2. Changeable Copy

Freestanding signs may have up to 30 percent of the permitted sign area set forth in Table 21.10-6 devoted to changeable copy.

- 1 a. The changeable copy shall not change more than one time per 5-
- 2 second period.
- 3 b. Changeable copy may be changed electronically, mechanically, or
- 4 manually.
- 5 **3. Wrapping Structural Steel Supports**
- 6 a. Signs that are eight feet or less in height with exposed structural steel
- 7 support: The structural steel supports shall have a covering that
- 8 totals at least four times the width of the structural steel at its widest
- 9 point and is parallel to the sign face.
- 10 b. Signs that are greater than eight feet in height but less than 15 feet in
- 11 height: All structural steel supports shall have coverings that
- 12 collectively total at least 33 percent of the width of the sign at its
- 13 widest point and are parallel to the sign face.
- 14 c. Signs 15 feet or greater in height that have a single structural steel
- 15 support: The structural steel support shall have a covering that totals
- 16 at least 25 percent of the width of the sign at its widest point and is
- 17 parallel to the sign face.
- 18 d. Signs 15 feet or greater in height that have more than one structural
- 19 steel support: The structural steel supports shall have coverings that
- 20 collectively total at least 33 percent of the width of the sign at its
- 21 widest point.
- 22 e. The width of the covering shall be symmetrical for all supports. (See
- 23 Figure 9)
- 24 f. The depth of the support coverings shall not exceed the depth of the
- 25 sign unless the supports are located on the perimeter of the sign.
- 26 (See Figure 9)

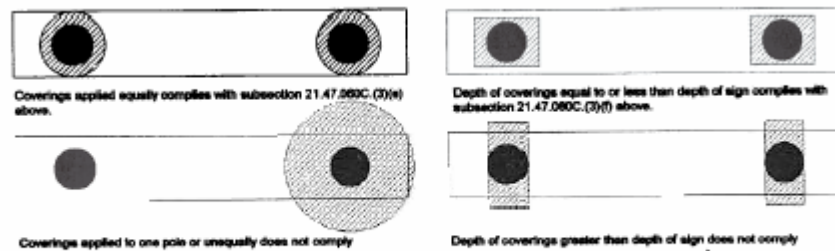


Figure 9: Examples of pole wrap. Poles depicted in plan view.

- 27 g. In all circumstances, the covering shall extend from four inches above
- 28 the ground to the base of the sign face.
- 29 h. The following materials shall not be the visible covering for structural
- 30 steel supports:

- 1 i. T-111;
- 2 ii. Plywood;
- 3 iii. Particle Board;
- 4 iv. Sheet metal of less than 24 gauge;
- 5 v. Aluminum of less than .063 inches.



*Figure 10. Freestanding sign
Illustration: 21 ft height, area unknown
Maximum Permitted: 25 ft height*



*Figure 11. Freestanding sign
Illustration: 14 ft height, 85 sq ft area
Maximum Permitted: 25 ft height, 200 sq ft area*

6 4. **Multi-Occupant Facilities**

7 When a freestanding sign is constructed on a site that has more than one
8 occupant, it is the property owner's responsibility to determine if the sign area
9 shall be devoted to identification of the building(s), the anchor occupant, all
10 occupants, or some combination thereof.

11 D. **Instructional Signs**

12 Signs that comply with the definition of "instructional sign" shall be permitted as
13 needed provided such signs comply with the following:

- 14 1. The signs are not larger than necessary to serve the intended instructional
15 purpose;
- 16 2. The number of instructional signs located on the site are the minimum needed
17 to serve the intended instructional purpose; and
- 18 3. The signs are not located or designed to be legible or serve to attract
19 attention beyond the perimeter of the site.
- 20 4. The signs may be placed on the base of a permitted freestanding sign without
21 the area of such instructional sign, or the background, being considered as
22 part of or added to the area of the freestanding sign.

E. Unified Sign Plan

To recognize and accommodate irregular site shapes (which are typically characterized by narrow lot frontages resulting in some buildings with extraordinarily large setbacks and limited visibility to a public street) multiple contiguous lots and/or tracts may be considered as a single site for the purposes of determining the size, number, and placement of freestanding signs permitted pursuant to this section. Solely for the purposes of this section:

1. The number and area of the freestanding signs permitted, pursuant to Table 21.10-6, shall be determined based on size and frontage of the multiple properties being considered as a single parcel.
2. After a unified sign plan has been approved by the Municipality and a permit has been issued, the sign rights or limitations shall be recorded with the State District Recorder's Office as a deed restriction.
3. Revocation of a unified sign plan must be approved by all participants in the plan; all signs on the affected properties must be in compliance with this code before the plan can be revoked.
4. This subsection shall not be interpreted as authorizing the erection or maintenance of any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary or secondary highway, or the erection or maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary or secondary highway with the purpose of the message displayed being read from that travel way, in a manner that would conflict with the provisions of Alaska Statutes sections 19.25.075 – 19.25.180.

F. Display of Commercial Flags

In a C or I District a maximum of three flagpoles may be erected on any parcel provided that:

1. A maximum of three commercial flags may be displayed simultaneously;
2. The maximum length of the flag pole shall be 30 feet; and
3. The total maximum size of all commercial flags displayed shall not exceed 120 square feet. Subject to the total maximum size of commercial flags, a commercial or non-commercial organization may display alongside a national or governmental flag, one organizational flag not larger than the national or governmental flag.
4. The corporate or commercial flag may only display the name, trademark, or logo of the business on the parcel and such flag may not be used for other business or advertising purposes.

G. Temporary Signs

Temporary signs in nonresidential districts are permitted pursuant to Table 21.10-7 as set forth below:

TABLE 21.10-7: TEMPORARY SIGNS	
Maximum Area	100 sq. (32 sq. ft. rigid material)
Maximum Number of Signs Per Principal Use	1
Maximum Number of Display Days	60
Lighting	Internally illuminated or lighted signs are prohibited.
Motion	Animation or flashing is prohibited
Maximum Height (Freestanding)	Same as permanent signs
Setbacks	Same as permanent signs

21.10.080 PROHIBITED SIGNS

The following signs are prohibited:

- A. Roof signs
- B. Billboards and other off-premise signs
- C. Any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary or secondary highway, or any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary or secondary highway erected or maintained with the purpose of the message displayed being read from that travel way, that would conflict with the provisions of Alaska Statutes sections 19.25.075 – 19.25.180.
- D. Portable signs.
- E. Flashing, moving, animated, coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs and/or devices, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations in this chapter.
- F. Signs in the AF Antenna Farm District except for warning signs and identification placards required in subsection 21.05.040K.5.

21.10.090 SUPPLEMENTAL SIGN STANDARDS

A. Illumination of Permanent and Temporary Signs

Permanent and temporary signs shall be permitted to be illuminated in compliance with the following:

- 1. Signs shall not include animated, flashing, moving or intermittent illumination except that the messages may change no more frequently than the rates specified in subsections 21.10.050.B., 21.10.060.C., and 21.10.070.C.

-
- 1 2. Temporary signs shall not be internally illuminated. Any external illumination
2 of these signs shall be permitted only in commercial and industrial zones.
- 3 3. All internally illuminated building signs or free-standing signs shall comply with
4 the following:
- 5 a. Except as provided in subsection 21.10.090.A.3.c. below, the sign
6 shall be constructed with either: an opaque background and
7 translucent letters and symbols; or, a translucent darker colored
8 background with a lighter contrasting color for the letters and
9 symbols. Registered trademarks and logos are exempt from this
10 provision.
- 11 b. No internal lighting shall include exposed incandescent or fluorescent
12 bulbs.
- 13 c. A changeable copy sign with dark colored letters or symbols on a
14 lighter contrasting translucent background may be internally
15 illuminated if the internally illuminated area of the sign does not
16 exceed 20 square feet.
- 17 4. Freestanding signs more than 15 feet high shall only be internally illuminated.
18 Signs less than or equal to 15 feet in height may be either internally or
19 externally illuminated.
- 20 5. The external illumination of freestanding signs shall comply with the following:
- 21 a. Any external lighting of signs that have a height of between eight feet
22 and 15 feet must be from the top of the sign and directed downward;
- 23 b. The lighting of signs that have a height of eight feet or less may be
24 illuminated from the top of the sign or from the ground.
- 25 6. Externally illuminated building signs may only be illuminated from the top of
26 the sign.
- 27 7. Light sources for externally illuminated signs must be shielded and directed
28 so that the light shines on the sign and that illumination beyond the sign face
29 is minimized.
- 30 8. Freestanding signs accessory to a single-family dwelling, two-family, or
31 townhouse use in a residential district shall not be illuminated.
- 32 9. Signs on a building or parcel in a residential district that has multi-family uses
33 shall not be internally illuminated.
- 34 10. For signs on permitted non-residential uses in residential districts the
35 illumination may be from external sources or by internal illumination of the
36 letters and logos only; internal illumination of the background portion of the
37 sign is prohibited.

1 11. If a registered trademark or logo is not in compliance with the illumination
2 requirements of this section, then such area of non-compliance shall be
3 limited to a maximum of 30 percent of the allowable sign area.

4 **B. Preservation of Sight Lines**

5 For the purpose of assuring that drivers and pedestrians have adequate visibility at
6 the intersection of a roadway, street, driveway, trail, or alley, no sign or portion of a
7 sign between a height of two and one-half feet and eight feet shall conflict with the
8 American Association of State Highway and Transportation Officials (AASHTO) Sight
9 Distance Triangle specifications. (See also subsection 21.06.020A.8.)

10 **C. Construction Standards**

11 1. The construction, erection, safety, and maintenance of signs shall comply with
12 the adopted building code as amended.

13 2. Signs shall be structurally sound and located so as to pose no threat to
14 pedestrian or vehicular traffic.

15 3. Permanent signs shall be fabricated on and of materials that are of good
16 quality and good durability.

17 4. Electric signs and all permanent signs involving structural requirements of the
18 building code shall be installed, repaired, altered, and serviced only by a
19 contractor licensed to perform such tasks.

20 5. No sign shall be erected so as to obstruct any window, door, fire escape,
21 balcony, platform, stairway, ladder, vent, or other means of ingress and
22 egress of any building.

23 6. No sign shall be attached to a utility pole, tree, trash receptacle, bench, or
24 other structure not intended or approved as a sign support.

25 7. Temporary signs shall be durable and weather-resistant and fastened or
26 anchored sufficiently, whether attached to the building or positioned in the
27 ground.

28 8. No sign regulated by any of the provisions of this section shall be erected in
29 the right-of-way, in proximity to railroad crossings, or at the intersection of any
30 streets in such a manner as to obstruct free and clear vision; or at any
31 location where, by reason of the position, shape, or color, it may interfere
32 with, obstruct the view of, or be confused with, any authorized traffic sign
33 signal or device; or which makes use of the words "STOP," "LOOK,"
34 "DANGER", or any other word, phrase, symbol or character in such a manner
35 as to interfere with, mislead, or confuse traffic.

36 9. In the event there is a conflict between the provisions of this section and the
37 provisions of any applicable building codes, the provisions of the applicable
38 building code shall govern.

D. Maintenance

All signs shall be maintained in accordance with the following:

1. The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and he or she shall have a continuing obligation to comply with all building code requirements.
2. If the Director finds that any sign is unsafe, insecure, a menace to the public, notice shall be given in writing by the Director to the owner. The owner of the business shall, within 48 hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the 48 hours, the sign may be removed or altered by the Municipality to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The Director may cause any sign, which, in the Municipality's opinion, creates a danger to persons or property to be removed immediately and without notice.
3. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:
 - a. There shall be no alteration or remodeling to the sign base, sign support(s), or the mounting of the sign itself.
 - b. There shall be no enlargement or increase in any of the dimensions of the sign or its structure.
 - c. The sign shall be accessory to a legally permitted, conditional or nonconforming use.
4. The Director may order any sign to be repaired whenever needed to keep the sign in a safe condition. All supports, guys, braces, and anchors for such signs shall be maintained in a safe condition.
5. The sign face of any permanent sign which advertises a business that has not been conducted on the premises for 180 consecutive days or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which such sign is located, within 30 days after written notice by the Director and the sign area shall be replaced by a neutral, single background color panel or similar cover. If the sign is comprised of individually raised letters then the letters shall be removed. Upon failure to comply with such notice within the time specified in such order, the Director is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located.

21.10.100 REGULATIONS FOR NONCONFORMING SIGNS

A. Amortization of Permanent Signs

Any lawful permanent sign built prior to the adoption of this chapter that does not comply with the maximum height, maximum area, or the number of signs permitted as set-forth in this section shall be removed or altered to comply with the requirements of this section by October 1, 2013. The maximum area requirements shall apply to the total area of all signs on the property.

B. Termination

A nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this section or removed, when any of the following occur:

1. The size or shape of the sign is changed.
2. The sign structure is altered. Alteration does not include repairs and/or maintenance.
3. The nonconforming sign is accessory to a nonconforming use that has lost its nonconforming status.

C. Amortization of Illuminated Signs

Any illuminated sign that does not meet the requirements of subsection 21.10.090.A shall be altered to comply with the requirements of this section by October 1, 2006

D. Amortization of Pole Signs

Any sign where the structural steel supports are visible and which does not meet the requirements of subsections 21.10.060.C.2. or 21.10.070.C.3., shall be altered to comply with the requirements of this section by October 1, 2006.

E. Amortization of Animated Signs

Any sign which contains non-complying animation, changeable copy, or flashing or moving parts shall be altered to comply with the requirements of this section by April 1, 2004

F. Amortization of Converted Signs

Any non-conforming sign that was originally portable or temporary, was subsequently affixed to the ground or a building, and does not comply with the height, area, or the number of signs permitted requirements of these regulations shall be removed, altered, reconstructed, or reinstalled to be in compliance with these regulations by October 1, 2006.

G. Maintenance of Nonconforming Signs

Nonconforming signs shall continue to be maintained in safe condition pursuant to the building regulations of the Municipality until such sign is required to be removed as set forth in this section.

1 **H. Alteration, Relocation or Replacement of Nonconforming Signs**

2 A nonconforming sign shall not be structurally altered, relocated, or replaced unless it
3 is brought into compliance with the provisions of this section.

4 **I. Reconstruction of Damaged Sign**

5 If a sign and/or its support are damaged to the extent where the repair cost exceeds
6 50 percent of the replacement cost of the sign, the sign shall be removed or brought
7 into compliance. If the repair costs do not exceed 50 percent of the replacement cost
8 of the sign, the Director may authorize the sign to be repaired, provided all repair work
9 is completed within 90 days, subject to the Director extending the time for good cause,
10 of the date the Director determines the damage requires replacement or permits
11 repair. In no event may a sign be maintained in an unsafe condition during the
12 process of this determination or the period necessary for repairs.

13 **J. Historic Signs**

14 The Urban Design Commission may grant exceptions to these standards whenever a
15 sign or property has been designated a historic sign pursuant to the guidelines and
16 criteria established and adopted by the Urban Design Commission.

17 **K. Extension of Time to Comply**

18 The dates established in this section for a sign to be brought into compliance with the
19 requirements of these regulations may be appealed to the Zoning Board of Examiners
20 and Appeals by the owner or leasee of the nonconforming sign pursuant to section
21 21.11.060. In evaluating the extension of time for a nonconforming use, the Zoning
22 Board of Examiners and Appeals shall consider, in addition to the criteria of section
23 21.11.060 the following factors to determine whether the owner of the sign has had
24 reasonable amount of time to recoup his investment:

- 25 1. The value of the sign at the time of construction and the length of time the
26 sign has been in place;
- 27 2. The life expectancy of the original investment in the sign and its salvage
28 value, if any;
- 29 3. The amount of depreciation and/or amortization of the sign already claimed
30 for tax or accounting purposes;
- 31 4. The length of the current tenant lease or expected occupancy compared to
32 the date the sign is to be brought into compliance;
- 33 5. The extent to which the sign is not in compliance with the requirements of this
34 chapter; and
- 35 6. The degree to which the Board determines that the sign is consistent with the
36 purposes of this section.

1 **21.10.110 VARIANCES**

2 The Urban Design Commission shall hear and decide on any request for a variance to the
3 regulations in this section 21.10 including:

4 **A.** The maximum sign area, the maximum sign height, the location of the sign, and the
5 number of signs on the parcel. In evaluating the request for a variance to the
6 maximum sign height the Urban Design Commission may consider whether there are
7 special topographic circumstances that would result in a material impairment of
8 visibility of the sign from the adjacent roadway which significantly diminishes the
9 owner's or user's ability to continue to communicate adequately and effectively with
10 the public through the use of the sign.

11 **B.** The portion of the sign structure that should be exempt from being considered part of
12 the sign area if such exemption has not been granted by the Director pursuant to
13 subsection 21.10.040.A.4.

1

¹ 2005 NOTE: This draft does not include amendments to the sign regulations passed by the Assembly on June 14, 2005. COMMENTARY: This chapter directly carries forward the adopted sign ordinance (Ordinance 2003-62(5-1)) – except for the sign definitions. These definitions have been placed into chapter 21.13, *Definitions*.

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TABLE OF CONTENTS

CHAPTER 21.11: NONCONFORMITIES 514

21.11.010 General Provisions 514

- A. Purpose 514
- B. Authority to Continue 514
- C. Determination of Nonconformity Status 515
- D. Nonconformities Created Through Government Action 515
- E. Change of Ownership or Tenancy 515
- F. Damage or Destruction 515
- G. Maintenance and Minor Repair 515

21.11.020 Nonconforming Uses of Land or Structures 516

- A. Limitations on Continuation of Nonconforming Uses of Land or Structures 516
- B. Change of Use 516
- C. Abandonment or Cessation of Use 516

21.11.030 Nonconforming Structures 517

- A. Continuation of Nonconforming Structures Generally 517
- B. Mobile Homes 517
- C. Legalization of Nonconforming Dimensional Yard Setback Encroachments 517
- D. Preexisting Tower and Antennas 518

21.11.040 Nonconforming Lots of Record 518

- A. One Single-Family Dwelling Allowed 518
- B. Undivided Parcels 518

21.11.050 Nonconforming Characteristics of Use 519

- A. Nonconforming Characteristics of Use, Lot, or Structure 519
- B. Bringing Nonconforming Characteristics into Compliance 519

21.11.060 Nonconforming Signs 519

- A. Effective Date 519
- B. Amortization Provisions 519
- C. Termination 520
- D. Maintenance of Nonconforming Signs 520
- E. Alteration, Relocation or Replacement of Nonconforming Signs 520
- F. Reconstruction of Damaged Sign 521
- G. Historic Signs 521
- H. Extension of Time to Comply 521

1 **CHAPTER 21.11: NONCONFORMITIES¹**

2 **21.11.010 GENERAL PROVISIONS²**

3 **A. Purpose**

4 The purpose of this chapter is to regulate and limit the development and continued
5 existence of legal uses, structures, lots, signs, and use characteristics such as parking
6 and landscaping, established prior to the effective date of this title, or the effective
7 date of future amendments to this title, that no longer conform to the requirements of
8 this title. All such situations are collectively referred to in this chapter as
9 “nonconformities.” While nonconformities may continue, the provisions of this chapter
10 are designed to curtail substantial investment in nonconformities to bring about their
11 eventual elimination in order to preserve the integrity of this title and the character of
12 the Municipality.

13 **B. Authority to Continue**

14 **1. Generally**

15 Any nonconformity that lawfully existed as of the effective date of this title and
16 that remains nonconforming, and any nonconformity that is created as a result
17 of any subsequent rezoning, amendment to the text of this title, or by the
18 acquisition of property for a public purpose, may be continued or maintained
19 as a nonconformity only in accordance with the terms of this chapter, unless
20 such nonconformity falls within the exception set forth in subsection
21 21.11.010.B.2.

22 **2. Exception Due to Variances or Minor Modifications**

23 This chapter shall not apply to any development standard or feature that is the
24 subject of a variance or minor modification granted under this title. Where a
25 variance or minor modification has been granted that results in a development
26 standard or feature that does not otherwise conform to the requirements of
27 this title, that development standard or feature shall be deemed conforming.

28 **3. Conditional Uses**

29 **a.** A use existing prior to the effective date of this title that is permitted
30 as a conditional use in the district in which it is located under this title,
31 but which lacks an approved conditional use permit, shall not be
32 deemed a nonconforming use, but rather shall be considered to exist
33 as a conditional use. The scope of such a conditional use shall be
34 governed by the provisions of this chapter unless modified by the
35 Planning and Zoning Commission in accordance with section
36 21.03.070, *Conditional Uses*.

37 **b.** A conditional use existing prior to the effective date of this title that is
38 permitted in its entirety as a principal use in the district in which it is
39 located under this title shall not be deemed a nonconforming use.
40 Such use shall be deemed a permitted principal use and the
41 conditional use permit shall be null and void.

1 **C. Determination of Nonconformity Status³**

2 In all cases, the burden of establishing the existence of a legal nonconformity shall be
3 solely upon the owner of the nonconformity, not the Municipality. Verification of
4 nonconforming status may be established through the process set forth in section
5 21.03.170, *Verification of Nonconforming Status*.

6 **D. Nonconformities Created Through Government Action**

7 If a structure, use of land, use of structure, or characteristic of use does not comply
8 with the requirements of this title solely as a result of an acquisition of land or other
9 action by a government agency for a public purpose, then such structure, use of land,
10 use of structure, or characteristic of use on land not acquired by the government shall
11 be deemed conforming. For purposes of this section the word "land" means fee
12 simple interest in real estate.

13 **E. Change of Ownership or Tenancy**

14 Changes of ownership, tenancy, or management of property with an existing
15 nonconformity are permitted but such nonconformities shall continue to be subject to
16 the provisions of this chapter.

17 **F. Damage or Destruction**

18 If a nonconformity is damaged or destroyed by any means to an extent greater than
19 50 percent of its replacement cost at the time of damage or destruction, then such
20 nonconformity shall not be re-established unless it is made to conform to the
21 requirements of this title.

22 **G. Maintenance and Minor Repair**

23 1. Minor repairs or maintenance of nonconformities that are required to keep
24 structures or sites in a safe condition are permitted, provided that the minor
25 repair or maintenance does not increase the extent of nonconformity. For
26 purposes of this section, "maintenance or minor repair" shall mean:

27 a. Repairs that are necessary to maintain and to correct any damage or
28 deterioration to the structural soundness or interior appearance of a
29 building or structure without expanding or altering the building or
30 structure;

31 b. Maintenance of land areas to protect against health and
32 environmental hazards and promote the safety of surrounding land
33 uses;

34 c. Repairs that are required to remedy unsafe conditions that cause a
35 threat to public safety; and

36 d. Repairs and maintenance of nonconforming signs as set forth in
37 section 21.11.060, *Nonconforming Signs*.

38 2. Nothing in this chapter shall be deemed to prevent the strengthening or
39 restoring to a safe condition of any building or part thereof declared to be

1 unsafe by any official charged with protecting the public safety, upon order of
2 such official.

3 **21.11.020 NONCONFORMING USES OF LAND OR STRUCTURES**

4 **A. Limitations on Continuation of Nonconforming Uses of Land or Structures**

5 Nonconforming uses of land or structures may continue, subject to the general
6 provisions of section 21.11.010 and the following limitations:

7 1. No nonconforming use of land shall be enlarged or increased or extended to
8 occupy a greater area of land than was occupied at the effective date of
9 adoption or amendment of the regulations that make the use nonconforming.
10 Any nonconforming use on a lot or portion thereof may be altered to decrease
11 its nonconformity.

12 2. No nonconforming use of land shall be moved in whole or in part to any
13 portion of the lot or parcel other than that occupied by such use at the
14 effective date of adoption or amendment of the regulations that make the use
15 nonconforming.

16 3. No existing structure devoted to a use not permitted by this title in the district
17 in which it is located shall be enlarged, extended, constructed, reconstructed,
18 moved, or structurally altered except in changing the use of the structure to a
19 use permitted in the district in which it is located.

20 4. Any nonconforming use may be extended throughout any parts of a building
21 that were manifestly arranged or designed for such use at the time of
22 adoption or amendment of the applicable regulations, but no such use shall
23 be extended to occupy any land outside such buildings.

24 5. No additional structure not conforming to the requirements of this title shall be
25 erected in connection with the nonconforming use of land or structure.

26 **B. Change of Use**

27 1. If no structural alterations are made, any nonconforming use may be changed
28 to another nonconforming use provided that the Zoning Board of Examiners
29 and Appeals, either by general rule or by making findings in the specific case,
30 shall find that the proposed use is more appropriate to the district than the
31 existing nonconforming use. In permitting such change, the Zoning Board of
32 Examiners and Appeals may require appropriate conditions and safeguards.

33 2. If a nonconforming use is superseded by a permitted use, the permitted use
34 shall thereafter conform to the use regulations for the district, and the
35 nonconforming use may not thereafter be resumed.

36 **C. Abandonment or Cessation of Use**

37 1. If a nonconforming use ceases for any reason, except when government
38 action impedes access to the premises, on a lot or any portion of a lot for a
39 period of more than 12 consecutive months, the nonconforming use shall be
40 considered abandoned. Once abandoned, the prior legal nonconforming
41 status of the use shall be lost and reestablishment of the use shall be

1 prohibited. Any subsequent use of the property shall comply with all
2 applicable provisions of this title.

3 2. Where nonconforming use status applies to a structure and premises,
4 removal or destruction of the structure shall eliminate the nonconforming
5 status of the land. The term "destruction," for the purpose of this subsection,
6 is defined as damage to an extent of more than 50 percent of the replacement
7 cost at time of destruction.

8 **21.11.030 NONCONFORMING STRUCTURES**

9 **A. Continuation of Nonconforming Structures Generally**

10 Nonconforming structures may continue, subject to the general provisions of section
11 21.11.010 and the following limitations:

12 1. No nonconforming structure may be enlarged or altered in a way that
13 increases its nonconformity, but any structure or portion thereof may be
14 altered to decrease its nonconformity. This subsection shall not be construed
15 to allow the expansion of a nonconforming use of structure.

16 2. Should a nonconforming structure be moved for any reason for any distance
17 whatever, it shall thereafter conform to the regulations for the district in which
18 it is located after it is moved.

19 **B. Mobile Homes**

20 Notwithstanding subsection A. above or section 21.11.020, mobile homes may be
21 repaired or moved within the lot in compliance with setback and yard requirements if
22 the mobile home occupied the lot at the time of the adoption of applicable regulations.

23 **C. Legalization of Nonconforming Dimensional Yard Setback Encroachments⁴**

24 1. **Generally**
25 Existing structures with dimensional encroachments into required yards that
26 were constructed prior to January 1, 1986, may continue in existence
27 provided the following requirements are met:

28 a. An application for the registration of nonconforming encroachment is
29 submitted to the Department; and

30 b. The encroachment is determined not to be a life safety hazard by the
31 Director.

32 2. **Procedures for Registration**

33 a. Application for the registration of nonconforming encroachment shall
34 be submitted to the Department, on a form provided by the
35 Department. The application shall require an as-built drawn by a land
36 surveyor registered in the State of Alaska, which shows all structures
37 on the lot at the date of application. The application shall also require
38 information supporting the assertion that the structure and
39 encroachments were constructed prior to January 1, 1986. The
40 Director may require the petitioner to provide additional information to
41 support this application.

1 b. Within 30 days of receipt of all requested information, and upon an
2 adequate showing that the requirements stated in subsection
3 21.11.030.C.2.a. above are met, the Director shall issue or deny a
4 certificate permitting the continued use and existence of the
5 encroachment. The Director may impose such conditions on the
6 certificate as he/she may determine are appropriate to protect the
7 general welfare. The certificate shall note the size and characteristic
8 of the yard encroachment and the structure. A copy of the required
9 as-built shall be attached thereto.

10 **3. Operation**
11 Once registered, the encroachment shall enjoy all the protections and
12 privileges afforded to a nonconforming structure under the provisions of this
13 chapter.

14 **4. Appeal**
15 Any aggrieved person may appeal the grant or denial of a certificate to the
16 Zoning Board of Examiners and Appeals.

17 **D. Preexisting Tower and Antennas⁵**

18 Except for abandoned towers and/or antennas, preexisting tower structures shall be
19 allowed to continue their usage as they presently exist, or may be replaced with a new
20 tower structure or antenna of like construction and height. Building permits to rebuild
21 the facility shall be obtained within 180 days from the date the facility is damaged or
22 destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall
23 be deemed abandoned. New construction other than routine maintenance on a
24 preexisting tower structure shall comply with the requirements of this title.

25 **21.11.040 NONCONFORMING LOTS OF RECORD⁶**

26 **A. One Single-Family Dwelling Allowed**

27 In any residential district, notwithstanding limitations imposed by other provisions of
28 this title, a single-family dwelling and customary accessory buildings may be erected
29 on any lot that is of record at the effective date of the original adoption or amendment
30 of applicable regulations. This provision shall apply even if the lot fails to meet the
31 requirements for the area or width, or both, that are applicable in the district.
32 Furthermore, setback and lot coverage requirements applicable to nonconforming lots
33 of record shall be those of the zone with the largest lot area requirement within which
34 the lot area would be conforming. A lot that fails to be conforming in any zone shall
35 maintain a front yard of 20 feet, side yards of five feet, a rear yard of five feet, and
36 maximum lot coverage of 50 percent.

37 **B. Undivided Parcels⁷**

38 If two or more contiguous lots in single ownership, either of which contains less than
39 the minimum lot area of the zoning district in which it is located, are of record on or
40 after November 27, 1990, and either is nonconforming by virtue of this title or any
41 amendment thereto, the lands involved shall be considered to be an undivided parcel
42 for the purpose of this title, and no portion of such parcel shall be sold or used that
43 does not contain a lot area and lot width equal to or greater than the minimum lot area
44 and width required in the zoning district it is in.

21.11.050 NONCONFORMING CHARACTERISTICS OF USE

A. Nonconforming Characteristics of Use, Lot, or Structure⁸

Except as provided in this section, if the characteristics of a use, lot, or structure such as off-street parking, off-street loading, lighting, landscaping, or other features regulated by this title in relation to specified uses of land, water areas, structures, or premises are not in accord with the requirements of this title, no change shall be made in such characteristics unless the change is in the direction of conformity to the requirements of this title.

B. Bringing Nonconforming Characteristics into Compliance

An applicant for a land use permit in a multi-family, commercial, or industrial zoning district that involves a development project costing \$20,000 or more, or 20 percent or more of the value of the property, shall be required to bring the following nonconformities into compliance with all applicable provisions of this title prior to approval of the permit, unless the Director determines in writing that such nonconformities have no significant adverse impact on surrounding properties:

1. Landscaping;
2. Lighting;
3. Parking;
4. Refuse containers ;
5. Driveway surfacing ;
6. Screening walls or fences (for parking areas or storage areas);
7. Screening of mechanical equipment.

These nonconforming characteristics of use shall be brought into compliance with all applicable provisions of this title prior to the issuance of the land use permit or shall be included in the work to be accomplished under the permit.

21.11.060 NONCONFORMING SIGNS⁹

A. Effective Date

The effective date of this section 21.11.060 is October 1, 2003.

B. Amortization Provisions

1. Amortization of Permanent Signs

Any lawful permanent sign built prior to the adoption of this title that does not comply with the maximum height, maximum area, or the number of signs permitted as set forth in this title shall be removed or altered to comply with the requirements of this title within ten years from the effective date of this section. The maximum area requirements shall apply to the total area of all signs on the property.

- 1 **2. Amortization of Illuminated Signs**
2 Any illuminated sign that does not meet the requirements of subsection
3 21.10.090.A. shall be altered to comply with the requirements of this title
4 within three years from the effective date of this section.
- 5 **3. Amortization of Pole Signs**
6 Any sign where the structural steel supports are visible and that does not
7 meet the requirements of 21.10.060C.2. or 21.10.070C.3., shall be altered to
8 comply with the requirements of this title within three years from the effective
9 date of this section.
- 10 **4. Amortization of Animated Signs**
11 Any sign that contains non-complying animation, changeable copy, or flashing
12 or moving parts shall be altered to comply with the requirements of this title
13 within 180 days from the effective date of this section.
- 14 **5. Amortization of Converted Signs**
15 Any non-conforming sign that was originally portable or temporary, was
16 subsequently affixed to the ground or a building, and does not comply with the
17 height, area, or the number of signs permitted requirements of this title shall
18 be removed, altered, reconstructed, or reinstalled to be in compliance with
19 this title within three years from the effective date of this section.
- 20 **6. Amortization of Roof Signs**
21 Any roof sign shall be removed within ten years from the effective date of this
22 section.
- 23 **C. Termination**
24 A nonconforming sign shall immediately lose its legal nonconforming status, and
25 therefore shall be brought into conformance with this title or removed, when any of the
26 following occur:
- 27 1. The size or shape of the sign is changed.
- 28 2. The sign structure is altered. Alteration does not include repairs and/or
29 maintenance.
- 30 3. The nonconforming sign is accessory to a nonconforming use that has lost its
31 nonconforming status.
- 32 **D. Maintenance of Nonconforming Signs**
33 Nonconforming signs shall continue to be maintained in safe condition pursuant to the
34 building regulations of the Municipality until such sign is required to be removed as set
35 forth in this section.
- 36 **E. Alteration, Relocation or Replacement of Nonconforming Signs**
37 A nonconforming sign shall not be structurally altered, relocated, or replaced unless it
38 is brought into compliance with the provisions of this section.

1 **F. Reconstruction of Damaged Sign**

2 If a sign and/or its support are damaged to the extent where the repair costs exceed
3 50 percent of the replacement cost of the sign, the sign shall be removed or brought
4 into compliance. If the repair costs do not exceed 50 percent of the replacement cost
5 of the sign, the Director may authorize the sign to be repaired, provided all repair work
6 is completed within 90 days, subject to the Director extending the time for good cause,
7 of the date the Director determines the damage requires replacement or permits
8 repair. In no event may a sign be maintained in an unsafe condition during the
9 process of this determination or the period necessary for repairs.

10 **G. Historic Signs**

11 The Urban Design Commission may grant exceptions to these standards whenever a
12 sign or property has been designated a historic sign pursuant to the guidelines and
13 criteria established and adopted by the Urban Design Commission.

14 **H. Extension of Time to Comply**

15 The dates established in this section for a sign to be brought into compliance with the
16 requirements of these regulations may be appealed to the Zoning Board of Examiners
17 and Appeals by the owner or lessee of the nonconforming sign pursuant to section
18 21.03.200.B., *Appeals to Zoning Board of Examiners and Appeals*. In evaluating the
19 extension of time for a nonconforming use, the Zoning Board of Examiners and
20 Appeals shall consider the following factors to determine whether the owner of the
21 sign has had reasonable amount of time to recoup his investment:

- 22 1. The value of the sign at the time of construction and the length of time the
23 sign has been in place;
- 24 2. The life expectancy of the original investment in the sign and its salvage
25 value, if any;
- 26 3. The amount of depreciation and/or amortization of the sign already claimed
27 for tax or accounting purposes;
- 28 4. The length of the current tenant lease or expected occupancy compared to
29 the date the sign is to be brought into compliance;
- 30 5. The extent to which the sign is not in compliance with the requirements of this
31 chapter; and
- 32 6. The degree to which the Board determines that the sign is consistent with the
33 purposes of this chapter.

¹ NOTE: This chapter consolidates all provisions on nonconforming uses, structures, lots, and signs. The general intent is to continue the City's existing policies toward nonconforming uses, structures, lots, and signs, which are set forth in chapter 21.55 of the current code. We have tightened the language throughout the chapter (e.g., the new purpose statement is more succinct than the current 21.55.010, *Intent*.)

² NOTE: The purpose of this section is to eliminate repetition and reduce the length of the chapter by consolidating the provisions that apply to all types of nonconformities (e.g., authority to continue).

³ 2005 NOTE: This procedure has been moved into the general procedures chapter in this 2005 draft.

⁴ NOTE: Carried forward from the current 21.55.040.D. with no major revisions.

⁵ 2005 NOTE: Proposed new section in the 2005 draft.

⁶ NOTE: Carried forward from the current 21.55.020 with no major revisions. The provision has been limited to residential districts.

⁷ 2005 NOTE: Proposed new section in the 2005 draft.

⁸ 2005 NOTE: This is a modified version of section .010 from the prior draft. The suggested threshold in subsection B. is new and proposed for discussion purposes.

⁹ NOTE: This section is carried forward with no changes from the *Proposed Sign Standards for the Municipality of Anchorage* document adopted by the Assembly on August 19, 2003. We have corrected a few misspellings, emphasized the effective date (which will be different than for the rest of the title), consolidated the amortization provisions, and made some minor changes to terminology for clarification.

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

CHAPTER 21.12: ENFORCEMENT 524

- 21.12.010 General Provisions 524**
 - A. Purpose 524
 - B. Compliance Required 524
 - C. Entitlements 524
 - D. Continuation of Prior Enforcement Actions 524
 - E. Continuing Violations 524
- 21.12.020 Responsibility for Enforcement and Inspections 524**
 - A. Primary Responsibility 524
 - B. Inspections 524
- 21.12.030 Violations 525**
 - A. Activity Inconsistent with Title 525
 - B. Activity Inconsistent with Entitlement 525
 - C. Illustrative Examples 525
- 21.12.040 Remedies and Penalties 526**
 - A. Civil Remedies and Enforcement Powers 526
 - B. Remedies Cumulative 528
- 21.12.050 Procedures for Public Enforcement Actions 529**
 - A. Emergency Matters 529
 - B. Non-Emergency Matters 529
- 21.12.060 Procedures for Private Enforcement Actions 531**
 - A. Purpose and Intent 531
 - B. Authorization 531
 - C. Limitations 532
 - D. Procedure 532
 - E. Civil Fine 534
 - F. Payment of Costs by Complainant 534
 - G. Commencement of Action in Superior Court to Enforce Compliance Order 534
 - H. Failure to Obey Compliance Order 535

CHAPTER 21.12: ENFORCEMENTⁱ

21.12.010 GENERAL PROVISIONS

A. Purpose

This chapter establishes procedures through which the Municipality seeks to ensure compliance with the provisions of this title and obtain corrections for violations of this title. The chapter also sets forth the remedies and penalties that apply to violations of this title. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

B. Compliance Required

No person shall develop or use any land, building, or structure within the Municipality in violation of this title, regulations authorized under this title, or the terms and conditions of entitlements issued under this title.

C. Entitlements

No entitlement may be issued under this title unless all structures and uses of land and structures permitted under the entitlement conform to this title, the regulations promulgated under this title, and the terms and conditions of the other entitlements issued under this title that apply to the use or structure. An entitlement issued in violation of this section is void.

D. Continuation of Prior Enforcement Actions

Nothing in this title shall prohibit the continuation of previous enforcement actions undertaken by the Municipality pursuant to previous regulations.

E. Continuing Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this title.

21.12.020 RESPONSIBILITY FOR ENFORCEMENT AND INSPECTIONS

A. Primary Responsibility

1. Public Enforcement Actions

Except as otherwise provided, the Director shall have primary responsibility for public enforcement actions (see section 21.12.050) to enforce the provisions of this title.

2. Private Enforcement Actions

Except as otherwise provided, the administrative hearings officer shall have primary responsibility for private enforcement actions (see section 21.12.060) to enforce the provisions of this title.

B. Inspections

1. Subject to subsection 21.12.020.B.2. below, at any reasonable time, the Director may, upon presentation of proper identification, enter upon and inspect any land, building, or premises where he or she has reasonable cause

1 to believe there exists a violation of this title, or enter upon such a building or
2 premises to perform a duty of the Director under this title.

- 3 2. Where the Constitution of the United States or of the state so requires, the
4 Director shall obtain an administrative search warrant authorizing an
5 inspection and exhibit the warrant to the person in charge of the premises
6 before conducting the inspection. The Director or representative shall apply
7 to the trial courts of the state to obtain a warrant, stating in the application the
8 name and address of the premises to be inspected, the authority to conduct
9 the inspection, the nature and extent of the inspection, and the facts and
10 circumstances justifying the inspection. Warrants issued under this section
11 shall be returned within ten days.

12 **21.12.030 VIOLATIONS^{II}**

13 Each of the following activities shall constitute a violation of this title:

14 **A. Activity Inconsistent with Title**

15 Any erection, construction, reconstruction, remodeling, alteration, maintenance,
16 expansion, movement, or use of any building, structure, or sign, or development or
17 subdivision of any land, in contravention of any provision of this title or any regulation
18 promulgated under this title.

19 **B. Activity Inconsistent with Entitlement**

20 Any development, use, construction, remodeling, or other activity of any nature in any
21 way inconsistent with the terms or conditions of any entitlement required to engage in
22 such activity, whether issued under or required by this title.

23 **C. Illustrative Examples**

24 Examples of activities inconsistent with this title or with an entitlement issued under
25 this title include, but are not limited to, the following:

- 26 1. Excavation, grading, cutting, clearing, or other land disturbance activity
27 without obtaining all necessary approvals required by this title or other
28 applicable regulations;
- 29 2. Damage to or removal of vegetation inconsistent with this title and all other
30 applicable regulations;
- 31 3. Creation, expansion, replacement, or change of a nonconformity inconsistent
32 with this title and all other applicable regulations;
- 33 4. Reduction or diminishment of lot area, setbacks, vegetative buffers, or open
34 space below the minimum requirements set forth in this title and all other
35 applicable regulations;
- 36 5. Increasing the density or intensity of any use of any land or structure except in
37 accordance with the requirements of this title and all other applicable
38 regulations;

- 1 6. Storage or maintenance (intentionally or otherwise) of goods, materials,
2 products, or other items outdoors including, but not limited to operable
3 vehicles or equipment, appliances, building materials, machine parts,
4 abandoned vehicles, or snow, except in compliance with this title and all other
5 applicable regulations;
- 6 7. Filing or recording of a subdivision plat in any public office without approval
7 for recording by, and bearing the approval of, the platting authority under this
8 title;
- 9 8. Failure to remove any sign installed, created, erected, or maintained in
10 violation of this title, or for which the sign permit has lapsed; and
- 11 9. Failure to remove a temporary use once authorization for the temporary use
12 under this title and all other applicable regulations has lapsed.

13 **21.12.040 REMEDIES AND PENALTIES**

14 The Director shall have the following remedies and powers to enforce this title:

15 **A. Civil Remedies and Enforcement Powersⁱⁱⁱ**

16 1. **Deny/Withhold Entitlements**

17 The Director may deny or withhold all entitlements, including certificates of
18 occupancy, or other forms of authorization to use or develop any land,
19 structure, or improvements, until a violation, associated civil penalty, and/or
20 lien resulting from a previous final order related to such property, use, or
21 development is corrected. This provision shall apply whether or not the
22 current owner or applicant for the permit or other approval is responsible for
23 the violation.

24 2. **Revoke Entitlements**

25 Any entitlement or other form of authorization required under this title may be
26 revoked when the Director determines that:

- 27 a. There is a departure from the approved plans, specifications,
28 limitations, or conditions as required under the entitlement;
- 29 b. The entitlement was procured by false representation;
- 30 c. The entitlement was issued in error; or
- 31 d. There is a violation of any provision of this title or other applicable
32 regulations.

33 Written notice of revocation shall be served upon the property owner, agent,
34 applicant, or other person to whom the entitlement was issued, or such notice
35 may be posted in a prominent location at the place of violation. No work or
36 construction shall proceed after service of the revocation notice.

37 3. **Stop-Work Orders**

- 38 a. Whenever any building or structure or site or part thereof is being
39 demolished, constructed, reconstructed, altered, or repaired in a

- 1 hazardous manner, in substantial violation of any state or municipal
2 building law, or in a manner that endangers life or property, the
3 Director has the authority to issue a stop-work order for the specific
4 part of the work that is in violation or presents the hazard.
- 5 b. With or without revoking permits, the Director may issue an order to
6 stop work on any property on which there is an uncorrected violation
7 of either a provision of this title or a provision of an entitlement or
8 other form of authorization issued under this title.
- 9 c. The stop-work order shall be in writing directed to the person doing
10 the work if known, and a copy mailed to the owner of record of the
11 property, and shall specify the provisions of this title or other law
12 allegedly in violation. After any such order has been posted, no work
13 shall proceed on any building, other structure, or tract of land covered
14 by such order, except to correct such violation or comply with the
15 order.
- 16 d. The stop-work order may be issued at the same time as the
17 enforcement order (see subsection 21.12.050.B., *Non-Emergency*
18 *Matters*, below), or subsequent to such notice. The stop-work order
19 may also specify a shorter time for correction of the violation than the
20 time period specified in the enforcement order. The stop-work order
21 shall also indicate that failure to comply with the order may subject
22 the violator to civil and/or criminal liability as penalty for the
23 violation(s).
- 24 e. Once conditions for resumption of the work have been met, the
25 Director shall rescind the stop-work order and shall notify the owner in
26 writing of the rescission.
- 27 f. Issuance of a stop-work order may be appealed to the Zoning Board
28 of Examiners and Appeals in the same manner as provided below for
29 public enforcement orders. The stop-work order shall remain in effect
30 until the Board takes final action on the appeal.^{iv}
- 31 4. **Civil Penalties^v**
32 In addition to other remedies provided in section 1.45.010 or other sections of
33 this title, violation of this title may be punishable through imposition of a civil
34 penalty as set forth in section 14.60.030, or, if no penalty is set forth in section
35 14.60.030, a civil fine of \$300.00 for each violation.
- 36 5. **Restoration of Disturbed Areas**
37 The Director may require a violator who is regulated under this title and who
38 failed to retain sediment generated by a land-disturbing activity to restore the
39 waters and lands affected by the failure so as to minimize the detrimental
40 effects of the resulting pollution by sedimentation. This authority is in addition
41 to any other civil or criminal penalty or injunctive relief authorized under this
42 title or applicable law.
- 43 6. **Injunctive Relief**
44 The Director may seek injunctive relief or other appropriate relief in superior
45 court or other court of competent jurisdiction against any person who fails to

1 comply with any provision of this title or any requirement or condition imposed
2 pursuant to this title. In any court proceedings in which the Municipality seeks
3 a preliminary injunction, it shall be presumed that a violation of this title is a
4 real, immediate, and irreparable injury to the public; that the public will be
5 irreparably injured by the continuation of the violation unless the violation is
6 enjoined; and that there is no plain and adequate remedy at law for the
7 subject title violation.

8 **7. Abatement^{vi}**

9 The Municipality may abate the violation pursuant to this subsection.

10 **a.** Before action is taken to abate a violation, a final warning notice shall
11 be posted on the property and served personally or by certified mail
12 with return receipt requested to the owner of record of the property.

13 **b.** Unless this notice is appealed, pursuant to subsection 21.03.210.B.,
14 to the Zoning Board of Examiners and Appeals within ten days of the
15 posting of the final warning, the Director shall proceed to abate the
16 violation.

17 **c.** The Director shall keep an account of the cost, including incidental
18 expenses, incurred by the Municipality in the abatement of any
19 violation. The Director shall forward a bill for collection to the violator
20 and owner of record of the property specifying the nature and costs of
21 the work performed. For purposes of this section, the term "incidental
22 expenses" shall include but not be limited to the actual expenses and
23 costs to the Municipality in the preparation of the notices,
24 specifications and contracts, work inspection, and interest from the
25 date of completion at the rate prescribed by law for delinquent real
26 property taxes.

27 **d.** The responsibility for payment of the charges for abatement as set
28 forth in this section shall rest solely upon the owners of the property
29 upon which the abatement occurred. Such charges become a lien
30 upon the real property upon which the violation was located. When
31 charges for abatement remain unpaid after 30 days from billing, the
32 Director shall record a claim of lien at the district recorder's office.
33 The lien shall be subordinate to all existing special assessment liens
34 previously imposed upon the same property and shall be paramount
35 to all other liens except for state or municipal property taxes, with
36 which it shall be upon a parity. The lien shall continue until the
37 charges and all interest due and payable thereon are paid.

38 **e.** The lien created under this section may be enforced as provided in
39 AS 34.35.005--34.35.045. The enforcement of the lien is a
40 cumulative remedy and does not bar the collection of the charges for
41 abatement or costs and attorney fees through a personal action.

42 **B. Remedies Cumulative^{vii}**

43 The remedies provided for violations of this title shall be cumulative and in addition to
44 any other remedy provided by law, and may be exercised in any order.

21.12.050 PROCEDURES FOR PUBLIC ENFORCEMENT ACTIONS

A. Emergency Matters

In the case of a violation of this title that constitutes a public health or safety emergency, the Director may use the enforcement powers available under this chapter without prior notice, but he or she shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as possible. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant entitlement and shall indicate the nature of the emergency.

B. Non-Emergency Matters

1. Enforcement Orders

a. In the case of a violation of this title that does not constitute an emergency matter as described in subsection 21.12.050.A., the Director may issue an enforcement order pursuant to this section. The Director may order:^{viii}

- i. The discontinuation of a use of land or a structure that is in violation of this title;
- ii. The abatement or removal of a structure or part of a structure that is a violation of this title;
- iii. The discontinuation of construction or other activity preparatory to a structure or use of land or a structure that is a violation of this title;
- iv. The suspension or revocation of an entitlement issued under this title under the authority, or purported authority, of which a violation of this title is occupied, maintained, constructed, or established;
- v. The restoration of any structure, vegetation, land, water body, or other thing upon the land that is destroyed, damaged, altered, or removed in violation of this title; or
- vi. Any other action necessary to prevent, abate, or discontinue a violation of this title.

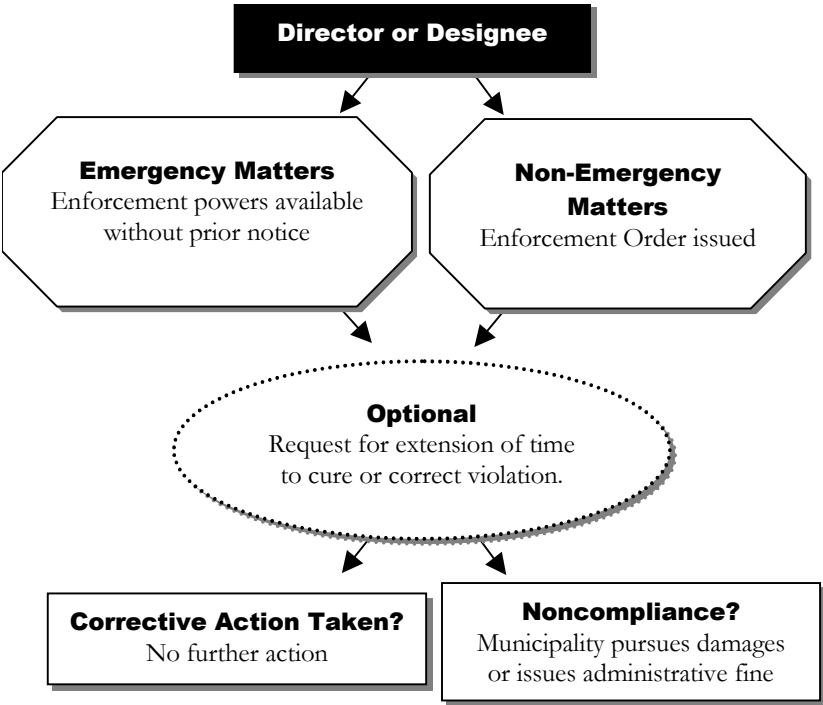
b. No penalty shall be assessed pursuant to this title unless and until the violator has been notified of the enforcement order in accordance with this section, with the exception of a violation of a stop-work order.

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Public Enforcement Actions

- c. The enforcement order shall be in writing and shall describe the violation, shall identify the provision or provisions of this title that are being violated, shall specify what actions must be taken to correct the violation (including an order to stop any and all work which violates this title), shall direct the person to correct the violation within a specified reasonable time period (beginning on the date such notice is received) and shall warn that more severe measures (such as a civil penalty or criminal prosecution) may be assessed or brought against the violator if he or she fails to take appropriate action to cure or correct the violation. If no other violator can be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs.
- d. An enforcement order issued under subsection 21.12.050.B.1.a. above may be directed to one or more violators. An enforcement order that is served on a violator personally or by certified mail is final with respect to that violator if not appealed to the Zoning Board of Examiners and Appeals within 30 days of its service.
- e. An enforcement order need not be issued before other legal action is commenced with respect to a violation of this title. The pendency of any proceeding regarding an enforcement order issued under this section does not stay any other legal action with respect to the violation that is the subject of the enforcement order.

1 2. **Extension of Time to Cure or Correct Violation**

2 Upon receipt of a written request from the alleged violator or the property
3 owner for an extension of time to cure or correct the violation, the Director
4 may grant a single extension of time^x in which the alleged violator may cure
5 or correct the violation before the Director pursues any of the forms of relief or
6 penalties listed in section 21.12.040, *Remedies and Penalties*. Such
7 extension of time shall not be granted unless the alleged violator or the
8 property owner can demonstrate to the Director that the violation cannot be
9 cured or corrected within the time period specified.

10 3. **Corrective Action Taken**

11 If the violation is cured or corrected within the time period specified in the
12 enforcement order, or within the extension of time granted, then the
13 Municipality shall take no further action against the violator.

14 4. **Options Upon Noncompliance**

15 Whenever a written enforcement order has become final, as specified in
16 subsection 21.12.050.B.1.d. above, and the violation continues to exist, the
17 Director may:

18 a. Pursue any of the forms of relief under section 21.12.040, *Remedies*
19 and *Penalties*; or

20 b. Assess an administrative fine, not exceeding \$250.00 per day, for
21 failure to comply with a final enforcement order.

22 **21.12.060 PROCEDURES FOR PRIVATE ENFORCEMENT ACTIONS^x**

23 A. **Purpose and Intent**

24 The private enforcement action process set forth in this section is offered as an
25 alternative to the public enforcement action process set forth in section 21.12.050,
26 *Procedures for Public Enforcement Actions*. It provides a way for private individuals
27 or community councils to charge that a violation of this or another title has occurred,
28 and to present their case directly to the administrative hearings officer for
29 consideration and resolution.

30 B. **Authorization**

31 In addition to other remedies available under this Code, any person aggrieved by a
32 violation of this title, section 15.20.020.A. with regard to public nuisances listed in
33 section 15.20.020.B., or sections 25.70.040 and 25.70.045 relating to activities on
34 public grounds, may initiate a private enforcement action before the administrative
35 hearings officer as provided by title 14. For purposes of actions brought under this
36 section 21.12.060, the term "person aggrieved" means any person who lives, owns, or
37 lawfully occupies property within one mile of the property described in the complaint,
38 or the duly appointed representative of any Community Council with jurisdiction in the
39 area of the alleged violation.^{xi}

1 **C. Limitations**

2 The private enforcement action procedure may not be used to address code violations
3 that are under concurrent consideration by the Director through the public
4 enforcement action procedure under section 21.12.050.

5 **D. Procedure**

6 Private enforcement actions shall follow the following procedure:

7 **1. Filing of Complaint^{xii}**

8 A private enforcement action is commenced upon filing of a written complaint
9 to the Director by a person aggrieved by a violation described in subsection
10 21.12.060.B. The complaint must include the following information:

- 11 a. The street address of the property involved or legal description if no
12 street address has been assigned;
- 13 b. The owner of record for the property;
- 14 c. The occupants of the property (if known);
- 15 d. The name of the persons alleged to have violated the Code (if
16 known);
- 17 e. The provision of the Code alleged to be violated;
- 18 f. The facts upon which the complaint is based;
- 19 g. A request that the complaint be prosecuted as a private enforcement
20 action;
- 21 h. The name and address of the complainant;
- 22 i. An explanation of how the complainant qualifies as a “person
23 aggrieved”; and
- 24 j. A notarized statement that all information in the complaint is true and
25 correct to the best of the complainant’s knowledge.

26 **2. Service or Return of Complaint**

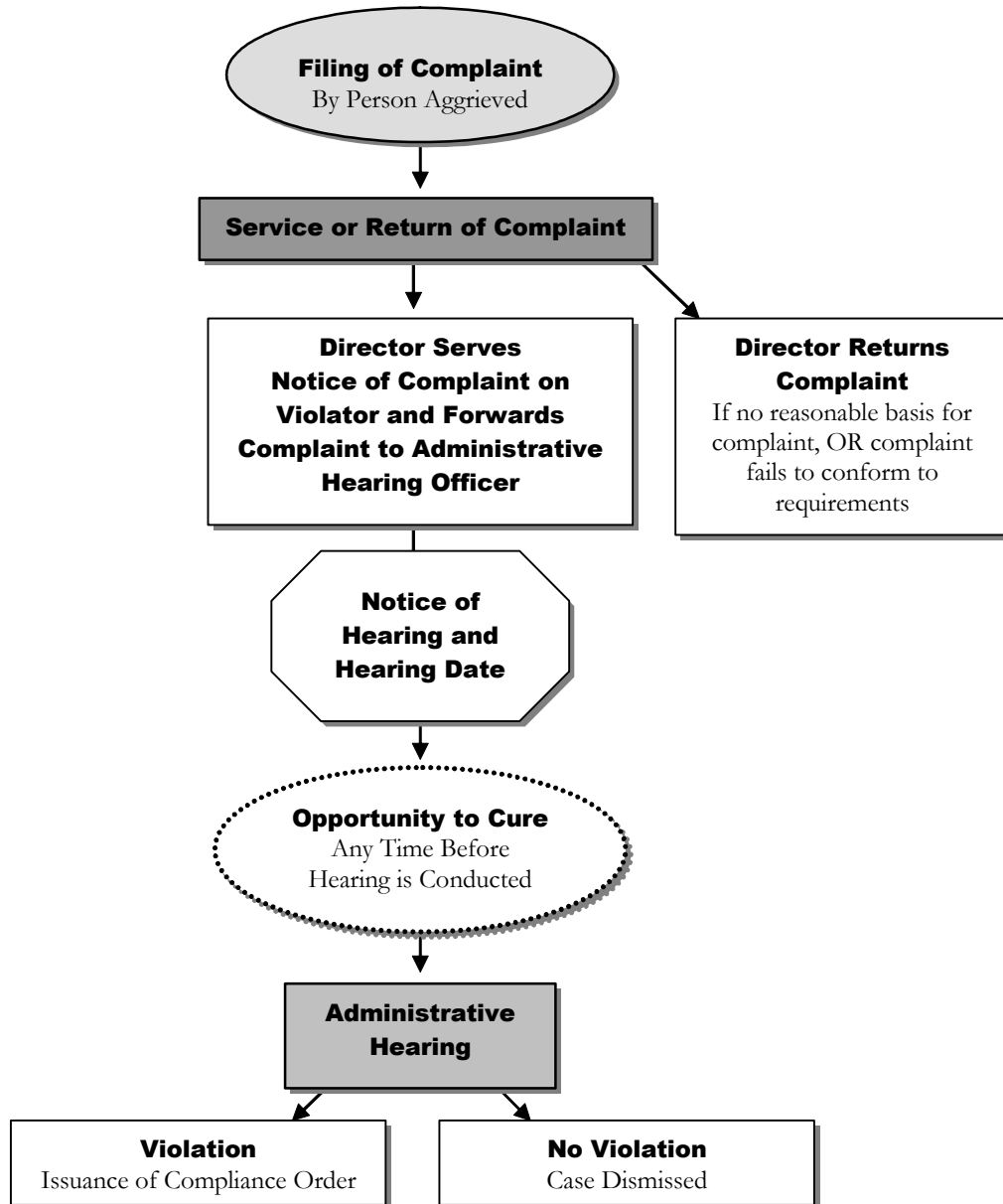
27 Within ten days after filing of a complaint, the Director shall:

- 28 a. Serve notice of the complaint upon the violator(s) named in person or
29 by certified mail; or
- 30 b. Return the complaint to the complainant with an explanation as to
31 why the complaint does not conform to this section; or
- 32 c. Return the complaint to the complainant with an explanation that
33 information available to the Director at the time of review
34 demonstrates that there is no reasonable basis for the complaint.

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Appeals of the Director's decision may be made to the Zoning Board of Examiners and Appeals (see section 21.03.210, *Appeals*).

3. **Notice of Hearing and Hearing Date**^{xiii}
After serving notice of a complaint on all alleged violators, the Director shall forward the complaint to the administrative hearings officer who shall schedule a hearing pursuant to section 14.30.050.^{xiv}



Private Enforcement Actions

- 1
- 2 **4. Opportunity to Cure**
- 3 The alleged violator may, at any time before a hearing is conducted under this
- 4 section, serve on the complainant and the Director an answer and any
- 5 supporting documentation as appropriate. Upon request of the alleged
- 6 violator and concurrence of the complainant filed at least 48 hours prior to the
- 7 scheduled hearing, the complaint shall be dismissed and the hearing vacated,
- 8 with no costs assessed.
- 9 **5. Conduct of Hearing**
- 10 Hearings shall be conducted under the provisions of chapter 14.30.060.^{xv}
- 11 **6. Responsibility of Complainant**
- 12 In actions brought under this section, the complainant bears the burden of
- 13 proof and must prove the existence of the violation claimed by the
- 14 preponderance of the evidence.
- 15 **7. Issuance of Compliance Order**
- 16 After the hearing and upon finding that a violation exists, the administrative
- 17 hearings officer shall issue a compliance order as provided by subsection
- 18 14.50.010.A to each violator and set a reasonable time for compliance. In all
- 19 cases where a violation has been found to exist, the violator shall be ordered
- 20 to pay the reasonable costs, not to exceed \$1,000.00, incurred by the
- 21 Municipality in hearing the matter.
- 22 **8. Service of Decisions**
- 23 A final decision of the administrative hearings officer and the compliance
- 24 order issued under subsection 21.12.060.D.7. shall be served per subsection
- 25 14.30.110.B.
- 26 **9. Appeals; Collection of Fines**
- 27 Final decisions issued under this section may be appealed to the superior
- 28 court pursuant to chapter 14.40. Fines imposed under this section shall be
- 29 collected as provided by sections 14.50.030 and 14.50.040.
- 30 **E. Civil Fine**
- 31 The administrative hearings officer shall also order payment of a civil fine as provided
- 32 in subsection 14.50.010.C.
- 33 **F. Payment of Costs by Complainant^{xvi}**
- 34 After the hearing and upon a finding that a complaint under this section was brought
- 35 or maintained frivolously or in bad faith, the administrative hearings officer may order
- 36 the complaining party to pay actual costs incurred by the alleged violator in an amount
- 37 no greater than \$1,000.00 plus the reasonable costs, not to exceed \$1,000.00,
- 38 incurred by the Municipality in hearing the matter.
- 39 **G. Commencement of Action in Superior Court to Enforce Compliance Order**
- 40 Any person may commence an action in superior court to enforce a compliance order
- 41 of the administrative hearings officer issued under this subsection.

1 **H. Failure to Obey Compliance Order**

2 Upon written request to the Municipal Attorney by any person who has brought a
3 private enforcement action under this section that a compliance order issued by the
4 administrative hearings officer has not been obeyed, that more than 30 days have
5 passed since the date ordered by the hearings officer for compliance, and that no
6 action has been brought in court to enforce that order, the Department of Law shall
7 initiate and pursue action to enforce that order using all available remedies and
8 penalties authorized in section 21.12.040, *Remedies and Penalties*.

ⁱ NOTE: Enforcement provisions are found in the current title 21 in chapter 21.25. This new draft chapter updates the existing provisions in a variety of ways, including: more specifically identifying the types of violations of the title that can occur; adding a broad range of civil and criminal penalties allowed by state law; and clarifying enforcement procedures for both public and private enforcement actions. The use of incentives throughout other chapters of the code encourages code compliance generally and introduces some flexibility into the enforcement process.

ⁱⁱ NOTE: This expanded section builds upon the current section 21.25.010, *Violations*, but is more specific as to what activities constitute violations of the code.

ⁱⁱⁱ NOTE: This is primarily a new section for the Municipality's consideration. It elaborates upon the brief list of penalties found in the current 21.25.050.

^{iv} 2005 NOTE Suggested new appeal provision in response to a comment. Is this how appeals of stop-work orders are handled now?

^v 2005 NOTE: Changed from \$400 in prior draft.

^{vi} NOTE: This section carries forward the current AMC 21-25-070 with no major substantive changes.

^{vii} 2005 NOTE: Criminal remedies appeared prior to this provision in the previous draft; they have been removed in this 2005 draft.

^{viii} NOTE: This list is from the current AMC 21-25-030.

^{ix} 2005 NOTE: The 30-day limit on the extension has been removed in this draft per numerous comments. Should there be *some* maximum limit?

^x 2005 NOTE: This section continues to be controversial. Several commentators say a private enforcement mechanism is unnecessary. Others argue the procedure itself is fine, but should be located in title 14 or elsewhere, not title 21. Still others are happy with the procedure in title 21 but want to further simplify it to encourage greater use. We have kept the section in this draft and made targeted edits, per direction from staff and pending further discussion. Again, this section proposes a slightly modified version of the existing private enforcement action process. We have edited the section to make it simpler. Additional streamlining may be possible.

^{xi} 2005 NOTE: Should this language be made consistent with the new appeals language in 21.03? That new section limits the right of appeal to "parties of interest," defined for a particular application shall include the applicant, the owner of the subject property, the owner of property within the notification area for the subject application, and anyone that presented oral or written testimony at a public hearing on the application

^{xii} NOTE: We have removed the existing material about having to resolve the matter informally and paying the \$100 fee, since both seemed too onerous. If the complaint is spurious, then the hearings officer can assess the complainant under section F.

^{xiii} NOTE: An alternative to using the administrative hearing officer would be to allow the public to file complaints, but then funnel those complaints into the public enforcement procedure set forth above.

^{xiv} 2005 NOTE: The specifics on the hearing time frame have been removed, at staff suggestion, to be consistent with title 14.

^{xv} 2005 NOTE: Edited to simply cross-reference title 14.

^{xvi} 2005 NOTE: Municipal Attorney's office should comment on this provision. Several comments strongly urge that it be deleted.

TABLE OF CONTENTS

1
2
3 **CHAPTER 21.13: RULES OF CONSTRUCTION AND DEFINITIONS..... 538**
4 **21.13.010 Interpretations 538**
5 A. General 538
6 B. Record of Interpretations 538
7 C. Appeal..... 538
8 **21.13.020 Rules of Construction and Interpretation..... 538**
9 A. Meanings and Intent 538
10 B. Headings, Illustrations, and Text 538
11 C. Lists and Examples 538
12 D. Computation of Time 538
13 E. References to Other Regulations/Publications 539
14 F. Delegation of Authority 539
15 G. Technical and Non-Technical Terms 539
16 H. Public Officials and Agencies 539
17 I. Mandatory and Discretionary Terms 539
18 J. Conjunctions 539
19 K. Tenses, Plurals, and Gender 539
20 L. Measurement of Distances For Separation of Land Uses 540
21 **21.13.030 Definitions..... 540**
22
23
24

1 **CHAPTER 21.13: RULES OF CONSTRUCTION AND DEFINITIONS**

2 **21.13.010 INTERPRETATIONS¹**

3 **A. General**

4 The Director has final authority to determine the interpretation or usage of terms used
5 in this title, pursuant to this section. Any person may request an interpretation of any
6 term by submitting a written request to the Director, who shall respond in writing within
7 30 days. The Director's interpretation shall be binding on all officers and departments
8 of the Municipality.

9 **B. Record of Interpretations**

10 The Director shall maintain a file of all interpretations made pursuant to this
11 subsection.

12 **C. Appeal**

13 Any person may appeal an interpretation by the Director regarding a term used in this
14 title to the Zoning Board of Examiners and Appeals in accordance with section
15 21.03.210.B.

16 **21.13.020 RULES OF CONSTRUCTION AND INTERPRETATION**

17 The following rules shall apply for construing or interpreting the terms and provisions of this
18 chapter.

19 **A. Meanings and Intent**

20 All provisions, terms, phrases, and expressions contained in this chapter shall be
21 construed according to the general purposes set forth in section 21.01.030 and the
22 specific purpose statements set forth throughout this chapter. When, in a specific
23 section of this chapter, a different meaning is given for a term defined for general
24 purposes in this chapter 21.13, the specific section's meaning and application of the
25 term shall control.

26 **B. Headings, Illustrations, and Text**

27 In the event of a conflict or inconsistency between the text of this chapter and any
28 heading, caption, figure, illustration, table, or map, the text shall control.

29 **C. Lists and Examples**

30 Unless otherwise specifically indicated, lists of items or examples that use terms such
31 as "for example," "including," and "such as," or similar language are intended to
32 provide examples and are not exhaustive lists of all possibilities.

33 **D. Computation of Time**

34 The time in which an act is to be done shall be computed by excluding the first day
35 and including the last day. If a deadline or required date of action falls on a Saturday,
36 Sunday, or holiday observed by the Municipality, the deadline or required date of

1 action shall be the next day that is not a Saturday, Sunday, or holiday observed by the
2 Municipality. References to days are calendar days unless otherwise stated.

3 **E. References to Other Regulations/Publications**

4 Whenever reference is made to a resolution, ordinance, statute, regulation, or
5 document, it shall be construed as a reference to the most recent edition of such
6 regulation, resolution, ordinance, statute, regulation, or document, unless otherwise
7 specifically stated.

8 **F. Delegation of Authority**

9 Any act authorized by this chapter to be carried out by a specific official of the
10 Municipality may be carried out by a designee of such official.

11 **G. Technical and Non-Technical Terms**

12 Words and phrases shall be construed according to the common and approved usage
13 of the language, but technical words and phrases that have acquired a peculiar and
14 appropriate meaning in law or practice shall be construed and understood according
15 to such meaning.

16 **H. Public Officials and Agencies**

17 All public officials, bodies, and agencies to which references are made are those of
18 the Municipality of Anchorage, unless otherwise indicated.

19 **I. Mandatory and Discretionary Terms**

20 The words “shall,” “must,” and “will” are mandatory in nature, establishing an
21 obligation or duty to comply with the particular provision. The words “may” and
22 “should” are permissive in nature.

23 **J. Conjunctions**

24 Unless the context clearly suggests the contrary, conjunctions shall be interpreted as
25 follows:

- 26 **a.** “And” indicates that all connected items, conditions, provisions or events
27 apply; and
- 28 **b.** “Or” indicates that one or more of the connected items, conditions,
29 provisions or events apply.

30 **K. Tenses, Plurals, and Gender**

31 Words used in the present tense include the future tense. Words used in the singular
32 number include the plural number and the plural number includes the singular
33 number, unless the context of the particular usage clearly indicates otherwise. Words
34 used in the masculine gender include the feminine gender, and vice versa.

1 **L. Measurement of Distances For Separation of Land Uses**

2 Except where stated otherwise, whenever this title requires measurement of distance
3 between use types, development sites, or lots, such measurement shall be made from
4 the nearest property line of the first reference point to the property line of the second
5 reference point.

6 **21.13.030 DEFINITIONS²**

7 When used in this title, the following words and terms shall have the meaning set forth in this
8 section, unless other provisions of this title specifically indicate otherwise.

9 **Abandonment (as used in chapter 21.11, *Nonconformities*)**

10 A situation where a nonconforming use, structure, lot, or sign that has legal nonconforming status is
11 vacated, left, or discontinued for a period of 12 months or longer.

12 **Abutting Lots**

13 Two lots abut when they share a common lot line.

14 **Access**

15 A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

16 **Accessibility**

17 The extent to which a property is easily accessed or approached.

18
19 **Adjacent Lots**

20 Two lots are adjacent where they have a common lot line or where they are separated only by an alley or
21 a street right-of-way not designated as a collector on the official streets and highways plan.

22 **Afforestation**

23 The conversion of land that has not been forested for a period of time to forested land through human
24 activities such as planting and seeding.

25 **Airport Elevation**

26 The highest point of an airport's usable landing area, measured in feet above mean sea level.

27 **Alaska Water Quality Standards**

28 Those standards set forth in title 18, chapter 70, of the Alaska Administrative Code.

29 **Alley**

30 A permanent service right-of-way providing a secondary means of access to abutting properties.

31 **AMC**

32 Anchorage Municipal Code.

33 **Amortization**

34 A process where a legal nonconforming use, characteristic of use, structure, lot or sign is required to be
35 brought into compliance with the requirements of this title over a period of time with sufficient length to
36 allow the owner of the legal nonconformity to realize any reasonable investment-backed expectations
37 regarding the legal nonconformity.

1 **Anchorage Metropolitan Area Transportation Solutions (AMATS)**

2 The transportation planning process for the Municipality.

3 **Apartment or Apartment Building³**

4 Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied,
5 and which contains dwelling units for three or more families living independently of each other.

6 **Approach, Transitional, Horizontal, and Conical**

7 Surfaces or zones that are airspace zones defined as set forth in FAR part 77, subpart C, paragraph
8 77.25.

9 **Architectural Feature (as used in chapter 21.10, *Signs*)**

10 Any construction attendant to, but not an integral part of the sign, which may consist of landscape,
11 building, or structural forms that enhance the site in general; also, graphic stripes and other architectural
12 painting techniques applied to a structure that serves a functional purpose, or when the stripes or other
13 painting techniques are applied to a building provided such treatment does not include lettering, logos or
14 pictures.

15 **Architectural Feature (as used in chapter 21.07, *Development and Design Standards*)**

16 A part, portion, or projection that contributes to the aesthetic quality of a building or structure, exclusive of
17 signs, that is not necessary for the structural integrity of the building structure or to make the building or
18 structure habitable.

19 **Architectural Bay**

20 A spatial division of a wall, usually repeated at intervals as part of a series, marked off by vertical
21 supports of a structure.

22 **Area, Building**

23 The total of areas taken on a horizontal plane at the main grade level of the principal building and all
24 accessory buildings or structures exclusive of steps.

25 **Area Lighting**

26 Light fixtures located on public or private property that are designed to light spaces. Area lighting does
27 not include hardscape, façade, or landscape lighting.

28 **Areawide Zoning Map Amendment**

29 A zoning map amendment initiated to implement the comprehensive plan, adjust use district boundaries,
30 or redistrict property throughout a region or neighborhood as distinguished from a single subdivision or
31 tract.

32 **Assembly**

33 The Assembly of the Municipality of Anchorage.

34 **Assisted Living**

35 Has the same meaning as set forth in Alaska Statutes chapter 47.33.

36 **Average**

37 The equaling of an arithmetic mean. As used in section 21.07.080, *Landscaping, Screening, and Fences*,
38 this shall be interpreted to mean the plantings may be grouped together in such a way as the designer
39 may choose so long as the total number of plants meets the standard.

1 **Average Slope**

2 Average slope is calculated by the following formula:

3 $S = (I \times L \times 0.0023) / A$

4 Where:

5 S = Average slope of lot or tract in percent.

6 I = Contour interval (20 feet or less).

7 L = Sum of the length of all contours on lot or tract in feet.

8 A = Area of the lot or tract in acres.

9 **Base Flood (100-Year)**

10 The flood having a one percent chance of being equaled or exceeded in any given year.

11 **Billboard**

12 A sign structure advertising an establishment, merchandise, event, service or entertainment that is not
13 sold, produced, manufactured or furnished at the property on which the sign is located. Any other
14 outdoor advertising prohibited by the provisions of Alaska Statutes sections 19.25.075 – 19.25.180 shall
15 also be considered billboards.

16 **Block**

17 A block is defined by an area of land bounded by streets, or a combination of streets, railroad right-of-
18 way, shorelines of waterways, or municipal boundary lines.

19 **Block Length**

20 The distance between intersections of through streets, such distance being measured along the longest
21 street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

22 **Board of Adjustment**

23 The Board of Adjustment of the Municipality of Anchorage.

24 **Board of Examiners and Appeals**

25 The Zoning Board of Examiners and Appeals of the Municipality of Anchorage.

26 **Bollard-Style Lighting**

27 Lighting consisting of short posts that incorporate a lighting element.

28 **Brightness**

29 The human perception of luminance. See *luminance* and *candela*.

30 **Buffer, Perimeter**

31 A unit of land and any plants and structures (i.e., walls, fences) thereon that is used to separate land uses
32 from each other.

33 **Building**

34 Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any
35 kind.

- 1 **Building, Accessory**
2 A building or structure that is on the same lot as, and of a nature customarily incidental and subordinate
3 to, a principal building or structure, and the use of which is clearly incidental and subordinate to that of the
4 principal building or structure.
- 5 **Building Coverage**
6 That percentage of the total lot area covered by buildings.
- 7 **Building Envelope**
8 The three-dimensional space within which a structure is permitted to be built on a lot and which is defined
9 by regulations governing setbacks, maximum height and bulk; by other regulations; or any combination
10 thereof.
- 11 **Building, Front Line of**
12 The line of that part of the building nearest the front property line of the lot.
- 13 **Building, Principal**
14 A structure in which is conducted the main use of the lot on which the structure is situated.
- 15 **Building Permit**
16 See **Permit, Building**.
- 17 **Building Wall (as used in chapter 21.10, Signs)**
18 Any vertical surface of a building or structure (other than a pitched roof) that is integral to and could
19 reasonably be constructed as part of the architecture of the building when a sign(s) is not being
20 contemplated. Examples of building walls include but are not limited to: awnings, canopies, marquees,
21 the vertical portion of gable roofs, parapets, mechanical penthouses, etc.
- 22 **Business**
23 An enterprise that for consideration will provide for the sale or the rental of any article, substance, or
24 commodity, including but not limited to business services and personal services.
- 25 **Caliper**
26 The diameter of a tree six inches above the ground.
- 27 **Camper**
28 A portable structure mounted on a truck or truck chassis or a converted hearse, bus, station wagon or
29 panel truck designed for use as a temporary travel dwelling.
- 30 **Candela**
31 A unit measuring luminous intensity of a lighting source. An ordinary candle has a luminous intensity of
32 one candela. See *luminance*.
- 33 **Canopy**
34 A permanent architectural element projecting out from a building façade over a sidewalk or walkway. A
35 canopy shall be at least five feet in horizontal width, and no less than eight feet and no more than 15 feet
36 above grade.
- 37 **Cartway**
38 The paved area of a street between the curbs, including travel lanes and parking areas, but not including
39 shoulders, curbs, sidewalks, or swales. If curbs are lacking and parking is restricted to shoulders, the
40 cartway is defined as the travelway (exclusive of shoulders).

- 1 **CATV**
2 A utility that operates non-broadcast facilities that distribute to subscribers the signals of one or more
3 television broadcast stations.
- 4 **Certificate to Plat**
5 A certificate prepared by a title company authorized by the laws of the state to write the title, showing the
6 names of all persons having any record title interest in the land to be platted, together with the nature of
7 their respective interests therein.
- 8 **Certificate of Occupancy**
9 A Certificate of Zoning Compliance issued by the Municipality allowing the occupancy or use of a building
10 in the Building Safety Service Area, and certifying that the structure or use has been constructed or will
11 be used in compliance with all applicable municipal codes and ordinances.
- 12 **Certificate of Zoning Compliance**
13 A document issued by the Municipality indicating that a structure or use meets the applicable zoning
14 requirements at the time of issuance.
- 15 **Civil Penalty**
16 A fine levied by the Municipality for a violation of this title.
- 17 **Color Rendering Index (of a light source) (CRI)**
18 A measure of the degree of color shift that objects undergo when illuminated by the light source as
19 compared with those same objects when illuminated by a reference source of comparable color
20 temperature.
- 21 **Combination**
22 The elimination of interior lot lines in a subdivision that does not involve the vacation of dedicated streets,
23 easements, or public areas.
- 24 **Commercial Development**
25 A planned commercial center designed specifically for commercial use.
- 26 **Commercial Subdivision**
27 A subdivision, or that part of a subdivision, that is within the AC, CBD-1, CBD-2, CBD-3, MC, MU, or O
28 zoning districts.
- 29 **Commercial Tract Site Plan**
30 A map of a commercial tract depicting building footprints, parking areas, landscaping, driveway access
31 points to the property, site drainage and any fragment lots to be contained within the commercial tract.
- 32 **Common Areas and Facilities**
33 Those areas of a subdivision, building, planned unit development or condominium, including the property
34 upon which it is located, that are for the common use and enjoyment of the owners and occupants of the
35 subdivision, building, planned unit development or condominium. The areas may include the land, roofs,
36 main walls, elevators, staircases, lobbies, halls, parking space, open space, and communal facilities.
37 Common areas are shared by all tenants and are distinguished from space designated for private use.
- 38 **Common Wall**
39 A wall extending from the footing of a building to the roof along a side lot line between two lots on which
40 the building is located.

1 **Community Council**

2 Nonprofit, voluntary, self-governing associations composed of residents, property owners, business
3 owners, and representatives from nonprofit associations and other entities located within geographical
4 areas designated as districts by the assembly. Residents, for the purpose of this chapter, are defined as
5 residents, property owners, and representatives from nonprofit associations and other entities located
6 within geographical areas designated as districts by the assembly.

7 **Comprehensive Plan**

8 The collection of long-range municipal planning documents and maps that serves as the official policy
9 guide for the long-range physical, social, and economic development of Anchorage, including the
10 provision of its public infrastructure and services. The Comprehensive Plan is comprised of a series of
11 distinct plans adopted by the Assembly as elements of the Comprehensive Plan, that each deal with
12 separate aspects of community planning. The term "Comprehensive Plan" as used in this title refers to
13 any or all of these long-range plans that taken together constitute the Comprehensive Plan for the
14 Municipality of Anchorage.

15 **Comprehensive Plan Amendment, Cosmetic**

16 An amendment that affects the appearance, style, wording, or presentation of the Comprehensive Plan,
17 but does not alter its meaning, interpretation, or recommendations. Examples of cosmetic amendments
18 include, but are not limited to: revising map or document style, format, or layout to enhance clarity;
19 revising map or text content to accurately reflect additions to municipal facilities or revisions to adjoining
20 jurisdictions' adopted plans; adding explanatory text or labels; and correcting spelling or grammar.

21 **Comprehensive Plan Amendment, Substantive**

22 An amendment that affects the intent of the Comprehensive Plan. Examples of substantive amendments
23 include, but are not limited to: revising text to address a new policy direction or the addition of a new
24 zoning district.

25 **Construction**

26 Design, engineering, contract administration, work, labor, and materials furnished for an improvement.

27 **CRI**

28 See *Color Rendering Index*.

29 **Critical Root Zone**

30 The area beneath a tree's crown, within the tree's drip line, or one foot distance from the trunk for each
31 one inch in diameter, whichever is greater. The critical root zone is the portion of the root system that is
32 the minimum necessary to maintain the vitality or stability of the tree.

33 **DBH (as used in section 21.07.020, *Natural Resource Protection*)**

34 "Diameter at breast height," or diameter of a tree at four and one-half feet off the ground.

35 **Dedication**

36 The devotion of land to a public use by the owner manifesting the intention that it shall be accepted and
37 used presently or in the future for such public purpose. A dedication by the owner under the terms of this
38 subsection is a conveyance of an interest in property, which shall be deemed to include the warranties of
39 title listed in AS 34.15.030. The dedication of streets, alleys, sidewalks, or public open space shall
40 convey a fee interest in the area dedicated. The dedication of all other public rights-of-way, including
41 utility rights-of-way, shall be deemed to create an easement in gross to perform the indicated function in
42 the area depicted.

- 1 **Defined Bank**
2 The usual boundaries, not the flood boundaries, of a stream channel.
- 3 **Density, Gross**
4 The number of dwelling units per acre in any residential development.
5
- 6 **Density, Net**
7 The total number of dwelling units on a particular tract or parcel of land, not taking into account portions of
8 the tract or parcel that contain rights-of-way for streets, lakes, other water bodies, wetlands falling under
9 the regulatory jurisdiction of the U.S. Army Corps of Engineers, or other areas restricted from developed
10 by this title.
- 11 **Department**
12 Unless otherwise indicated in the text of this Code, the Planning Department of the Municipality of
13 Anchorage.
- 14 **Developer**
15 That person or entity improving or developing land, who may or may not be the owner of the property.
- 16 **Development**
17 The initiation, construction, change, or enlargement of any use or structure, the disturbance of land, or the
18 division of land into two or more parcels. "Development" shall include, but not be limited to, the following:
- 19 • Construction or enlargement of a building or structure;
- 20 • Change in the type of use of a building, structure, or land;
- 21 • Material increase in the intensity of use of land, such as an increase in the number of businesses,
22 offices, manufacturing establishments, or dwelling units located in a building or structure or on the
23 land;
- 24 • Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on
25 a parcel of land;
- 26 • Demolition of a structure or the removal of vegetation from a parcel of land;
- 27 • Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- 28 • Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other
29 body of water or alteration of any wetland; and
- 30 • Any land-disturbing activity that adds to or changes the amount of impervious or partially impervious
31 cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
- 32 **Disability (or Handicap)**
33 Has the same meaning as "disability," pursuant to the Americans with Disabilities Act of 1990, as
34 amended, 42 U.S.C. 126.
- 35 **Distribution Substation**
36 A utility facility where the electric voltage is transformed for distribution through a substation transformer.

-
- 1 **Director**
2 The Director of the Planning Department or designee.
- 3 **Dwelling**
4 A building or portion of a building designed or used exclusively as the living quarters for one or more
5 families.
- 6 **Dwelling, Mobile Home**
7 A dwelling constructed and fabricated after July 13, 1994, into one or more sections at a factory and
8 designed to be joined at the location of use on a permanent foundation.
- 9 **Easement**
10 An interest in land owned by another that entitles the easement holder to a specified limited use or
11 enjoyment.
- 12 **Encroachment**
13 The projection or intrusion of a building, structure, or other land-disturbing activity into an area where
14 such projections or intrusions are typically prohibited.
- 15 **Engineer**
16 A registered professional civil engineer authorized to practice engineering in the State of Alaska.
- 17 **Entitlement**
18 Any permit or approval granted under this title, including, but not limited to zoning map amendments,
19 conditional use permits, preliminary or final plat approval, site plan approval, and variances. For
20 purposes of administering and enforcing this title, the term also includes building and land use permits.
- 21 **Erosion**
22 The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
- 23 **Erosion Control**
24 A measure, structure, or device that controls the soil material within the land area under responsible
25 control of the person conducting a land-disturbing activity.
- 26 **Existing Vegetation**
27 Vegetation that predates a development application by at least two years.
- 28 **Ex Parte Contact**
29 A communication involving a municipal official and a member of the public or a municipal consultant
30 regarding a pending quasi-judicial matter or appeal, such that the municipal official may be exposed to
31 only one perspective or part of the evidence with regard to a quasi-judicial matter pending before the
32 commission or board on which the municipal official serves. Ex parte communications occur at other than
33 a public meeting of the commission or board on which the municipal official serves at which the quasi-
34 judicial matter discussed has been publicly noticed.
- 35 **Extent Reasonably Feasible**
36 Under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the
37 costs of compliance clearly outweigh the potential benefits to the public, or would unreasonably burden
38 the proposed project, and reasonable steps have been undertaken to minimize any potential harm or
39 adverse impacts resulting from noncompliance with the regulation.

1 **Family**

2 One or more persons occupying premises and living as a single housekeeping unit, as distinguished from
3 a group occupying a roominghouse, club, fraternity house or hotel.

4 **FAR**

5 See **Floor Area Ratio**.

6
7 **Feature, Architectural**

8 See **Architectural Feature**.

9 **Fence**

10 An artificially constructed barrier which is erected to enclose, screen, buffer, enhance or separate areas.

11
12 **Fence, Open**

13 A fence constructed with openings between materials used in its construction, such that three-fourths
14 (75%) or more of a visual image or light source may be seen through the fence.

15 **Fence, Semi-Open**

16 A fence constructed with openings between materials used in its construction, such that less than 75% of
17 a visual image or light source may be seen through the fence.

18 **Fence, Screening (Opaque)**

19 A fence, including any gates, constructed of solid material, wood or masonry, through which no visual
20 images or light sources may be seen.

21 **Final Acceptance**

22 Acceptance by the Municipality, at the completion of construction, of a public improvement, constructed
23 under terms of a subdivision agreement.

24 **Flag**

25 Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a
26 government, political subdivision, corporate or commercial entity, or institution. A corporate or
27 commercial, or institutional flag may only display the name, trademark, or logo of the business or
28 institution on the parcel and such flag may not be used for other business or advertising purposes.

29 **Flag Lot**

30 An irregularly shaped lot in which the buildable section typically has no street frontage, but has an arm
31 that provides street access, called the "flag pole." The width of the arm does not meet the minimum lot
32 width standards in the zoning district in which it is located.

33 **Flood and Flooding**

34 A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 35 • The overflow of inland or tidal waters.
- 36 • The unusual or rapid accumulation or runoff of surface waters from any source.
- 37 • Mudslides that are proximately caused or precipitated by accumulations of water on or under the
38 ground.
- 39 • The collapse or subsidence of land along the shore of a lake or other body of water as a result of
40 erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or

1 suddenly caused by an unusually high water level in a natural body of water, accompanied by a
2 severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tide surge,
3 or by some similarly unusual or unforeseeable event which results in flooding as defined in this
4 subsection.

5 **Flood Insurance Rate Map (FIRM)**

6 The official map on which the Federal Insurance Administration has delineated both areas of special flood
7 hazards and the risk premium zones applicable to the community.

8 **Flood Insurance Study**

9 The official report provided by the Federal Insurance Administration that includes flood profiles, the flood
10 boundary/floodway map, and the water surface elevation of the base flood.

11 **Flood Hazard Area**

12 Land adjacent to a watercourse that includes the streambed, floodway, flood fringe, and the floodplain.

13 **Floodplain**

14 That area of land adjoining the channel of a river, stream or other similar body of water which may be
15 inundated by a flood that can reasonably be expected to occur. The floodplain, shall include all the land
16 within the limits of the 100-year flood, and the floodway within it if such floodway is delineated.

17 **Floodproofing**

18 Any combination of structural and nonstructural additions, changes or adjustments to structures which
19 reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities,
20 structures and their contents.

21 **Floodway, Regulatory**

22 The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to
23 discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
24 The boundaries of this area shall be established on the basis of the maps and reports adopted by section
25 21.04.070.E, *Flood Hazard Overlay District*.

26 **Floodway Fringe**

27 That area of land lying between the outer limit of the regulatory floodway and the outer limit of the base
28 flood elevation. The boundaries of this area shall be established on the basis of the maps and reports
29 adopted by section 21.04.070.E, *Flood Hazard Overlay District*.

30 **Floor Area Ratio (FAR)**

31 The maximum gross floor area of all buildings on a lot or parcel, divided by the area of the lot or parcel.
32 (A floor area ratio of 2.0 provides for 23,000 gross square feet of building area on a lot with an area of
33 11,500 square feet.)

34 **Footcandle**

35 A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and
36 originally defined with reference to a standardized candle burning at one foot from a given surface.

37 **Fragment Lot**

38 A division of a commercial tract for purposes of facilitating construction or financing of a commercial
39 development requiring multiple phases of construction. The term "fragment lot" does not include
40 properties outside of the boundaries of an approved commercial tract. Fragment lots may be described in
41 metes and bounds descriptions.

1 **Front Parking Area**

2 The portion of a site's parking areas that are between the façade of the principal building and an abutting
3 street. The Front Parking Area shall be determined by drawing a line from the front corners of the
4 building to the nearest property corners. If any such line, when connected to the plane of the front façade
5 of the building, creates an angle that is greater than 180 degrees, then the line shall be adjusted to create
6 an angle of 180 degrees. If any such line, when connected to the plane of the front façade of the building,
7 creates an angle that is less than 90 degrees, then the line shall be adjusted to create an angle of 90
8 degrees when connected to the plane of the front façade of the building. The front parking area includes
9 all parking spaces that fall at least halfway into the boundaries of the front parking area, and all parking
10 spaces associated with any pad sites located within the front parking area boundaries.
11 [ILLUSTRATIONS]

12 **Full Cut-Off**

13 A fixture that conforms to the Illuminating Engineer Society of North America (IESNA) criteria for full cut-
14 off fixtures, that is, no significant amount of the fixture's total output may be emitted above a vertical cutoff
15 angle of 90 degrees. Any structural part of the fixture providing this cutoff angle must be permanently
16 affixed.

17 **General Area of a Zoning Map Amendment**

18 The area within one mile of the property subject to the zoning map amendment.

19 **Geotechnical Advisory Commission**

20 The Geotechnical Advisory Commission of the Municipality of Anchorage.

21 **Glare**

22 Light that makes it uncomfortable or difficult to see, causing a loss of visual performance.

23 **Grade (Adjacent Ground Elevation)**

24 The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area
25 between the building and the property line, or, when the property line is more than five feet from the
26 building, between the building and a line five feet from the building.

27 **Greenbelt**

28 A linear open space established along either a natural corridor, such as a riverfront, stream valley, or
29 ridge line, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road,
30 or other route.

31 **Grid**

32 The 100-scale grid designation as established by the Municipality.

33 **Gross Area**

34 The total site area, excluding bodies of water, to be included within a proposed development as indicated
35 on a site plan.

36 **Gross Floor Area**

37 The total horizontal area of all of the floors of a building, measured from exterior to exterior, including
38 interior balconies, mezzanines, stairwells, elevator shafts and ventilation shafts, etc.

39 **Ground Cover**

40 Grasses or other low-growing plants and landscaping.

-
- 1 **Guest**
2 Any person hiring or occupying a room for living or sleeping purposes.
- 3 **Guestroom**
4 A room intended or designed to be used for sleeping purposes.
- 5 **Health Authority Certificate**
6 A written confirmation signed by an engineer and the department of Health and Human Services
7 certifying that the on-site sewer and water system serving a single-family dwelling is functional and
8 complies with all state and local regulations and codes.
- 9 **Height (as used in section 21.04.070.C., Airport Height Overlay District)**
10 For the purpose of the airport height map, the distance above mean sea level, unless otherwise specified.
- 11 **Height, Building**
12 The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or
13 to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof.
- 14 **Hospital**
15 Has the same meaning as set forth in Alaska Statutes chapter 18.20.
- 16 **Illuminance**
17 The measure of light intensity striking a surface, measured in footcandles.
- 18 **Impervious Surface**
19 An area of ground that, by reason of its physical characteristics or the characteristics of materials
20 covering it, does not absorb rain or surface water. All parking areas, driveways, roads, sidewalks and
21 walkways, whether paved or not, and any areas covered by buildings or structures, concrete, asphalt,
22 brick, stone, wood, ceramic tile or metal, shall be considered to be impervious surfaces.
- 23 **Improvement Areas**
24 Portions of the Municipality divided up into geographic areas for the purposes of determining public
25 improvement requirements.
- 26 **Improvements**
27 Any construction incident to servicing or furnishing facilities for a subdivision, such as grading, street
28 surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary
29 sewers, storm sewers, culverts, bridges, utilities, waterways, lakes, bays and other appropriate items with
30 an appurtenant construction.
- 31 **Industrial**
32 An activity including manufacturing, processing, warehousing, storage, distribution, shipping and other
33 related uses.
- 34 **Industrial Development**
35 A planned industrial area designed specifically for industrial use.
- 36 **Industrial Subdivision**
37 A subdivision, or that part of a subdivision, that is within the I-1, I-2, IC, or MI zoning district.

- 1 **Information, Piece of**
2 A word, whole number, telephone number, price, logo, picture, exclamation point, or similar separately
3 identifiable unit on a sign.
- 4 **Joint Trench**
5 A trench excavated for the underground placement of utility distribution lines owned or operated by two or
6 more utilities.
- 7 **Junk**
8 Any worn-out, wrecked, scrapped, partially or fully dismantled, discarded tangible material, or
9 combination of materials or items, including junk vehicles as defined in section 15.20.010. Also included
10 are machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot,
11 without further alteration and reconditioning, be used for their original purpose.
- 12 **Land-Disturbing Activity**
13 Any use of the land by any person for any activity that results in a change in the natural cover or
14 topography and that may cause or contribute to sedimentation. Within watershed management areas,
15 land-disturbing activity shall include the clear cutting of trees unless specifically exempted by this title.
- 16 **Landmark Tree**
17 A tree or group of trees designated as such by the municipal arborist because of its exceptional value to
18 the residents of the community.
- 19 **Landing Area**
20 The area of the airport or airstrip used for landing, takeoff, or taxiing by aircraft.
- 21 **Landowner**
22 Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors,
23 assigns, and agent or personal representative of the owner. The person shown on the records at the
24 Anchorage Recording District shall be presumed to be the person in control of the property.
- 25 **Landscaping**
26 Trees, shrubs, ground covers, and related improvements, including furniture and other facilities intended
27 to enhance public activity spaces both within and outside the affected development. This definition shall
28 include spaces of varying degrees of enclosure from interior spaces to transitional spaces and outdoor
29 spaces.
- 30 **Landscaping Maintenance**
31 Includes but is not limited to appropriate watering, pruning, weeding, insecticide spraying, fertilizing, plant
32 replacement and other necessary functions as required to keep all plant materials in a vigorous healthy
33 growing condition.
- 34 **Legal Access**
35 Having legal access means being contiguous to a roadway as described in AMC section 9.04.010.
- 36 **Legal Nonconforming Status**
37 A state or condition where a documented nonconforming use, structure, lot, or sign is allowed to remain
38 and be maintained until it is damaged beyond 50 percent of its value, redeveloped, or abandoned.
- 39 **Light Emitting Diode (LED)**
40 A semiconductor device that emits visible light when an electric current passes through it.

- 1 **Light, Spill**
2 Lighting from a lighting installation that falls outside of the boundaries of the property on which the
3 installation is sited.
- 4 **Light Trespass**
5 Spill light that because of quantitative, directional, or spectral content causes annoyance, discomfort, or
6 loss of visual performance and visibility.
- 7 **Lighting, Temporary**
8 Lighting installed with temporary wiring and operated for less than 60 days in any calendar year.
- 9 **Loading Space, Off-Street**
10 A space located on premises for pickup and delivery at the premises.
- 11 **Lot**
12 A parcel of land shown as an individual unit on the most recent plat of record. The term "lot" includes
13 "plot," "parcel," or "tract."
- 14 **Lot Area**
15 The amount of horizontal land area contained inside the lot lines of a lot or site.
- 16 **Lot Coverage**
17 That percentage of the total lot area covered by buildings, except as provided in section B.2.b,
18 *Projections into Required Setbacks*
- 19 **Lot, Corner**
20 A lot located at the intersection of two or more streets. A lot abutting on a curved street shall be
21 considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost
22 point of the lot meet at an interior angle of less than 135 degrees.
- 23 **Lot, Depth of**
24 The mean horizontal distance between the front and rear property lines of a lot, measured in the general
25 direction of its side property lines between the midpoint of such lines, except that such measurement shall
26 not extend outside the lot lines of the lot being measured.
- 27 **Lot, Front**
28 The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining
29 setback requirements on corner lots and double-frontage lots, all sides of a lot adjacent to streets shall be
30 considered frontage, and setbacks shall be provided as required in the schedule of district regulations.
- 31 **Lot Frontage**
32 All property abutting the right-of-way of a dedicated street, private street, or road easement, measured
33 along the right-of-way between side lot lines of a lot. In no case shall the line along an alley be
34 considered as lot frontage.
- 35 **Lot, Interior**
36 A lot other than a corner lot, with frontage only on one street.
- 37 **Lot Line**
38 The fixed boundaries or property lines of a lot described by survey located on a plat filed for record.

- 1 **Lot Line, Front**
2 That boundary of a lot measured along the edge of the right-of-way of a dedicated street, private street or
3 road easement that abuts that line. In the case of a corner lot, all lines that meet this description are front
4 lot lines.
- 5 **Lot Line, Rear**
6 That boundary of a lot that is most parallel to the front lot line and does not intersect the front lot line. In
7 the case of a triangular lot, the rear lot line is a line 20 feet in length within the lot parallel to and at the
8 maximum distance from the front lot line.
- 9 **Lot Line, Side**
10 That boundary of a lot that is neither a front or rear lot line.
- 11 **Lot, Nonconforming**
12 A lot that met all legal requirements when it was platted or otherwise recorded but that does not comply
13 with the minimum lot area or minimum lot dimensions of this title, or a subsequent amendment hereto, for
14 the zoning district in which it is located.
- 15 **Lot of Record**
16 A lot that is recorded by the District Recorder's Office.
- 17 **Lot, Through and Double-Frontage Lot**
18 A lot other than a corner lot with frontage on more than one street.
- 19 **Lot, Townhouse**
20 A lot subdivided for the purposes of accommodating attached single-family residential dwelling units.
21 Such lots may or may not include additional area not covered by the structure.
- 22 **Lot, Transverse**
23 A lot that is approximately at right angles to the general pattern of other lots in the same city block.
- 24 **Lot Width**
25 The distance between straight lines connecting the front and rear lot lines at each side of the lot,
26 measured between the midpoints of such lines, provided that such measurement shall not extend beyond
27 the lot lines of the lot being measured. Flag-shaped lot width shall be measured at the midpoint of the lot
28 excluding the flagpole area of the lot.
- 29 **Lowest Floor**
30 The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant
31 enclosure, usable solely for parking of vehicles, building access or storage, in any area other than a
32 basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as
33 to render the structure in violation of the application nonelevation design requirements of section
34 21.04.070.E.
- 35 **Lumen**
36 The unit of luminous flux (radiant energy): a measure of the amount of light emitted by a lamp. See also
37 *illuminance*.
- 38 **Luminaire**
39 A complete lighting unit consisting of one or more electric lamps, the lamp holder, reflector, lens, ballast,
40 and/or other components and accessories.

- 1 **Luminaire, Cut-off**
2 A luminaire emitting a light distribution where the candela per 1000 lamp lumens does not numerically
3 exceed 25 (2.5 percent) at an angle of 90 degrees above nadir, and 100 (10 percent) at a vertical angle of
4 80 degrees above nadir. This applies to all lateral angles around the luminaire.
- 5 **Luminaire, Full Cut-off**
6 A luminaire emitting a light distribution where zero candela intensity occurs at or above an angle of 90
7 degrees above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100
8 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the
9 luminaire.
- 10 **Luminaire, Non Cut-off**
11 A luminaire emitting a light distribution where there is no candela limitation in the zone above maximum
12 candela. The luminaire may emit light in any direction.
- 13 **Luminaire, Semi Cut-off**
14 A luminaire emitting a light distribution where the candela per 1000 lamp lumens does not numerically
15 exceed 50 (5 percent) at an angle of 90 degrees above nadir, and 200 (20 percent) at a vertical angle of
16 80 degrees above nadir. This applies to all lateral angles around the luminaire.
- 17 **Luminaire, Side Shielding**
18 A vertical shield that blocks light in the direction of a sensitive land use or adjacent property, such as a
19 house.
- 20 **Luminance**
21 The luminous intensity (photometric brightness) of a light source or reflecting surface, measured in
22 candelas per square meter.
- 23 **M.A.S.S.**
24 An abbreviation for the "Municipality of Anchorage Standard Specifications," which is a manual that
25 identifies the approved common construction practices associated with subdivision development and
26 public works projects.
- 27 **Maintenance Easement**
28 An easement appurtenant to a lot or parcel permitting entry upon another lot or parcel for the purpose of
29 maintaining, repairing or reconstructing a structure on the former lot or parcel.
- 30 **Mobile Home Park**
31 A parcel, or contiguous parcels, of land divided into two or more mobile home lots for rent or sale.
- 32 **Mean Sea Level**
33 The average height of the sea for all states of the tide. Datum is Greater Anchorage Area Borough, Post
34 Quake, U.S. Geodetic Survey of 1972.
- 35 **Maximum Extent Feasible**
36 That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or
37 minimize potential harm or adverse impacts have been undertaken.
- 38 **Minor Amendment**
39 An amendment to an approved permit or other form of approval granted under this title that involves a
40 relatively smaller amount of change from the original approval. Specific rules for granting minor
41 amendments are set forth in chapter 21.03, *Review and Approval Procedures*.

- 1 **Minor Modification**
2 A minor deviation from otherwise applicable standards of this title approved under section 21.03.180.
- 3 **Monument**
4 A permanent survey control point.
- 5 **Mounting Height**
6 The vertical distance between the lowest part of the luminaire and the ground surface directly below the
7 luminaire.
- 8 **Municipal Attorney**
9 The official legal representative for the Municipality.
- 10 **New Structures (as used in section 21.04.070.E., FHO: Flood Hazard Overlay District)**
11 Structures for which the start of construction commenced on or after September 25, 1979. The start of
12 construction means the first placement of a permanent foundation and appropriate structural framing.
- 13 **Nonconforming Use**
14 A use that was valid when brought into existence but by subsequent regulation becomes no longer
15 conforming.
- 16 **Nonconformity**
17 Any legally approved structure, lot, sign, object of natural growth, or use of land that no longer conforms
18 with the requirements of this title.
- 19 **Nonresidential Lot**
20 A lot that is not zoned for residential use.
- 21 **Nursing Facility**
22 Has the same meaning as set forth in Alaska Statutes chapter 18.20.
- 23 **Obstruction**
24 Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification,
25 bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across
26 or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or
27 change the direction of the flow of water, either in itself or by catching or collecting debris carried by such
28 water, or that is placed where the flow of water might carry the material downstream to the damage of life
29 or property.
- 30 **On-Site Remediation**
31 Removal of volatile and semi-volatile contaminants from soils, sediments, slurries and filter cakes within
32 300 feet of the location where the material was originally contaminated.
- 33 **Open Space, Common**
34 Open space for the common use and enjoyment of the owners and occupants of the subdivision, building,
35 planned unit development or condominium. Common means shared by all tenants and is distinguished
36 from space designated for private use.
- 37 **Open Space, Usable**
38 Open space within a proposed development site, excluding areas devoted to roadways and parking. The
39 space may be common or private.

1 **Ornamental (Decorative) Fence**

2 An artificially constructed barrier of any material or combination of materials erected primarily for its
3 beauty or decorative purposes rather than for enclosure or screening.

4 **Overlay District**

5 A unique set of zoning regulations that are superimposed on one or more established zoning districts and
6 shown on the zoning map, and subsequently impose in addition to or in place of the regulations of the
7 underlying district. The overlay district may be used to impose supplemental restrictions on uses in these
8 districts, permit uses otherwise disallowed, or implement some form of site or architectural design
9 program. Developments within an overlay district must conform to the requirements of the underlying
10 district as modified by the overlay district and as set forth in the enacting ordinance.

11 **Parcel**

12 See *Lot*

13 **Parking Space, Off-Street**

14 A space located outside of any right-of-way that is adequate for parking an automobile, meeting the
15 dimensional requirements of this title.

16 **Permeable Surface**

17 An area of ground that, by reason of its physical characteristics and the characteristics of materials
18 covering it, is able to absorb rain or surface water at a rate equal or greater than that of lawn turf.
19 Examples include natural vegetation, lawn turf, landscape beds, gardens, mulch, decorative gravel, and
20 some types of porous pavements.

21 **Permit, Building**

22 A land use permit issued by the Municipality of Anchorage pursuant to the Municipal Code and the State
23 building code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement,
24 conversion, remodeling, demolition, moving, or repair of a building or structure within the Building Safety
25 Service Area.

26 **Permit, Land Use**

27 An official document issued by the Municipality of Anchorage pursuant to this title required for the
28 erection, construction, establishment, moving, alteration, enlargement, repair, placement, or conversion of
29 any building, structure, or land in any district established under this title.

30 **Permit, Sign**

31 An official document issued by the Municipality of Anchorage pursuant to this title required for the
32 construction, installation, maintenance, and operation of signs within the Municipality.

33 **Permit, Special Flood Hazard**

34 An official document issued by the Municipality of Anchorage pursuant to this title for uses, structures, or
35 activities listed in the floodplain regulations.

36 **Person**

37 Any individual, lessee, firm, partnership, association, joint venture, corporation, or agent of the
38 aforementioned groups, or the State of Alaska or any agency or political subdivision thereof.

39 **Physical Access**

40 Having physical access means being adjacent to a road suitable for travel by passenger automobiles that
41 is connected to the publicly dedicated and improved transportation network of the municipality.

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- 1 **Pillow**
2 A sleeping accommodation for one person.
- 3 **Survey, As-Built**
4 A plan showing the true and actual location and nature of buildings, structures, plant materials, utility
5 easements, and other features or improvements that have been installed on or off the property pursuant
6 to a site and/or subdivision plan approved under this title, to be used to determine compliance with the
7 requirements of this title.
- 8 **Plan, Concept**
9 A graphical depiction of one or more potential development alternatives for one or more parcels of land
10 which includes less detail than a site plan, but which is intended to convey information such as, but not
11 limited to: various general types of land uses or use classifications, their general arrangement, and their
12 general appearance within the plan's boundary.
- 13 **Plan, Landscaping**
14 A plan, drawn to scale, showing dimensions and details of the portion of a site devoted to planting
15 materials and their maintenance.
- 16 **Plan, Master**
17 The maps, illustrations, and supporting text associated with a planned development which conveys the
18 allowable uses, densities, non-residential intensities, and arrangement of uses within the boundaries of
19 the planned development along with any associated conditions, phasing schedules, and other
20 agreements.
- 21 **Plan, Plot**
22 A map identifying the outer extents of a single unit or parcel of land that can be referenced to a recorded
23 plat or map.
- 24 **Plan, Site**
25 A plan depicting the proposed development of a property, in terms of the location, scale, and
26 configuration of buildings, uses, and other features containing all the information required by this title. A
27 site plan may include but is not limited to lot lines, adjacent lots and streets, building sites, reserved open
28 space, buildings, interior vehicular and pedestrian access, parking lot design (calculations and layout),
29 signage, lighting and screening devices, existing and proposed landscaping, topography, drainage, and,
30 depending on requirements, floor plans, building elevations and locations of proposed utility services and
31 lines, and any other information that reasonably may be required in order that an informed decision can
32 be made by the approving authority.
- 33 **Plan, Sketch**
34 An informal plan or sketch drawn to scale, and in pencil, if desired, showing the existing features of a site
35 and its surroundings and the general layout of a proposed subdivision.
- 36 **Plan, Subdivision**
37 A proposed plan of development to establish a subdivision that contains all information such as lot lines,
38 streets, easements, and other features required by this title.
- 39 **Planning Commission**
40 The Planning and Zoning Commission of the Municipality of Anchorage.

- 1 **Plat**
2 A map document prepared by a registered surveyor representing a tract of land showing the boundaries
3 and location of individual properties, streets, and other related items for identifying property.
- 4 **Plat, Final**
5 A map of a subdivision of land made up in final form ready for approval and recording.
- 6 **Plat, Preliminary**
7 A map showing the salient features of a proposed subdivision of land submitted to the platting authority
8 for purposes of preliminary consideration and approval.
- 9 **Platting Authority**
10 The Municipal Platting Board, or any other board so designated by the Assembly.
- 11 **Platting Officer**
12 A member of the Planning Department who has been assigned primary responsibilities for reviewing plats
13 and making recommendations to the Platting Authority, and who has been so designated by the Director
14 of the Planning Department.
- 15 **Plot**
16 See *Lot*
- 17 **Pre-Application Conference**
18 A meeting between an applicant and the municipal staff intended to familiarize both parties with
19 conceptual plans or proposals presented by the applicant.
- 20 **Prisoner**
21 The same meaning as defined in AS 33.30.901 as to state prisoners, and includes persons convicted of a
22 felony described in AS 11.41, *Offenses Against the Person*, in Alaska or of an offense with the same or
23 substantially similar elements in another jurisdiction until they have successfully completed all conditions
24 of parole and probation and are no longer under the supervision of the court, the Alaska Department of
25 Corrections, another state or municipal agency, or contractor to those entities. The term "prisoner" also
26 includes federal offenders in the custody, control or under the care of supervision of the United States
27 attorney general or the bureau of prisons.
- 28 **Private Enforcement Action**
29 A process by which a private individual, homeowner's association, or Community Council can request
30 that the Administrative Hearings Officer hear and investigate charges that another person or owner of
31 land has violated the requirements of this title.
- 32 **Profession**
33 An occupation, such as law, medicine, or engineering, which requires considerable training and
34 specialized study.
- 35 **Property Line**
36 A demarcation limit of a lot dividing it from right-of-way, or other lots or parcels of land.
- 37 **Public Enforcement Action**
38 An action brought by the Municipality against owners or users of land for violating the provisions of this
39 title.

1 **Public Facility**

2 Any of the following buildings and structures (including streets and highways) owned, or leased for no
3 less than ten years, including all options to extend or renew, by a government agency not exempt by law
4 from municipal land use regulation:

5 ◆ Any newly constructed building or buildings in which government operations or activities occupy
6 more than a total of 4,000 square feet on the site, and any existing building acquired by purchase
7 or lease in which government operations or activities occupy more than 15,000 square feet;

8 ◆ Any use of land over five acres in area;

9 ◆ Any regional trail alignment as shown in the areawide trails plan; and

10 ◆ Any public snow disposal site.

11 **Public Facility Project**

12 The construction or significant alteration of a public facility.

13 **Public Open Space**

14 Land dedicated or reserved for the use by the public, including but not limited to parks, greenbelts,
15 recreation areas, and school sites.

16 **Public Utility**

17 Any person or organization subject to regulation under AS 42.05.

18 **Record of Survey Map**

19 A map prepared by a professional land surveyor that reestablishes survey controls, boundaries, locations
20 of improvements, or the alignment of right-of-ways for recording

21 **Recreational Vehicle**

22 A vehicular type unit primarily designed as temporary living quarters for travel, camping, recreational or
23 vacation usage, which either has its own motive power or is mounted on or drawn by another vehicle.
24 The basic entities are travel trailer, camping trailer, pickup truck camper, fifth-wheel and motor home.

25 **Redevelopment**

26 The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of
27 land from which previous improvements have been removed.

28 **Regulatory Floodway**

29 See **Floodway, Regulatory**.

30 **Reinforcement**

31 Repair, replacement, or addition of a crossarm, guy, pole, stub, or conductor for a utility distribution
32 facility.

33 **Relocation**

34 A change in alignment of more than six spans.

35 **Reserve Strips**

36 Narrow strips of land adjacent to a street that are privately owned and are used to retain access to
37 flagpole lots.

1 **Residential**

2 Activity involving the occupation of buildings for living, cooking, sleeping, and recreation.

3 **Residential Cluster Development**

4 A development design technique that concentrates buildings in specific areas on the site in a manner that
5 would not otherwise be permitted in the underlying zoning district.

6 **Residential Subdivision**

7 A subdivision, or that part of a subdivision, that is within an R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-9, R-10,
8 RMX, or TA zoning district.

9 **Rezoning (Map Amendments)**

10 An amendment to the map and/or text of this title to effect a change in the boundaries of any zoning
11 district or the zone classification of any parcel of land in the Municipality.

12 **Right-of-Way**

13 Streets, avenues, ways, boulevards, drives, circles, courts, alleys, sidewalks, walkways, trails, and other
14 such areas granted or dedicated for the use of the public for the placement of utilities and/or for the
15 passage of vehicles and/or pedestrians, including the space above and beneath such areas.

16 **Runway**

17 A defined area on land or water prepared for use for landing and takeoff of aircraft.

18 **Salvageable Improvements**

19 As used in section 21.08.080, *Subdivision Agreements*, and describes those portions of street
20 improvements constructed within a dedicated right-of-way that are usable as a part of the finally
21 constructed street. Salvageable improvements include such items of work as clearing and grubbing,
22 removal of unsuitable material and placement of classified backfill, but do not include temporary surfacing
23 and other work that would not be usable or beneficial to final street construction. This definition applies
24 only to those streets that are not, during their initial construction, improved to the final paved standard of
25 the municipality.

26 **Screening Structure**

27 A decorative fence four feet to six feet high.

28 **Secondary Building**

29 A building detached from a principal building located on the same lot and customarily incidental and
30 subordinate to the principal building or use.

31 **Setback**

32 The minimum distance required between any building or structure and a street right-of-way or lot line, or
33 from some other feature or object from which a separation distance is required.

34 **Setback, Front**

35 A setback that extends across the full frontage of a lot or tract on a public or private street. The front
36 setback is defined by the front lot line.

37 **Setback, Rear**

38 A setback that extends across the full rear of a lot or tract. The rear setback is defined by the rear lot
39 line. Corner lots, through lots, and three-sided lots do not have rear setbacks.

1 **Setback, Side**

2 Any setback that is not a front or rear setback. Generally, side setbacks extend from the inner boundary
3 of the front setback (or from the front property line of the lot or tract where no front setback is required) to
4 the inner boundary of the rear setback (or to the rear property line of the lot or tract where no rear setback
5 is required.) For corner and through lots, setbacks remaining after front setbacks have been established
6 shall be considered side setbacks.

7 **Service Canopy**

8 A permanent roofed shelter such as fuel station pump island canopies and bank drive-through canopies.
9 A point of service canopy is a canopy under which a business provides some service to a customer, such
10 as food service, a bank transaction, or the like.

11 **Service Connection**

12 Conductors transmitting utility service from a utility distribution line to a customer's riser or service
13 entrance.

14 **Shadow Platting**

15 The platting of property in such a way as to provide for future subdivision into smaller lots.

16 **Shrub**

17 A woody perennial plant having more than one main stem at the ground, usually attaining a height of less
18 than 15 feet.

19 **Sidewalk**

20 An improved right-of-way for pedestrian circulation that is part of the street right-of-way.

21 **Sight Distance Triangle**

22 Refers to the roadway area visible to the driver. The required length is the distance necessary to allow
23 safe vehicular egress from a street, driveway, or alley to a street.

24 **Sign**

25 Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors,
26 or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to,
27 or to announce or promote, an object, product, place, activity, person, institution, organization, or
28 business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs,
29 colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an
30 announcement, direction, or advertisement.

31 **Sign, Animated**

32 A sign that contains animation or animated effects, changeable copy, flashing, or moving parts.

33 **Sign, Banner**

34 A sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a
35 building or other structure at one or more edges.

36 **Sign, Building**

37 Any sign attached to any part of a building and including wall, awning, canopy, and projecting signs. A
38 wall sign is a building sign that is parallel to and does not extend from the wall more than 12 inches.

39 **Sign, Changeable Copy**

40 A portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure,
41 framing, or background allowing the letters, characters or graphics to be modified from time to time

1 manually or by electronic or mechanical devices, such as a bulletin board or electronic message board.
2 Changeable copy signs may not be used to display commercial messages relating to products or services
3 that are not offered on the property.

4 **Sign, Construction**

5 A temporary sign identifying a project or facility during the time of construction. Such signs typically
6 include the name of an architect, engineer, and/or contractor for a building or project located on the
7 parcel.

8 **Sign, Converted**

9 A sign that was temporary or portable that was subsequently affixed to the ground or a building so as to
10 become permanent.

11 **Sign, Entrance or Exit**

12 A sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.

13 **Sign, Freestanding**

14 A sign supported from the ground and not attached to any building. A freestanding sign may be
15 supported by one or more poles or a solid base. Pole signs are considered freestanding signs.

16 **Sign, Historic**

17 Any sign that has been designated as historic by the Urban Design Commission.

18 **Sign, Ideological or Political**

19 Any temporary sign displaying or advocating an idea, opinion, or position on any social, cultural, religious,
20 or political issue and containing no commercial message.

21 **Sign, Illuminated**

22 Any sign which is partially or entirely illuminated internally or externally so as to make the sign more
23 visible.

24 **Sign, Inflatable**

25 Any inflatable shape or figure designed or used to attract attention to a business event or location.
26 Inflatable promotional devices shall be considered to be temporary signs under the terms of this chapter
27 and, where applicable, subject to the regulations thereof.

28 **Sign, Instructional**

29 A sign that has a purpose secondary to the use on the lot and that is intended to instruct employees,
30 customers, or users as to matters of public safety or necessity such as specific parking requirements, the
31 location or regulations pertaining to specific activities on the site or in the building, and including a sign
32 erected by a public authority, utility, public service organization, or private industry that is intended to
33 control traffic; direct, identify or inform the public; or provide needed public service as determined by the
34 rules and regulations of governmental agencies or through public policy.

35 **Sign, Nonconforming**

36 A sign which was legally erected, but which is no longer in compliance with the requirements of this title.

37 **Sign, Off-Premises**

38 See *Billboard*.

- 1 **Sign Plate**
2 A building sign which does not exceed two square feet indicating the street number, the name of the
3 person, business, profession or activity occupying the lot, building, or part thereof; or other information
4 pertaining to the use on the lot.
- 5 **Sign, Portable**
6 Any sign that is not permanently attached to the ground or other permanent structure, or a sign designed
7 to be transported on wheels, skids, a bench, runners, brackets, or has a frame to which wheels, skids,
8 runners, brackets, or similar mechanical devices can be attached to or support the sign. A portable sign
9 also includes inflatable devices and mobile signs such as parked trailers or vehicles, which include signs
10 which are visible from the public right-of-way unless such vehicle is used in the normal day-to-day
11 operations of the business.
- 12 **Sign, Pole**
13 A sign that is mounted on a freestanding pole or poles, or other support structure that is visible.
- 14 **Sign, Projecting**
15 A sign that is attached to a building wall and extending perpendicular to (or approximately perpendicular
16 to) the building wall and 12 inches or more beyond the face of the wall.
- 17 **Sign, Roof**
18 A sign, or any portion thereof, erected, constructed, painted, placed, or projecting upon or over the roof or
19 parapet wall of any building whether the principal support for the sign is on the roof, wall or any other
20 structural element of the building.
- 21 **Sign, Temporary**
22 A sign that is designed to be used only temporarily and is not intended to be permanently attached to a
23 building, structure or permanently installed in the ground. These include, but are not limited to, political
24 signs, special event signs, and for sale or leasing signs. Mobile and portable signs are temporary signs.
25 Temporary signs may be displayed as window signs.
- 26 **Sign, Traffic**
27 A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian
28 movement.
- 29 **Sign, Window**
30 A sign that is applied or attached to a window or door, or a sign located near a window within a building
31 for the purpose of being visible to and read from the outside of the building except for signs that are not
32 legible from a distance of more than three feet beyond the building in which such sign is located.
- 33 **Significant Alteration⁴**
34 An alteration costing more than \$500,000.00 or 20 percent of the value of the public facility, whichever is
35 less.
- 36 **Site Condominium**
37 [RESERVED]
- 38 **Site Plan**
39 See **Plan, Site**.

1 **Site Plan Review**

2 The process whereby the reviewing authority reviews the site plans and maps of a developer to ensure
3 that they meet the stated purposes and standards of the zone, provide for the necessary public facilities
4 such as roads and schools, and protect and preserve topographic features and adjacent properties
5 through appropriate siting of structures and landscaping.

6 **Site Selection**

7 The process by which the Municipality shall review and decide the selection of a site for a public facility.

8 **Slope**

9 The vertical elevation of a land area divided by the horizontal distance, expressed as a percentage.

10 **Space**

11 As used in section 21.05.030, *Mobile Home Parks*, a defined land area in a mobile home park on which a
12 mobile home may be placed and which is described by boundary lines measured in terms of:

13 Its depth expressed as a mean distance between the front and rear of the space, measured in the general
14 direction of the side space lines.

15 Its width expressed as a mean distance between the side lines of the space, measured in the general
16 direction of the front and rear space lines.

17 **Special Hazard Area**

18 An area having special flood, mudslide, or flood-related erosion hazards.

19 **Special Limitation**

20 A provision adopted by ordinance which restricts the permitted principal uses and structures otherwise
21 allowed in a zoning district or which requires compliance with design standards not otherwise required by
22 zoning district regulations or other sections of this title.

23 **Start of Construction**

24 Includes substantial improvement, and means the date the building permit was issued, provided the
25 actual start of construction, repair, reconstruction, placement or other improvement was within 180 days
26 of the permit date. The actual start means either the first placement of permanent construction of a
27 structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of
28 columns or any work beyond the stage of excavation; or the placement of a manufactured home on a
29 foundation. Permanent construction does not include land preparation, such as clearing, grading and
30 filling; nor does it include the installation of streets or walkways; nor does it include excavation for a
31 basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the
32 installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling
33 units or not part of the main structure.

34 **State Highway Project**

35 A highway project that has received design authorization from the Federal Highway Administration or
36 legislative approval from the state legislature.

37 **Station**

38 As used in connection with a drive-in bank, a location which is adequate to accommodate a single vehicle
39 at any one time for the purpose of allowing occupants of that vehicle to receive automated or personal
40 service from a financial institution while remaining in the vehicle.

- 1 **Steep Slope**
2 A slope that is 20 percent or greater.
- 3 **Stormwater**
4 Surface water runoff originating from surface water, rain, snowmelt, wash waters, street wash, subsurface
5 drainage, or other drainage but excludes wastewater as defined in title 15 of the Anchorage Municipal
6 Code.
- 7 **Story**
8 That portion of a building between any floor and the next floor above, except that the topmost story shall
9 be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor
10 level directly above a basement, cellar, or unused floorspace is more than six feet above grade for more
11 than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement,
12 cellar, or unused floorspace shall be considered a story.
- 13 **Story, Half**
14 A story under a gable, hip, gambrel or mansard roof, the wall plates of which on at least two opposite
15 exterior walls are not more than two feet above the floor of such story.
- 16 **Stream**
17 Any natural conveyance of water flowing in a definite course or channel and possessing a bed and banks.
18 This includes any reaches of natural streams that have been modified or channeled that still convey
19 flows. A natural stream conveys more flow than can be attributed to a single snowmelt or rainfall event.
- 20 **Stream Bed**
21 That portion of a stream utilized for water flow during nonflood periods, normally extending from the
22 thalweg (low point) to each bank.
- 23 **Street**
24 A right-of-way improved for vehicular and pedestrian travel permanently open to general use that affords
25 the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway
26 and any other similar public thoroughfare, except an alley.
- 27 **Street, Access**
28 A street constructed to provide physical access to a subdivision.
- 29 **Street, Alley**
30 A public right-of-way providing secondary access to abutting properties.
- 31 **Street, Arterial**
32 Higher order streets with controlled access that are intended for through or regional traffic moving
33 between urban centers and not intended for local or residential neighborhood traffic. These streets have
34 multiple travel lanes, provide access to regional travelways, and carry high volumes of traffic.
- 35 **Street, Collector**
36 Streets that penetrate various land use classifications to provide both land access and mobility within
37 neighborhoods and commercial areas. Their primary function is traffic service, collecting traffic from
38 intersecting streets and funneling it to major thoroughfares. A major collector roadway/street has limited
39 direct access from individual lots/parcels. A minor collector roadway/street allows direct access of
40 individual lots/parcels.

- 1 **Street, Commercial**
2 An interior street in a commercial subdivision.
- 3 **Street, Cul-de-Sac**
4 A street having only one outlet, with provision for a turnaround at its termination, and which is not
5 intended to be extended or continued to serve future subdivisions or adjacent land.
- 6 **Street, Dead End**
7 A right-of-way that terminates without a cul-de-sac or a temporary turnaround and the terminus of which
8 has the same width as the width of the right-of-way.
- 9 **Street, Frontage**
10 A street adjacent to an arterial or higher order street that is intended to serve lots adjacent to the arterial.
- 11 **Street, Half**
12 A portion of a right of way, including the street pavement that is directly adjacent to a lot's frontage as
13 measured from the ultimate street centerline.
- 14 **Street, Interior**
15 A street contained entirely within the boundaries of a subdivision.
- 16 **Street, Loop**
17 A street that originates and terminates at intersections with the same street.
- 18 **Street, Peripheral**
19 A street parallel to the boundary of a subdivision and whose right-of-way abuts that boundary.
- 20 **Street, Residential**
21 An interior street in a residential subdivision designed and intended to serve local areas. Residential
22 streets feed traffic into collector and arterial street systems.
- 23 **Street, Stub**
24 A dead-end interior street provided for eventual extension onto unplatted land.
- 25 **Strip Commercial Area**
26 A developed business frontage along a street and no more than 200 feet in depth from the front property
27 line.
- 28 **Structure**
29 Anything that is constructed or erected and located on or under the ground, or attached to something
30 fixed to the ground, including a walled and roofed building, and/or a gas or liquid storage tank that is
31 principally above ground.
- 32 **Subdivider**
33 A person, firm, association, partnership, corporation, governmental unit, or combination of any of these
34 that may hold any recorded or equitable ownership interest in land being subdivided. The terms shall
35 also include all heirs, assigns, or successors in interest, or representatives of the subdivider, owner,
36 proprietor, or developer.

1 **Subdivision**

2 The division of a tract or parcel of land into two or more lots, sites or other divisions for the purpose,
3 whether immediate or future, of sale, lease or building development, including any resubdivision, and,
4 when appropriate to the context, the process of subdividing or the land subdivided.

5 **Subdivision Agreement**

6 A document which is approved by the Department of Project Management and Engineering which
7 specifies the tentative location, construction schedule, and estimated costs of public improvements to be
8 constructed as part of subdivision development.

9 **Subdivision, Minor**

10 The division of a tract or parcel of land into no more than three tracts or eight lots, which can be approved
11 administratively.

12 **Submission Date with Platting Authority**

13 That date when the Planning Department accepts a fee for the submission of a plat.

14 **Surveyor**

15 A land surveyor who is registered in the state.

16 **Substantial Improvement**

17 Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent
18 of the market value of the structure either:

19 Before the improvement or repair is started; or

20 If the structure has been damaged and is being restored, before the damage occurred. For the purposes
21 of this definition, substantial improvement is considered to occur when the first alteration of any wall,
22 ceiling, floor or other structural part of the building commences, whether or not that alteration affects
23 the external dimensions of the structure. The term does not, however, include either:

- 24 1. Any project for improvement of a structure to comply with existing state or local health,
25 sanitary or safety code specifications which are solely necessary to ensure safe living
26 conditions; or
- 27 2. Any alteration of a structure listed on the National Register of Historic Places or a state
28 inventory of historic places.

29 **Substation Transformer**

30 A utility facility that transforms electric voltage to the level supplied to the distribution system.

31 **Surrounding Development**

32 Immediately adjacent development on the same block face or on facing blocks as the subject site, as well
33 as prevalent patterns established in the existing neighborhood located within one-quarter mile of the
34 subject development site.

35 **Surrounding Neighborhood of a Zoning Map Amendment**

36 The land whose owners are entitled to notice of the zoning map amendment under chapter 21.03.

37 **Target Area**

38 An area designated under section 21.08.070 as a location in which overhead distribution lines are to be
39 placed underground as provided in this chapter.

- 1 **Tax Parcel**
2 An area of land shown as a unit or as continuous units on the current municipal real property tax roll.
- 3 **Thread of a Stream**
4 A line following the thalweg (low point) of a stream.
- 5 **Through Lot**
6 See *Lot, Through*
- 7 **Topographic Map**
8 A map showing the landform by the use of contour lines.
- 9 **Townhouse Unit**
10 One of three or more attached dwelling units where each unit is on its own lot.
- 11 **Tract**
12 A unit, or contiguous units, of land under single ownership.
- 13 **Traffic Control Device**
14 Includes all physical, mechanical and electrical equipment that directs, channelizes, commands or
15 controls traffic movement. These devices include but are not limited to signs, channelization, signals, and
16 striping.
- 17 **Trail**
18 A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized transport.
19
- 20 **Travel Trailer**
21 A motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor
22 vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and
23 vacation uses, identified by a model number, serial number and vehicle registration number, equipped
24 with limited water storage and other self-contained living facilities.
- 25 **Tree**
26 A woody perennial plant having a single main stem.
- 27 **Tree, Deciduous**
28 A tree that loses its leaves annually.
- 29 **Tree, Evergreen**
30 A tree that retains its leaves.
- 31 **Tree Retention Area**
32 An area in which measures have been taken to protect existing trees from damage or loss during
33 construction and development.
- 34 **Tributary**
35 Any branch, fork, or channel that flows into and connects to a stream and also meets the basic definition
36 of a stream.
- 37 **Unified Sign Plan**
38 [RESERVED]

- 1 **Urban Design Commission**
2 The Urban Design Commission of the Municipality of Anchorage.
- 3 **Usable Open Space**
4 See **Open Space, Usable**.
- 5 **Use, Accessory**
6 As applied to a use, building, or structure, customarily subordinate or incidental to and located on the
7 same lot with a principal use, building, or structure.
- 8 **Use, Conditional**
9 A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use
10 permit and subject to the limitations and conditions specified therein.
- 11 **Use, Principal**
12 Any main activity permitted by this title.
- 13 **Use, Temporary**
14 Those land uses and structures that are needed or are in place for only short periods of time.
- 15 **Use District**
16 See **Zoning District**.
- 17 **Utility**
18 A public utility as defined in Alaska Statutes title 42.
- 19 **Utility Distribution Line**
20 All or any part of a conductor and supports owned or operated by a utility and used:
21 To transmit no more than 69 kilovolts of energy; or
22 To transmit messages, impressions, pictures, or signals by means of electricity or electromagnetic waves;
23 between a distribution substation or central office and the lot line of a customer's premises, excluding
24 auxiliary equipment such as aboveground transformers, switching devices, pad-mounted distribution
25 facilities, and CATV power supplies.
- 26 **Vacation**
27 The act of making legally void any right-of-way, easement, public area, or other public interest.
- 28 **Variance**
29 A grant of relief from the requirements, or a relaxation of the strict application of the terms of this chapter
30 that permits construction in a manner that would otherwise be prohibited by this chapter. This definition
31 shall not be construed to permit a use in any district which use is prohibited therein.
- 32 **Verification of Nonconforming Status**
33 A document issued by the Municipality confirming the legal nonconforming status of a use, structure, or
34 characteristic of use.
- 35 **Violator**
36 A violator of this title is a person who:

1 Occupies, maintains, alters, constructs, or establishes a structure, or use of land or a structure, in
2 violation of this title;

3 Owns, controls, or has the right to control land or a structure where a structure, or use of land or a
4 structure, is occupied, maintained, altered, constructed, or established in violation of this title; or

5 As principal or agent, violates this title under section 21.12.030, *Violations*.

6 **Walkway**

7 A right-of-way, dedicated to public use, which crosses within a block to facilitate pedestrian access to
8 adjacent streets and properties.

9 **Wall**

10 The vertical exterior surface of a building or structure.

11 **Warranty Period**

12 The period for which a subdivider's warranty remains in effect under section 21.08.080.

13 **Water Body**

14 A pond, lake, or other natural or artificial collection of water, whether permanent or temporary, not
15 including wetlands or watercourses.

16 **Watercourse**

17 A channel in which a flow of water occurs with some degree of regularity. Watercourses may be either
18 natural or artificial and may occur either on the surface or underground.

19 **Water-Dependent**

20 Any use or activity whose primary purpose requires direct access to a water body, or which can be carried
21 out on, in or adjacent to a water body only. The activity or use would not be possible if located away from
22 water sites or without direct water access.

23 **Water-Related**

24 Any use or activity which is not directly dependent upon access to a water body, but which provides
25 goods or services that are directly associated with water dependence or provide direct physical or visual
26 public access or use of the municipal waterfront, and which, if not located adjacent to a water body, would
27 result in a public loss of quality in goods or services offered or public access to the waterfront.

28 **Where Physical Conditions Permit**

29 That the development application must comply with the regulation unless the applicant can demonstrate
30 that it is not physically possible to do so due to land form, sight line requirements, existing trees, utilities,
31 drainage requirements, access requirements or other constraints on the land.

32 **Yard, Usable**

33 One or more of the following located on the same lot or tract as the principal structure, for use by the
34 residents thereof for outdoor activities:

35 Well-drained open areas covered with lawn grass or other suitable cover material;

36 Paved areas such as sidewalks, recreation areas, patios, and the like, that are designed for the specific
37 use and enjoyment of the residents;

38 Private balconies or decks;

1 Roofs available for outdoor activity.

2 **Zoning Board of Examiners and Appeals**

3 The Zoning Board of Examiners and Appeals of the Municipality of Anchorage.

4 **Zoning District**

5 A specifically delineated area or district within which uniform standards govern the use, placement,
6 spacing, size, and form of land and buildings.

7 **Zoning Map**

8 The map or maps that are a part of this title and that delineate the boundaries of all mapped zoning
9 districts within the physical boundaries of the Municipality.

1

ⁱ NOTE: This subsection includes a suggested new process to ensure that the Director's interpretation binds employees in other departments (e.g., BS zoning plan reviewers, ROW enforcement officers, DHHS child care reviewers) who deal with title 21.

² 2005 NOTE: Dozens of changes have been made to this section based on comments – new definitions added, some deleted, some revised, etc.

³ Term is used in 21.05, but no definition is included in that chapter.

⁴ NOTE: Does this definition apply only to public facilities?