

Title 21 Update

Public Review Draft #2

Municipality of Anchorage

January 2006



PLANNING DEPARTMENT
P. O. Box 196650
Anchorage, AK 99519-6650

- 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



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927
Physical Address: 4700 Bragaw Street • Anchorage, Alaska 99507 • www.muni.org/planning

Mayor Mark Begich

Planning Department

January 13, 2006

Dear Reviewer:

Subject: Title 21 Public Review Draft #2

Thank you for participating in the Title 21 rewrite process. We received many, many comments in response to Public Review Draft #1—by mail, at meetings with various groups, and through e-mail. As a result, many changes have been made to produce this document, Public Review Draft #2.

Comments on Draft #2 will be due by Friday, March 3, 2006. After we receive comments, we will revise this draft and create a Public Hearing Draft. Our target date for release of the Public Hearing Draft is mid-May. The Public Hearing Draft will be the department-recommended draft document for public hearing before the municipal Planning and Zoning Commission and Assembly.

While Public Review Draft #2 contains some new illustrations, we are continuing to create additional illustrations for many of the concepts in Title 21 and will post new illustrations on our website as they are completed. Please check our website regularly to view these, at www.muni.org/planning/prj_Title21.cfm. Other pertinent information, such as Planning Department response to comments received on Public Review Draft #1, will also be posted on the website as time permits.

A tracked-changes version of Draft #2 is available on CD from the department, and also at our website. The tracked-changes version highlights new text in yellow and deleted text in gray. Most changes to grammar, punctuation, capitalization, and cross-references are not highlighted in the tracked-changes version.

A summary of the major changes between Public Review Draft #1 and Public Review Draft #2 is attached.

Also attached is a table that provides a cross-reference between existing zoning districts and new zoning districts proposed in Public Review Draft #2.

Community, Security, Prosperity

Title 21 Public Review Draft #2
January 13, 2006
Page 2

Comments on this draft may be submitted by e-mail to Title21@ci.anchorage.ak.us or mailed to the following address:

Physical Planning Division
Planning Department
P. O. Box 196650
Anchorage, AK 99519

Thank you again for participating in the Title 21 rewrite review process and for the many comments, criticisms and suggestions you have submitted. All your comments have been heard and reviewed by staff. Many revisions have been made as a result, and more changes will be forthcoming.

This is a long and complex project, but one that is necessary for Anchorage's future. The process of developing drafts for public review has been intended as the most effective means of drawing out issues and problems that need to be resolved. Your continued interest and participation is appreciated. If you have any questions or need clarification about an issue, please contact Title 21 project staff at the e-mail address above or by phone at 343-7921.

Sincerely,



Tom Nelson
Planning Director

Attachments: Summary of Major Changes between Drafts #1 and #2
Cross-reference Table for Zoning Districts

Summary of Changes between Public Hearing Draft #1 and Draft #2

Chapter 1: General Provisions—no significant changes.

Chapter 2: Boards, Commissions, and Municipal Administration

The appeal of an administrative site plan review was changed from the Planning and Zoning Commission to the Urban Design Commission.

Chapter 3: Review and Approval Procedures

Notice requirements for community councils were changed to match the community council redistricting ordinance passed in August 2003. Language was added to address concurrent rezoning and comprehensive plan amendments. The approval criteria for rezoning were amended. Language was added to guide interpretation of the land use plan map element of the comprehensive plan. The size threshold for both land use permits and public facility site selection was increased. The temporary use permit was deleted. Major revisions were made to the institutional master planning provision.

Chapter 4: Zoning Districts

A new, lower density multifamily district was created which allows from single-family dwellings up to a four-plex. All the residential zoning districts were renamed in order to provide consistency and clarity. The RMX district (renamed RM-4) has been moved from the mixed-use districts to the residential districts. Two districts (an existing residential district [RL-1] and new Rural Commercial district [RC]) have been allocated for use only in the Chugiak-Eagle River area, to address some issues specific to that area of the Municipality. The Marine Commercial (MC) and Marine Industrial (MI) districts were combined into one Marine (M) district. The Open Lands district (OL) name was changed to the Development Reserve district (DR). A new district for the railroad corridor (Railroad Utility Corridor [RUC]) was added, along with a new overlay district (Railroad Terminal Reserve Overlay) for the Alaska Railroad property.

Chapter 5: Use Regulations

The telecommunications section (towers) is a revised version of current code. The accessory use “Outdoor Keeping of Animals” was modified to allow keeping some smaller animals, such as chickens and rabbits, on smaller residential lots. The temporary use standards were modified for clarity and to delete the temporary use permit.

Chapter 6: Dimensional Standards and Measurements

The provision for usable yard was deleted and the concept combined with the private open space requirements in Section 21.07.030. In some residential districts, multiple principal structures are now allowed on one lot. The front setback and height standards in mixed use districts were revised.

Chapter 7: Development and Design Standards

As noted above, the concept of private open space was combined with usable yard and the requirement was reduced to 600 square feet per dwelling unit for 6-plexes or greater, with revised design standards. Dumpsters are prohibited for 3-plex or fewer units instead of 6-plex or fewer. Four additional design standards were added to apply to single- and two-family structures to address manufactured housing. The Public/Institutional and Commercial design standards were revised to provide more clarity and to eliminate discretionary and subjective standards. Fewer standards are mandatory, and more options are given in the menus. The number of menu choices required is on a sliding scale based on the size of the building. The Large Commercial Establishment design standards have been revised to mirror the requirements of the current code. Some requirements have been amended for clarity, and three additional choices from a menu are now required. The content of the exterior lighting section was deleted and will be replaced within the next few months with a model ordinance from the Illuminating Engineers Society of North America. The model ordinance is expected to have simpler standards based on wattage. The operational standards were simplified to be more similar to current code.

Chapter 8: Subdivision Standards

A slope chart (revised from current code) was added. The Municipality's policy on not creating new lots wholly within the high hazard avalanche zone was codified. A new section, "Access to Chugach State Park," was added, requiring easements to access points noted on plans. The Reserve Tract provision (from current code) was added, with a longer timeline for government action. The conservation subdivision section was revised to provide more clarity.

Chapter 9: Girdwood

The land use regulations for Girdwood were adopted by the Anchorage Assembly on November 1, 2005, and are not included in this draft. The final regulations can be downloaded from the department's website at www.muni.org/planning/prj_T21_Girdwood.cfm.

Chapter 10: Signs

All changes were based on recent ordinances or to provide clarity of interpretation.

Chapter 11: Nonconformities

This chapter is still undergoing revisions and will be released by January 27, 2006.

Chapter 12: Enforcement—no significant changes.

Chapter 13: Definitions—no significant changes.

Cross-reference between Existing and New (Draft) Zoning Districts

The table below relates existing zoning districts in the current adopted Title 21 to the new recommended zoning districts that appear in this *Title 21 Public Review Draft #2*. The table should be read as follows:

- There is not always a one-to-one correspondence between the “old” and “new” district. Please do not interpret the table to mean that each existing zone completely equates to its corresponding new zone.
- This table should not be used as a comprehensive summary of all changes to each zoning district that are recommended in *Public Review Draft #2*. Only a reading of *Draft #2* can provide a complete picture of recommended changes to districts.
- The recommended new zoning districts will be implemented through amendments to the zoning map (“rezonings”). Not every area will automatically be transferred from its old district to the corresponding new district shown on this table. For example, a part of town currently zoned R-2A would not necessarily automatically be transferred to RT. The draft *Anchorage Bowl Land Use Plan Map* update (available now for public review) provides generalized guidance (in draft form) for possible future zoning map changes in the Anchorage Bowl.

Existing District	Draft New District	Highlights of Changes
R-1, R-1A	RS-1	Consolidates R-1 and R-1A using R-1 dimensional standards.
R-7	RS-2	Same zone with some changes.
R-2A, R-2D	RT	Consolidates R-2A and R-2D using R-2D dimensional standards.
R-2M	RM-1, RM-2	RM-2 is similar to existing R-2M. RM-1 is a lower density version of R-2M that allows only small multifamily structures.
R-3, R-4	RM-3	A combination of R-3 and R-4 using revised dimensional standards.
R-4	RM-4	Allows higher density and limited commercial activity.
R-5	n/a	R-5 is not carried forward. Changes to R-5A zone appear below.
R-5A	RL-1	Modified specifically for Chugiak–Eagle River.
R-6	RL-2	Same zone with some changes.
R-8, R-9	RL-3	Consolidates R-8 and R-9 using modified R-9 dimensional standards.
R-10	RL-4	Same zone with some changes.
R-11	TA	Same zone with some changes.
D-2, D-3	n/a	D-2 and D-3 are not carried forward.
R-O	OC	Revised office zone with limitations on building height.
B-1A	NC	Revised small-scale neighborhood commercial zone.
B-1B, B-3	NMU, CMU, RMU, MMU, AC	Breaks up B-3 into an “auto commercial” district and a set of mixed-use zones differentiated by scale and function. B-1B is replaced by the neighborhood-scale mixed-use (NMU) zone.
B-2A, -2B, -2C	CBD-1, -2, -3	Same zones with few changes.
B-4	RC	New rural commercial zone specifically for Chugiak–Eagle River.
I-1	IC, I-1	Commercial uses are more limited in IC than in current I-1. New I-1 further restricts commercial uses.
I-2	I-2	Restricts commercial uses.
I-3	n/a	Rural industrial zone is not carried forward.
MC, MI	M	Consolidates the MC and MI.
PLI, PLI-p	PLI, PR	Places dedicated parks in the new PR zone.
PC	master plan zones	Individually customized zones using a new set of approval criteria.
T	DR, AD	Existing T areas will be zoned different things; however, the DR is for lands not yet designated for a specific use.
AF, W	AF, W	Same zones.

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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 TITLE

The purpose of this title is to implement the comprehensive plan in a manner which protects the public health, safety, and welfare, 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 the municipality's unique northern setting;
- E. Providing appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development in the municipality;
- 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 historical significance by minimizing the adverse impacts of land development;
- H. Protecting development and residents of the municipality 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;

- 1 J. Facilitating the adequate and safe provision of transportation, water, sewage, drainage,
2 schools, parks, and other public facilities; and
- 3 K. Encouraging land and transportation development patterns that promote public health
4 and safety.

5 **21.01.040 APPLICABILITY AND JURISDICTION**

6 **A. General**

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

9 **B. Application to Governmental Units**

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

15 **C. Compliance Required**

16 No building or structure shall be erected, converted, enlarged, reconstructed, or altered
17 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 record
19 that did not exist on the effective date of this title shall be created, by subdivision or
20 otherwise, that does not conform to the applicable requirements of this title, unless
21 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 department and is
29 available for public inspection during normal business hours. The map shall be the final
30 authority as to the current zoning status of lands, water areas, buildings, and other
31 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 21.03.050,
35 *Rezoning (Zoning Map Amendments)*.

36 **C. Interpretation of District Boundaries**

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

1 the map. Appeals shall be made to the zoning board of examiners and appeals, pursuant
2 to section 21.03.210, *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, or easement, the
5 district boundary shall be considered to be in the center of the right-of-way,
6 easement, or waterway. If the actual location of such right-of-way, or easement,
7 as indicated in a recorded legal description of such, varies slightly from the
8 location shown on the zoning map, then the actual location shall control.

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

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

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

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

21 6. Where the case record conflicts with the zoning map, the case record shall
22 control. For example, if the zoning map shows a property to be zoned RS-1, yet
23 the case record shows that the property was actually zoned I-1, the case record
24 would control and the map would be changed to reflect the case record. Any
25 permits issued in reliance on the erroneous designation shall be considered valid
26 under this title; however, the lot, structure, or use shall be considered
27 nonconforming and governed by chapter 21.11.

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 requirements
33 imposed by any provision of this title are either more restrictive or less restrictive than
34 comparable standards imposed by any other public law, ordinance, or regulation, the
35 provisions that are more restrictive or that impose higher standards or requirements shall
36 govern.

37 **B. Conflict with Comprehensive Plan**

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

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	Amendments
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	AO 00-119(s); 2-20-01	AO 02-119; 9-10-02
	Spenard Commercial District Development Strategy	AR 86-121; 6-17-86 AO 87-145; 12-15-87	
	Tudor Road Public Lands and Institutions Plan	AR 86-162; 9-9-86	
	Anchorage Central Business District Comprehensive Development Plan	AR 83-194(s); 9-13-83	

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date	Amendments
	Utility Corridor Plan	AO 90-13(s); 2-27-90	
	Section 36 Land Use Study (recommending Alternative 2)	AO-92-125; 11-10-92	
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	AO 91-88; 6-3-91	AIM 91-178
	Potter Valley Land Use Analysis	AO 99-144; 12-7-99	
	University-Medical District Plan	AO 03-129; 10-21-03	
Turnagain Arm	Turnagain Arm Comprehensive Plan	AO 87-22; 4-7-87	
	Girdwood Area Plan	AO 94-238(s); 2-28-95	AO 1998-176; 11-24-98
	Glacier-Winner Creek Access Corridor Study Final Routing Report	AO 97-11; 2-4-97	
	Girdwood-Iditarod Trail Route Study	AR 97-84; 5-20-97	
	Girdwood Commercial Areas and Transportation Master Plan	AO 00-124(s); 2-20-01	
Chugiak; Eagle River; Eklutna	Chugiak-Eagle River Comprehensive Plan	AO 92-133; 1-12-93	AO 96-86; 6-25-96--amended by Alternative 1 of HLB Parcel 1-085 Land Use Study
	Eagle River Greenbelt Plan	AR 85-88; April 1985	
	Chugiak-Eagle River Long-Range Transportation Plan	AO 96-104; 8-13-96	AO 03-128; 9-23-03
	Eagle River Central Business District Revitalization Plan	AO 03-74; 5-20-03	
Environmental Quality	Anchorage Coastal Zone Management Plan	AR 79-153; 8-28-79	AO 81-3; 3-3-81
	208 Areawide Water Quality Management Plan	AR-79-151; 7-31-79	AO 82-33(s); 4-20-82
	Eagle River PM-10 Control Plan	AR 90-30; 2-6-90	AR 91-197; 9-24-91
	Hillside Wastewater Management Plan	AO 82-52; 5-18-82	AO 85-167; 9-24-85 AO 85-168; 9-24-85 AO 93-203; 12-7-93 AO 97-64; 6-3-97 AO 98-78; 6-2-98 AO 98-90; 8-18-98 AO 99-51; 3-23-99 AO 01-141(s); 10-23-01 AO 04-150; 11-16-04
	1992 Air Quality Attainment Plan for Anchorage, Alaska	AR 92-279; 12-8-92	
	Anchorage Wetlands Management Plan	AO 82-33(s); 4-20-82	AO 84-16(sa); 2-28-84 AO 84-130(s); 8-14-84 AO 84-163; 7-31-84 AO 95-129; 3-12-96
Transportation	Street and Highway Landscape Plan	AO 81-180; 11-3-81	
	Areawide Trails Plan	AO 96-140; 4-8-97	
	Official Streets and Highways Plan	AO 79-10; 6-19-79	AO 83-200; 12-6-83 AO 84-255; 1-22-85 AO 86-132; 8-19-86 AO 96-97(s); 8-13-96 AO 97-85; 6-3-97 AO 00-122; 8-15-00 AO 05-115; 10-25-05
	Anchorage Long-Range Transportation Plan 2025	AO 05-115; 10-25-05	

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date	Amendments
Parks, Greenbelts, and Recreational Facilities	Anchorage Park, Greenbelt, and Recreation Facility Plan	AO 85-188; 12-17-85	
	Areawide Library Facilities Plan	AR 84-83; 4-10-84	
	Updated Far North Bicentennial Park Plan	AR 85-87; 5-14-85	AO 02-165; 12-10-02
	Campbell Creek Park System Acquisition and Development Plan	GAAB Resolution No. R86-72	
	Rabbit Creek Greenbelt Plan	AR 87-16; 3-31-87	
	Chester Creek Greenbelt	AR 11-75; October 1975	

2. New Elements

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

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

C. Periodic Review

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

D. Implementation—Conformity to Plans

The elements of the comprehensive plan shall be implemented as provided in this section and as provided in the remainder of this title. Zoning map amendments, land use approvals, and subdivisions shall conform to the goals, recommendations, policies, and maps of the comprehensive plan elements listed in this section. Where comprehensive plan elements conflict, the more specific shall govern.

21.01.090 TRANSITIONAL PROVISIONS

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

A. Violations Continue

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

- 1 **B. Uses, Characteristics of Use, Structures, and Lots Rendered Conforming**
- 2 A use, characteristic of use, structure, or lot not lawfully existing at the time of the
- 3 adoption of this title is deemed lawful as of the effective date of this title, provided it
- 4 conforms to all of the requirements of this title.
- 5 **C. Uses, Characteristics of Use, Structures, and Lots Rendered Nonconforming**
- 6 1. When a lot is used for a purpose that was a lawful use before the effective date
- 7 of this title, and this title no longer classifies such use as an allowed use in the
- 8 zoning district in which it is located, such use shall be considered nonconforming
- 9 and shall be controlled by chapter 21.11, *Nonconformities*.
- 10 2. Where any characteristic of use, building, structure, or lot that legally existed on
- 11 the effective date of this title does not meet all standards set forth in this title,
- 12 such building, structure, or lot shall be considered nonconforming and shall be
- 13 controlled by chapter 21.11, *Nonconformities*.
- 14 **D. Processing of Applications Commenced or Approved Under Previous Ordinances**
- 15 1. **Pending Applications**
- 16 a. Any complete application that has been submitted for approval, but upon
- 17 which no final action has been taken by the appropriate decision-making
- 18 body prior to the effective date of this title, shall, within twelve months of
- 19 the date of acceptance for completeness, be reviewed in accordance
- 20 with the provisions of the ordinance in effect on the date the application
- 21 was deemed complete. However, in such cases, if the applicant fails to
- 22 comply with any applicable required period for submittal or other
- 23 procedural requirements, the application shall expire and subsequent
- 24 applications shall be subject to the requirements of this title. Any re-
- 25 application for an expired project approval shall meet the standards in
- 26 effect at the time of re-application.
- 27 b. For multi-phase projects, this subsection shall apply only to those phases
- 28 for which complete applications have been submitted for approval but
- 29 upon which no final action has been taken by the appropriate decision-
- 30 making body prior to the effective date of this title.
- 31 c. An applicant with an approved pending application may waive review
- 32 available under prior ordinances through a written letter to the director
- 33 and request for review under this title.
- 34 2. **Preliminary Plats**
- 35 a. Any complete preliminary plat application that has been submitted for
- 36 approval, but upon which no final action has been taken by the
- 37 appropriate decision-making body prior to the effective date of this title,
- 38 shall, within twelve months of the date of acceptance for completeness,
- 39 be reviewed in accordance with the provisions of the ordinance in effect
- 40 on the date the application was deemed complete. Subsequently, the
- 41 final plat for such subdivision applications also shall be processed and
- 42 reviewed according to the provisions of the ordinance applicable at the
- 43 time of submission of the complete application for preliminary plat.

1 b. An application for which preliminary approval of a plat was granted prior
2 to the effective date of this title may be processed for a final decision in
3 accordance with the preliminary approval, applicable terms of the
4 ordinance in place at the time of preliminary approval, and any other
5 approved permits and conditions, even if the application does not comply
6 with one or more requirements set forth in this title. Preliminary
7 approvals granted under the previous title 21 may be extended no more
8 than once, and for no longer than 24 months, pursuant to the extension
9 procedures applicable under the previous ordinance.

10 **3. Approved Projects**

11 a. Conditional use permits, subdivision plats, site plan approvals, grading
12 permits, building permits, land use permits, sign permits, and variances,
13 any of which are valid on [--- insert effective date] shall remain valid until
14 their expiration date. Projects with valid approvals or permits may be
15 carried out with the development standards in effect at the time of
16 approval, provided that the permit or approval is valid and has not
17 lapsed.

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

22 c. If the development for which the building permit or land use permit is
23 issued prior to the effective date of this title fails to comply with the time
24 frames for development established for the permit, the building or land
25 use permit shall expire and future development shall be subject to the
26 requirements of this title.

27 **4. Remanded Cases**

28 If the board of adjustment remands a case to another decision-making body, that
29 body shall process the case under the rules applicable at the time the original
30 complete application was submitted for approval, unless the applicant has
31 waived review under previous ordinances pursuant to subsection D.1.c. above.

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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 Responsibilities**

- 8 1. Table 21.02-1 summarizes the major review and decision-making responsibilities
9 of the assembly, the municipal staff, and the other entities that have roles in the
10 procedures set forth in chapter 21.03, *Review and Approval Procedures*. Such
11 other entities are referred to in this chapter as the “boards and commissions
12 within the scope of this chapter” and include: the planning and zoning
13 commission; the platting board; the zoning board of examiners and appeals; the
14 board of adjustment; the urban design commission; and the geotechnical
15 advisory commission.
- 16 2. Table 21.02-1 is a summary tool and includes many, but not all, duties of these
17 entities. Other duties and responsibilities are set forth in subsequent sections of
18 this chapter and this title and other parts of the municipal code. Some other
19 duties and responsibilities not listed in the table may require public hearings.
- 20 3. The referenced notes are set forth immediately below the table.
- 21 4. Even though not referenced in this chapter, other boards, commissions,
22 government agencies, and non-governmental agencies may be asked to review
23 some applications, including, but not limited to, rezonings, site plans, and
24 subdivisions. Title 21 matters referred to other agencies will follow the
25 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	MS	
Amendments to Comprehensive Plan, Substantive	21.03.030C.	D-H	R-H			R [4]	R	
Amendments to Comprehensive Plan, Cosmetic	21.03.030D.	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	21.03.060C.5.		D-H [4]	D-H		A	R [5]	R
Final Plat	21.03.060C.6.			D-H [2]			D [2]	
Abbreviated Plat	21.03.060D.		A [3]	A-H [6]		A-H [6]	D	
Right-of-Way Acquisition Plat	21.03.060F.			A			D	
Conditional Uses	21.03.070		D-H			A-H	R [5]	R
Site Plan Review, Administrative	21.03.080B.					A-H	D	
Site Plan Review, Major	21.03.080C.		A-H			D-H	R	
Public Facility Site Selection (except schools)	21.03.090	A-H	D-H				R	
School Site Selection	25.25	D	R-H				R	
Road and Trail Review	21.03.100		R [7]			D [7]	R	
Special Flood Hazard Permits	21.03.110				A-H		D	
Land Use Permits	21.03.120				A-H		D	
Certificates of Zoning Compliance	21.03.130				A-H		D	
Sign 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	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 Status	21.03.170				A-H			D
Minor Modifications	21.03.180				A-H			D
Variances [from all other provisions of this title except chapter 21.08, <i>Subdivision Standards</i> , and chapter 21.10, <i>Signs</i>]	21.03.190				D-H	A	R [5]	R
Variances [from the provisions of chapter 21.08, <i>Subdivision Standards</i>]	21.03.190			D-H		A		R
Variances [from the provisions of chapter 21.10, <i>Signs</i>]	21.10.110					A	D-H	R
Variances [from bulk regulations In CBD Districts]	21.04.030 D.2.b.					A	D-H	R
Assembly Alcohol Approval	21.03.220	D-H						R
Neighborhood or District Plans	21.03.240	D-H	R-H					R
Area Master Planning	21.03.250A.	D-H	R-H					R
Development Master Planning	21.03.250B.		D-H			A	R [5]	R
Institutional Master Plan Review	21.03.250C.	D-H	R-H				R [5]	R
Other Administrative Decisions					A-H			D
Interpretation of Zoning District Boundaries	21.01.050C.				A-H			D
NOTES:								
[1] Code amendments relating to chapter 21.08, <i>Subdivision Standards</i> , require a hearing by the platting								

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	MS
<p>board. All other code amendments 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 21.03.060D.4.f., <i>Appeals</i>. [4] The entity has review responsibility only when appropriate, as specifically provided in this title. [5] The urban design commission may review and make recommendations 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 21.03.060D., <i>Abbreviated Plat Procedure</i>. [7] See section 21.03.100C.1.</p>							
<p>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 MS = Municipal Staff</p>							

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B. Composition of Boards and Commissions

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 4.05.035 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

1 not take action on any appointment to the named boards or commissions
2 until after the close of the public comment periods.

3 **C. Conduct of Boards and Commissions**

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

6 **1. Absence of Member**

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

10 **2. Agenda**

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

16 **3. Meeting Time and Location**

17 Each board and commission shall establish a regular meeting time and location
18 for regularly scheduled meetings, and shall adopt procedures for publicizing
19 changes to such time and location when necessary, pursuant to AMC section
20 4.05.090.

21 **4. Officers**

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

25 **5. Code of Ethics**

26 In addition to and amplifying the provisions of AMC chapter 1.15, the planning
27 and zoning commission, the platting board, the urban design commission, and
28 the zoning board of examiners and appeals and their members, in the
29 performance of their quasi-judicial, adjudicatory responsibilities in all matters
30 before them, including all matters which their members should reasonably know
31 or expect to come before them, shall:

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

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

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

1 **6. Conflict of Interest**

2 **a.** No member of an appointed board or commission under this chapter
3 shall participate in any decision in which the board or commission
4 determines either that such member has a conflict of interest, as defined
5 in AMC section 3.60.070; or that such member has a personal interest or
6 involvement in the case that would prevent that member from fairly
7 evaluating the case; or that, based on all surrounding circumstances,
8 participation by such member would create the appearance of
9 impropriety in the proceedings. All members shall abide by the code of
10 ethics at AMC chapter 1.15.

11 **b.** The determination shall take into consideration the interest of the public
12 in boards and commissions that have familiarity with the community and
13 its past and future development. No member shall be excused from
14 participation solely on the basis of personal familiarity with the case or
15 the parties involved.

16 **c.** Any member who has a possible conflict of interest in a pending matter
17 shall bring this information to the attention of the chair before the staff
18 begins its presentation or as soon thereafter as the member recognizes
19 his or her possible conflict. It shall be the responsibility of each member
20 to fully disclose facts showing any known conflict of interest or other
21 personal interest or involvement.

22 **d.** Immediately upon discovering the existence of any conflict of interest
23 prohibited by this subsection 6., the municipal code, or any state law
24 applicable to local government officials, the board or commission
25 member shall fully disclose on the record in open session of the board or
26 commission the nature of and the facts creating the conflict and shall be
27 disqualified from any participation in or communications with other
28 members of the board or commission on the matter with which a conflict
29 exists.

30 **e.** Upon the affirmative vote of a majority of all remaining board or
31 commission members present, a member who has a possible conflict of
32 interest in a matter for decision may participate in the discussion of that
33 matter and the decision upon that matter. Such vote shall be recorded
34 on the public record.

35 **f.** Any member found by the board or commission to have a conflict of
36 interest with regard to a particular matter shall not participate in any
37 manner in that matter.

38 **7. Ex Parte Contacts Prohibited**

39 **a.** The intent of this subsection is to ensure that applicants in quasi-judicial
40 proceedings required under this title receive fair and impartial hearings.
41 For purposes of this subsection, the term “quasi-judicial” applies to any
42 proceeding in which the assembly or a board or commission is required
43 to investigate facts, ascertain the existence of facts, hold hearings, weigh
44 evidence and draw conclusions, and exercise discretion of a judicial
45 nature.

- 1 b. As established by AMC section 3.60.065, members of boards and
2 commissions acting in a quasi-judicial capacity shall refrain from
3 permitting ex parte contacts or communications with any person
4 regarding any matter pending before or which may be reasonably
5 expected to be pending before them.
- 6 c. If a member of a board or commission, acting in their quasi-judicial
7 capacity, obtains information outside of the public hearing process,
8 whether through inadvertent ex parte communications with interested
9 parties or through specific personal knowledge of a case, they shall fully
10 disclose the information or knowledge to the board or commission during
11 the public hearing, along with the source of that information.
- 12 d. Such ex parte communications or personal knowledge of a case shall not
13 constitute a conflict of interest or other basis for excuse from participation
14 in any case. Ex parte contacts shall be also prohibited for matters under
15 reconsideration by the board.
- 16 e. The prohibition against ex parte contacts remains in effect as long as a
17 matter may reasonably be expected to come before the board or
18 commission, until after all appeals and remands for further consideration
19 and reconsideration have concluded, or the time for such proceedings
20 has expired.
- 21 f. As part of the gathering of evidence to make a quasi-judicial decision
22 under this title, a board or commission may visit the site of a
23 development application.
- 24 i. Such a site visit shall not constitute a formal hearing, and
25 members shall not discuss the case during the visit, unless a
26 quorum of the board or commission is present and a duly noticed
27 hearing is opened pursuant to the rules of the board or
28 commission.
- 29 ii. A member may visit a development site individually, or a group
30 of members that does not constitute a quorum may visit the site.
31 In such cases, such member(s) shall report the visit to the other
32 members of the board or commission prior to the case hearing.
33 Such a report is not necessary if a quorum of the members of a
34 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 without
40 debate. An item may be removed from the consent agenda prior to the approval
41 at the request of any member of the board or commission present at the meeting.
42 Items removed from the consent agenda shall be taken up after voting on the
43 consent agenda, as appropriate.

1 **9. Meetings Open to Public**

2 All meetings of the appointed boards and commissions under this chapter shall
3 be open to the public except when executive session is authorized as provided in
4 AMC section 4.05.100. Except for votes required to be taken to organize a board
5 or commission, all votes shall be conducted in such a manner that the public may
6 know the vote of each person entitled to vote.

7 **10. Quorum – Official Action**

8 **a.** A majority of the full membership of the board or commission shall
9 constitute a quorum for the transaction of business, as provided in AMC
10 section 4.05.080.

11 **b.** Action by the board or commission shall require the favorable vote of a
12 majority of the full membership of the board or commission, less those
13 members excused for conflict of interest.

14 **11. Removal of Member**

15 A member of a board or commission within the scope of this chapter may be
16 removed from office in the following circumstances:

17 **a.** If the member is found by the board of ethics to have participated in any
18 matter with a conflict of interest therein; or

19 **b.** If the member fails to meet the attendance requirements set forth in AMC
20 section 4.05.060; or

21 **c.** If the office becomes vacant pursuant to section 7.01 of the municipal
22 charter, *Determining Vacancies*.

23 In such cases, the member shall automatically cease to be a member of his or
24 her board or commission and a vacancy shall exist.

25 **12. Public Hearings**

26 **a. Record of Proceedings**

27 A tape recording shall be made of each public hearing. The secretary
28 shall record the minutes. The minutes shall include each decision of the
29 board or commission, with findings made and the vote of each member
30 for the respective decision. A copy of the minutes shall be signed by the
31 secretary and submitted to the board or commission for approval.

32 **b. Testimony and Cross Examination**

33 **i.** Testimony of persons appearing before the board or commission
34 shall be limited as follows: applicant (including all his/her
35 representatives), ten minutes; representatives of groups, five
36 minutes; individuals, three minutes. The applicant may reserve
37 part of his or her time for rebuttal at the end of the public hearing.
38 The board or commission may extend the time period for any
39 person where it deems the additional testimony to be new and
40 necessary to its decision on the case. The chair may exclude or
41 terminate testimony not deemed to be relevant to the case
42 before the board or commission.

1 ii. Cross examination shall be permitted only through the chair.
2 Municipal staff and members of the board or commission may,
3 through the chair, question the applicant and other persons who
4 have testified. Any interested party may direct questions to the
5 staff or any person testifying by submitting the question to the
6 chair. The chair shall redirect the question to the appropriate
7 person unless he/she determines it to be irrelevant or that
8 presenting the question will unreasonably disrupt or delay the
9 proceeding. The chair may modify or restrict the scope, extent or
10 method of cross examination in order to assure the fundamental
11 fairness of the proceedings before the board or commission, to
12 prevent undue delay, irrelevant cross examination or harassment
13 of persons offering testimony to the board or commission.

14 c. **Subpoenas**
15 All parties shall have the right to subpoena witnesses and documents
16 using a form provided by the municipal clerk and submitted to the clerk
17 for issuance at least five working days before the date of the hearing.

18 d. **Representatives**
19 Persons appearing before a board or commission may appear in person
20 or through a personal representative or attorney. The representative
21 shall provide satisfactory proof of his or her authority upon the request of
22 the board or commission.

23 13. **Reconsideration**

24 a. **Immediate Reconsideration at a Board or Commission Meeting**
25 A member of a board or commission within the scope of this chapter may
26 move to reconsider or rehear a decision made pursuant to this title by
27 that board or commission, at the meeting during which such a decision
28 was made, so long as such member voted on the prevailing side in the
29 original decision.

30 b. **Notice of Reconsideration within 24 Hours**
31 A member of a board or commission within the scope of this chapter may
32 file notice of reconsideration with the secretary within 24 hours of the
33 original vote, not counting Saturdays, Sundays, or municipal holidays.
34 The notice of consideration shall be considered as a special order of
35 business at the next regular meeting. If the member who filed notice of
36 reconsideration is not in attendance at the next regular meeting, there
37 shall be no reconsideration of the decision.

38 14. **Resolutions**

39 All recommendations and decisions made by boards and commissions under this
40 title shall be made by written resolution and shall include precise findings made,
41 per subsection 21.03.020L. Resolutions shall be numbered consecutively within
42 each year, according to sequence of approval and shall be signed by the chair
43 and the secretary. The motion adopting the resolution shall show the vote of
44 each member.

45 15. **Secretary**

46 The director shall be the secretary of each appointed board and commission in
47 this chapter. In the director's absence, another member of the planning staff

1 shall act as secretary. The secretary shall keep a record of all meetings of each
2 board or commission and shall keep such files as may be required.

3 **16. Applicability of Other Provisions**

4 The provisions of this section 21.02.020 shall not be a limitation on more
5 restrictive rules regarding the conduct of boards and commissions set forth
6 elsewhere in the Anchorage municipal code or within this chapter specifically.

7 **21.02.030 ASSEMBLY**

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

9 The assembly of the municipality, constituted in accordance with the provisions of Article
10 IV of the *Anchorage Municipal Home Rule Charter* and other applicable laws, shall have
11 the review and decision-making responsibilities set forth in table 21.02-1, to be carried
12 out in accordance with the terms of this title.

13 **B. Other Powers and Duties**

14 In addition, the assembly shall have the following powers and duties, to be carried out in
15 accordance with the terms of this title.

- 16 1. Adopt policies, plans, design guidelines, and ordinances to implement the
17 municipal function of planning for the economic, social, and land use needs of
18 the community;
- 19 2. Take any other action not delegated to the planning and zoning commission,
20 platting board, zoning board of examiners and appeals, board of adjustment,
21 urban design commission, or municipal staff, as the assembly may deem
22 desirable and necessary to implement the provisions of this title.

23 **C. Rules of Procedure**

- 24 1. In its exercise of authority over title 21 cases, the assembly shall adhere to any
25 applicable procedures specified in chapter 21.03, *Review and Approval*
26 *Procedures*.
- 27 2. The rules of the assembly and conduct of hearings shall be as established under
28 title 2 of the Anchorage municipal code.
- 29 3. Where the procedures of this title grant authority to review and/or make
30 recommendations on a land use matter to a board or commission subordinate to
31 the assembly, the assembly shall not take final action until it has received and
32 taken notice of the review comments and recommendations of such subordinate
33 body or bodies, except that the assembly may take final action before receiving
34 review comments and recommendations of subordinate bodies if a motion to do
35 so is approved by a super-majority of assemblymembers.

36 **21.02.040 PLANNING AND ZONING COMMISSION**

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

38 As authorized by section 12.02 of the *Anchorage Municipal Home Rule Charter* and AMC
39 section 4.40.100, there shall be a planning and zoning commission, which shall have the

1 powers and duties set forth in table 21.02-1, to be carried out in accordance with the
2 terms of this title.

3 **B. Other Powers and Duties**

4 In addition, the planning and zoning commission shall have the following powers and
5 duties, to be carried out in accordance with the terms of this title:

- 6 1. Develop, review, and make recommendations to the assembly regarding policies,
7 plans, and ordinances to implement the municipal function of planning for the
8 economic, social, and land use needs of the community;
- 9 2. Review and make recommendations to the assembly and school board regarding
10 the annual capital improvement program of the municipality and school district;
- 11 3. Review and make recommendations to the mayor regarding the annual work
12 program of the department. The director shall submit the annual work program
13 to the commission for review before preparing the annual budget;
- 14 4. Promulgate regulations to implement or make specific the provisions of this title,
15 except provisions of chapter 21.08, *Subdivision Standards*; and
- 16 5. Exercise such other powers, and perform such other duties, as are provided by
17 law.

18 **C. Delegation of Authority**

19 The planning and zoning commission may delegate to other bodies the authority to
20 review and comment upon applications, but the commission shall retain final decision-
21 making authority over such applications.

22 **D. Recommended Qualifications**

23 At least four members of the commission should have professional experience in
24 architecture, planning, landscape architecture, or law, as well as practical experience and
25 knowledge of planning and/or real estate issues in the municipality.

26 **21.02.050 PLATTING BOARD**

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

28 As authorized by AMC section 4.40.110, there shall be a platting board, which shall have
29 the powers and duties set forth in table 21.02-1, to be carried out in accordance with the
30 terms of this title.

31 **B. Other Powers and Duties**

32 In addition, the platting board shall have the following powers and duties, to be carried
33 out in accordance with the terms of this title:

- 34 1. Review and make recommendations to the assembly regarding all proposed
35 amendments to chapter 21.08, *Subdivision Standards*, and all proposed
36 regulations to implement, interpret, or make specific chapter 21.08, *Subdivision*

1 *Standards.* The assembly shall not adopt such an amendment or regulation until
2 it has been reviewed by the platting board;

3 2. Authorize extensions of subdivision agreements as provided in section
4 21.08.060C., *Time Limit for Completion of Improvements*;

5 3. Hear and decide appeals under section 21.03.120E., *Improvements Associated*
6 *with Land Use Permits*; and

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

9 **C. Delegation of Authority**

10 The platting board may delegate to the urban design commission the authority to review
11 and comment upon a preliminary or final plat, or a site plan subject to review by the
12 platting board. However, such delegation shall be limited to issues of site design,
13 landscaping, and structure design, and the board shall retain final decision-making
14 authority over such applications.

15 **D. Recommended Qualifications**

16 At least four members of the platting board should have professional experience in
17 engineering, surveying, law, real estate, and/or construction.

18 **21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS**

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

20 As authorized by AMC section 4.40.130, there shall be a zoning board of examiners and
21 appeals, which shall have the powers and duties set forth in table 21.02-1, to be carried
22 out in accordance with the terms of this title.

23 **B. Other Powers and Duties**

24 In addition, the zoning board of examiners and appeals shall have the following powers
25 and duties, to be carried out in accordance with the terms of this title:

26 1. Hear and decide appeals from enforcement orders pursuant to section
27 21.03.200B., *Appeals to Zoning Board of Examiners and Appeals*;

28 2. Adopt general rules or make findings in specific cases regarding proposed
29 changes of nonconforming uses, pursuant to section 21.11.030B., *Change of*
30 *Use*;

31 3. Interpret or make specific the provisions of this title, except provisions of chapter
32 21.08, *Subdivision Standards*;

33 4. Hear and decide appeals relating to section 21.11.040E., *Legalization of*
34 *Nonconforming Dimensional Setback Encroachments*;

35 5. Hear and decide appeals from decisions of the director regarding unlisted uses,
36 pursuant to section 21.03.210, *Use Classification Requests*; and

1 6. Exercise such other powers, and perform such other duties, as are provided by
2 law.

3 **C. Qualifications**

4 The zoning board of examiners and appeals shall include at least one attorney
5 (preferably with land use experience), at least one surveyor, at least one civil engineer,
6 and at least one planner.

7 **21.02.070 BOARD OF ADJUSTMENT**

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

9 As authorized by section 5.07 of the *Anchorage Municipal Home Rule Charter* and AMC
10 section 4.05.020, there shall be a board of adjustment, which shall have the powers and
11 duties set forth in table 21.02-1, to be carried out in accordance with the terms of this title.

12 **B. Composition**

13 There shall be a three-member board of adjustment with two alternates, whose members
14 are nominated by the mayor and confirmed by the assembly for three-year staggered
15 terms. The board's seats shall be designated seats 1, 2, and 3.

16 **C. Qualifications**

17 The board of adjustment shall include at least one attorney and at least one planner.

18 **21.02.080 URBAN DESIGN COMMISSION**

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

20 There shall be an urban design commission, which shall have the powers and duties set
21 forth in table 21.02-1, to be carried out in accordance with the terms of this title.

22 **B. Other Powers and Duties**

23 In addition, the urban design commission shall have the following powers and duties, to
24 be carried out in accordance with the terms of this title:

25 1. Advise the mayor, assembly, and planning and zoning commission regarding
26 urban design, northern setting design, and winter city design matters, including
27 design-related amendments to the comprehensive plan and title 21;

28 2. Review and make recommendations regarding any entitlement requests, in
29 accordance with authority delegated by the planning and zoning commission or
30 platting board under this title;

31 3. Determine eligibility for a proposed neighborhood conservation overlay district
32 and assist in the preparation of a neighborhood conservation plan pursuant to
33 section 21.04.080D.

34 4. Implement the art funding requirements for public buildings and facilities, as
35 stated in title 7.

1 5. Exercise such other powers, and perform such other duties, as are provided by
2 law.

3 **C. Recommended Qualifications**

4 At least four members of the urban design commission should have professional
5 experience in architecture, planning, landscape architecture, horticulture, engineering, or
6 practical experience and knowledge of design issues in the municipality.

7 **21.02.090 GEOTECHNICAL ADVISORY COMMISSION**

8 **A. Authority**

9 1. The geotechnical advisory commission shall serve as a technical advisory board
10 in the municipality as established in AMC section 4.50.050.

11 2. The commission shall act in an advisory capacity to the assembly, the mayor,
12 boards, commissions, and heads of municipal departments and agencies, and
13 shall have the following powers and duties:

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

16 b. To recommend and review special studies relating to geotechnical
17 engineering and natural hazards risk mitigation issues.

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

22 **B. Qualifications**

23 At least four members of the geotechnical advisory commission shall possess
24 professional civil engineering registration in the state of Alaska and have knowledge of
25 past studies of the natural hazards affecting the municipality. The remaining members
26 shall have skills and experience that complement the overall mission of the commission
27 (e.g., structural engineering, geology, hydrology, seismology, planning).

28 **21.02.100 MUNICIPAL STAFF**

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

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CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES

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. 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.

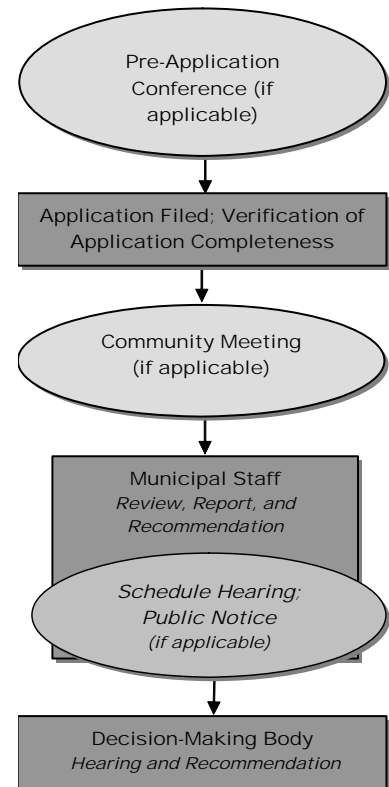
2. Applicability

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 should take place prior to any substantial investment, such as land acquisition for a



Common Procedures

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

- 1 **b.** Appropriateness of the development with respect to the policies set forth
- 2 in the comprehensive plan and the regulations in this title.

- 3 **c.** Need, if any, to prepare a subdivision plat.

- 4 **d.** Any site plan considerations or requirements.

- 5 **e.** Any concerns or requirements related to the anticipated impact upon
- 6 public rights-of-way and public improvements, and appropriate
- 7 requirements to mitigate those impacts, including but not limited to traffic
- 8 impact analyses.

- 9 **f.** Any concerns related to neighborhood impacts, land use, landscaping
- 10 concepts, and overall project design.

- 11 **g.** Possible alternatives or modifications related to the proposed application.

- 12 **h.** Procedures that will need to be completed to review and act on the
- 13 proposed change.

14 The checklist shall be considered proprietary information until an application has
15 been submitted.

16 **6. Informal Recommendations Not Binding**

17 The informal recommendations of the director are not binding upon the applicant
18 or the municipality, but are intended to serve as a guide to the applicant in
19 making the application and advising the applicant in advance of the formal
20 application of any issues which will or may subsequently be presented to the
21 appropriate decision-making body. Because a pre-application conference
22 precedes the actual application, some key issues relating to a specific proposal
23 may not be apparent at the pre-application conference.

24 **7. Application Required Within Six Months**

25 After a pre-application conference has been completed, an application must be
26 submitted within six months, unless one extension is granted by the director not
27 to exceed an additional six months. If a complete application is not submitted
28 within six months or an extension has not been granted, a new pre-application
29 conference shall be required prior to submitting an application.

30 **C. Authority to File Applications**

- 31 **1.** Unless otherwise specified in this title, applications for review and approval may
- 32 be initiated by:
 - 33 **a.** The owner of the property that is the subject of the application;
 - 34 **b.** The owner's authorized agent; or
 - 35 **c.** Any review or decision-making body.

- 36 **2.** When an authorized agent files an application under this title on behalf of a
- 37 property owner, the agent shall provide the municipality with written
- 38 documentation that the owner of the property has authorized the filing of the
- 39 application.

1 3. When a review or decision-making body initiates action under this title, it does so
2 without prejudice toward the outcome.

3 **D. Application Contents, Submittal Schedule, and Fees**

4 1. **Title 21 User's Guide**
5 The mayor shall compile the requirements for application contents, forms, fees,
6 and the submittal and review schedule (including recommended time frames for
7 review) in a user's guide, which shall be made available to the public. The mayor
8 may amend and update the user's guide from time to time, upon
9 recommendation of the director.

10 2. **Form of Application**
11 Applications required under this chapter shall be submitted in a form and in such
12 number as required in the user's guide.

13 3. **Processing Fees**
14 Applications shall be accompanied by the fee amount that is listed in the user's
15 guide.

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

23 **E. Verification of Application Completeness**

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

33 2. An application shall be considered complete if it is submitted in the required form,
34 includes all mandatory information, including all supporting materials specified in
35 the title 21 user's guide, and is accompanied by the applicable fee. Nothing in
36 this subsection prohibits the department from requesting additional information
37 deemed necessary for review, after the application is complete. A pre-
38 application conference shall have been held, if required, pursuant to section
39 21.03.020B, *Pre-Application Conferences*.

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

1 **F. Additional Information**

2 **1. Requested Information**

3 Any supplemental technical reports, special studies, and/or revised application
4 materials that are requested by the department and submitted following the
5 original application must be received at least thirty days prior to a public hearing.
6 The municipality may postpone and reschedule a public hearing or approval
7 deadline if such reports and studies are submitted less than thirty days prior to a
8 public hearing, unless the applicable board or commission waives this time limit
9 in a specific case for cause. Copies of such additional materials shall be
10 delivered to all reviewers who received the original application packet.

11 **2. Voluntary Information**

12 Any supplemental information, such as revised application materials, that is
13 voluntarily submitted by the applicant, should be submitted before the director's
14 report (staff packet) is finalized. Any such information submitted after the
15 director's report is finalized shall cause the application to be automatically
16 postponed to the next regular meeting in order for the department to have time to
17 review the new information, unless the board or commission determines that the
18 new information does not significantly alter the application.

19 **G. Community Meetings**

20 **1. Purpose**

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

26 **2. Applicability**

27 **a. Types of Applications**

28 A community meeting shall be required following the submittal of any of
29 the following types of applications, unless a waiver is granted by the
30 director pursuant to subsection b. below.

- 31 i. Rezoning (Zoning Map Amendments);
- 32 ii. Subdivisions and Plats, except for Abbreviated Plats;
- 33 iii. Conditional Uses;
- 34 iv. Major Site Plan Review; and
- 35 v. Public Facility Site Selection (including schools).

36 **b. Waiver**

37 The director may waive the community meeting requirement if he or she
38 determines that the proposed development or subdivision will not have
39 significant community impacts in any of the areas listed below. The
40 waiver shall be in writing and shall be included as part of the case
41 record.

- 42 i. Traffic;

- 1 ii. Impacts upon natural resources protected under chapter 21.07 of
2 this code;
- 3 iii. Provision of public services such as police and/or fire service,
4 schools, or parks;
- 5 iv. Compatibility of building design or scale; or
- 6 v. Operational compatibility, such as lighting, hours of operation,
7 odors, noise, litter, or glare.
- 8 **3. Timing and Number of Community Meetings**
- 9 a. When required, there shall be at least one community meeting held prior
10 to preparation of the staff report and/or recommendation, if required; and
11 at least 21 days prior to any public hearing.
- 12 b. The director may also require that additional community meetings occur
13 based on consideration of the proposed development's mix of uses,
14 density, complexity, potential for impacts, or the need for off-site public
15 improvements created by the development.
- 16 **4. Notice of Community Meeting**
- 17 a. In addition to notification to residents and property owners in the
18 neighborhood surrounding the proposed development, the applicant shall
19 give written notice of the community meeting to the affected community
20 council(s) at least 21 days prior to the community meeting, pursuant to
21 the general notice provisions of section 21.03.020H.
- 22 b. If more than one community council has boundaries within or adjacent to
23 a proposed development subject to this section, the director shall require
24 that representatives from all affected councils be notified.
- 25 **5. Attendance at Community Meeting**
- 26 a. If a community meeting is required, the applicant or applicant's
27 representative shall attend the community meeting. The applicant shall
28 be responsible for scheduling the community meeting, coordinating the
29 community meeting, and for retaining an independent facilitator if
30 needed.
- 31 b. All community meetings shall be convened at a place in the vicinity of the
32 proposed development.
- 33 **6. Summary of Community Meeting**
- 34 The applicant shall prepare a written summary of the community meeting(s),
35 which shall be submitted to the director no later than seven days after the date of
36 the meeting. The written summary shall be included in the director/staff report
37 provided to the decision-making body at the time of the first public hearing to
38 consider the application. At a minimum, the written summary shall include the
39 following information:
- 40 a. Dates and locations of all meetings where citizens were invited to
41 discuss the applicant's proposals;

- 1 **b.** Content, dates mailed, and number of mailings, including letters, meeting
- 2 notices, and any other written material;
- 3 **c.** The number of people that participated in the meetings;
- 4 **d.** A summary of concerns, issues, and problems expressed during the
- 5 meetings, including:
- 6
 - 7 **i.** The substance of the concerns, issues, and problems;
 - 8 **ii.** How the applicant has addressed or intends to address
 - 9 concerns, issues, and problems expressed at the meetings; and
 - 10 **iii.** Concerns, issues, and problems the applicant is unwilling or
 - unable to address and why.

11 **H. Notice**

12 **1. Content of Notices**

13 Notice of all public hearings required under this chapter shall, unless otherwise

14 specified in this title:

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

22 **2. Summary of Notice Requirements**

23 The following table 21.03-1 summarizes the notice requirements of the

24 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	21.03.030C.	-	✓	-
Amendments to the Comprehensive Plan, Cosmetic	21.03.030D.	-	-	-
Amendments to Text of Title 21	21.03.040	-	✓	-
Rezoning (Map Amendments)	21.03.050	✓	✓	✓
Subdivisions (Preliminary Plat) (with existing physical access)	21.03.060	✓	✓	✓

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS

Type of Application or Procedure	Section	Notice Required		
		Mailed	Published	Posted
Subdivisions (Preliminary Plat) (without existing physical access)	21.03.060	✓	✓	-
Final Plat	21.03.060	-	-	-
Abbreviated Plats	21.03.060D.	-	(-
Right-of-Way Acquisition Plat	21.03.060F.	-	-	-
Conditional Uses	21.03.070	((✓
Administrative Site Plan Review	21.03.080B	-	-	-
Major Site Plan Review	21.03.080C	✓	✓	✓
Public Facility Site Selection (except schools)	21.03.090	✓	✓	✓
Road and Trail Review	21.03.100	-	✓	-
Special Flood Hazard Permits	21.03.110	✓	✓	✓
Land Use Permits	21.03.120	-	-	-
Certificates of Zoning Compliance	21.03.130	-	-	-
Sign Permits	21.03.140	-	-	-
Record of Survey Maps	21.03.150	-	-	-
Vacation of Plats and Rights-of-Way	21.03.160	✓	✓	✓
Verification of Nonconforming Status	21.03.170	-	-	-
Minor Modifications	21.03.180	-	-	-
Variances	21.03.190	✓	✓	✓
Appeals to Board of Adjustment	21.03.200A.	✓	✓	-
Appeals to ZBEA	21.03.200B.	✓	✓	-
Assembly Alcohol Approval	21.03.220	✓	✓	✓
Neighborhood or District Plans	21.03.240	-	✓	-
Area Master Planning	21.03.250A.	✓	✓	✓
Development Master Planning	21.03.250B.	✓	✓	✓
Institutional Master Planning	21.03.250C.	✓	✓	✓

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS

Type of Application or Procedure	Section	Notice Required		
		Mailed	Published	Posted
Appeal of an Enforcement Order	21.12	-	-	✓

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:

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.

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.

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 boundary lies within 1,000 feet of any part of the subject property. Furthermore, the department shall provide notice to additional community councils in the following instances:

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: Ted Stevens Anchorage International Airport; Merrill Field Airport; Far North/Bicentennial Park; Kincaid Park; Chugach State Park; Anchorage Coastal Wildlife Refuge; BLM tract(s) near Far North/Bicentennial Park.¹

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. This requirement shall only take effect after the municipality has established maps delineating areas of service for the type of branch facility, and has adopted procedures and responsibilities for updating service area boundaries.

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.

iv. All community councils shall receive notice of substantive amendments to the comprehensive plan and amendments to the text of title 21.

d. Additional Persons

Such additional persons or geographic areas as the director may designate.

5. Posted Notice

When table 21.03-1 requires that notice be posted, the applicant shall cause a notice, on a form provided by the department, to be posted on the property for at least 21 days before the scheduled public hearing date. In computing such period, the day of posting shall not be counted, but the day of the public 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 H.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 person who caused the posting to be done, that notice was posted as required by this subsection. Posted notices shall be removed by the applicant within 30 days of the public hearing on the application.

6. Constructive Notice

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

7. Presumption of Notice

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

1 **I. Concurrent Processing**

2 Where possible without creating an undue administrative burden on the municipality's
3 decision-making bodies and staff, this title intends to accommodate the simultaneous
4 processing of applications for different permits and approvals that may be required for the
5 same development project in order to expedite the overall review process. Review and
6 decision-making bodies considering applications submitted simultaneously shall render
7 separate reports, recommendations, and decisions on each application based on the
8 specific standards applicable to each approval.

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

- 11 **a.** A rezoning along with a comprehensive plan map amendment;
12 **b.** A subdivision plan along with a site plan or variance or vacation;
13 **c.** A variance along with a conditional use or site plan.

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

20 **3.** The expected time frame and approval process for a consolidated application
21 shall follow the longest time frame and approval process required from among
22 the joined application types.

23 **J. Postponements**

24 **1.** The applicant may request a postponement of his or her case without a fee,
25 when there are only five or fewer board or commission members in attendance at
26 the hearing.

27 **2.** The applicant may request a postponement of his or her case for any other
28 reason. If the decision-making body grants the postponement request, the
29 applicant shall pay the postponement fee listed in the user's guide, and a new
30 hearing date shall be determined by the department.

- 31 **a.** If public notice pursuant to subsection H. above has not been given, the
32 director is the decision-making body for the purpose of granting a
33 postponement.
34 **b.** If public notice pursuant to subsection H. above has been given, the
35 decision-making body is the board or commission identified in table
36 21.02-1 for the entitlement requested.
37

38 **3.** Re-notice of the new time for hearing is only necessary if the postponement is for
39 more than 30 days, or if no date certain is set for the hearing at the time of
40 postponement.
41

1 **K. Conditions of Approval**

2 The decision-making body is authorized to impose such conditions upon the premises
3 benefited by the approval as may be necessary to conform to the standards of this title,
4 reduce or minimize any potential adverse impact upon other property in the area, or to
5 carry out the general purpose and intent of the comprehensive plan and this title. In such
6 cases, any conditions attached to approvals shall be directly related to the impacts of the
7 proposed use or development and shall be roughly proportional in both extent and
8 amount to the anticipated impacts of the proposed use or development. No conditions of
9 approval, except for those attached to variance approvals, shall be less restrictive than
10 the requirements of this title or applicable special limitations.

11 **L. Decision**

12 **1. Findings of Fact**

13 Every recommendation and decision made under this title shall be based on and
14 include precise findings of fact and conclusions. Every finding of fact shall be
15 supported in the record of the proceedings. The findings shall be sufficient to
16 provide a reasonable basis for understanding the reasons for the decision. In
17 considering and applying any applicable approval criteria, the decision-making
18 body shall make specific findings as to why the criteria have or have not been
19 met.

20 **2. Appeals**

21 The findings of fact and decision of the decision-making body at the scheduled
22 hearing shall become final seven (7) calendar days after the date the decision is
23 made on the record, unless prior to the expiration of the seventh day, a written
24 request is received by the secretary to:

25 a. Prepare a written decision based upon the record made at the hearing;
26 and

27 b. The request is accompanied by a written notice of intent to appeal.

28 **M. Lapse of Approval**

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

31 1. The provisions of this title must expressly allow the extension;

32 2. An extension request must be filed prior to the applicable lapse-of-approval
33 deadline;

34 3. The extension request must be in writing and include justification; and

35 4. Unless otherwise noted, authority to grant extensions of time shall rest with the
36 decision-making body that granted the original approval (the one being
37 extended).

38 **N. New Application Required**

39 If a decision is not made on an application within one year of the submittal of that
40 application, the application shall be discarded and a new application shall be required.

21.03.030 COMPREHENSIVE PLAN AMENDMENTS

A. Purpose and Scope

This section provides uniform procedures, schedules, and review criteria necessary for amendments to the comprehensive plan. It includes allowances for concurrent comprehensive plan map and zoning map amendments.

B. Levels of Plan Review

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

1. Complete Plan Revision (20-year Intervals)

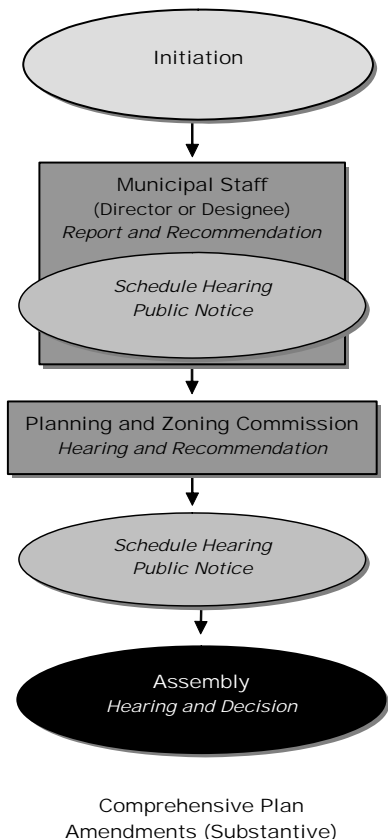
The director shall initiate a full review and complete revision of the comprehensive plan at least once every 20 years, preferably following the decennial census. As part of this review, the director shall provide the planning and zoning commission with an overall assessment of the adequacy and effectiveness of the existing plan, including identification of new issues not adequately addressed, issues which require further study and investigation, and suggested improvements. The planning and zoning commission shall consider the staff assessment and shall recommend amendments or issues that the commission feels should be pursued or investigated. Any amendments shall follow the procedures of subsections C. and D. below.

2. Targeted Plan Review (10-year Intervals)

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

3. Other Plan Amendments

In addition to the regularly scheduled reviews described above, any review or decision-making body, or the director of any municipal department, may propose a plan amendment at any time. All such proposals shall be processed in accordance with the procedures in subsections C. and D. below.



C. Procedure for Substantive Amendments

1. Procedure

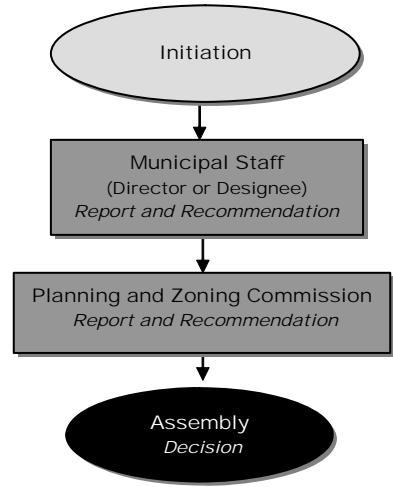
- 1 **a. *Initiation***
2 A petition for amendment to the comprehensive plan may be initiated by
3 any review or decision-making body, or, if accompanied by a rezone
4 application, by a property owner.
- 5 **b. *Public Hearings and Public Notice***
6 Two public hearings shall be held on each proposed substantive
7 amendment, the first before the planning and zoning commission and the
8 second before the assembly. Notice of the hearings shall be provided in
9 accordance with sections 21.03.020H.
- 10 **c. *Hearing and Recommendation by Planning and Zoning Commission***
11 The director shall review each proposed substantive amendment in light
12 of the review considerations set forth in subsection C.2. below and
13 distribute the application, as deemed necessary, to other reviewers.
14 Based on the results of those reviews, the director shall provide a report
15 and recommendation to the planning and zoning commission at the first
16 public hearing on the proposed substantive amendment. This report
17 shall include a discussion of all plans and policies that have been
18 adopted by the municipality and are relevant to the proposed
19 amendment. Based on testimony received, the staff report, and the
20 review considerations in subsection C.2. below, the commission shall
21 recommend that the assembly approve, approve with modifications, or
22 deny the proposed amendment.
- 23 **d. *Hearing and Action by Assembly***
24 Within 90 days following the commission's action, the assembly shall
25 hold a public hearing on the proposed amendment. The assembly shall,
26 within 90 days of the hearing, based on the commission's
27 recommendation, testimony received, and the review considerations in
28 subsection C.2. below:
- 29 **i. Approve the amendment by ordinance, either as submitted or**
30 with modifications suggested by staff, the planning and zoning
31 commission, or the assembly;
- 32 **ii. Reject the proposed amendment; or**
- 33 **iii. Refer the proposed amendment, and/or any substantial**
34 modifications proposed by the assembly, back to the planning
35 and zoning commission or to a committee of the assembly for
36 further consideration.
- 37 **2. *Approval Criteria***
38 The planning and zoning commission may submit a recommendation for
39 approval, and the assembly may approve an amendment only if the amendment
40 meets the following approval criteria:
- 41 **a. The proposed amendment is necessary in order to address one or more**
42 of the following:
- 43 **i. A change in projections or assumptions from those on which the**
44 comprehensive plan is based;
- 45

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- ii. Identification of new issues, needs, or opportunities that are not adequately addressed in the comprehensive plan;
 - iii. 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
 - iv. Identification of errors or omissions in the comprehensive plan.
- b. The proposed amendment maintains the internal consistency of the comprehensive plan, and is consistent with the other elements of the comprehensive plan without the need to change other components of the plan to maintain internal consistency.
 - c. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.
 - d. If the propose amendment is to the comprehensive plan map, the requested land use designation is found to be equally or more supportive of the comprehensive plan goals, objectives, policies, and guidelines, than the old land use designation.
 - e. If the proposed amendment is to the comprehensive plan map, the subject site is consistent with the adopted description and locational criteria for the requested land use designation, and is physically suitable to accommodate the proposed designation, including but not limited to access, physical constraints, provision of utilities, and compatibility with surrounding designations and development patterns.

3. Concurrent Zoning Changes Allowed

- a. Requests for rezonings (zoning map amendments) may be considered concurrently with a comprehensive plan map amendment. The zoning map amendment shall be to a zone corresponding to the requested comprehensive plan map designation. Concurrent zoning map amendments shall meet all of the approval criteria of subsection 21.03.050E.
- b. The planning and zoning commission shall submit its report and recommendation regarding the comprehensive plan map amendment to the assembly at the same time it submits the report and recommendation on the rezoning case. The assembly and planning and zoning commission shall consider the plan amendment proposal and rezoning request separately, and shall act separately on the two items.



Comprehensive Plan
 Amendments (Cosmetic)

D. Procedure for Cosmetic Amendments

1. Initiation

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

4 **2. Review by Planning and Zoning Commission**

5 Upon receiving a request for a cosmetic amendment, the director shall forward
6 the proposed amendment to the planning and zoning commission for
7 consideration, along with a staff report and recommendation. The planning and
8 zoning commission shall submit, within a reasonable time, a report and
9 recommendation to the assembly regarding whether or not the proposed
10 amendment should be adopted as submitted, adopted with modifications, or
11 rejected.

12 **3. Action by Assembly**

13 The assembly shall consider the reports and recommendations of the planning
14 and zoning commission and the director at a regularly scheduled assembly
15 meeting, and will take action to either: (1) approve or deny the amendment, (2)
16 approve the amendment with modifications, or (3) refer the matter back to the
17 planning and zoning commission for further consideration. No public hearing or
18 public notification is required.

19 **21.03.040 AMENDMENTS TO TEXT OF TITLE 21**

20 **A. Purpose and Scope**

21 The assembly may amend the text of this title in accordance with the procedures set forth
22 in this section. The purpose of text amendments is not to relieve particular hardships, nor
23 to confer special privileges or rights on any person, but rather to make adjustments to
24 text that are necessary in light of changed conditions or changes in public policy, or that
25 are necessary to advance the general welfare of the municipality.

26 **B. Procedure**

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

28 A petition for amendment to the text of this title may be initiated by any review or
29 decision-making body. Petitions for text amendment shall be filed with the
30 director in a form established by the director in the user's guide.

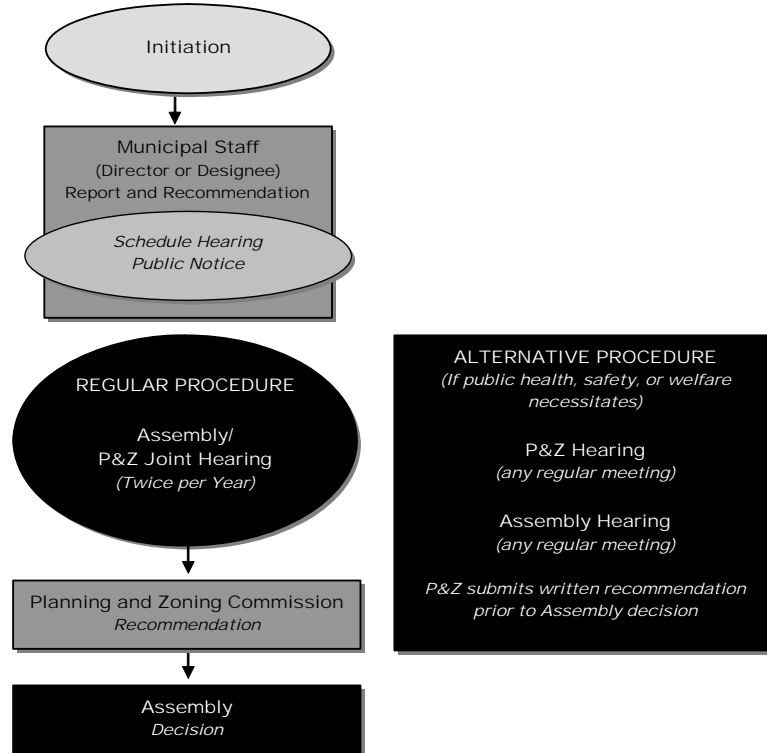
31 **2. Director Review, Report, and Recommendation**

32 The director shall review each proposed text amendment in light of the approval
33 criteria of subsection C. below and distribute the application to other reviewers as
34 deemed necessary. Based on the results of those reviews, the director shall
35 provide a report and recommendation to the planning and zoning commission. A
36 positive recommendation shall be accompanied by a draft ordinance reflecting
37 the recommendation.

38 **3. Joint Public Hearing**

39 **a.** Written and published notice of public hearings on text amendments
40 shall be provided pursuant to the general notice provisions of section
41 21.03.020H.

42 **b.** Text amendments shall be considered two times per year at a joint public
43 hearing of the planning and zoning commission and the assembly.
44 However, where the assembly determines by a majority vote that the
45 public health, safety, or welfare necessitates, text amendments may be



Amendments to Text of Title 21

1 considered at any regularly scheduled meeting of the assembly, provided
 2 that the assembly holds a public hearing on the proposed amendment
 3 and the planning and zoning commission holds a public hearing and
 4 provides a written report and recommendation on the proposed
 5 amendment prior to the assembly's decision.

- 6 **4. Planning and Zoning Commission Review and Recommendation**
 7 **a.** As soon as possible after the public hearing, but no later than 60 days,
 8 the planning and zoning commission shall make a recommendation to
 9 the assembly to approve or deny the text amendment based on the
 10 approval criteria of subsection C. below.
- 11 **b.** If the commission recommends approval of the amendment, the director
 12 shall submit the draft ordinance to the assembly.
- 13 **c.** If no recommendation is made within 60 days, then the planning and
 14 zoning commission may request an extension of time from the assembly.
 15 If no recommendation is made and no extension is granted, then the
 16 assembly may act on the proposed amendment without a
 17 recommendation from the planning and zoning commission.

- 18 **5. Assembly Action**
 19 After reviewing the reports and recommendations of the director and the planning
 20 and zoning commission, the assembly shall vote to approve, approve with
 21 amendments, or deny the proposed amendment, based on the approval criteria

1 of subsection C. below. The assembly also may refer the proposed amendment
2 back to the planning and zoning commission or to a committee of the assembly
3 for further consideration. Text amendments shall be approved in the form of
4 ordinances.

5 **C. Approval Criteria**

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 the
18 affirmative vote of three-fourths of the members of the assembly.

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

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. This section
23 states the procedures and approval criteria necessary to process an amendment to the
24 official zoning map. The purpose is not to relieve particular hardships, nor to confer
25 special privileges or rights on any person, but to make adjustments to the official zoning
26 map that are necessary in light of changed conditions or changes in public policy, or that
27 are necessary to advance the general welfare of the municipality. Rezoning shall not be
28 used as a way to legitimize nonconforming uses or structures, and should not be used
29 when a conditional use, variance, or minor modification could be used to achieve the
30 same result.

31 **B. Minimum Area Requirements**

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

- 34 1. A rezoning extending the boundaries of an existing use district; or
- 35 2. A rezoning initiated by the municipal administration to place municipally owned
36 land in a PLI, PR, or DR use district.
- 37 3. A rezoning into the NC district.

C. When a Comprehensive Plan Map Amendment is Required

Zoning map amendments may also require an amendment to the comprehensive plan map. Determination of whether the comprehensive plan map must also be amended is based upon whether the proposed zoning map amendment is to a zone consistent with the comprehensive plan map. If an amendment to the comprehensive plan map is required, the zoning map amendment can only be made if the amendment to the comprehensive plan map is approved first. Both amendments may be processed concurrently, as provided in subsection 21.03.030C.3.

D. 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.

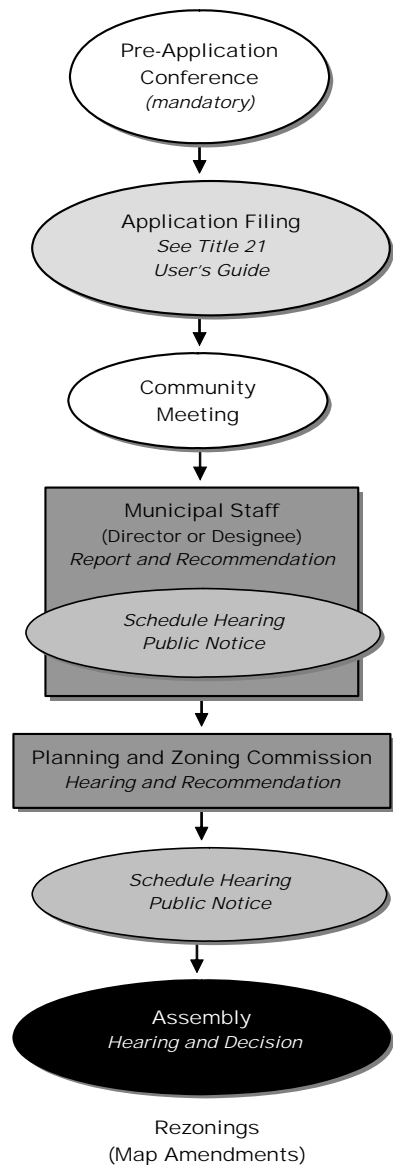
b. In addition, any person may initiate a rezoning by submitting a petition favoring the rezoning signed by the owners of at least 51 percent of the property within the area to be rezoned. For the purposes of this subsection, an owner of property subject to the Horizontal Property Regimes Act (A.S. 34.07) 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 21.03.020B.



- 1 **3. Submittal Requirements**
2 **a.** Applicants for a rezoning shall submit the materials specified in the
3 user's guide. Additional materials may be required for certain types of
4 rezoning, such as rezoning with special limitations.
- 5 **b.** The planning and zoning commission or the director may require the
6 submittal of such other information as may be necessary to permit the
7 informed exercise of judgment under the approval criteria set forth in
8 subsection E. below. Such information shall be related to the scale and
9 location of the rezoning application and may include, without limitation,
10 traffic, soil, hydraulic, water, air quality, noise, and sewage analyses.
- 11 **4. Community Meeting**
12 A community is required per subsection 21.03.020G.
- 13 **5. Public Hearings**
14 Published, written, and posted notice of public hearings on rezonings shall be
15 provided in accordance with section 21.03.020H. In addition, the published and
16 written notice shall list the protest provisions set forth in subsection D.8. below.
17 Where the rezoning has been initiated by someone other than the property owner
18 or his or her designated agent, the director also shall mail a notice to all owners
19 of the property to be reclassified, as shown in the current municipal assessor's
20 records.
- 21 **6. Review and Recommendation by Planning and Zoning Commission**
22 **a.** The planning and zoning commission shall hold a public hearing on the
23 proposed rezoning and, at the close of the hearing, recommend
24 approval, approval with special limitations or other modifications, or
25 denial. The commission shall base its recommendation on the approval
26 criteria in subsection E. below, and shall include written findings based
27 on each of the approval criteria.
- 28 **b.** If the commission recommends approval or approval with special
29 limitations or other modifications, within 60 days of the commission's
30 written resolution, the director shall forward the recommendation to the
31 assembly with an ordinance to amend the official zoning map in
32 accordance with the recommendation.
- 33 **c.** If the commission recommends denial, that action is final unless, within
34 15 days of the commission's written resolution recommending denial, the
35 applicant files a written statement with the municipal clerk requesting that
36 an ordinance amending the zoning map in accordance with the
37 application be submitted to the assembly. The draft ordinance shall be
38 appended to an Assembly Informational Memorandum (AIM) for
39 consideration by the assembly.
- 40 **7. Action by Assembly**
41 The assembly shall hold a public hearing on the proposed rezoning and shall, at
42 the close of the hearing, taking into account the recommendations of the director,
43 planning and zoning commission, and public input, and based upon the approval
44 criteria of subsection E. below:
- 45 **a.** Approve the zoning map amendment by ordinance;

- 1 **b.** Approve the zoning map amendment by ordinance with special
- 2 limitations (see subsection G.);
- 3 **c.** Deny the amendment; or
- 4 **d.** Refer the proposed amendment back to the planning and zoning
- 5 commission or to a committee of the assembly for further consideration.

6 **8. Protests**

7 Any owner of property subject to a proposed rezoning may protest the rezoning
8 by filing a written protest with the clerk pursuant to this subsection.

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

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

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

16 Excluding land owned by the municipality, except where the municipality
17 joins in the protest.

18 **b.** To be valid, the protest must be received by the municipal clerk after
19 notice of a public hearing before the assembly on a zoning map
20 amendment and at least three business days before the time set for the
21 assembly public hearing on the amendment.

22 **c.** Assembly approval of a rezoning subject to a valid protest under this
23 subsection shall require an affirmative vote of eight assembly members.

24 **9. Waiting Period for Reconsideration**

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

28 **10. Form of Amending Ordinance**

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

30 **a.** The names of the current and the requested zoning districts;

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

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

33 **d.** An effective clause.

34 **E. Approval Criteria**

35 The planning and zoning commission may recommend approval, and the assembly may
36 approve a rezoning, if the rezoning meets all of the following criteria:

- 1 1. The rezoning promotes the public health, safety, and general welfare;
- 2 2. The rezoning complies with and conforms to the comprehensive plan and the
3 purposes of this title;
- 4 3. The proposed rezoning conforms to the comprehensive plan map, as follows:
 - 5 a. The rezoning shall be to a zone corresponding to the comprehensive
6 plan map, including the land use designations summary table.
 - 7 b. When the comprehensive plan map designation has more than one
8 corresponding zone, it shall be shown that the proposed zone is the most
9 appropriate, taking into consideration the purposes of each zone and the
10 zoning pattern of surrounding land.
- 11 4. The rezoning is consistent with the stated purpose of the proposed zoning
12 district;
- 13 5. Facilities and services (including roads and transportation, water, gas, electricity,
14 police and fire protection, and sewage and waste disposal, as applicable) are
15 capable of supporting the uses allowed by the zone or will be capable by the time
16 development is complete, while maintaining adequate levels of service to existing
17 development;
- 18 6. The rezoning is not likely to result in significant adverse impacts upon the natural
19 environment, including air, water, noise, stormwater management, wildlife, and
20 vegetation, or such impacts will be substantially mitigated; and
- 21 7. The rezoning is not likely to result in significant adverse impacts upon other
22 property in the vicinity of the subject tract.
- 23 8. The proposed rezoning maintains and preserves the compatibility of surrounding
24 zoning and development, and protects areas designated for specific uses on the
25 zoning map from incompatible land uses or development intensities.

26 **F. Flexibility of Interpretation**

27 The comprehensive plan map and the approval criteria of subsection E. above may be
28 interpreted with flexibility within the following parameters:

- 29 1. A proposed rezoning that is to a district that does not correspond to the
30 comprehensive plan map may be considered if processed concurrently with a
31 related amendment to the comprehensive plan map following the procedures of
32 subsection 21.03.030, *Comprehensive Plan Amendments*.
- 33 2. Where the location of comprehensive plan map designation boundaries appear
34 generalized or uncertain, proposed zoning amendments on or near the
35 boundaries shall be treated as follows
 - 36 a. Areas clearly within a particular comprehensive plan map designation
37 shall follow the standards of that designation.
 - 38 b. The designation of areas at or near boundaries on the comprehensive
39 plan map shall be interpreted in accordance with the goals, objectives,

1 policies, and guidelines of the comprehensive plan, including locational
2 criteria for designations on the comprehensive plan map.

3 Interpretation shall not be a basis for cumulative encroachment by incompatible
4 land uses.

5 **G. Rezoning with Special Limitations²**

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

9 **1. Purposes**

10 A rezoning may include special limitations for one or more of the following
11 purposes:

- 12 **a.** To prohibit structures, or uses of land or structures, that would adversely
13 affect the surrounding neighborhood or conflict with the comprehensive
14 plan; or
- 15 **b.** To conform the zoning map amendment to the comprehensive plan, or to
16 further the goals and policies of the comprehensive plan; or
- 17 **c.** To conform development under the zoning map amendment to existing
18 patterns of development in the surrounding neighborhood; or
- 19 **d.** To mitigate the adverse effects of development under the zoning map
20 amendment on the natural environment, the surrounding neighborhood,
21 and on public facilities and services.

22 **2. Types of Limitations**

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

- 24 **a.** Limit residential density; or prohibit structures, or uses of land or
25 structures, otherwise permitted in a use district;
- 26 **b.** Require compliance with design standards for structures and other site
27 features;
- 28 **c.** Require compliance with a site plan approved under this title;
- 29 **d.** Require the construction and installation of improvements, including
30 public improvements; or
- 31 **e.** Impose time limits for taking subsequent development actions.

32 **3. Effect of Approval**

- 33 **a.** A use district subject to special limitations shall be identified on the
34 zoning map by the suffix "SL," and the number of the ordinance applying
35 the special limitations shall be printed on the zoning map.
- 36 **b.** Where a special limitation in a zoning map amendment conflicts with any
37 less restrictive provision of this title, the special limitation governs.

1 **H. Rezoning to Create, Alter, or Eliminate Overlay Districts**

2 **1. Purpose and Applicability**

3 The assembly may, through the rezoning process, establish overlay districts that
4 supplement the regulations of the underlying base zoning districts, in order to
5 address special land use needs, to meet an objective of the comprehensive plan
6 or neighborhood plan, or other specific planning objective. A rezoning for an
7 overlay district may be applied to the zoning map in order to:

- 8 **a.** Permit, require, prohibit or restrict structures or the use of land or
9 structures;
- 10 **b.** Alter the provisions of the use-specific regulations as applied to property
11 within the overlay district;
- 12 **c.** Require new development or attributes of new development to conform
13 to a specific architectural or design theme;
- 14 **d.** Require a design review approval process; and/or
- 15 **e.** Alter the development standards of the underlying district by decreasing
16 or increasing the requirements with regard to building height, yards, lot
17 area, lot width, lot coverage, and lot densities of the underlying district.

18 **2. Minimum Area Requirements**

19 No overlay district zoning map amendment shall be considered or approved that
20 applies an overlay district to an area less than 1.75 acres, excluding rights-of-
21 way, except for an amendment extending the boundaries of an existing overlay
22 district.

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

24 Overlay districts shall be established, altered, or eliminated using the general
25 rezoning procedure set forth in subsection D. above, *General Procedure*, except
26 as modified by the following provisions:

27 **a. Contents of Adopting Ordinance**

28 An ordinance amending the zoning map for an overlay district shall
29 contain the following:

- 30 **i.** The name of the overlay district that the ordinance applies;
- 31 **ii.** The legal description of the land within the overlay district
32 applied by the ordinance; and
- 33 **iii.** All standards of development to be governed by the overlay
34 district.

35 **b. Effect of Approval**

- 36 **i.** Where a specification in an overlay zoning map amendment
37 conflicts with any provision of this title, the overlay zoning map
38 amendment shall govern.
- 39 **ii.** An overlay district adopted in the same manner as the original
40 ordinance remains effective until repealed or amended. The

1 assembly may set a time for the overlay district to expire if it
2 finds the planning objectives will be met or completed within a
3 specific time period.

4 **c. Map of Overlay Districts**

5 i. Each overlay district shall be annotated on the zoning map with a
6 symbol unique to the overlay district and shall be identified on
7 the zoning map by the suffix "OV" and the number of the
8 ordinance applying the overlay district shall be printed on the
9 zoning map within the boundaries of the overlay district.

10 ii. The department shall maintain, for inspection by the public,
11 maps showing the location of the overlay districts and records of
12 the assembly's purpose and intent in establishing each district.

13 **4. Establishment or Modification of Airport Height Overlay Districts**

14 In addition to the standard submittals required to initiate an overlay map
15 amendment, establishment of an Airport Height Overlay District also shall require
16 preparation of an airport height map as set forth in section 21.04.080C.

17 **5. Establishment or Modification of Neighborhood Conservation Overlay
18 Districts**

19 The assembly may designate one or more areas as Neighborhood Conservation
20 Overlay (NCO) districts upon receipt of a recommendation from the urban design
21 commission and the planning and zoning commission. The procedure for
22 establishing and modifying NCO districts is set forth in section 21.04.080D.

23 **21.03.060 SUBDIVISIONS AND PLATS**

24 **A. Purpose**

25 The purpose of the subdivision review process is to ensure compliance with the
26 subdivision standards and requirements set forth in chapter 21.08, *Subdivision
27 Standards*, which are designed to ensure quality development in the municipality
28 consistent with the comprehensive plan.

29 **B. Applicability**

30 **1. General**

31 The procedures of this section, and the standards and requirements set forth in
32 chapter 21.08, *Subdivision Standards*, shall apply to all subdivisions or
33 resubdivisions that result in the portioning, dividing, combining, or altering of any
34 lot, parcel, or tract of land, including subdivisions or resubdivisions created by an
35 exercise of the power of eminent domain by an agency of the state or
36 municipality.

37 **2. Applicable Review Procedure**

38 **a. General Procedure**

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

42 **b. Abbreviated Plat**

- 1 Certain subdivisions may follow the streamlined procedure set forth in
2 subsection D. below, *Abbreviated Plat Procedure*. Eligible preliminary
3 plats are:
- 4 i. A movement or elimination of lot lines that does not:
 - 5 (A) Result in an increase in the permitted density of
6 residential units within the area being subdivided or
7 resubdivided.
 - 8 (B) Allow a change in the permitted use to which the lot or
9 tract may be devoted under existing zoning.
 - 10 (C) Deny adequate access to and from all lots or tracts
11 created by the subdivision or those adjacent to it.
 - 12 ii. The subdivision of a single tract, parcel, or lot into no more than
13 three tracts or eight lots, provided that the subdivision does not:
 - 14 (A) Allow a change in the permitted use to which the lot or
15 tract may be devoted under existing zoning.
 - 16 (B) Deny adequate access to and from all lots or tracts
17 created by the subdivision or those adjacent to it.
 - 18 (C) Divide a tract, parcel or lot:
 - 19 (1) Created within the previous 48 months pursuant
20 to the approval of a preliminary plat under this
21 section;
 - 22 (2) Contiguous to or having an owner either in an
23 individual capacity or as an owner of a
24 corporation, partnership, or other legal entity of a
25 preliminary plat approved within the previous 48
26 months; or
 - 27 (3) That is ten acres or more in the RS-2, RL-1, RL-
28 2, and RL-4 zoning districts or that is governed
29 by AO 84-21.³
 - 30 iii. Vacations and relocations under section 21.03.160.
 - 31 iv. Subdivision of a cemetery into burial plots.
 - 32 v. A plat required by section 21.03.070F. for final approval of a
33 conditional use, or section 21.03.080F. for final approval of a site
34 plan.
 - 35 vi. A plat depicting the creation of two attached single-family lots.
- 36 **3. Subdivision Approval is Prerequisite to Other Approvals**
37 a. No building permit, land use permit, zoning certificate of compliance, or
38 certificate of occupancy may be issued for any building, structure, or

1 improvement located within a subdivision, and no plat for a subdivision
2 may be recorded with the state of Alaska, until all required dedications of
3 land have been made, and all required improvements have been
4 installed in accordance with the procedures and requirements of this
5 section, or an approved subdivision agreement is in place pursuant to
6 section 21.08.060, *Subdivision Agreements*.

- 7 **b.** The municipality shall not accept or maintain any street, and shall not
8 extend or connect any street lighting, water service, or sanitary sewer
9 service to any subdivision of land, until and unless a plat for the
10 subdivision has been approved and recorded in accordance with the
11 requirements set forth in this section.

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

13 Any person who transfers or sells any land located within the municipality by
14 reference to a plat that has not been approved by the municipality and recorded
15 by the state of Alaska shall be guilty of a violation of this title. The description by
16 metes and bounds in the instrument of transfer or other document used in the
17 process of selling or transferring shall not exempt the transaction from such
18 penalties. The municipality also may enjoin such transfer or sale by filing an
19 action for an injunction.

20 **5. Existing Lots of Record**

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

24 **C. Review and Approval of Subdivision Plans**

25 **1. Applicability**

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

28 **2. Pre-Application Conference**

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

32 **3. Submittal of Preliminary Plat**

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

41 **b.** In submitting a preliminary plat application, applicants shall submit the
42 materials specified in the user's guide to the department, by the
43 deadlines established in the user's guide.

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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. **Community Meeting**

A community meeting is required per subsection 21.03.020G.

5. **Action on Preliminary Plat**

a. **Action by Platting Board**

Subject to paragraph b. below, the platting board shall, based on the approval criteria of subsection C.7. below, take action on the preliminary plat within 90 days after the submittal date, or shall return the plat to the applicant for modification or correction. The reasons for denial of a plat shall be stated upon the records of the platting board.

b. **Referral to Other Agency**

If the platting board finds that:

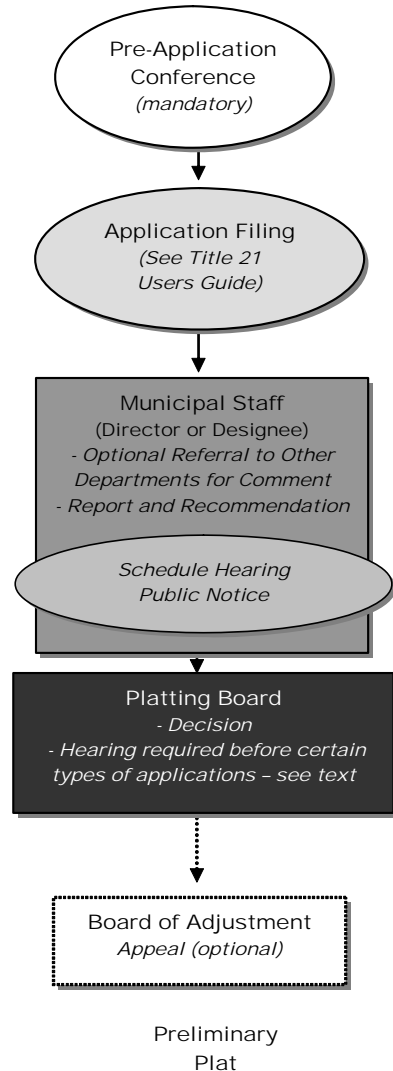
- i. It cannot determine whether a preliminary plat conforms to the approval criteria of subsection C.7. below, because a specific controlling land use, public facility, or other public policy issue has not been resolved; and
- ii. An official board, commission or legislative body of the municipality or another government has been identified as being responsible for resolving that issue;

then, upon a majority vote, the platting board may refer the issue to the responsible official, board, commission or legislative body and postpone action on the plat for a period not exceeding 90 days or to its next regular meeting after the responsible official, board, commission or legislative body responds to the referral, whichever occurs first.

c. **Public Hearing**

The platting board shall hold a public hearing before action on the following types of subdivision applications:

- i. Approval of a preliminary plat, except applications allowed to use the abbreviated plat procedure;



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- ii. Approval of a final plat that differs from the preliminary plat (see section 21.03.060C.6.b.);
 - iii. Modification or deletion of a condition of plat approval;
 - iv. Granting of a variance from the provisions of chapter 21.08, *Subdivision Standards*;
 - v. Removal of or modification(s) to plat notes; and
 - vi. Vacation of dedicated right-of-way; BLM and section line easements; or platted landscape, drainage, slope, or protective well radii easements.
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- d. **Approval Period; Time Extensions**
- i. Notwithstanding any subsequent change in the subdivision regulations, zoning regulations, and zoning districts, the approval of the preliminary plat shall be effective:
 - (A) For at least 24 months and up to 60 months from the date of approval, when it pertains to a development of no less than ten acres and includes a phasing plan. The length of the approval period shall be based upon the platting board's evaluation of the size, complexity, and phasing elements of the development.
 - (B) For 24 months from the date of approval when it pertains to a development of less than ten acres or does not include a phasing plan.
 - 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 24 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.
 - v. Preliminary plats being finalized in portions or phases shall not be construed to automatically extend the original approval
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1 period. Such an extension may only be granted by the platting
2 board in accordance with the procedures set out in this
3 subsection.

4 **e. Appeals**

5 All decisions as to approval or denial of a preliminary plat by the platting
6 board shall be final unless appealed to the board of adjustment.

7 **f. Resubmittal Following Denial**

8 No new application for the same or substantially the same preliminary
9 plat shall be accepted by the platting board within one year of denial of
10 the original application. The waiting period required by this section may
11 be waived in an individual case, based upon new evidence or changed
12 circumstances, by the affirmative vote of a majority of the platting board.

13 **6. Final Plat**

14 **a. Procedure When Final Plat Corresponds to Preliminary Plat as
15 Approved**

16 **i.** A hearing on the final plat shall not be required when such plat
17 essentially conforms to the preliminary plat approved by the
18 platting board. The final plat shall, in addition, meet all
19 conditions imposed by the board in approving the preliminary
20 plat.

21 **ii.** The final plat map shall constitute only that portion of the
22 approved preliminary plat that is proposed to be recorded and
23 developed at the time. If only a portion of the approved
24 preliminary plat is proposed for final plat approval, such portions
25 shall conform to all requirements of this section and chapter
26 21.08, *Subdivision Standards*.

27 **iii.** The following procedure shall be followed for the final plat:

28 **(A)** The final plat shall be submitted to the department for
29 examination as to compliance with all terms of the
30 preliminary plat as approved by the platting authority. If
31 all conditions have been met, a statement to that effect,
32 appearing on the final plat, shall be signed by the
33 director. The final plat shall not be signed until the
34 documents described in paragraph iv. and v. below have
35 been received.

36 **(B)** Upon acceptance of the final plat, the department shall
37 forward the final plat to the project management and
38 engineering department for final checking and inspection
39 before final approval is given. If requested, a subdivision
40 survey shall be submitted to the project management
41 and engineering department with a complete set of field
42 and computation notes showing the original or
43 reestablished corners of the plat and of lots within the
44 plat. Traverse sheets and work sheets showing the
45 closure within the allowable limits of error of the exterior
46 boundaries of each irregular block and lot of the
47 subdivision may also be required. Final approval by the

- 1 project management and engineering department shall
2 be indicated by a statement appearing on the plat.
- 3 iv. Final approval by the platting board shall be dependent upon
4 receipt of the following material:
- 5 (A) A statement from the department of development
6 services stating that all conditions imposed by the
7 department on the preliminary plat and approved by the
8 platting board have been met. This approval by the
9 department of development services shall not affect any
10 subsequent requirements relating to sewage disposal
11 and water supply as they apply to any lots within the
12 plat.
- 13 (B) A certificate from the tax collecting official or a note on
14 the face of the plat stating that all municipal real property
15 taxes levied against the property are paid in full, or, if
16 approval is sought between January 1 and the tax due
17 date, that there is on deposit with the chief fiscal officer
18 an amount sufficient to pay estimated real property tax
19 for the current year.
- 20 (C) A certificate to plat showing the legal and equitable
21 owners, including mortgagees, contract purchasers and
22 fee owners, of the land to be platted, plus all grants,
23 reservations, covenants, deed restrictions and
24 easements of record which may condition the use of the
25 property.
- 26 v. If the subdivision is to be served by a community water or sewer
27 system, the department of development services may require the
28 subdivider to provide the following before the platting board
29 finally approves the plat:
- 30 (A) Any approvals or certificates required by the state
31 departments of environmental conservation and natural
32 resources.
- 33 (B) An agreement under the standards and procedures set
34 out in section 21.08.060, *Subdivision Agreements*, to
35 ensure that the system installed will be compatible with
36 existing public water and sewer systems.
- 37 (C) Approval of the plans, specifications, and installation and
38 operating procedures for the system by the municipal
39 water and wastewater utility pursuant to chapter 21.08,
40 *Subdivision Standards*, and regulations promulgated
41 thereunder.
- 42 vi. Final plats affecting land neither supplied, nor under subdivision
43 agreement to be supplied, both with public water and public
44 sewer, shall be submitted to the department of development
45 services for a determination that all lots and proposed water and

wastewater facilities conform to AMC chapter 15.65 at the time of determination.

b. Procedure When Final Plat Differs from Preliminary Plat

i. The subdivider shall submit to the director all information required under the title 21 user's guide for the preliminary plat. Such application shall be submitted at least 60 days prior to the regular platting board meeting at which he or she desires to have his or her plat placed on the agenda for public hearing.

ii. The platting board shall take action on the final plat within 90 days after all required materials have been submitted to be heard, or shall return the plat to the applicant for modification or correction. The reasons for denial of a plat shall be stated upon the records of the platting board.

iii. If approved by the platting board, subsections a., c., and d. of this section shall then be followed in their entirety.

iv. All decisions as to approval or denial of a final plat by the platting board as submitted under this section shall be final unless appealed to superior court.

c. Requirements for Final Plat

The final plat shall be prepared to the technical specifications, and shall be accompanied by appropriate supporting materials, as specified in the title 21 user's guide.

d. Subdivision Agreements and Cost Estimates

All final plats requiring public improvements, except those requiring monumentation only, shall be accompanied by a subdivision agreement between the subdivider and the municipality and an engineer's estimate of the cost of all required public improvements. Requirements for such an agreement are further described in section 21.08.060, *Subdivision Agreements*.

e. Notes, Restrictions, and Covenants

The platting board may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with the subdivision regulations. See section 21.03.020K. When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. Such note shall constitute a restrictive covenant in favor of the municipality and the public and shall run with the land, enforceable against all subsequent owners. Any such restrictive covenant may be enforced against the subdivider or any subsequent owner by the municipality or by any specifically affected member of the public.

7. Approval Criteria

The platting board may approve a preliminary or final plat only if it finds that the plat conforms to chapters 21.06, *Dimensional Standards and Measurements*, 21.07, *Development and Design Standards*, and 21.08, *Subdivision Standards*, and, to the maximum extent feasible:

- 1 a. Promotes the public health, safety and welfare;
- 2 b. Mitigates the effects of incompatibilities between the land uses or
3 residential densities in the subdivision and the land uses and residential
4 densities in the surrounding neighborhood, including but not limited to
5 visual, noise, traffic and environmental effects;
- 6 c. Provides for the proper arrangement of streets in relation to existing or
7 proposed streets;
- 8 d. Provides for adequate and convenient open space;
- 9 e. Provides for the efficient movement of vehicular and pedestrian traffic;
- 10 f. Ensures adequate and properly placed utilities;
- 11 g. Provides access for firefighting apparatus;
- 12 h. Provides opportunities for recreation, light, and air and avoids
13 congestion;
- 14 i. Facilitates the orderly and efficient layout and use of the land; and
- 15 j. Furthers the goals and policies of the comprehensive plan and conforms
16 to the comprehensive plan in the manner required by section 21.01.080,
17 *Comprehensive Plan*.

18 **D. Abbreviated Plat Procedure**

- 19 1. **Authorization**
20 Except for preliminary plats where the applicant is an agency of the municipal,
21 state, or federal governments, the preliminary plats described in subsection
22 B.2.b. above are subject to approval under the abbreviated procedure in this
23 subsection instead of the procedure in subsection C. above. Preliminary plats
24 described in B.2.b., where the applicant is an agency of the municipal, state, or
25 federal governments, are subject to approval under the procedure in subsection
26 C. above.
- 27 2. **Submittal Requirements**
28 All of the submittal requirements for preliminary plats that are listed in the title 21
29 user's guide shall be required for abbreviated plats, except that the director shall
30 establish submittal requirements by regulation under AMC chapter 3.40 for plats
31 depicting the vacation and any associated relocation of a public utility easement.
- 32 3. **Public Notice**
33 Before acting on a preliminary plat application under this section, the director
34 shall publish notice pursuant to section 21.03.020H.

35

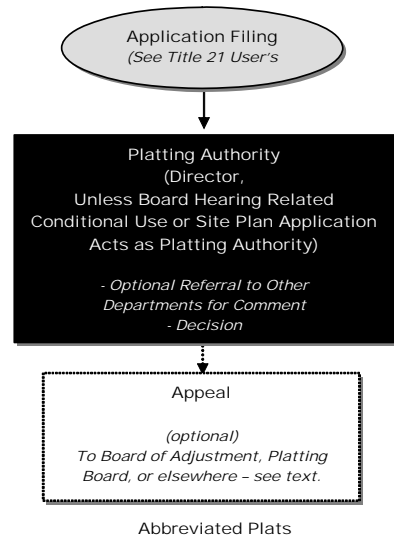
4. **Action on Plat**

a. **Platting Authority**

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

b. **Review and Decision**

The platting authority shall review each proposed subdivision in light of the approval criteria of subsection C.7. 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.



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*.

ii. When acting as the platting authority under section 21.03.070F., *Platting for Conditional Uses*, or 21.03.080F., *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*.

d. **Duration of Preliminary Approval**

Preliminary plat approval expires after 24 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.

e. **Time Extensions**

The preliminary plat shall become null and void after the preliminary approval period unless an extension of time is granted by the director. A request for a time extension must be made in writing by the subdivider. Such a time extension shall be granted only if the director finds that current conditions are substantially the same as those that existed when the preliminary plat was approved. Only one extension of no more than 24 months may be approved.

f. **Appeals**

Decisions of the director under this section are final unless appealed within 15 days:

1 i. To the board of adjustment under section 21.03.200A., where
2 the authority hearing an application for conditional use or site
3 plan approval is the platting authority under section 21.03.070F.
4 for conditional uses, or section 21.03.080F. for site plans.

5 ii. To the platting board in all other cases.

6 An appeal under this subsection shall be treated as an original
7 application for preliminary plat approval under this section.

8 **g. Approval of Final Plat**

9 A final plat submitted pursuant to the approval of a preliminary plat under
10 this section is subject to approval in accordance with subsection C.6.
11 above, provided that the municipal surveyor may waive a field survey for
12 a final plat that merely eliminates interior lot lines.

13 **E. Commercial Tract Plats**

14 **1. Applicability**

15 A commercial tract may be created and divided into fragment lots in order to
16 facilitate construction of commercial developments requiring multiple phases of
17 construction. Designation of commercial tracts shall be allowed only in the AC,
18 NMU, CMU, RMU, IC, I-1, I-2, or M zoning districts.

19 **2. Platting Authority**

20 The urban design commission shall be the platting authority for a commercial
21 tract whose site plan includes a large commercial establishment. The platting
22 board shall be the platting authority for all other commercial tracts.

23 **3. Review, Approval, and Modification of Commercial Tract Plats**

24 **a. Filing of Application**

25 An application for approval of a commercial tract shall be signed by the
26 owners of the property involved.

27 **b. Submittal Requirements**

28 The applicant shall submit the materials specified in the user's guide.

29 **c. Action by Platting Authority**

30 i. The platting authority shall act upon the application for approval
31 of a commercial tract whose site plan includes a large
32 commercial establishment as part of the major site plan review
33 for the large commercial establishment under subsection
34 21.03.080C.

35 ii. Except as provided in E.3.c.i. above, the platting authority shall
36 act upon the application for commercial tract approval following
37 the review and approval procedures of a preliminary plat in
38 accordance with subsection 21.03.060C.5.

39 **d. Recording of Site Plan**

40 Upon approval of a commercial tract under subsection E.3.c. above, the
41 platting officer shall, after notice to the petitioner, record the commercial
42 tract site plan as approved, together with any declarations, covenants,
43 and restrictions, with the district recorder's office.

- 1 e. **Conformance with Site Plan**
2 It shall be unlawful for any person to construct, erect, or maintain any
3 structure, building, fence, or improvement, including landscaping,
4 parking, and other facilities, on property designated as a commercial
5 tract, unless such improvements are constructed or reconstructed in a
6 manner consistent with the approved commercial tract site plan.
- 7 f. **Alteration of Boundaries**
8 The process for amending or altering the boundaries of an approved
9 commercial tract shall be the same process as that of the original
10 approval of the commercial tract plat.
- 11 g. **Amendment of Site Plan**
12 Any amendment or alteration of an approved commercial tract site plan
13 shall be made only upon approval of the platting authority as provided in
14 this section.
- 15 4. **Division of Tract**
16 The owner of a commercial tract may divide the tract into fragment lots provided
17 that such division is not inconsistent with the approved commercial tract site plan
18 and recorded declarations, covenants, and restrictions applicable to the
19 commercial tract. Any property description used to divide an area of the
20 commercial tract into a fragment lot shall not be considered a lot or tract under
21 the terms of this title or title 23, but shall be otherwise a lawful lot or tract. Any
22 fragment lot created under this section shall contain the minimum area, width,
23 and depth otherwise required for lots in the zoning district in which the fragment
24 lot is located.
- 25 F. **Right-of-Way Acquisition Plat**
- 26 1. **Generally**
27 A plat for a subdivision created by a government agency's acquisition of a street
28 or trail right-of-way is subject to approval under this section and is not subject to
29 any other approval procedure for plats under this title.
- 30 2. **Submittal Requirements**
31 A right-of-way acquisition plat shall contain the information specified in the user's
32 guide and shall be submitted to the director.
- 33 3. **Applicability of Requirements**
- 34 a. A right-of-way acquisition plat is not subject to any of the other submittal
35 requirements for plats under this title.
- 36 b. A right-of-way acquisition plat is not subject to section 21.08.050,
37 *Improvements*.
- 38 c. Survey requirements for a right-of-way acquisition plat shall be
39 established by agreement between the municipal surveyor and the
40 government agency applying for plat approval, or, if there is no such
41 agreement, by the provisions of this title.
- 42

1 **4. Action**

2 **a. *Platting Board***

3 The director shall act as the platting authority unless the government
4 agency applying for plat approval requests a public hearing before the
5 platting board.

6 **b. *Duration of Approval***

7 The preliminary approval of the right-of-way acquisition plat shall be for a
8 period of 60 months; provided, however, that the director may grant an
9 extension of time for filing the final plat upon a finding that it is in the
10 public interest to do so.

11 **c. *Appeals***

12 All decisions of the director under this section shall be final unless
13 appealed to the platting board within 15 days. An appeal under this
14 subsection shall be treated as a subdivision plat pursuant to section
15 21.03.060C.

16 **5. Requirements for Final Plat**

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

20 **21.03.070 CONDITIONAL USES**

21 **A. Purpose**

22 The conditional use permit procedure provides a discretionary review process for uses
23 with unique or widely varying operating characteristics or unusual site development
24 features. The procedure encourages public review and evaluation of a use's operating
25 characteristics and site development features and is intended to ensure that proposed
26 conditional uses will not have a significant adverse impact on surrounding uses or on the
27 community-at-large.

28 **B. Conditional Uses in Nonconforming Structures or Lots**

29 If a proposed conditional use involves one or more structures or lots that do not conform
30 to the regulations of the district in which the conditional use is to be located, then, unless
31 the applicant has previously obtained the necessary variances from the appropriate
32 decision-making body, the application for conditional use approval shall be accompanied
33 by an application for alteration of a nonconforming structure or lot. This application shall
34 be processed concurrently with the conditional use application by the planning and
35 zoning commission. However, approval of alteration of a nonconforming structure and/or
36 lot request shall be a prerequisite to approval of the conditional use. The public notices
37 required for the nonconformity alteration application shall be combined with the public
38 notices required for the conditional use application.

39 **C. Procedure**

40 **1. Pre-Application Conference**

41 Before filing an application, the applicant shall request a pre-application
42 conference with the director. See section 21.03.020B.

43 **2. Application**

1 A conditional use permit application shall contain the information specified in the
 2 title 21 user's guide and shall be submitted to the director.

3 **3. Community Meeting**
 4 A community meeting is required per subsection 21.03.020G.

5 **4. Public Hearing Notice**
 6 Notice of public hearings shall be published, mailed, and posted in accordance
 7 with section 21.03.020H.

8 **5. Director's Review and Report**
 9 The director shall review each proposed conditional use permit application in light
 10 of the approval criteria of subsection E. below and, as deemed necessary,
 11 distribute the application to other reviewers. Based on the results of those
 12 reviews, the director shall provide a report to the planning and zoning
 13 commission.

14 **6. Planning and Zoning Commission's Review, Hearing, and Decision**
 15 The planning and zoning commission shall hold a public hearing on the proposed
 16 application and act to approve, approve with
 17 conditions, or deny the proposed conditional
 18 use permit, based on the approval criteria of
 19 subsection E. below.

20 **D. Approval Criteria**

21 The planning and zoning commission may approve a
 22 conditional use permit application only upon finding
 23 that all of the following criteria have been met:

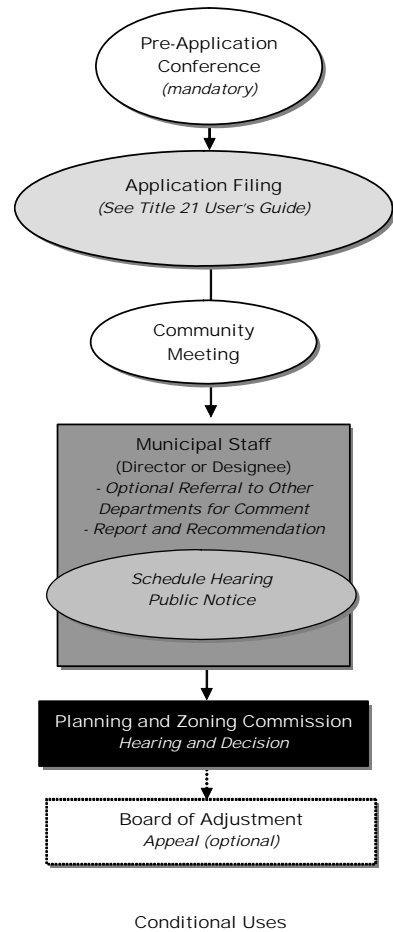
24 **1.** The proposed use is consistent with the
 25 comprehensive plan and all applicable
 26 provisions of this title and applicable state and
 27 federal regulations;

28 **2.** The proposed use is consistent with the
 29 purpose and intent of the zoning district in
 30 which it is located, including any district-
 31 specific standards set forth in chapter 21.04;

32 **3.** The proposed use is consistent with any
 33 applicable use-specific standards set forth in
 34 chapter 21.05;

35 **4.** The site size and dimensions provide
 36 adequate area for the needs of the proposed
 37 use;

38 **5.** The proposed use will not alter the character of
 39 the surrounding area in a manner which
 40 substantially limits, impairs, or prevents the
 41 use of surrounding properties of the permitted
 42 uses listed in the underlying zoning district;



- 1 6. The proposed use is compatible with uses allowed on adjacent properties, in
2 terms of scale, site design, operating characteristics (hours of operation, traffic
3 generation, lighting, noise, odor, dust, and other external impacts);
- 4 7. The potential impacts of the proposed use of the site can be accommodated
5 considering size, shape, location, topography, and natural features;
- 6 8. Any significant adverse impacts anticipated to result from the use will be
7 mitigated or offset to the maximum extent feasible; and
- 8 9. The proposed use is timely and appropriately located with respect to
9 transportation facilities, water supply, fire and police protection, waste disposal,
10 and similar facilities and services.

11 **E. Changes to Terms and Conditions of Approval**

12 Any changes to the terms and conditions of approval of the conditional use that cannot
13 be made using the minor modification process (see section 21.03.180) shall require
14 separate review and approval by the planning and zoning commission. Any application
15 for approval of such changes shall be filed, processed, reviewed, and approved or denied
16 in the manner set forth in this section for the original application. This section shall not
17 apply, however, to modifications to the approved site plan for the conditional use, which
18 are governed by section 21.03.080G., *Amendments to Approved Site Plans*.

19 **F. Platting for Conditional Uses**

- 20 1. If development under a final approval under this section creates a subdivision or
21 requires the vacation of a dedicated public area, the final approval is not effective
22 until a final plat for the subdivision or vacation is approved and recorded in
23 accordance with this title. A preliminary plat required under this section is subject
24 to approval as required by section 21.03.060, *Subdivisions and Plats*.
- 25 2. Unless the authority granting final approval directs in the final approval that it
26 shall act as the platting authority, the platting board is the platting authority for
27 site plans under this subsection.
- 28 3. The platting authority under this subsection may require that any street right-of-
29 way, walkway, utility easement, or other public area designated under the final
30 approval be dedicated to the public.

31 **G. Abandonment of Conditional Use**

32 An otherwise lawful conditional use permit shall expire if:

- 33 1. For any reason the conditional use is abandoned in its entirety for a period of one
34 year or longer; or
- 35 2. The property owner notifies the planning and zoning commission of the
36 abandonment of the conditional use permit. A conditional use shall not be
37 abandoned under this subsection if the result of the abandonment is the creation
38 of a nonconforming land use.

1 **21.03.080 SITE PLAN REVIEW**

2 **A. Purpose**

3 The purpose of the site plan review process is to ensure compliance with the
4 development and design standards and provisions of this title, and to encourage quality
5 development in the municipality reflective of the goals, policies, and objectives of the
6 comprehensive plan. For land uses requiring a site plan review, such uses may be
7 established in the municipality, and building or land use permits may be issued, only after
8 a site plan showing the proposed development has been approved in accordance with
9 the procedures and requirements of this section.

10 **B. Administrative Site Plan Review**

11 **1. Applicability**

12 Land uses requiring administrative site plan review are identified in section
13 21.05.010, *Tables of Allowed Uses*.

14 **2. Procedure**

15 **a. Submittal and Review of Application**

16 An administrative site plan review application shall contain the
17 information specified in the user's guide and shall be submitted to the
18 director.

19 **b. Action by director**

20 The director shall review each proposed site plan application in light of
21 the approval criteria of section E. below, and as deemed necessary,
22 distribute the application to other reviewers. Based on the results of
23 those reviews, the director shall take final action on the site plan
24 application and approve, approve with conditions, or deny the
25 application. The director's review and decision, including referral to other
26 agencies and bodies, shall be completed within 30 days of receipt of a
27 complete application.

28 **c. Appeals**

29 Denial of an administrative site plan may be appealed to the urban
30 design commission, in which case they shall be treated as a major site
31 plan review application under C. below.

32 **C. Major Site Plan Review**

33 **1. Applicability**

34 Land uses requiring major site plan review are identified in section 21.05.010,
35 *Tables of Allowed Uses*.

36 **2. Procedure**

37 **a. Pre-Application Conference**

38 Before filing an application, the applicant shall request a pre-application
39 conference with the director. See section 21.03.020B.

40 **b. Application**

41 A major site plan review application shall contain the information
42 specified in the title 21 user's guide and shall be submitted to the
43 director.

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- c. Community Meeting**
A community meeting is required per subsection 21.03.020G.
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- d. Public Hearing Notice**
Notice of public hearings shall be published, mailed, and posted in accordance with section 21.03.020H.
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- e. Director's Review and Report**
The director shall review each proposed major site plan 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 urban design commission.
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- f. Urban Design Commission's Review, Hearing, and Decision**
The urban design commission shall hold a public hearing on the proposed application and act to approve, approve with conditions, or deny the proposed major site plan, based on the approval criteria of subsection E. below. The commission may delay taking action on a public facility site plan only if the commission finds the submittal is incomplete or the commission is advised by the director that a matter before the planning and zoning commission or the assembly will have a material impact on the public facility site plan or exterior building improvements.
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- g. Appeals**
Denial of a major site plan may be appealed to the planning and zoning commission.
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- h. Conformance with Commission Decision Required for Public Projects**
No agency may proceed with implementation of a public facility site plan, implementation of exterior building improvements, or implementation of revisions to approved site or landscaping plans and exterior building elevations that do not conform to the commission's actions under this section.
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- D. Expiration**
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- 1. General**
A site plan approval shall automatically expire at the end of 12 months after the date of its issuance if a building or land use permit for at least one building in the development proposed in the site plan is not approved. A change in ownership of the property does not affect this time frame.
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- 2. Extension**
Upon written application submitted at least 30 days prior to the expiration of the permit period by the applicant and upon a showing of good cause, the director may grant one extension not to exceed 12 months. The approval shall be deemed extended until the director has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the site plan approval void.

1 **E. Approval Criteria**

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

- 4 1. The site plan is consistent with any previously approved subdivision plat, planned
5 development master plan, or any other precedent plan or land use approval;
- 6 2. The site plan complies with all applicable development and design standards set
7 forth in this title, including but not limited to the provisions in chapter 21.04,
8 *Zoning Districts*, chapter 21.05, *Use Regulations*, chapter 21.06, *Dimensional*
9 *Standards and Measurements*, and chapter 21.07, *Development and Design*
10 *Standards*;
- 11 3. The site plan addresses any significant adverse impacts that can reasonably be
12 anticipated to result from the use, by mitigating or offsetting those impacts to the
13 maximum extent feasible; and
- 14 4. The development proposed in the site plan and its general location is compatible
15 with the character of allowed uses on adjacent lots.

16 **F. Platting for Site Plans**

- 17 1. If development under a final approval under this section will create a subdivision
18 or requires the vacation of a dedicated public area, the final approval is not
19 effective until a final plat for the subdivision or vacation is approved and recorded
20 in accordance with this title. A preliminary plat required under this section is
21 subject to approval as required by section 21.03.060, *Subdivisions and Plats*.
- 22 2. Unless the authority granting final approval directs in the final approval that it
23 shall act as the platting authority, the director is the platting authority for site
24 plans under this subsection.
- 25 3. The platting authority under this subsection may require that any street right-of-
26 way, walkway, utility easement, or other public area designated under the final
27 approval be dedicated to the public.

28 **G. Amendments to Approved Site Plans**

- 29 1. **Original Procedure Applies for Most Amendments**
30 Amendment of a site plan shall follow the same process required for the original
31 approval of a site plan, unless the amendment is determined to be a minor
32 amendment as described in subsection 2. below.
- 33 2. **Administrative Approval of Minor Amendments**
34 The director may approve administratively minor amendments to any approved
35 site plan upon written application and documentation by the applicant, and upon
36 the director's determination that the amendment is a minor amendment.
- 37 a. **Procedure**
38 i. Upon receiving a written request from the applicant for a site
39 plan amendment, the director shall determine if the proposed
40 amendment will be processed as a minor amendment or major
41 amendment. The applicant may appeal the director's decision,

- 1 in writing to the zoning board of examiners and appeals within 10
2 days of the decision.
- 3 ii. Immediately following the director's determination that a
4 proposed amendment is minor, the director shall:
- 5 (A) Issue a minor amendment affidavit, which shall be
6 transmitted to the urban design commission for their
7 information; and
- 8 (B) Attach a form stating the nature of the modification, date
9 of approval, and bearing the signature of the director to
10 the site plan mylar on file in the department.
- 11 iii. If the original approval had been recorded, the amended plan
12 shall be recorded by the municipality at the applicant's 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 of
19 the plan and this code, and are acceptable to the municipal
20 engineer.
- 21 iii. Changes in building envelope, setback, and similar provisions of
22 ten percent or less.
- 23 iv. Changes in landscaping, sign placement, lighting fixtures, etc. to
24 further the intent of the plan and this code.

25 **21.03.090 PUBLIC FACILITY SITE SELECTION**

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 certain
29 public facilities may be authorized, or publicly owned land is designated as the site for
30 certain public facilities.

31 **B. Applicability**

- 32 1. Unless exempted by subsection B.2. below, the planning and zoning commission
33 shall review and decide the selection of sites for any of the following facilities that
34 are to be owned, or leased by a government agency not exempt by law from
35 municipal land use regulation:
- 36 a. Any newly constructed building or buildings and any existing building
37 acquired by purchase or lease, in which government operations or
38 activities occupy more than a total of 100,000 square feet on the site;

- 1 **b.** Any use of land over twenty acres in area;
- 2 **c.** Any sports, entertainment, or civic center designed for more than 1500
3 spectators; and
- 4 **d.** Any public snow disposal or landfill site.
- 5 **2.** This section shall not apply to the following:
- 6 **a.** Any site that is
- 7 **i.** Designated for the subject use on a municipal plan adopted by
8 the assembly;
- 9 **ii.** Part of an area, development, or institutional master plan;
- 10 **iii.** Determined by a dedication to the municipality on a final plat
11 approved and recorded in accordance with this title; or
- 12 **iv.** 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 the
16 assembly before [the effective date of this title.];
- 17 **d.** Any facility site selection under which over \$500,000 has been expended
18 for design or construction before [the effective date of this title.]

19 **C. Required Information**

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

24 **D. Community Meeting**

25 A community meeting is required per subsection 21.03.020G.

26 **E. Public Hearing**

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

30 **F. Approval Criteria**

31 The commission shall review the proposed site for consistency with the goals, policies,
32 and land use designations of the comprehensive plan and other municipal plans adopted
33 by the assembly, conformity to the requirements of this title, and the effects of the
34 proposal on the area surrounding the site. The following specific criteria shall be
35 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 future
4 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. The financial feasibility of the site, including maintenance and operations;
- 10 7. Whether adequate utility infrastructure is available to the site; and
- 11 8. Major municipal, state, and federal administrative offices shall locate in the
12 Central Business District. Satellite government offices and other functions are
13 encouraged to locate in regional or town centers if practicable.

14 **21.03.100 ROAD AND TRAIL REVIEW**

15 **A. Purpose**

16 Roads are a significant investment in the municipality's infrastructure and establish long-
17 term land use impacts on nearby properties and the community at large. Roads and
18 trails are not only utilitarian, but also convey the image of the municipality to all users.
19 These important parts of the municipality's fabric benefit by oversight and concurrence in
20 the design decisions by citizen bodies that are represented by the planning and zoning
21 commission and the urban design commission.

22 **B. Planning and Zoning Commission Review and Recommendation**

23 **1. Applicability**

24 The planning and zoning commission shall review new construction and
25 reconstruction road and intersection projects involving roads of collector
26 classification or greater in the *Official Streets and Highways Plan*, and public trail
27 projects involving all trails for which any portion utilizes publicly-owned land,
28 easements, or right-of-way that are over one-half mile in length.

29 **2. Review**

30 **a.** The planning and zoning commission shall review the design-study
31 report or equivalent document, for all applicable road and trail projects,
32 and shall issue a recommendation to the appropriate agency. A public
33 hearing is not required but may be held at the commission's discretion.

34 **b.** As applicable the commission's review of the project shall include but not
35 be limited to:

36 **i.** Compliance with the comprehensive plan and its elements;

37 **ii.** Compliance with this title;

- 1 iii. Long-term impact on existing and projected adjacent land uses;
- 2 iv. Preferred route selection;
- 3 v. Short-term and long-term impact of property acquisition for right-
4 of-way; and
- 5 vi. Impacts on utilities including undergrounding of overhead
6 utilities.
- 7 c. The commission may request that subsequent design documents be
8 returned to the commission for review. Any such requested design
9 documents shall be presented to the commission at the earliest
10 opportunity that permits any additional commission recommendations to
11 be implemented in design revisions.

12 **C. Urban Design Commission Review and Approval**

13 **1. Applicability**

14 The urban design commission shall review and approve all landscaping and
15 streetscape amenities for roads of collector classification or greater in the *Official*
16 *Streets and Highways Plan*, and for trail projects involving all trails for which any
17 portion utilizes publicly-owned land, easements, or right-of-way that is over one-
18 half mile in length. Where projects include pedestrian facilities, the urban design
19 commission shall review and approval all related pedestrian amenities.

20 **2. Review**

- 21 a. The urban design commission shall review the landscaping, streetscape,
22 and pedestrian design plans, for all applicable road and trail projects. A
23 public hearing is not required but may be held at the commission's
24 discretion.
- 25 b. As applicable the commission's review of the project shall include but not
26 be limited to:
 - 27 i. Compliance with this title;
 - 28 ii. Long-term impact on existing and projected adjacent land uses;
 - 29 iii. Initial cost of materials including installation;
 - 30 iv. Long term costs associated with operation and maintenance;
 - 31 v. Adherence to a design theme established through local area
32 plans or prior public improvements;
 - 33 vi. Effectiveness in meeting community design goals; and
 - 34 vii. Where applicable, accommodation of pedestrians.
- 35 c. The commission may request that subsequent design documents be
36 returned to the commission for review. Any such requested design
37 documents shall be presented to the commission at the earliest

opportunity that permits any additional commission recommendations to be implemented in design revisions.

21.03.110 SPECIAL FLOOD HAZARD PERMITS

A. Applicability

Any use, structure, or activity listed in the floodplain regulations (section 21.04.080F., *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

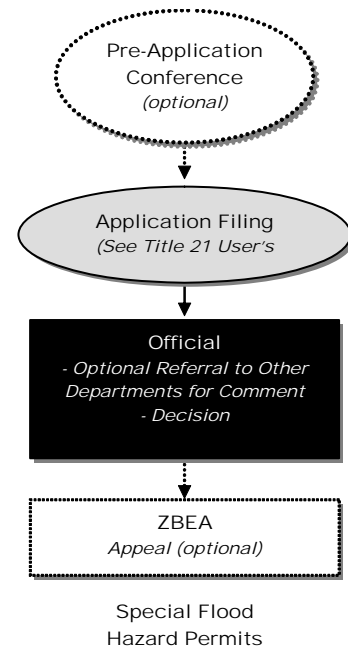
Any application for a special flood hazard permit shall contain the following material:

1. The elevation in relation to mean sea level of the lowest floor, including basement or crawl space, 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 nonresidential structure meet the floodproofing criteria in section 21.04.080F.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.

C. Evaluation; Additional Information

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

1. A valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
2. Specification of proposed construction and materials, floodproofing, filling, dredging, grading, channel improvement, water supply, and sanitary facilities.
3. A profile showing the slope of the bottom of the channel or flow line of the stream.



- 1 4. A report of soil types and conditions.
- 2 5. Analysis of proximity to a dam break area.

3 **D. Criteria for Issuance**

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

- 5 1. The proposed use or structure poses a minimal increase in probable flood height
6 or velocities caused by encroachment.
- 7 2. The proposed water supply and sanitation systems and the ability of these
8 systems to prevent disease, contamination, and unsanitary conditions will not be
9 impaired by flooding.
- 10 3. The susceptibility of the proposed facility and its contents to flood damage is
11 minimal.
- 12 4. There will be adequate access to the property in times of flood for ordinary and
13 emergency vehicles.
- 14 5. The proposed use, structure, or activity is in conformance with all applicable land
15 use regulations.
- 16 6. All necessary floodproofing will be provided.

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

18 The municipal engineer shall act on an application in the manner described in this section
19 within 30 days from receiving the application, except that, where additional information is
20 required, the official shall act within 30 days of the receipt of such additional requested
21 information.

22 **F. Notice on Subdivision Plats**

23 Where any portion of a subdivision is situated within a flood hazard district, a note shall
24 be placed on the plat that reads as follows: "Portions of this subdivision are situated
25 within the flood hazard district as it exists on the date hereof. The boundaries of the flood
26 hazard district may be altered from time to time in accordance with the provisions of
27 section 21.04.080F.3., *Creation of Flood Hazard Overlay District; Official Flood Hazard*
28 *Reports and Maps*. All construction activities and any land use within the flood hazard
29 district shall conform to the requirements of section 21.04.080F., *Flood Hazard Overlay*
30 *District*."

31 **G. Appeals**

32 An appeal from a decision of the municipal engineer regarding a flood hazard permit shall
33 be brought in accordance with section 21.03.200B.

34 **21.03.120 LAND USE PERMITS**

35 **A. Purpose**

36 The land use permit process assures current and future property owners that the
37 structures and land uses conform to the zoning code. Within the building safety service

1 area, the land use permit also involves plan review and on-site inspections to insure that
2 buildings meet the structural, plumbing, mechanical, electrical, and fire safety codes.

3 **B. Applicability**

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

5 Inside the building safety service area, a building permit shall be considered the
6 land use permit and shall be required pursuant to title 23. The issuance of a
7 building permit may also be subject to the improvement requirements referenced
8 in subsection E. below.

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

10 Outside the building safety service area, a land use permit shall be required prior
11 to:

12 **a.** Construction or placement of a building or addition to an existing building
13 whose floor area is 120 square feet or greater;

14 **b.** Excavation of more than 50 cubic yards on any lot or tract;

15 **c.** Filling or grading more than 50 cubic yards on any lot or tract;

16 **d.** Changing the principal use of a building; or

17 **e.** Clearing and grubbing more than 2 acres. (There is assembly action
18 pending on this issue.)

19 **C. Procedures**

20 **1. Application Filing**

21 Applications for land use permits shall be submitted to the building official on the
22 form provided.

23 **2. Approval Procedure**

24 **a.** The building official shall review each application for a land use permit.

25 **b.** The building official shall determine whether the application complies
26 with all requirements of title 23. The director shall determine whether the
27 application complies with all requirements of title 21, and shall inform the
28 building official of his or her determination.

29 **c.** The building official shall issue a land use permit upon finding that the
30 application and the proposed work complies with the approval criteria of
31 subsection D. below.

32 **d.** A land use permit shall become null and void unless the work approved
33 by the permit is commenced within 12 months after the date of issuance.
34 No work shall be considered to have commenced for the purposes of this
35 paragraph until an inspection has been made and recorded. If after
36 commencement the work is discontinued for a period of 12 months, the
37 permit therefore shall immediately expire. No work authorized by any
38 permit that has expired shall thereafter be performed until a permit has
39 been reinstated, or until a new permit has been secured.

- 1 **3. Changes to Approved Permits**
- 2 **a.** After a land use permit has been issued, no substantial changes or
- 3 deviations from the terms of the permit or the application and
- 4 accompanying plans and specifications shall be made without the
- 5 specific written approval of such changes or deviations by the building
- 6 official.
- 7 **b.** An amendment to a land use permit that requires payment of an
- 8 additional fee, either because of an increase in the size of the buildings,
- 9 a change in the scope of work, or an increase in the estimated cost of
- 10 the proposed work, shall not be approved until the applicant has paid the
- 11 additional fees and the amendment has been properly reviewed and
- 12 approved for conformance with applicable codes.
- 13 **4. Revocation of Land Use Permit**
- 14 The department may revoke and require the return of any land use permit by
- 15 notifying the permit holder in writing, stating the reason for such revocation. The
- 16 department shall revoke land use permits for any of the following reasons:
- 17 **a.** Any material departure from the approved application, plans, or
- 18 specifications;
- 19 **b.** Refusal or failure to comply with the requirements of this title or any other
- 20 applicable state or local laws;
- 21 **c.** False statements or misrepresentations made in securing such permit.
- 22 **5. Appeals**
- 23 **a.** Appeals of land use permit decisions or revocations relating to title 21
- 24 compliance, with the exception of those relating to subsection
- 25 21.03.120E, shall be made to the zoning board of examiners and
- 26 appeals.
- 27 **b.** Appeals of land use permit decisions or revocations relating to title 23
- 28 compliance shall be made to the building board of examiners and
- 29 appeals.
- 30 **D. Approval Criteria**
- 31 No land use permit shall be issued unless the building official determines that all required
- 32 approvals have been granted and the plans comply with all applicable provisions of title
- 33 23, and the director determines the plans comply with all applicable provisions of this title.
- 34 **E. Improvements Associated with Land Use Permits**
- 35 **1. Improvements Required**
- 36 The issuance of a land use permit under this section for the construction of a
- 37 residential, commercial, or industrial structure on a lot, shall be subject to the
- 38 permit applicant providing the easements, dedications, and improvements
- 39 required for a subdivision in the same improvement area under chapter 21.08,
- 40 *Subdivision Standards*. In applying the provisions of chapter 21.08, *Subdivision*
- 41 *Standards*, under this section, the term “lot” shall be substituted for the term
- 42 “subdivision,” the term “permit applicant” shall be substituted for the term

1 "subdivider," and the term "municipal engineer" shall be substituted for the term
2 "platting authority."

3 **2. Exceptions**

4 The requirements in subsection E.1. above shall not apply to a land use permit to
5 the extent that:

6 **a.** All construction associated with a single dwelling unit is located on a
7 single lot, tract, or parcel, regardless of zoning district.;

8 **b.** The traffic engineer determines that a street dedication or improvement
9 is not required for traffic circulation;

10 **c.** A dedication or improvement has been provided to the applicable
11 standard in chapter 21.08, *Subdivision Standards*;

12 **d.** A dedication or improvement will be provided under a subdivision
13 agreement that has been entered into under section 21.08.060,
14 *Subdivision Agreements*, or under an established assessment district;

15 **e.** The municipality has already appropriated funds to construct an
16 improvement; or

17 **f.** The permit is for repairs, maintenance, emergencies, electrical,
18 mechanical, or plumbing.

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

20 Where chapter 21.08, *Subdivision Standards*, grants discretion to determine
21 whether a dedication or improvement will be required, or to determine the design
22 standards for a dedication or improvement, the municipal engineer shall
23 determine the requirement or standard that applies to a land use permit under
24 this section by applying the following standards:

25 **a.** The dedication or improvement shall be reasonably related to the
26 anticipated impact on public facilities and adjacent areas that will result
27 from the use and occupancy of the structure that is the subject of the
28 building or land use permit. Any required public use easement shall be
29 removed when calculating density or lot coverage per the applicable
30 zoning district. The municipal engineer may require the permit applicant
31 to provide information or analyses to determine impacts as set out in the
32 *Anchorage 2020* plan's policies for transportation, transportation design
33 and maintenance, and water resources on public facilities and adjacent
34 areas, including without limitation the following:

35 **i.** A traffic impact analysis, or similar information. The traffic
36 engineer may require a traffic impact analysis if the same would
37 be required for approval of a subdivision, conditional use, or site
38 plan for similar development under this title.

39 **ii.** A drainage study, or similar information. A drainage study may
40 be required if the same would be required for approval of a
41 subdivision, conditional use, or site plan for similar development
42 under this title.

- 1 iii. An estimate of the financial costs of impacts on public facilities
2 and adjacent areas without the required improvements, including
3 without limitation continuity of improvements, maintenance costs
4 of public facilities, parking, drainage, noise and dust control,
5 pedestrian and vehicle safety and access, and emergency
6 vehicle access and response time.
- 7 iv. Information concerning the consistency of the impacts of the
8 proposed development with the comprehensive plan.
- 9 v. A design of internal streets and location of fire hydrants
10 satisfactory to the fire marshal for purposes of fire protection
11 within the development.
- 12 b. The estimated cost of constructing the improvement shall be reasonable
13 when compared to the estimated cost of the proposed development
14 under the land use permit. The determination of reasonableness shall
15 be based on cost estimates for the improvement and the proposed
16 development that the permit applicant or applicant’s agent submits under
17 penalty of perjury. If the municipal engineer determines that the
18 estimated cost to the applicant to complete all the improvements
19 required by this section is unreasonable in relation to the estimated cost
20 of the proposed development, the municipal engineer may reduce or
21 eliminate required improvements as necessary to make the relationship
22 between such costs reasonable.
- 23 c. The municipal engineer shall consider the potential development of all
24 adjacent parcels, lots, or tracts under common ownership, in addition to
25 the lot, parcel, or tract that is the subject of the permit application, and
26 the impacts associated therewith, in applying the standards in this
27 subsection.
- 28 d. The municipal engineer may approve adjustments to the improvement
29 requirements under this section to the extent that compliance with the
30 standards would result in an adverse impact on natural features such as
31 wetlands, steep slopes, or existing mature vegetation; existing
32 development; or public safety.
- 33 4. **Phasing of Installation**
34 Except as provided in this section, all required improvements shall be
35 constructed and accepted by the municipality before any certificate of zoning
36 compliance is issued for the permitted construction. If the municipal engineer
37 determines that it is not reasonable to require compliance with the preceding
38 sentence, no permit may be issued until the applicant enters into an agreement
39 for construction of the required improvements, with performance guarantees, in
40 the form required for subdivision improvements under section 21.08.050,
41 *Improvements*.
- 42 5. **Warranty**
43 All improvements required under this section shall be subject to the warranty and
44 guarantee of warranty requirements provided for subdivision improvements in
45 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.

7. Fee in Lieu

A fee in lieu of the required improvements may be accepted if the municipal engineer determines:

- a. That the improvements or construction activities associated therewith would create a potential undue safety hazard to motorists or pedestrians; or
- 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.
- c. Any fee paid pursuant to this section shall be accounted for separately, and the fee paid shall be dedicated and used only for the purpose of constructing the public facilities which were identified by the municipal engineer and for which the fee was paid.

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.

9. Appeals of Improvement Standards

A permit applicant may appeal a decision of the municipal engineer concerning required improvements under this section to the platting board by filing a written notice of appeal with the secretary of the platting board not later than 10 days after receipt of written notice of the decision. The appeal shall be placed on the agenda of the next regularly scheduled platting board meeting that occurs not less than 60 days after the filing of the appeal. The platting board shall hear the appeal.

21.03.130 CERTIFICATE OF ZONING COMPLIANCE

A. Purpose

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

B. Applicability

A certificate of zoning compliance shall be required prior to the occupancy of any building, structure, or land, except that temporary uses and structures in accordance with section 21.05.080, *Temporary Uses and Structures*, shall be exempt from certificate of zoning compliance requirements. Inside the building safety service area, a certificate of occupancy shall be considered the certificate of zoning compliance.

C. Issuance

1. Certificate

Upon approval by the director, the building official may issue a certificate of zoning compliance, which is valid as long as the conditions of the building or land use permit remain in effect.

2. Conditional Certificate

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

3. Appeals

Appeals of decisions on certificates of zoning compliance shall be to the zoning board of examiners and appeals.

D. Standards

The building official shall issue a certificate of zoning compliance when, after 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*.

21.03.140 SIGN PERMITS

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 21.10, *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 [1]
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

[1] Unless otherwise required by title 23.

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 21.03.120C.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 21.03.200B.

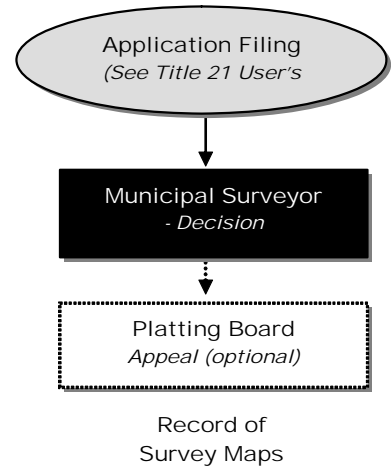
21.03.150 RECORD OF SURVEY MAPS

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



C. Required Submittals

An applicant for approval of a record of survey map shall submit the materials specified in the title 21 user's guide.

D. Monuments

Monuments set for the survey shall conform to the standards of the department of project management and engineering.

E. Approval

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

F. Appeals

All decisions of the municipal surveyor under this section shall be final unless appealed to the platting board within 15 days.

21.03.160 VACATION OF PLATS AND RIGHTS-OF-WAY

A. Authority

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

B. Required Submittals

Applicants for vacation requests shall submit the materials specified in the title 21 user's guide.

C. Decision-Making Responsibilities for Vacations

1. The director is the platting authority for applications to vacate the following platted interests:
 - a. Drainage easements granted under section 21.08.050M.

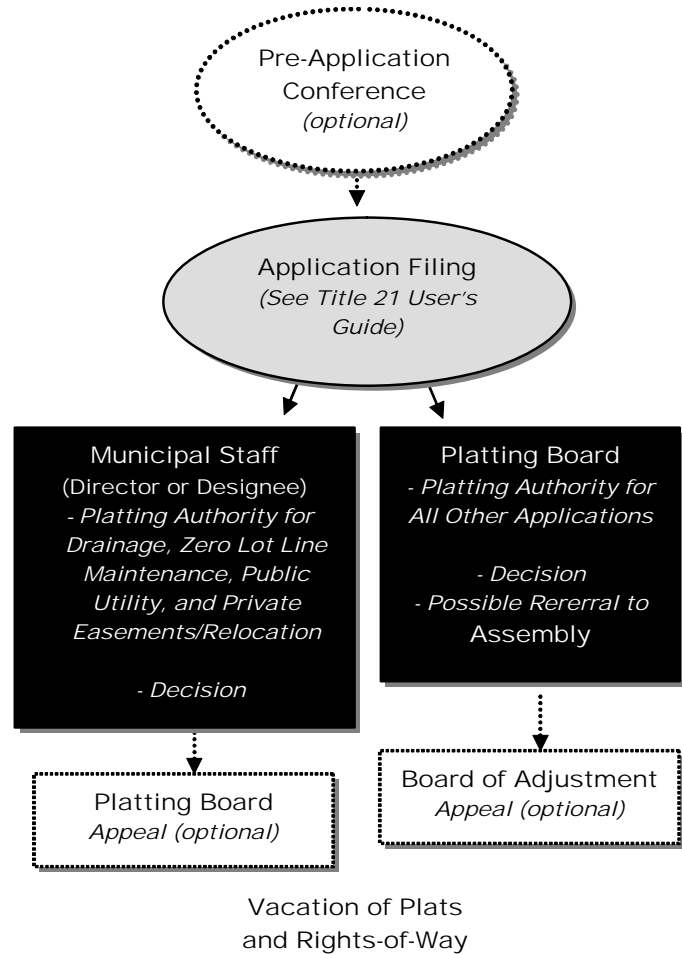
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- b. Zero lot line maintenance easements.
- c. Public utility easements.
- d. Private easements, but only upon the written concurrence of the beneficiaries.
- e. Relocation of any of the above-described interests.

2. The platting board is the platting authority for all other applications to vacate a dedicated public area.

D. Action

- 1. The director or platting board shall take action on the vacation application within 60 days after the submittal date. The reasons for the approval of the vacation shall be stated upon the case record.
- 2. The action of the platting board on an application to vacate a public area is final, unless referred to the assembly under subsection D.3. below.
- 3. The department shall refer to the assembly the action of the platting board on an application to vacate a public area, with an ordinance authorizing the conveyance of the area proposed to be vacated, when:
 - a. Within 15 days of the platting board 's action a government agency or a person aggrieved by the action files with the department a written request that the matter be forwarded to the assembly; or
 - b. The area proposed to be vacated is not a street right-of-way or an easement.
- 4. The approval of a vacation expires 24 months after the date of approval. A vacation is not effective unless, before its approval expires, a conveyance of the vacated interest is approved in accordance with law and a final plat depicting the



1 vacation is approved and filed in accordance with this title. A street right-of-way
2 or easement whose vacation is finally approved under this section is a right-of-
3 way or easement without substantial value to the municipality and is conveyed
4 upon the filing of a final plat depicting the vacation.

- 5 5. Appeals of the director's decision on a vacation under his or her jurisdiction shall
6 be to the platting board. Appeals of the platting board's decision on a vacation
7 under its jurisdiction shall be to the board of adjustment.

8 **E. Title to Vacated Area**

9 1. The title to the street or other public right-of-way vacated on a plat attaches to the
10 lot or lands bordering on the area in equal proportions, except that, if the area
11 was originally dedicated by different persons, original boundary lines shall be
12 adhered to so that the street area which lies on one side of the boundary line
13 shall attach to the abutting property on that side, and the street area which lies
14 on the other side of the boundary line shall attach to the property on that side.
15 The portion of a vacated street that lies within the limits of a platted addition
16 attaches to the lots of the platted addition bordering on the area. If a public
17 square⁴ is vacated, the title to it vests in the municipality.

18 2. If the municipality acquired the street or other public area vacated for legal
19 consideration before the final act of vacation, the fair market value of the street or
20 public area shall be deposited with the municipality. Title transferred under this
21 subsection shall be warranted by the municipality in the same manner as it was
22 received.

23 3. The provisions of paragraph E.1 of this section notwithstanding, the platting
24 board may determine that all or a portion of the area vacated should be devoted
25 to another public purpose and, if so, title to the area vacated and held for another
26 public purpose does not vest as provided in paragraph E.1 but remains in the
27 municipality.

28 **21.03.170 VERIFICATION OF NONCONFORMING STATUS**

29 **A. Process**

30 Owners of lots, uses, structures, or characteristics of use that may not conform to the
31 requirements of this title may request a verification of nonconforming status by filing an
32 application with the director in accordance with this section. Owners of signs that do not
33 conform to the requirements of this title shall comply with section 21.11.060,
34 *Nonconforming Signs*.

35 1. The application shall be accompanied by documentation that establishes the
36 approximate date that the lot, use, structure, or characteristic of use was
37 established; proof that the lot, use, structure, or characteristic of use was lawfully
38 established at the time it became nonconforming; and proof that the use has not
39 been discontinued or abandoned, except as provided in subsection B. below.
40 The director shall be authorized to require additional information if deemed
41 necessary to permit an accurate determination.

42 2. If any nonconformities are verified, a verification of nonconforming status shall be
43 recorded with the district recorder's office clearly identifying the land by parcel
44 number and/or a legal description of the property. Such verifications shall run

1 with the land, and their status shall not be affected by changes of tenancy,
2 ownership, or management.

3 3. A verification of nonconforming status shall not be required for continued daily
4 operation or maintenance of a nonconforming lot, use, structure, or characteristic
5 of use.

6 **B. Exceptions**

7 Notwithstanding subsection A. above:

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

12 2. Nothing in this section shall be construed to deprive the director the right to make
13 a decision regarding a claimed nonconforming use or status as incident to a valid
14 pending application for a land use permit, or to reject an application for decision
15 as provided for by section 21.03.120., *Land Use Permits*.

16 **21.03.180 MINOR MODIFICATIONS**

17 **A. Purpose and Scope**

18 This section sets out the required review and approval procedures for “minor
19 modifications,” which are minor deviations from otherwise applicable standards that may
20 be approved by the director, the assembly, the planning and zoning commission, the
21 platting board or the urban design commission. Minor modifications are to be used when
22 the small size of the modification requested, and the unlikelihood of any adverse effects
23 on nearby properties or the neighborhood, make it unnecessary to complete a formal
24 variance process.

25 **B. Applicability**

26 1. **Minor Modifications to General Development and Zoning District Standards**
27 As part of the review and approval of any procedure set forth in this chapter, the
28 director, the assembly, the planning and zoning commission, the platting board,
29 and the urban design commission may approve minor modifications of up to a
30 maximum of ten percent from the following general development and zoning
31 district standards provided that the approval criteria of subsection D. below are
32 met.

33 a. Minimum lot area or setback requirements set forth in chapter 21.06,
34 *Dimensional Standards and Measurements*;

35 b. General development standards set forth in chapter 21.07, *Development*
36 *and Design Standards*;

37 c. Subdivision design and improvement standards set forth in chapter
38 21.08, *Subdivision Standards*.

39 2. **Exceptions to Authority to Grant Minor Modifications**
40 In no circumstance shall any decision-making body approve a minor modification
41 that results in:

- 1 a. An increase in overall project density;
- 2 b. A change in permitted uses or mix of uses;
- 3 c. A deviation from the use-specific standards, set forth in chapter 21.05,
4 *Use Regulations*; or
- 5 d. A change in conditions attached to the approval of any subdivision plan
6 (section 21.03.060), site plan (section 21.03.080), or conditional use
7 permit (section 21.03.070).

8 **C. Procedure**

9 1. **Minor Modifications Approved by director**

10 The director may initiate or approve a minor modification allowed under this
11 section at any time prior to submittal of the staff report on an application to
12 another decision-making body, if a report is required, or prior to final decision, if
13 no report is required.

14 2. **Minor Modifications Approved by Assembly, Planning and Zoning
15 Commission, or Platting Board**

16 The assembly, planning and zoning commission, or platting board may initiate or
17 approve a minor modification allowed under this section at any time before taking
18 action on a development application.

19 3. **Written Findings Noted on Pending Application**

20 Staff shall specify any approved minor modifications and the finding supporting
21 such modifications on the pending development application for which the
22 modifications were sought.

23 4. **Limitation on Minor Modifications**

24 a. An applicant may request application of the minor modification process
25 to his or her development only once during the review process.

26 b. In no instance may an applicant use the minor modification process to
27 obtain approval for more than three standards applicable to the same
28 development.

29 **D. Approval Criteria**

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

32 1. The requested modification is consistent with the comprehensive plan and the
33 stated purpose of this title;

34 2. The requested modification meets all other applicable building and safety codes;

35 3. The requested modification does not encroach into a recorded easement;

36 4. The requested modification will have no significant adverse impact on the health,
37 safety, or general welfare of surrounding property owners or the general public,
38 or such impacts will be substantially mitigated; and

- 1 5. The requested modification is necessary to either: (a) compensate for some
2 practical difficulty or some unusual aspect of the site of the proposed
3 development not shared by landowners in general; or (b) accommodate an
4 alternative or innovative design practice that achieves to the same or better
5 degree the objective of the existing design standard to be modified. In
6 determining if “practical difficulty” exists, the factors set forth in section
7 21.03.190E., *Approval Criteria (for Variances)* shall be considered.

8 **21.03.190 VARIANCES**

9 **A. Purpose and Scope**

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

19 **B. Decision-Making Bodies Authorized to Consider Variance Requests**

- 20 1. The platting board shall be authorized to review and consider all requests for
21 variances to standards set forth in chapter 21.08, *Subdivision Standards*.
- 22 2. The planning and zoning commission shall be authorized to review and consider
23 all requests for variances of standards relating to utility distribution facilities,
24 which are set forth in section 21.07.050; and variances of standards relating to
25 telecommunication facilities, which are in section 21.05.040K.
- 26 3. Requests for variances from the airport height zoning regulations set forth in
27 section 21.04.080C. shall be referred to the Federal Aviation Administration.
- 28 4. The urban design commission shall be authorized to review and consider all
29 requests for variances to standards set forth in chapter 21.10, *Signs*.
- 30 5. The zoning board of examiners and appeals shall be authorized to review and
31 consider variance requests from all other provisions of this title. The zoning
32 board may only grant variances from dimensional standards. No variance may
33 be granted from the definitions set forth in chapter 21.13.

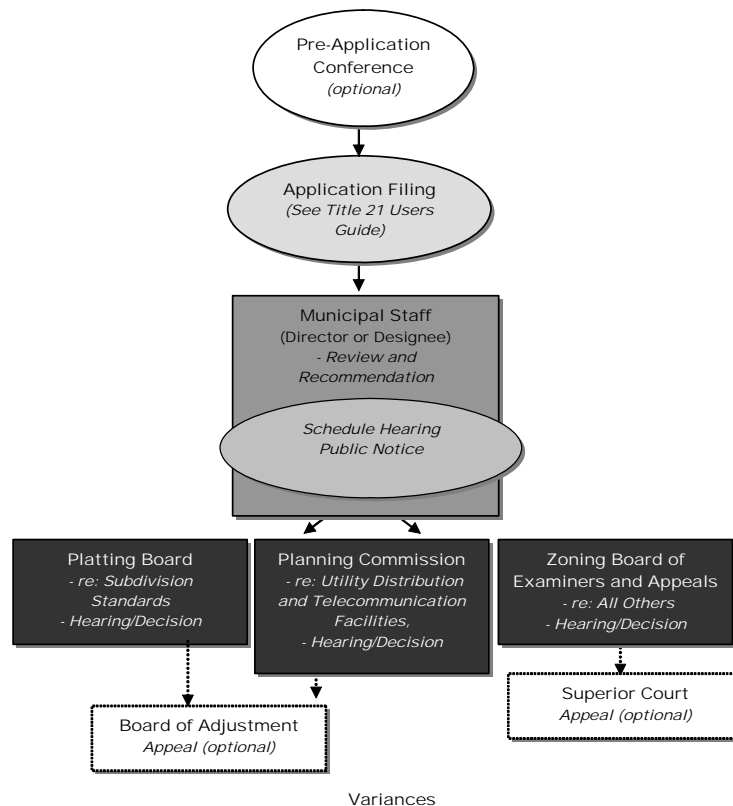
34 **C. Application**

35 An application for a variance shall be submitted to the secretary of the board on a form
36 contained in the user’s guide, containing the materials specified in the user’s guide.

37 **D. Action by the Review Body**

- 38 1. Once the application is complete, the director shall schedule the application for
39 consideration at a public hearing, and shall transmit to the appropriate review
40 body all applications and other records pertaining to the variance prior to the
41 hearing. Upon receiving the application materials from the director, the review
42 body shall hold a public hearing on the proposed variance. Written, published,

- 1 and posted notice of the hearing shall be provided pursuant to section
 2 21.03.020H.
- 3 2. In considering the application, the review body shall review the application
 4 materials, the approval criteria of subsection E., and all testimony and evidence
 5 received at the public hearing.
- 6 3. After conducting the public hearing, the review body may: deny the application;
 7 conduct an additional public hearing on the application; or grant the minimum
 8 required variance. Any approval or denial of the request shall be by resolution,
 9 accompanied by written findings of fact that the variance meets or does not meet
 10 each of the applicable criteria set forth in subsection E., stating the reasons for
 11 such findings. A concurring vote of a majority of the fully constituted membership
 12 of the entity, minus those excused by conflicts of interest, shall be required to
 13 grant a variance.
- 14 4. Under no circumstances shall the review body grant a variance to allow a use not
 15 permitted in the zone district containing the property for which the variance is
 16 sought.
- 17 5. Under no circumstances shall the review body grant a variance from any written
 18 conditions attached by another decision-making body to the approval of a
 19 conditional use permit, subdivision plat, or site plan.



1 **E. Approval Criteria**

2 The application must state with particularity the relief sought and must specify the facts or
3 circumstances that are alleged to show that the application meets the following
4 standards:

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

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

22 **2. Variances from Subdivision Regulations**

- 23 **a.** There are special circumstances or conditions affecting the property
24 such that the strict application of the provisions of the subdivision
25 regulations would clearly be impractical, unreasonable or undesirable to
26 the general public;
- 27 **b.** The granting of the specific variance will not be detrimental to the public
28 welfare or injurious to other property in the area in which such property is
29 situated;
- 30 **c.** Such variance will not have the effect of nullifying the intent and purpose
31 of the subdivision regulations or the comprehensive plan of the
32 municipality; and
- 33 **d.** Undue hardship would result from strict compliance with specific
34 provisions or requirements of the subdivision regulations. The applicant
35 may supplement the form with supporting documents.

36 **3. Variances from Airport Height Zoning Regulations**

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

1 **4. Variance for Number of Parking Spaces**

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

5 **F. Lapse of Approval**

6 Any variance granted shall become null and void:

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

10 **G. Appeals**

- 11 1. An appeal from a decision of the platting board shall be brought in accordance
12 with sections 21.03.200A.
13 2. An appeal from a decision of the zoning board of examiners and appeals shall be
14 brought in accordance with section 21.03.200C.

15 **21.03.200 APPEALS**

16 **A. Appeals to Board of Adjustment**

17 1. **Jurisdiction of Board**

18 The board of adjustment shall decide appeals:

- 19 a. From decisions regarding the approval or denial of a plat or a variance
20 from the provisions of chapters 21.08, *Subdivision Standards*; and
21 b. From decisions regarding the approval or denial of applications for
22 approval of conditional uses (section 21.03.070).
23 c. From decisions regarding the approval or denial of applications for
24 approval of major site plan reviews (section 21.03.080C).

25 2. **Initiation of Appeal**

26 Decisions may be appealed to the board of adjustment by:

- 27 a. Any governmental agency or unit; or
28 b. Any party of interest for the application. For purposes of this section,
29 “parties of interest” for a particular application shall include the applicant,
30 the owner of the subject property, the owner of property within the
31 notification area for the subject application, and anyone that presented
32 oral or written testimony at a public hearing on the application.

33 3. **Appellees Before Board**

- 34 a. If a decision is appealed to the board of adjustment as provided in
35 subsection A.2., an appellee brief may be filed as provided in section
36 subsection A.7. by:

- 1 i. The party in whose favor the lower administrative body's
2 decision was rendered.
- 3 ii. Any municipal agency.
- 4 iii. Any party of interest for the application, as defined in subsection
5 A.2. above.
- 6 b. Appellees who wish to be notified by the municipal clerk's office of the
7 date the record is available and of the date the appellant's brief is filed
8 must file a notice of intent to file a brief with the municipal clerk's office
9 on a form prescribed by the municipal clerk within 20 days after the
10 decision of the lower administrative body from which the appeal is taken.
11 An applicant for a site plan, conditional use, or subdivision, who is not
12 the appellant, must file a notice of intent to file a brief with the municipal
13 clerk's office within seven days of receipt of the appellant's notice of
14 appeal to become an appellee.
- 15 **4. Perfection of Appeal; Notice of Appeal; Appeal Fee**
- 16 a. An appeal to the board of adjustment must be perfected by a party of
17 interest for the application no later than 20 days from the date the written
18 findings of fact and decision of the administrative body from which the
19 appeal is taken is approved, on the record, and becomes a final,
20 appealable decision, is mailed or otherwise distributed or delivered to the
21 applicant. The appeal is perfected by the filing of a notice of appeal,
22 appeal fee, and cost bond in accordance with this section.
- 23 b. The notice of appeal must be filed with the municipal clerk on a form
24 prescribed by the municipality and must contain detailed and specific
25 allegations of error. If the appellant is not the applicant, the appellant
26 shall, within three days after filing the notice of appeal, serve a copy of
27 the notice of appeal on the applicant by certified mail to the applicant's
28 last known address. Proof the notice was served shall be provided to the
29 municipal clerk.
- 30 c. The appellant shall pay an appeal fee as provided in a fee schedule to
31 be approved by the assembly. In addition, the appellant shall file a cost
32 bond equal to the estimated cost of preparation of the record. Following
33 completion of the record, the actual cost thereof shall be paid by the
34 appellant. All costs and fees shall be returned to the appellant if the
35 decision of the lower body is reversed in whole or in part.
- 36 **5. New Evidence or Changed Circumstances**
- 37 a. Allegations of new evidence or changed circumstances shall not be
38 considered or decided by the board of adjustment. Allegations of new
39 evidence or changed circumstances shall be raised by written motion for
40 rehearing, filed with the municipal clerk no later than 20 days after the
41 lower administrative body's initial decision becomes final.
- 42 i. The municipal clerk shall automatically reject any motion filed
43 more than 20 days after the lower administrative body's initial
44 decision becomes final, without hearing or reconsideration by the
45 lower administrative body.

- 1 ii. A decision of the lower administrative body on any issues
2 remanded from the board of adjustment is not an initial decision
3 as described in section a. above. The municipal clerk shall
4 automatically reject, without hearing or reconsideration, any
5 motion alleging new evidence or changed circumstances filed in
6 response to a lower administrative body’s decision on any
7 issue(s) presented on remand.
- 8 b. If the written motion is filed in a timely manner, the administrative body
9 from which the appeal is taken shall decide whether to reopen and
10 rehear the matter. A rehearing shall be held if the lower administrative
11 body determines:
- 12 i. If true, that the alleged new evidence or changed circumstances
13 would substantially change the decision of the body, and
- 14 ii. The party alleging new evidence or changed circumstances
15 acted promptly and with diligence in bringing the information to
16 the body’s attention.
- 17 **6. Appeal Record**
- 18 a. Upon timely perfection of an appeal to the board of adjustment, the
19 municipal clerk shall prepare an appeal record. The record shall contain:
- 20 i. A verbatim transcript of the proceedings before the
21 administrative body from which the appeal has been taken.
- 22 ii. Copies of all documentary evidence, memoranda, exhibits,
23 correspondence, and other written material submitted to the
24 administrative body prior to the decision from which the appeal is
25 taken.
- 26 iii. A copy of the written decision of the administrative body,
27 including its findings and conclusions.
- 28 b. The appellant shall arrange for the preparation of the transcript of the
29 board hearing by a court reporter or the current board and commission
30 recording secretary and shall pay the cost of such preparation. The
31 appellant shall file the transcript with the municipal clerk. If the appellant
32 fails to file the transcript within 30 days of the filing of the notice of
33 appeal, the appeal shall be automatically denied.
- 34 c. Upon completion of the record, the municipal clerk shall notify the
35 appellant by certified mail of the cost of its preparation. If the appellant
36 fails to pay the costs within seven days of receiving the notice, the
37 appeal shall be automatically denied. Upon timely payment of costs, the
38 municipal clerk shall, by certified mail, serve a copy of the record on the
39 appellant. The municipal clerk shall also notify by certified mail the
40 appellees who have filed a notice of intent to file a brief that the record is
41 available for pickup. Upon request, the municipal clerk shall provide a
42 copy of the record to an appellee or the public. A copying cost for the
43 record will be charged as set out in AMCR 3.90.002. The appellee shall
44 also be charged any mailing costs, including the cost of mailing the
45 notice of record availability.

1 7. **Written Arguments**

2 a. ***Brief of Appellant***

3 The appellant to the board of adjustment may file a written brief of points
4 and authorities in support of those allegations of error specified in the
5 notice of appeal with the municipal clerk's office not later than 15 days
6 after service of the appeal record. The municipal clerk shall deliver a
7 copy of the appellant's brief to the municipal staff assigned responsibility
8 for the appeal. The municipal clerk shall also notify by certified mail
9 those appellees who have filed a notice of intent to file a brief that the
10 appellant's brief is available for pickup. Upon request, the municipal
11 clerk shall provide a copy of the appellant's brief to appellees, who shall
12 be charged copying costs as provided in AMCR 3.90.002 and any
13 mailing costs applicable.

14 b. ***Brief of Appellee***

15 An appellee who has filed a notice of intent to file a brief may also file
16 with the municipal clerk's office a written reply to the notice of points on
17 appeal and any brief in support thereof no later than 30 days after the
18 service of the appeal record. The municipal clerk shall notify the
19 appellant by certified mail that appellee briefs have been filed. The
20 municipal staff may, with the approval of the director of the office of
21 economic and community development, prepare and submit to the
22 municipal clerk a written reply to the notice of appeal and any brief in
23 support thereof no later than 30 days after service of the appeal record.

24 c. ***Reply Brief***

25 An appellant may file a written reply brief to appellee briefs submitted
26 pursuant to subsection 7.b. The appellant's reply brief is due no later
27 than ten days after service of notice that the appellee briefs have been
28 filed.

29 d. ***Timing of Briefs***

30 If a brief is not filed within the time prescribed by the user's guide, the
31 municipal clerk shall notify the board of adjustment that the brief was
32 filed late. The board shall determine whether to accept a late brief and
33 whether to allow additional time for any qualified opposing party to file
34 reply or rebuttal briefs if allowed.

35 e. ***Form of Briefs***

36 All briefs shall be prepared to specifications set forth in the title 21 user's
37 guide. The municipal clerk shall not accept a brief unless it is in the form
38 prescribed by the user's guide.

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

40 Following the time set for the receipt of written argument from the appellant, the
41 appellee, and the municipal staff under this subsection, the municipal clerk shall
42 prepare and distribute to the members of the board of adjustment an appeal
43 packet containing only the notice of appeal, the appeal record and any briefs filed
44 in accordance with subsection A.7. above. Following distribution of the packets,
45 a date shall be set for consideration of the appeal. Notice of consideration on the
46 appeal shall be published in a newspaper of general circulation and shall be
47 served by mail on the appellant and those appellees who have submitted briefs.
48 Appeal packets shall be made available to the public upon demand with costs
49 payable by the public as provided in AMCR 3.90.002.

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- 9. Conduct of Hearing**
- a. The meeting at which the board of adjustment deliberates and decides an appeal shall be open to the public and a record of the hearing shall be made.
- b. The board of adjustment may hear oral argument from the appellant and any other party who has submitted a brief. The board of adjustment shall not take testimony or consider new evidence that was not introduced in the original proceeding.
- 10. Scope of Review**
- a. The board of adjustment shall hear an appeal solely on the basis of the record established before the lower administrative body, the notice of appeal, the appellant's argument, and the reply to that argument.
- b. The board of adjustment may exercise its independent judgment on legal issues raised by the appellant. The term "legal issues," as used in this section, means those matters that relate to the interpretation or construction of ordinances or other provisions of law.
- c. The board of adjustment shall, unless it substitutes its independent judgment pursuant to subsection d. below, defer to the judgment of the lower administrative body regarding disputed issues or findings of fact. Findings of fact adopted expressly or by necessary implication by the lower administrative body may be considered as true if they are supported in the record by substantial evidence. The term "substantial evidence," for the purpose of this section, means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record affords a substantial basis of fact from which the fact in issue may be reasonably inferred, it shall be considered that the fact is supported by substantial evidence.
- d. Notwithstanding the provisions of subsection 10.c. above, the board of adjustment may, by an affirmative vote of two-thirds of the fully constituted board, substitute its independent judgment for that of the lower administrative body on any disputed issues or findings of fact. Such judgment must be supported on the record by substantial evidence. For the purpose of this subsection, the fully constituted board of adjustment shall not include those members who do not participate in the appeal.
- 11. Decision**
- a. The board of adjustment may affirm or reverse the decision of the lower administrative body in whole or in part. It shall decide an appeal on the basis of the record on appeal and the briefs of the parties to the appeal. A majority vote of the fully constituted board is required to reverse or modify the decision appealed from. For the purpose of this section, the fully constituted board shall not include those members who do not participate in the proceedings. A decision reversing or modifying the decision appealed from shall be in a form which finally disposes of the case on appeal except where the case is remanded in accordance with subsection 12.a. below.

1 **b.** Every decision of the board of adjustment to affirm or reverse the
2 decision of the lower administrative body pursuant to subsection a. of
3 this section shall be based upon and include written findings and
4 conclusions adopted by the board. Such findings must be reasonably
5 specific so as to provide the community, and, where appropriate,
6 reviewing authorities, a clear and precise understanding of the reason for
7 the board's decision. The board may seek the assistance of the
8 municipal staff in the preparation of findings.

9 **c.** Every final decision of the board of adjustment shall clearly state on its
10 face it is a final decision with respect to all issues involved in the case,
11 and that the parties have 30 days from the date of mailing, or other
12 distribution of the decision, to file an appeal to the superior court.

13 **12. Remand**

14 **a.** Where the board of adjustment reverses or modifies a decision of the
15 lower administrative body in whole or in part, its decision shall finally
16 dispose of the matter on appeal, except that the case shall be remanded
17 to the lower body where the board of adjustment determines either that:

18 **i.** There is insufficient evidence in the record on an issue material
19 to the decision of the case; or

20 **ii.** There has been a substantial procedural error that requires
21 further public hearing.

22 A decision remanding a case shall describe any issue upon which further
23 evidence should be taken, and shall set forth any further directions the
24 board deems appropriate for the guidance of the lower administrative
25 body.

26 **b.** The lower administrative body shall act on the case upon remand in
27 accordance with the decision of the board of adjustment in the minimum
28 time allowed by the circumstances. Cases on remand following a
29 decision of the board shall take precedence over all other matters on the
30 agenda of the lower administrative body.

31 **c.** A board of adjustment decision remanding a case on one or more issues
32 is not a final decision with respect to any issues involved in the appeal.
33 The board of adjustment's decision remanding the case shall be the final
34 decision with respect to all matters affirmed by the board of adjustment's
35 decision, when, following the lower administrative body's decision on
36 remand, no appeal is perfected within the period specified in subsection
37 21.03.200A.4.

38 **d.** A board of adjustment decision remanding a case on one or more issues
39 shall state that the decision is the final decision with respect to all
40 matters affirmed therein when, following the lower administrative body's
41 decision on remand, no appeal is perfected within the time period
42 specified in section 21.03.200A.4., and shall also state the parties have
43 30 days from the expiration of said period to appeal to the superior court.

B. Appeals to Zoning Board of Examiners and Appeals

1. Jurisdiction of Board

The zoning board of examiners and appeals shall hear appeals from decisions of the municipal staff regarding:

- a. Enforcement orders issued under chapter 21.12, *Enforcement*.
- b. Denial of an application for a flood hazard permit under section 21.03.110.
- c. Denial of an application for a building or land use permit when such denial is based on the requirements of this title.
- d. Denial of an application for a sign permit when such denial is based on the requirements of this title.
- e. Denial of a minor modification under section 21.03.180.
- f. Denial of a Verification of Legal Nonconforming Status under section 21.03.170.
- g. Denial of or imposition of conditions on a certificate under section 21.11.030.
- h. Interpretation of zoning district boundaries under section 21.01.050C.
- i. Denial of a certificate of zoning compliance under section 21.03.130.
- j. Interpretation of general definitions and use definitions.
- k. Other appeals as provided by law.

2. Initiation of Appeal

Appeals to the zoning board of examiners and appeals may be brought by 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 who presented oral or written testimony at a public hearing on the application.

3. Time Limit for Filing; Notice of Appeal; Appeal Fee

- a. An appeal of an administrative decision to the zoning board of examiners and appeals, as set out in subsection B.1. above, must be filed no later than 20 days after written notification of the decision.
- b. Notice of appeal must be filed with the municipal clerk on a form prescribed by the municipality and must contain detailed and specific allegations of error.
- c. The appellant shall pay an appeal fee as set by the assembly, which shall accompany the filing of the notice of appeal. All fees shall be returned to the appellant if the decision of the lower administrative body

1 is reversed in whole, and one-half of the fee shall be returned if the
2 decision is reversed in part.

3 **4. Scope of Review**

4 The zoning board of examiners and appeals shall conduct a full evidentiary
5 hearing on an appeal and make its decision on the basis of this title, the
6 evidence, and the argument presented.

7 **5. Hearing**

8 **a.** An appeal hearing shall be held within 60 days of the filing of a proper
9 notice of appeal. The hearing is open to the public, but the public may
10 not comment.

11 **b.** Notice of the appeal hearing shall be published in a newspaper of
12 general circulation at least 14 days prior to the hearing, and, in addition,
13 the appellant shall be sent a notice by mail at least 14 days prior to the
14 hearing.

15 **c.** The zoning board of examiners and appeals may prescribe rules of
16 procedure for additional notification in cases where a decision of the
17 board would have a substantial effect on the surrounding neighborhood.

18 **6. Decision**

19 **a.** The zoning board of examiners and appeals may affirm or reverse the
20 decision of the administrative official in whole or in part. It shall require a
21 majority of the full membership, minus those members who disqualify
22 themselves with conflicts of interest in accordance with subsection
23 21.02.020C.6.

24 **b.** Every decision of the zoning board of examiners and appeals to affirm or
25 reverse an administrative action shall be in writing and based on and
26 include written findings and conclusions adopted by the board. Such
27 findings must be reasonably specific so as to provide the community
28 and, where appropriate, reviewing authorities, with a clear and precise
29 understanding of the reasons for the board's decision.

30 **c.** Every final decision of the zoning board of examiners and appeals shall
31 clearly state it is a final decision and that the parties have 30 days from
32 the date of mailing, or other distribution of the decision to file an appeal
33 to the superior court.

34 **C. Judicial Appeals**

35 **1. Judicial Review Authorized**

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

39 **a.** A final decision of the board of adjustment on an appeal from a decision
40 regarding the approval or denial of an application for concept or final
41 approval of a conditional use.

42 **b.** A final decision of the board of adjustment on an appeal from the platting
43 board regarding an application for a subdivision.

- c. A final decision of the zoning board of examiners and appeals.
- d. Any final action or decision under this title that is appealable to the superior court under the *Alaska Rules of Court* and/or laws of the state of Alaska.

21.03.210 USE CLASSIFICATION REQUESTS

A. Purpose and Applicability

- 1. The use classifications set forth and defined in chapter 21.05, *Use Regulations*, describe one or more uses having similar characteristics, but do not list every use or activity that may fall within the classification. This section shall be used to determine all questions or disputes whether a specific use is deemed to be within a use classification permitted in a zoning district.
- 2. The provisions of this section shall not apply to permit any specific use that is expressly prohibited in a zoning district.

B. Procedures for Use Classification Request

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

1. Application Submittal and Review

An application for a use classification shall be submitted to the director. Within 30 days from the date a complete application is submitted, the director shall review the application according to the standards set forth in this section; consult with the municipal attorney and other staff, as necessary; and make a final determination as to whether the subject use shall be deemed to be within a use classification set forth in this title and whether such use shall be allowed in the applicable zoning district.

2. Appeals

Appeals from the director's determination on a use classification request shall be made to the zoning board of examiners and appeals, pursuant to section 21.03.200B.

3. Form of Determination

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

C. Standards for Review

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

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

- 1 2. The volume and type of sales (retail or wholesale) on the premises, and the size
2 and type of items sold and nature of inventory on the premises;
- 3 3. Any processing done on the premises, including assembly, manufacturing, final
4 production, warehousing, shipping, and distribution;
- 5 4. Any dangerous, hazardous, toxic, or explosive materials used in the processing
6 on the premises;
- 7 5. The nature and location of storage and outdoor display of merchandise
8 (enclosed, open, inside or outside the principal building); and predominant types
9 of items stored (such as business vehicles, work-in-process, inventory, and
10 merchandise, construction materials, scrap and junk, and raw materials including
11 liquids and powders);
- 12 6. The type, size, height, and nature of buildings and structures;
- 13 7. The number and density of employees and customers per unit area of site in
14 relation to business hours and employment shifts;
- 15 8. Transportation requirements, including the modal split for people and freight, by
16 volume type and characteristic of traffic generation to and from the site, trip
17 purposes and whether trip purposes can be shared by other uses on the site;
- 18 9. Parking requirements, turnover and generation, ratio of the number of spaces
19 required per unit area or activity, and the potential for shared parking with other
20 uses;
- 21 10. The amount and nature of any nuisances generated on the premises, including
22 but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;
- 23 11. Any special public utility requirements for serving the proposed use, including but
24 not limited to water supply, waste water output, pre-treatment of wastes and
25 emissions required or recommended, and any significant power structures and
26 communications towers or facilities; and
- 27 12. The impact on adjacent properties created by the proposed use will not be
28 greater than that of other uses in the zoning district.

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

- 30 1. **Typical Uses: Amendment to this Title**
31 If the director finds that the particular use or category of use(s) that was the
32 subject of the use classification request is likely to be common or to recur
33 frequently, or that omission from this title is likely to lead to public uncertainty and
34 confusion, the director shall initiate an amendment to this title under section
35 21.03.040, *Amendments to Text of Title 21*. The determination of the director
36 shall be binding on all officers and departments of the municipality.
- 37 2. **Atypical Uses: Determination Binding**
38 If the director finds that the particular use or category of use(s) that was the
39 subject of the use classification request is of an unusual or transitory nature, or is
40 unlikely to recur frequently, the director may approve the use without initiating an

1 amendment to this title. However, the director's determination shall thereafter be
2 binding on all officers and departments of the municipality.

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

4 An official record of use classification determinations and related zoning board actions
5 shall be kept on file in the department and shall be available for public inspection in the
6 department during normal business hours.

7 **21.03.220 ASSEMBLY ALCOHOL APPROVAL**

8 **A. Applicability**

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

15 **B. General Standards**

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

20 1. Any use, whether principal or accessory, involving the retail sale or dispensing of
21 alcoholic beverages is permitted only by approval of the assembly under this
22 section. This requirement applies only to the retail sale or dispensing of alcoholic
23 beverages and not to related principal or accessory uses.

24 2. Notwithstanding any other provision of this title to the contrary, an approval for
25 uses involving the retail sale of alcoholic beverages shall only require the
26 approval of the assembly.

27 **C. Application and Review Procedure**

28 **1. Submittal**

29 Applications for assembly alcohol approval shall be submitted to the department
30 within seven days after application is made to the state alcoholic beverage
31 control board for issue or transfer of location of a liquor license. Applications
32 shall contain a zoning map showing the proposed location. The assembly may
33 promulgate regulations concerning the mandatory information to be submitted
34 with the application for conditional use.

35 **2. Department Report**

36 The department shall prepare and submit a report and a list of all licenses
37 located within a minimum of 1,000 feet of the proposed use to the assembly, and
38 shall address the conformity of the proposed application with this title and AMC
39 chapter 10.50. The department shall also submit a proposed resolution for
40 assembly consideration in connection with liquor license applications.

1 **3. Notice**

2 Notice of hearings required under this section shall be mailed, published, and
3 posted in accordance with section 21.03.020H, *Notice*.

4 **4. Assembly Action**

5 The assembly shall approve, approve conditionally, or deny the application. In
6 considering action, the assembly shall apply the criteria set forth in this title for
7 conditional uses in section 21.03.070D., *Approval Criteria*. The assembly shall
8 not take into consideration the sum paid by any person to acquire the license for
9 which a permit is requested.

10 **5. Conditions on Approval**

11 **a.** The assembly may, in connection with an approval under this section,
12 impose such special terms and conditions or modify existing conditions
13 governing operation of that license as are in the public interest, and are
14 consistent with the purposes of this title.

15 **b.** Conditions of approvals under this section are enforceable under the
16 provisions of this title. The assembly may revoke such an approval for
17 failure to comply with conditions of the permit, provided a public hearing
18 with notice to the owner affected is first held.

19 **c.** A copy of the conditions imposed by the assembly in connection with
20 approval under this section shall be maintained on the premises involved
21 at a location visible to the public.

22 **6. Effect of Denial**

23 An application for approval under this section that has been denied by the
24 assembly shall not be accepted for rehearing for a period of one year following
25 such denial if the director finds the proposed application is substantially the same
26 as that denied by the assembly and if no substantially new evidence or change in
27 circumstances has occurred. This paragraph shall not apply to applications on
28 file as of May 31, 1983. This paragraph shall not apply to an application filed
29 under assembly direction at a hearing at which a like application was considered.
30 This paragraph does not apply if the alcoholic beverage control board remands a
31 case that was previously denied by the assembly.

32 **7. Expiration**

33 When a permit granted by the assembly under this section has not been in
34 operation for a period of 60 days, the permit shall be deemed to have expired.

35 **21.03.230 ADMINISTRATIVE PERMITS**

36 **A. Applicability**

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

39 **B. Administrative Permits**

40 A permit issued pursuant to this section shall be valid between January 1 or the date of
41 issuance and December 31 of the year in which it is issued, except that permits for bed
42 and breakfasts shall be valid between the date of issuance and December 31 of the year
43 after the permit was issued. An application for renewal of a permit shall be submitted in

1 the same manner as the original application and no later than December 1 immediately
2 preceding the expiration date of that permit.

3 **C. Regulations**

4 The director may promulgate regulations to implement this section, as provided in AMC
5 chapter 3.40. Permits shall be issued and renewed as outlined in the user's guide.

6 **21.03.240 NEIGHBORHOOD OR DISTRICT PLANS**

7 **A. Purpose and Authority**

8 **1. Purpose**

9 Neighborhood or district plans shall be guided by the elements of the
10 comprehensive plan, as defined in section 21.01.080. Neighborhood or district
11 plans should give specificity to the goals, objectives, policies, and strategies of
12 the comprehensive plan. These plans shall supplement and elaborate on the
13 comprehensive plan. The goal of a neighborhood or district plan is to promote
14 the orderly growth, improvement, and future development of the neighborhood,
15 community, or municipality.

16 **2. Authority**

17 These procedures and minimum standards are established for the creation and
18 review of plans for the development, growth, and improvement of the
19 municipality, and its neighborhoods and communities. The plans may be
20 sponsored by the mayor, the assembly, the planning and zoning commission, the
21 department, the community development division, or upon express approval of
22 the assembly by resolution, any community council, group of councils, or other
23 groups or organizations representing the broad public interest recognized by the
24 assembly to sponsor a neighborhood or district plan (hereafter called the
25 "sponsor").

26 In order to obtain the approval of the assembly as a sponsor, any community
27 council, group of councils, or other groups or organizations shall request a
28 resolution from the assembly authorizing them to proceed with the development
29 of a neighborhood or district plan. The group shall demonstrate, to the
30 reasonable satisfaction of a majority of the assembly, that they represent the
31 broad public interest necessary to successfully develop a plan; that they have
32 read and understand the requirements of this ordinance; that their proposed plan
33 will comply with the standards set forth in this ordinance; and that they have
34 sufficient financial resources and a sufficient level of knowledge and expertise to
35 warrant the expenditure of public resources as provided herein.

36 **3. Policy Guidance**

37 An adopted plan shall be an element of the comprehensive plan and shall serve
38 as a policy to guide subsequent actions by municipal agencies. The assembly
39 and the planning and zoning commission shall consider adopted plans in review
40 of land use, zoning actions, and capital improvement programs, where
41 consideration is consistent with the charger, the comprehensive plan, and
42 general law. Agencies shall consider adopted neighborhood or district plans as
43 guidance for actions, whether or not actions are subject to commission review.
44 The existence of an adopted neighborhood or district plan shall not preclude the
45 assembly, any municipal department or agency, or any board or commission of
46 the municipality from developing other plans or taking actions not contemplated

1 in the neighborhood or district plan affecting the same geographic area or subject
2 matter.

3 **B. Plan Submission**

4 **1. Initiation Meeting**

5 The sponsor of a plan shall meet with the department at the initiation of the
6 planning process to discuss and clarify content requirements, scheduling, and
7 other relevant issues. Periodically, the department shall report to the
8 commission, and to the assembly by an Assembly Information Memorandum
9 (AIM) requiring no further action, on the progress of neighborhood or district
10 plans underway.

11 **2. Work Program**

12 Following the initiation meeting, the sponsor shall prepare a work program which
13 shall be submitted to the department for approval. The work program shall
14 include a project schedule, a proposed table of contents, a proposed public
15 participation plan, and at least three milestones at which times the sponsor shall
16 meet with the department.

17 **3. Submission**

18 Twenty printed copies along with an electronic version of all proposed plans shall
19 be submitted to the department. The submission shall include the name(s) and
20 address(es) of the person(s) designated by the sponsor to be its
21 representative(s) in any discussions of the plan.

22 **C. Threshold Review and Determination**

23 **1. Department Review and Determination**

24 Within 90 days of the submission of a plan, the department shall review the plan
25 and determine whether the plan meets the standards for form, content, and for
26 consistency with sound planning, as set forth in subsection D. below.

27 **a.** If the department determines that the plan does meet the threshold
28 standards of subsection D., the department shall distribute the plan for
29 public review and commission public hearing as described in subsection
30 E.

31 **b.** If the department determines the plan does not meet the threshold
32 standards of subsection D., the staff shall provide written notification to
33 the sponsor of all deficiencies with respect to form, content, process, and
34 any changes, additions, or deletions which, in the opinion of staff, may
35 correct such deficiencies. The sponsor may indicate its willingness to
36 make such changes, additions, or deletions. Only in such even may the
37 sponsor be permitted to continue with the plan.

38 **2. Coordination of Plan Review**

39 The department may determine, despite a finding of appropriate form, content,
40 and sound planning policy, a proposed plan should not immediately proceed, due
41 to other municipal planning efforts underway which should be coordinated with
42 the plan. In such a case, the department shall develop an appropriate timetable
43 for distributing the plan for public review and commission public hearings.

D. Standards

1. Form and Content

The form and content of all proposed plans shall be consistent with the following:

a. The plan shall state is sponsoring entity or entities and the names of the individuals who participated in the development of the plan.

b. A plan shall enhance or implement goals, objectives, policies, and/or strategies of the comprehensive plan and provide further detail and specificity. A plan may take the form of a master plan or targeted plan.

i. A master plan for a neighborhood, district, or other geographic area of the municipality may combine elements related to housing, industrial and commercial uses, transportation, land use regulation, open space, recreation, cultural features, health, economic vitality, community facilities and other infrastructure.

ii. A targeted plan may consider one or a small number of elements of neighborhood, district, or municipal-wide problems or needs, and shall focus on issues related to the use, development, and improvement of land within the plan study area.

c. A plan shall not be limited to a single zoning district or a specific parcel in private ownership. A plan shall cover an identifiable, cohesive geographic area or neighborhood.

d. Plans shall be presented in clear language and coherent form with elements, chapters, or sections organized in logical sequence.

e. Plans shall state goals, objectives, or purposes clearly and succinctly. Policy statements or recommendations shall contain documentation and explanation of the data, analysis, or rationale underlying each. Plans shall analyze and propose policies to address identified problems.

f. A plan shall contain, as applicable:

i. Inventories or description and analysis of existing conditions, problems, or needs; projections of future conditions, problems, or needs; and recommended goals and strategies to address those conditions, problems, or needs.

ii. Alternatively, or concomitantly with the elements described above, a plan may also contain a vision for a future end state and a strategy(ies) for achieving it.

The level of detail and analysis shall be appropriate to the goals and recommendations presented in the plan. The information and analysis relied upon to support the recommendations shall be sufficiently identified to facilitate later plan review, including accuracy and validity of the information and analysis. Supporting information may be contained in the form of narrative, maps, charts, tables, technical appendices, or the like.

- 1 **g.** A plan shall contain a land use plan map for the geographic area
2 encompassed by the plan. The land use plan map shall propose
3 appropriate land use categories, which generally include: residential,
4 commercial, industrial, institutional, transportation, community facilities,
5 parks, and natural open space. The land use plan map may provide
6 more specificity than the general categories.
- 7 **h.** Plans shall be accompanied by documentation showing public
8 participation in the plan formulation and preparation. Public outreach,
9 such as surveys, workshops, hearings, or technical advisory committees,
10 is recommended as a tool for community support and consensus, in
11 addition to department, commission, and assembly approval.
- 12 **2. Sound Planning Policy**
- 13 **a.** All plans, regardless of form and content, shall include discussion of:
- 14 **i.** Its long-range consequences;
- 15 **ii.** Impact on economic and housing opportunity for all persons,
16 particularly low- and moderate-income, and persons with
17 disabilities;
- 18 **iii.** Provision of future growth and development opportunities;
- 19 **iv.** Ability to improve the physical environment; and
- 20 **v.** Effect on the geographic distribution of municipal facilities.
- 21 **b.** A plan shall set forth goals, objectives, purposes, policies, strategies,
22 and/or recommendations within the legal authority of the municipality.
- 23 **c.** A plan considering issues under the jurisdiction of specific municipal or
24 state agencies shall disclose all agency comments.
- 25 **d.** A plan shall analyze its relationship to applicable policy documents,
26 including all adopted elements of the comprehensive plan, as well as its
27 relationship to adjoining neighborhoods and other areas.
- 28 **e.** A plan shall solicit input from residents, local businesses, agencies, and
29 non-profit organizations local to the neighborhood, and demonstrate it
30 has considered these comments on their merits.

31 **E. Plan Distribution and Review**

- 32 **1. Plan Distribution**
- 33 When, pursuant to subsection C. above, a plan is ready for public review, the
34 department shall, within 30 days of its determination, provide copies of the plan
35 simultaneously to all municipal and state agencies with jurisdiction over elements
36 of the plan, and to all community councils. The department shall also make
37 copies available to the general public at city hall and the planning and
38 development center, and post the plan on the department website.

- 1 **2. Public, Agency, and Community Council Review**
2 Each community council may conduct its own review of the plan. Within a period
3 of 120 days following receipt of the plan, the community council may provide
4 written recommendation(s) to the department and the sponsor.
- 5 Members of the public and other municipal or state agencies may provide written
6 comments to the department during the 120 day review period.
- 7 **3. Department Review**
8 When the department is not the sponsor of a plan, it shall review the plan during
9 the 120 day review period, and prepare a staff report and recommendation for
10 the commission. The department shall consider the neighborhood, community,
11 and municipal-wide impacts and the long-term effects of the actions or policies
12 recommended by the plan. The department shall also consider the impact of the
13 plan on economic and housing opportunity, future growth and development, and
14 the physical environment, including consistency of the plan with other adopted
15 plans.
- 16 **F. Planning and Zoning Commission Review**
- 17 **1. Schedule for Review**
18 At the conclusion of the 120 day review period, the commission shall schedule a
19 public hearing within 60 days following the final day of the public review period.
- 20 **2. Public Hearing**
21 Notice of the public hearing shall be given in accordance with section
22 21.03.020H.
- 23 **3. Commission Recommendation**
24 The commission shall vote, within 60 days following the close of the public
25 hearing to recommend approval, approval with modifications, remand to the
26 sponsor, or disapproval of the plan. In reviewing the substance of the plan, the
27 commission shall consider the neighborhood, community, and municipal-wide
28 impacts and the potential long-term effects from the actions or policies
29 recommended by the plan. The commission shall consider the impact of the plan
30 on economic and housing opportunity, future growth and development, and the
31 physical environment, including consistency of the plan with other adopted plans,
32 and any other pertinent adopted neighborhood or district plans. Any
33 modifications recommended by the commission shall be consistent with the
34 standards for form, content, and sound planning policy, as set out in subsection
35 D. above.
- 36 **4. Commission Findings**
37 The commission's recommendation shall include findings describing its
38 considerations and providing explanation for its determination. The findings may
39 include recommendations for the implementation of plan elements. The
40 recommendation shall be transmitted to the assembly for final approval.
- 41 **G. Assembly Adoption**
- 42 **1. Transmission to Assembly**
43 The commission's recommendation shall be transmitted to the assembly for
44 introduction within 45 days of the commission recommendation. The assembly
45 shall schedule a public hearing not more than 45 days after introduction.

1 **2. Public Hearing**

2 Notice of the public hearing shall be provided in accordance with subsection
3 21.03.020H., and the hearing conducted in accordance with AMC chapter 2.30.

4 **3. Assembly Decision**

5 Within 45 days of the close of the public hearing, the assembly shall either:

- 6 a. Adopt the plan;
- 7 b. Adopt the plan with modifications;
- 8 c. Remand the plan to the commission; or
- 9 d. Not adopt the plan.

10 If the assembly adopts the plan with modifications, the modifications shall be
11 consistent with the standards for form, content, and sound planning policy, as set
12 out in subsection D. above. If the plan is adopted, either as proposed or with
13 modifications, it shall become an element of the comprehensive plan as
14 described in section 21.01.080.

15 **H. Review and Revision**

16 A plan shall be reviewed by the department concurrent with the review of the
17 comprehensive plans as otherwise provided in this title to determine if the plan is
18 consistent with the comprehensive plan. If the sponsor shows a major change of
19 circumstances in the neighborhood or district, the sponsor may request a review of the
20 plan before the end of any ten year period. Any revisions shall be presented for adoption
21 as an amendment to the plan, in accordance with the procedures set forth herein.

22 **21.03.250 MASTER PLANNING**

23 **A. Area Master Planning**

24 **1. Purpose**

25 An area master plan is intended to facilitate the planned development of large
26 tracts of land under unified ownership or control, prior to subdivision or
27 development of entire tracts or parcels within large tracts, in order to provide for
28 land use compatibility and development responding to site-specific environmental
29 constraints and opportunities. The area master plan shall establish the general
30 arrangement of land uses, circulation and infrastructure systems for the identified
31 development areas.

32 **2. Applicability**

33 a. **Mandatory: Girdwood**

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

37 b. **Optional**

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

1 **3. Procedures**

2 **a. Pre-Application Conference**

3 Before filing an application, an applicant shall request a pre-application
4 conference with the director.

5 **b. Community Meeting**

6 A community meeting shall be required in accordance with 21.03.020G.

7 **c. Initiation**

8 An application for approval of an area master plan shall be initiated by
9 the owner of the property.

10 **d. Application Filing**

11 Applications for approval of an area master plan shall be submitted to the
12 director and shall contain all information and supporting materials
13 specified in subsection 3.e., below.

14 **e. Submittal Requirements**

15 Submittal requirements are set out below, and shall be in either narrative
16 or illustrative form. The director may waive submittal requirements not
17 relevant to the proposed area master plan. The planning and zoning
18 commission and/or the director may require the submittal of other
19 information as may be necessary for the informed exercise of judgment
20 under the criteria for the review of the plan, as set out in subsection A.4.,
21 below.

22 i. The legal description, boundaries, and acreage of the petition
23 area;

24 ii. The present land use classification of the petition area and
25 abutting property;

26 iii. The current use, if any, of the petition area and abutting property,
27 including roads, utilities, drainage systems, trails, parks, parking
28 areas, and any structures;

29 iv. The general topography of the petition area (contours lines shall
30 be shown at intervals of ten (10) feet or less), including any
31 unique natural or historical features;

32 v. A general description of the existing vegetation and soils in the
33 petition area;

34 vi. The location of streams, waterbodies, wetlands, drainage
35 courses, and flood plains;

36 vii. The planning objectives and design considerations used to
37 determine the use and configuration of the proposed
38 development;

39 viii. A conceptual site plan showing the various existing and
40 proposed types of land uses, depicting the relationship to each
41 other and to surrounding uses, proposed acreage, character,
42 and densities/intensity of development for each type of use, and

- 1 proposed open spaces. The site plan shall be in the form of a
2 "bubble map" locating these "development areas" and other
3 required elements in an approximate fashion;
- 4 ix. A general description of the traffic and pedestrian circulation
5 system proposed for the petition area, showing connections
6 between land uses, neighborhoods, and proposed public
7 schools, parks, open space areas, and trails/bikeways;
- 8 x. A general description of the utility system layout;
- 9 xi. An explanation of any unique features of the proposed
10 development;
- 11 xii. A general development schedule and phasing plan, if any, and
12 approximate date for commencement of construction; and
- 13 xiii. If the petition area contains wetlands designated in the
14 *Anchorage Wetlands Management Plan*, the applicant shall
15 submit:
- 16 (A) If recommended in the management strategies of the
17 *Anchorage Wetlands Management Plan*, or required by
18 the director, a wetlands delineation based on the *Corp of*
19 *Engineers Wetlands Delineation Manual* (current
20 version);
- 21 (B) Hydrologic information specifying the quality, amount
22 and direction of flow of surface and subsurface water, as
23 well as information on the drainage impacts of the
24 development on adjacent property;
- 25 (C) Vegetation information indicating the distribution of
26 wetland, coniferous and deciduous species; and
- 27 (D) Habitat information on the type, number, and species of
28 animals, including birds.
- 29 f. ***Director Review, Report, and Recommendation***
30 The director shall review the proposed area master plan in light of the
31 approval criteria of subsection A.4., below, and shall distribute the
32 application to other reviewers as necessary. Based on the results of the
33 reviews, the director shall provide a report and recommendation to the
34 planning and zoning commission.
- 35 g. ***Public Hearing***
36 Published, written, and posted notice of public hearings on area master
37 plans shall be provided in accordance with section 21.03.020H.
- 38 h. ***Review and Recommendation by Planning and Zoning Commission***
39 The planning and zoning commission shall hold a public hearing on the
40 proposed area master plan and, at the close of the hearing, shall
41 recommend approval of the plan as submitted, approval of the plan

1 subject to conditions or modifications, or denial of the plan, based on the
2 approval criteria of subsection A.4., below.

3 **i. *Hearing and Action by Assembly***

4 The assembly shall consider the reports and recommendations of the
5 director and the planning and zoning commission and shall hold a public
6 hearing on the proposed area master plan. Based on the commission's
7 recommendation, testimony received, and the approval criteria in
8 subsection A.4. below, the assembly shall:

- 9 i. Approve or deny the master plan;
10
11 ii. Approve the master plan with conditions or modifications; or
12
13 iii. Refer the master plan back to the planning and zoning
14 commission or to a committee of the assembly for further
15 consideration.

16
17 **4. Approval Criteria**

18 An area master plan may be recommended for approval by the planning and
19 zoning commission and approved by the assembly if all of the following criteria
20 have been met:

- 21 **a.** The area master plan substantially conforms to the principles and
22 objectives of the comprehensive plan, any approved neighborhood,
23 district, or area plans, and the general purposes of this title as stated in
24 section 21.01.030;
- 25 **b.** The streets, roads, and other transportation elements are in
26 conformance with applicable transportation plans;
- 27 **c.** The development has no substantial adverse fiscal impact on the
28 municipality;
- 29 **d.** The development provides significant community benefits in terms of
30 design, community facilities, open space, and other community
31 amenities;
- 32 **e.** The development is compatible with the character of the surrounding
33 area and minimizes any potential adverse impacts to surrounding areas
34 to the maximum extent feasible; and
- 35 **f.** Sufficient public safety, transportation, and utility facilities and services
36 are available to serve the subject property at the proposed level of
37 development, while maintaining sufficient levels of service to existing and
38 anticipated development in surrounding areas.

39 **5. Effect of Area Master Plan Approval**

40 No development rights are granted by the approval of an area master plan. An
41 approved area master plan allows the applicant to file applications for
42 development within the plan area including, but not limited to, site plans,
43 conditional use permits, or preliminary subdivision plans. An approved area
44 master plan also creates a presumption that design density, uses, and site layout
45 set forth in the plan are acceptable to the municipality, subject to further review

1 and application of relevant regulations in the review of subsequent applications.
2 However, approval of the area master plan shall not guarantee such density and
3 uses are attainable.

4 **6. Modification of Area Master Plan Approval**

5 **a. Modification without Public Hearing**

6 By request of the applicant or subsequent landowner, an approved area
7 master plan may be modified by the assembly, without a public hearing,
8 if the modification proposes:

9 i. A change to the development schedule or phasing plan of not
10 more than seven (7) years (applicable only if a development
11 master plan is not also required);

12 ii. Changes of ten percent (10%) or less to the number of dwelling
13 units or the total combined floor area of commercial and
14 industrial uses;

15 iii. A shift between development areas of ten percent (10%) or less
16 of the number of dwelling units or the total combined floor area of
17 commercial and industrial uses;

18 iv. A change to the acreage of any development area of ten percent
19 (10%) or less; or

20 v. A change the assembly determines does not change the impacts
21 on the surrounding neighborhood and public infrastructure and
22 services.

23 **b. Modification with Public Hearing**

24 By request of the applicant or subsequent landowner, an approved area
25 master plan may be modified by the assembly, only after a public
26 hearing, if the modification proposes:

27 i. A change to the development schedule or phasing plan of more
28 than seven (7) years (applicable only if a development master
29 plan is not also required);

30 ii. A reduction of acreage of open space;

31 iii. Changes to the number of dwelling units or the total combined
32 floor area of commercial and industrial uses of more than ten
33 percent (10%) but less than twenty-five percent (25%);

34 iv. A shift between development areas of more than ten percent
35 (10%) but less than twenty-five percent (25%) of the number of
36 dwelling units or the total combined floor area of commercial and
37 industrial uses;

38 v. A change to the acreage of any development area of more than
39 ten percent (10%) but less than twenty-five percent (25%);

40 vi. A change to any conditions of approval imposed by the assembly
41 at the time of area master plan approval; or

- 1 **b. *Optional***
2 A development master plan may be developed through this process for
3 any multi-building development within the municipality.
- 4 **3. Concurrent Master Plans**
5 If a development master plan is submitted concurrently with an area master plan,
6 the approval of the development master plan is contingent on the approval of the
7 area master plan.
- 8 **4. Procedures**
- 9 **a. *Pre-Application Conference***
10 Before filing and application, an applicant shall request a pre-application
11 conference with the director.
- 12 **b. *Community Meeting***
13 A community meeting shall be required in accordance with 21.03.020G.
- 14 **c. *Initiation***
15 An application for approval of a development master plan shall be
16 initiated by the owner of the subject property.
- 17 **d. *Application***
18 Applications for approval of a development master plan shall be
19 submitted to the director and shall contain all information and supporting
20 materials specified in subsection 4.e., below.
- 21 **e. *Submittal Requirements***
22 The design standards proposed in the development master plan may
23 differ from the standards of chapter 21.07, but shall meet or exceed
24 those standards, as described in subsection 5.g., below.
- 25 Submittal requirements are listed below and shall be in either narrative or
26 illustrative form. The director may waive submittal requirements not
27 relevant to the proposed development. The planning and zoning
28 commission and/or the director may require the submittal of other
29 information as necessary for the informed exercise of judgment under
30 the criteria for the review of the plan, as set out in subsection B.5.,
31 below.
- 32 **i.** The legal description, acreage, and boundaries of the proposed
33 petition area and a depiction of the area surrounding the petition
34 area;
- 35 **ii.** A site plan of any existing development, including buildings,
36 roads, utilities, drainage systems, trails, and a general
37 description of existing vegetation;
- 38 **iii.** The topography of the petition area, with contours lines shown at
39 intervals of four (4) feet or less, including any unique natural or
40 historical features;
- 41 **iv.** The location of existing streams, waterbodies, wetlands,
42 drainage courses, and flood plains;

- 1 v. A grading plan;
- 2 vi. A proposed site plan, showing roads, trails, building locations
3 and uses, parking areas, open space, and any other proposed
4 development. The site plan shall include the total number and
5 type of dwelling units, and the total combined floor area of
6 commercial and industrial uses;
- 7 vii. A landscape plan, including vegetation retention areas;
- 8 viii. Floor plans, building elevations, and renderings for all buildings;
- 9 ix. Road cross-sections;
- 10 x. Details of any other development proposed; and
- 11 xi. An implementation schedule.
- 12 f. **Director Review, Report, and Recommendation**
13 The director shall review the proposed development master plan in light
14 of the approval criteria of subsection B.5., below, and shall distribute the
15 application to other reviewers as necessary. Based on the results of the
16 reviews, the director shall provide a report and recommendation to the
17 planning and zoning commission.
- 18 g. **Public Hearing**
19 Published, written, and posted notice of public hearings on development
20 master plans shall be provided in accordance with section 21.03.020H.
- 21 h. **Review and Action by Planning and Zoning Commission**
22 The planning and zoning commission shall hold a public hearing on the
23 proposed development master plan and, at the close of the hearing, act
24 to approve the plan as submitted, approve the plan subject to conditions
25 or modifications, remand the plan to the applicant for modifications, or
26 deny the plan, based on the approval criteria of subsection B.5., below.
- 27 5. **Approval Criteria**
28 A development master plan may be approved if the planning and zoning
29 commission finds all of the following criteria have been met:
- 30 a. The development master plan substantially conforms to the principles
31 and objectives of the comprehensive plan, any approved neighborhood,
32 district, or area plans, and the general purposes of this title, as stated in
33 section 21.01.030;
- 34 b. The streets, roads, and other transportation elements are in
35 conformance with applicable transportation plans;
- 36 c. The development has no substantial adverse fiscal impact on the
37 municipality.
- 38 d. The development provides significant community benefits in terms of
39 design, community facilities, open space, and other community
40 amenities.

- 1 e. The development minimizes any potential adverse impacts to
2 surrounding residential areas to the maximum extent feasible.
- 3 f. Sufficient public safety, transportation, and utility facilities and services
4 are available to serve the subject property at the proposed level of
5 development, while maintaining sufficient levels of service to existing and
6 anticipated development in the surrounding areas.
- 7 g. The design standards are equivalent to or exceed the generally
8 applicable development standards of chapter 21.07, and result in high-
9 quality development in keeping with the comprehensive plan and the
10 intent of this title.

11 **6. Modification of Development Master Plan**
12 The planning and zoning commission shall determine whether a proposed
13 modification to an approved development master plan may be approved without
14 a public hearing, may be approved with a public hearing, or is significant enough
15 to require a new development master plan.

- 16 **7. Abandonment of Development Master Plan**
17 A development master plan approval shall expire if:
- 18 a. Implementation of the development master plan schedule is delayed for
19 more than seven (7) years without a request for a schedule modification
20 as outlined in section 5.; or
- 21 b. The property owner notifies the planning and zoning commission of the
22 abandonment of the development master plan.

23 **C. Institutional Master Planning**

24 **1. Purpose**
25 The institutional master plan review process provides a framework for
26 development of large institutions, such as hospitals and universities, that control
27 large land areas within the municipality, and are a source of substantial
28 employment, and that may contain a greater density of development than
29 surrounding areas. An institutional master plan is intended to permit flexibility for
30 a large institution to have greater control over its own lot-by-lot land use
31 decisions, while providing a level of understanding to the surrounding community
32 about the potential growth of the institution and the resultant impacts. The
33 process is specifically intended to:

- 34 a. Protect the integrity of adjacent neighborhoods by addressing the
35 impacts of institutional development on adjacent areas;
- 36 b. Provide a growing and continuing source of employment for the
37 municipality that is easily accessible and well-integrated with surrounding
38 neighborhoods and the local transportation system;
- 39 c. Create attractive and efficient urban areas that incorporate a high level of
40 design and urban amenities;
- 41 d. Protect sensitive portions of the natural and built environment that are
42 potentially affected by institutional development; and

1 e. Provide flexibility to institutions to carry out long-range building programs
2 in accord with the institutional mission and objectives.

3 **2. Applicability**
4 An institutional master plan may be submitted and approved, in accordance with
5 the procedures of this section, for any multi-building development site of 15
6 contiguous acres or more in common ownership in any zoning district or
7 combination of districts. The process provides an alternative to the procedures
8 and development and design standards of this title for institutions seeking to
9 develop large, complex sites with multiple buildings and uses following a uniform
10 and cohesive design theme.

11 **3. Institutional Master Plan Requirements**
12 **a. Planning Area**
13 The planning area for the institutional master plan shall include all the
14 areas that are under the ownership and control of the institution, and for
15 which the institution wishes to establish independent design and
16 development standards under this section. All maps submitted under
17 this section also shall depict properties within 1000 feet of the planning
18 area boundaries.

19 **b. Submittal Requirements**
20 An institutional master plan shall, at a minimum, include the following
21 information unless the director determines that such information is not
22 necessary to evaluate the proposed institutional master plan and the
23 institution's future impacts on surrounding neighborhoods. Specific
24 requirements for the full institutional master plan shall be determined by
25 the director following the pre-application conference.

26 **i. Mission and Objectives**
27 The institutional master plan shall include a statement that
28 defines the organizational mission and objectives of the
29 institution and description of how all development contemplated
30 or defined by the institutional master plan advances the goals
31 and objectives of the institution. The statement should describe
32 the population to be served by the institution and any projected
33 changes in the size or composition of that population. It should
34 also specify any services to be provided to residents in adjacent
35 neighborhoods and in other areas of the municipality.

36 **ii. Existing Property and Uses**
37 The institutional master plan shall include a description of land,
38 buildings, and other structures owned or occupied by the
39 institution within the planning area boundaries as of the date of
40 submittal of the institutional master plan. The following
41 information shall be required:

42 **(A)** Illustrative site plans showing the footprints of each
43 building and structure, together with roads, sidewalks,
44 parking, landscape features and other significant site
45 improvements;

46 **(B)** Land and building uses;

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- (C) Gross floor area in square feet of each individual building;
 - (D) Building height in stories and feet of each individual building; and
 - (E) A description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility.

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iii. *Needs of the Institution*
The institutional master plan shall include a summary and projection of the institution's current and future land use needs within the planning area boundaries, such as, but not limited to, the following types of facilities:

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- (A) Academic;
 - (B) Support services;
 - (C) Research;
 - (D) Office;
 - (E) Housing;
 - (F) Patient care;
 - (G) Assembly for public events, worship, cultural events, and the like;
 - (H) Recreation and athletics;
 - (I) Transit;
 - (J) Parking; and
 - (K) Concessionaires or other commercial operations.

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iv. *Ten-Year Development Envelope*
The institutional master plan shall include a description of the development expected to occur within the planning area boundaries within a ten-year time frame. The ten-year development description shall be the maximum amount of development proposed by an institution that can be supported through current impact studies. The intent of this provision is to provide the institution with flexibility regarding the future development potential of its campus, while providing the municipality with an understanding of the public infrastructure and services that may be necessary to serve the planning area and adjacent neighborhoods. The ten-year development description shall include the following:

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- (A) Location of each potential new building or significant expansion of or addition to existing buildings;
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- (B) Maximum floor area and height of potential new buildings and additions to and expansions of existing buildings;
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- (C) Required setbacks and buffering from the external planning area boundaries;
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- (D) Other factors that may affect the size and form of development activity within the planning area boundaries;
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- (E) Total number and location of parking spaces that will be developed within a ten-year period, based on the submitted transportation and parking management element; and
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- (F) A detailed development schedule and phasing plan, including the approximate dates when public improvements will be installed and the anticipated rate of development.
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- v. *Twenty Year Development Sites*
The institutional master plan shall include written and graphic materials identifying future development sites beyond those noted in the ten-year development description. This information shall include, at a minimum, the general size and location of anticipated development that may occur within a twenty year period.
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- vi. *Compliance with Development and Design Standards*
The institutional master plan shall demonstrate how all development on the site will achieve compliance with the development and design standards of this title. The plan shall fully discuss and justify any proposed modification from the requirements of this title. Land within the planning area boundaries shall be subject to all the dimensional, development, and design standards set forth in chapters 21.06 and 21.07 of this title, unless modified in the approved institutional master plan.
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- vii. *Mandatory Master Plan Elements*
At a minimum, the following plan elements shall be included.
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- (A) *Transportation and Parking Management Element*
The institutional master plan shall include a transportation and parking management plan, based on the results of a transportation study, that identifies any traffic mitigation measures to be employed and how parking and transit will be accommodated within the planning area.
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1 (B) *Natural Resource Protection Element*
2 The institutional master plan shall identify all sensitive
3 natural resources within the planning area. The
4 institutional master plan shall identify areas of the
5 planning area that are subject to the natural resource
6 protection standards of section 21.07.020. The plan
7 shall identify the measures that will be used to mitigate
8 impacts for each of these conditions. Notwithstanding
9 subsection vii. above, an institutional master plan shall
10 not reduce or otherwise weaken the natural resource
11 protection standards of section 21.07.020.

12 (C) *Open Space and Pedestrian Circulation Element*
13 The institutional master plan shall include open space
14 and pedestrian circulation guidelines and objectives,
15 including a description of the circulation system to be
16 provided through the planning area, plans for ensuring
17 the accessibility of pedestrian areas and open spaces,
18 and links to surrounding community open space, where
19 appropriate.

20 (D) *Design Standards*
21 The institutional master plan shall include design
22 standards and objectives for the siting and design of new
23 and renovated buildings, parking lots, and other
24 structures, to assure their compatibility with surrounding
25 neighborhoods and districts, conformity with applicable
26 municipal plans, and to minimize potential adverse
27 impacts on historic structures. Urban design standards
28 shall include listings of height, bulk, and massing, that
29 will apply to proposed and future development.

30 (E) *Neighborhood Protection Strategy*
31 The institutional master plan shall identify standards and
32 programs that will be put in place to ensure that
33 surrounding neighborhoods are protected from adverse
34 impacts.

35 (F) *Public Comment*
36 The institutional master plan shall identify how and when
37 public comments, including those from the municipality
38 and surrounding land owners, will be solicited and how
39 the institution will respond to such comments.

40 4. **Procedures**

41 a. ***Pre-Application Conference***

42 Before filing an application, an applicant shall request a pre-application
43 conference with the director. See section 21.03.020B.

44 b. ***Community Meeting***

45 A community meeting shall be required. See section 21.03.020G.

46

- 1 **c. *Initiation***
2 An application for approval of an institutional master plan shall be
3 initiated by the owner or managing agent of the subject property.
- 4 **d. *Application Filing***
5 Applications for approval of an institutional master plan shall be
6 submitted to the director and shall contain all information and supporting
7 materials specified in the user's guide and in subsection 3.b. above. The
8 planning and zoning commission and/or the director may require the
9 submittal of such other information as may be necessary to permit the
10 informed exercise of judgment under the criteria for the review of the
11 plan, as set out in subsection C.5. below.
- 12 **e. *Director Review, Report, and Recommendation***
13 The director shall review the proposed institutional master plan in light of
14 the approval criteria of subsection C.5. below and shall distribute the
15 application to other reviewers as deemed necessary. Based on the
16 results of those reviews, the director shall provide a report and
17 recommendation to the planning and zoning commission.
- 18 **f. *Public Hearings***
19 Published, written, and posted notice of public hearings on institutional
20 master plans shall be provided in accordance with section 21.03.020H.
- 21 **g. *Review and Recommendation by Planning and Zoning Commission***
22 **i.** The planning and zoning commission shall hold a public hearing
23 on the proposed institutional master plan and, at the close of the
24 hearing, recommend that the assembly approve the plan as
25 submitted, approve the plan subject to conditions or
26 modifications, or deny the plan, based on the approval criteria of
27 subsection C.5. below.
- 28 **ii.** If the planning and zoning commission recommends that the
29 assembly approve a plan as submitted or with conditions or
30 modifications, within 90 days of the commission's action the
31 director shall forward the recommendation to the assembly.
- 32 **iii.** If the planning and zoning commission recommends that the
33 assembly deny a plan, that action is final unless, within 20 days
34 of the commission's action, the applicant files a written statement
35 with the municipal clerk requesting that the proposed institutional
36 master plan be submitted to the assembly.
- 37 **h. *Action by Assembly***
38 The assembly shall hold a public hearing on the proposed institutional
39 master plan. At the close of the hearing, taking into account the
40 recommendations of the director and the planning and zoning
41 commission, any public comment, and based on the approval criteria of
42 subsection C.5. below, the assembly shall, within 90 days, approve the
43 plan, approve the plan with modifications or conditions, deny the plan, or
44 refer the plan back to the planning and zoning commission.

1 **5. Approval Criteria**

2 An institutional master plan may be approved only if the assembly finds that the
3 all of the following criteria have been met:

4 **a.** The institutional master plan is consistent with the comprehensive plan
5 and any adopted neighborhood and area plans;

6 **b.** The institutional master plan sufficiently demonstrates compliance with
7 all applicable standards of this title, including the development and
8 design standards of chapter 21.07, or offers justification and alternative
9 measures to ensure that the intent and purposes of this title are met;

10 **c.** The institutional master plan mitigates any potential significant adverse
11 impacts to surrounding areas to the maximum extent feasible; and

12 **d.** Sufficient public safety, transportation, and utility facilities and services
13 are available to serve the subject property at the proposed level of
14 development, while maintaining sufficient levels of service to existing and
15 anticipated development in surrounding areas.

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

17 No building permit or land use permit shall be issued for any project within an
18 area covered by an approved institutional master plan until the director certifies
19 that the proposed project is consistent with the approved institutional master
20 plan. Such a certification may be found if the proposed project is clearly
21 identified in the approved institutional master plan or if the project is found to
22 create minimal impact according to the following criteria:

23 **a.** The project does not result in the creation of or the need for additional
24 parking beyond that covered in the approved transportation and parking
25 management element;

26 **b.** The project does not result in the addition of more than 25,000 square
27 feet of floor area; and

28 **c.** The project does not result in the coverage of more than 25,000 square
29 feet of site area.

30 A certification of consistency, or finding of inconsistency, or finding of consistency
31 subject to conditions, shall be issued within 45 days of receipt of an application
32 for a building permit or land use permit for the proposed project. If not in
33 compliance, the director shall issue a detailed list of reasons and recommended
34 actions to achieve compliance.

35 **7. Modifications to Approved Institutional Master Plans**

36 **a. Major Amendments**

37 Amendment of an approved institutional master plan shall follow the
38 same process required for the original approval of an institutional master
39 plan, unless the director determines that the amendment may be
40 processed as a minor amendment as described in subsection 7.b. below.

41 **b. Minor Amendments**

1 The director may administratively approve minor amendments to
2 approved institutional master plans upon written application, and upon
3 the director's determination that the amendment is a minor amendment.
4 Minor amendments are defined generally as modifications to approved
5 plans that do not affect land use or density in ways that would have
6 significant adverse impacts on public facilities, utilities, traffic circulation,
7 or other major infrastructure systems; or on surrounding neighborhoods
8 or development. Examples of minor amendments include, but are not
9 limited to:

10 i. Changes in location and species of landscaping and/or
11 screening, as long as the approved character and intent is
12 maintained.

13 ii. Changes in orientation of portions of parking areas, so long as
14 the effectiveness of the approved overall site circulation and
15 parking is maintained.

16 iii. Shifting no more than five percent of density or gross leasable
17 area between phases.

18 iv. The reorientation, but not complete relocation, of major
19 structures.

20 v. Changes resulting in a decrease of building separation or
21 setbacks, provided those changes will not adversely affect
22 adjacent properties or uses.

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¹ PDR#2 NOTE: The changes in this section are more restrictive than the community council notification requirements adopted in the 2003 Community Council Redistricting Ordinance.

² 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).

³ PRD#2 NOTE: AO 84-21 rezoned the south Anchorage G-5 area from Unrestricted zoning to various residential and commercial, zones and PLI and W zones.

⁴ PRD#2 NOTE: This provision is in state law. There is no definition of "public square" in state law.

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CHAPTER 21.04: ZONING DISTRICTS

21.04.010 GENERAL PROVISIONS

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

A. Districts Established; Zoning Map

1. Zoning Districts Established

The following zoning districts are established:

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Residential Districts	RS-1	Single-Family Residential
	RS-2	Low-Density Residential (one-half acre)
	RT	Two-Family Residential
	RM-1	Low-Density Mixed Residential
	RM-2	Mixed Residential
	RM-3	Multi-Family Residential
	RM-4	Residential Mixed-Use (was RMX)
	RL-2	Low-Density Residential (1 acre)
	RL-3	Low-Density Residential (2 acres)
	RL-4	Low-Density Residential, Alpine/Slope
Commercial Districts	NC	Neighborhood Commercial (was NMU-1)
	AC	Auto Commercial Corridor
	CBD-1	Central Business District, Core
	CBD-2	Central Business District, Intermediate
	CBD-3	Central Business District, Periphery
	OC	Office
Mixed-Use Districts	NMU	Neighborhood Mixed-Use
	CMU	Community Commercial Mixed-Use
	RMU	Regional Commercial Mixed-Use
	MMU	Midtown Mixed-Use
Industrial Districts	IC	Industrial / Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial

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

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2. Zoning Map

The use districts are shown on the Official Zoning Map (See section 21.01.050). Procedures for amending the zoning map are in section 21.03.050, *Rezoning (Zoning Map Amendments)*.

B. Relationship to Overlay Districts

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

21.04.020 RESIDENTIAL DISTRICTS

A. General Purpose/Intent

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

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

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

24 **B. RS-1: Single-Family Residential District¹**

- 25 1. **Purpose**
26 The RS-1 district is intended primarily for single-family residential areas. Certain
27 types of non-residential uses, such as governmental, educational, religious, or
28 recreational uses, may be allowed subject to restrictions intended to preserve
29 and protect the single-family residential character of the district.

30 **C. RS-2: Low-Density Single-Family Residential (one-half acre) District²**

- 31 1. **Purpose**
32 The RS-2 district is intended primarily for low-density single-family residential
33 development. Certain types of non-residential uses, such as governmental,
34 educational, religious, or recreational uses, may be allowed subject to restrictions
35 intended to preserve and protect the residential character of the district.

36 **D. RT: Two-Family Residential District³**

- 37 1. **Purpose**
38 The RT district is intended primarily for single-family and two-family residential
39 areas. Certain types of non-residential uses, such as governmental, educational,

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

3 **E. RM-1: Low-Density Mixed Residential District⁴**

4 **1. Purpose**

5 The RM-1 district is intended primarily for mixed-density residential areas that
6 allow for a variety of single-family, two-family, and low-density multifamily
7 dwellings. It permits the establishment of three- and four-dwelling multifamily
8 structures, subject to site plan review to ensure compatibility with a
9 predominantly single-family environment and the enhancement of overall
10 neighborhood quality. Certain types of non-residential uses, such as
11 governmental, educational, religious, or recreational uses, may be allowed
12 subject to restrictions intended to preserve and protect the residential character
13 of the district.

14 **2. District-Specific Standards**

15 **a.** Multi-family buildings shall contain no more than four dwelling units.

16 **b.** Buildings with three or four dwelling units shall maintain detached single-
17 family style architectural features to the extent practicable.

18 **F. RM-2: Mixed Residential District⁵**

19 **1. Purpose**

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

30 **2. District-Specific Standards**

31 **a. *Number of Dwelling Units***

32 Multi-family buildings shall contain no more than eight dwelling units.

33 **G. RM-3: Multi-Family Residential District⁶**

34 **1. Purpose**

35 The RM-3 district is intended primarily for multiple-family dwelling uses with
36 medium to high residential densities. Certain types of non-residential uses, such
37 as governmental, educational, religious, or recreational uses, may be allowed
38 subject to restrictions intended to preserve and protect the residential character
39 of the district.

40 **H. RM-4: Residential Mixed-Use District⁷**

41 **1. Purpose**

42 The RM-4 district is intended primarily for high-density townhouse and multifamily
43 residential development adjacent to the CBD, MMU, and RMU districts. This
44 district is primarily residential in nature and provides housing density to support

1 the vitality of city centers, as well as housing opportunities near employment and
2 services. New development should facilitate strong pedestrian and bicycle
3 connections to nearby city centers and non-residential uses. Limited commercial
4 space is allowed within high-density residential developments, and development
5 is encouraged to incorporate an intensive multi-story design including structured
6 parking. Certain non-residential uses, such as governmental, educational,
7 religious, or recreational uses, may be allowed subject to restrictions intended to
8 preserve and protect the residential character of the district.

9 **2. District-Specific Standards**

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

11 Development in the RM-4 district shall comply with the mixed-use
12 *Building Placement and Orientation* standards in subsection
13 21.04.040F.4, and the mixed-use *Pedestrian Amenities* standards in
14 subsection 21.04.040F.5.

15 **b. *Neighborhood Scale and Intensity of Uses and Activities***

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

18 **c. *Maintaining Residential Character***

19 Development shall be primarily residential in order to ensure residential
20 density and character, as well as housing opportunities adjacent to city
21 centers. Commercial uses shall occupy no more than 20 percent of a
22 building's gross floor area. At least 80 percent of the gross floor area of
23 any building that contains commercial shall be residential.

24 **3. District Location Requirement**

25 The subject property shall be in an area designated for residential city center
26 intensity, and adjacent to a designated community activity center, regional
27 commercial center, or Downtown/Midtown major city center, on the land use plan
28 map or an adopted district or neighborhood plan.

29 **I. RL-2: Low-Density Residential (1 acre) District⁸**

30 **1. Purpose**

31 The RL-2 district is intended primarily for those land areas where large lots or
32 acreage development is desirable. The RL-2 district is designed to encourage
33 low-density residential development while at the same time protecting and
34 enhancing those physical and environmental features that add to the desirability
35 of large-lot residential living. Certain types of non-residential uses, such as
36 governmental, educational, religious, or recreational uses, may be allowed
37 subject to restrictions intended to preserve and protect the single-family
38 residential character of the district.

39 **J. RL-3: Low-Density Residential (2 acres) District⁹**

40 **1. Purpose**

41 The RL-3 district is intended primarily for low-density residential development in
42 areas where public sewer and water are unlikely to be provided for a
43 considerable period of time or where topographic or other natural conditions are
44 such that higher-density development and the provision of public sewers and
45 water would be unfeasible at any time. Where public facilities may be provided in
46 the distant future, the regulations are intended to ensure that development during

1 the interim period does not exceed geological and hydrological capacities for
2 safe and healthful maintenance of human habitation. Certain types of non-
3 residential uses, such as governmental, educational, religious, or recreational
4 uses, may be allowed subject to restrictions intended to preserve and protect the
5 residential character of the district.

6 **K. RL-4: Low-Density Residential, Alpine/Slope District¹⁰**

7 **1. Purpose**

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

- 16 **a.** Protect natural features such as ponds, streams, wetlands, and forested
17 areas, and incorporate such features into the development of the site
18 design;
- 19 **b.** Take into consideration the topography and the location of all physical
20 improvements on the land;
- 21 **c.** Avoid development of land within natural hazard areas to minimize the
22 possibility of loss of life and property damage;¹¹
- 23 **d.** Promote the natural flow and storage capacity of any watercourse, to
24 minimize the possibility of flooding or alteration of water boundaries;
- 25 **e.** Consider the suitability of the soils and subsoils conditions for
26 excavations, site preparation, and on-site sewage disposal;
- 27 **f.** Provide adequate site drainage to avoid erosion and to control the
28 surface runoff in compliance with the Federal Clean Water Act. The
29 surface runoff and drainage from developments should not exceed the
30 surface runoff and drainage in its natural undeveloped state for all
31 intensities and durations of surface runoff;
- 32 **g.** Provide an adequate supply of potable water for the site development;
33 and
- 34 **h.** Minimize the grading operations, including cut and fill, consistent with the
35 retention of the natural character of the site.

36 **2. District-Specific Standards**

37 **a. Lot and Site Requirements**

38 Table 21.04-2 provides the lot and site requirements for the RL-4 district.
39 This table applies in addition to the dimensional standards stated in table
40 21.06-1.

TABLE 21:04-2: LOT AND SITE REQUIREMENTS FOR RL-4 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01--30.00	5.00	300	5	10
20.01--25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20

Average slope is calculated by the following formula:

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

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

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

21.04.030 COMMERCIAL AND OFFICE DISTRICTS

A. General Purpose/Intent

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

1. Provide appropriately located areas consistent with the comprehensive plan for a full range of retail and service establishments and convenience and office uses needed by the municipality's residents, businesses, and workers, and protect such uses from the adverse effects of incompatible uses;
2. Provide adequate space to meet the needs of commercial development;
3. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage new strip commercial development;
4. Minimize traffic congestion and avoid the overloading of public infrastructure and services;
5. Strengthen the municipality's economic base and provide employment opportunities close to home for residents of the municipality and surrounding communities;

- 1 6. Provide for commercial land uses that meet the needs of and attract regional and
2 statewide populations, in addition to local residents;
- 3 7. Minimize negative impacts of commercial development on adjacent residential
4 districts;
- 5 8. Minimize negative environmental impacts of commercial development on stream
6 corridors, wetlands, and other important natural resources; and
- 7 9. Provide sites for public and semi-public uses such as utilities and
8 telecommunications infrastructure needed to complement commercial
9 development.

10 **B. NC: Neighborhood Commercial District¹²**

11 1. **Purpose**
12 The NC district is intended for small, compact commercial centers within or
13 surrounded by residential areas, compatible in scale and character with
14 surrounding residential uses, to serve the convenience needs of the immediately
15 surrounding neighborhood. NC centers are between one-half and four acres in
16 size. Small-scale offices, retail, and upper-story residential uses are allowed.
17 Continuous retail frontages, largely uninterrupted by driveways and parking, are
18 encouraged. Gross floor area limitations help ensure that businesses are
19 consistent with the scale of the surrounding area.

20 2. **District-Specific Standards**

21 a. **Mixed-Use Development Standards**
22 Development in the NC district shall comply with section 21.04.040.F.,
23 *Mixed-Use District Development Standards*.

24 b. **Ground-Floor**
25 The ground-floor level of all buildings along any street frontage in the NC
26 district shall be limited to commercial uses, with the exception of small
27 lobbies to allow access to residential and office uses on upper floors.

28 c. **Drive-Throughs Prohibited**
29 No drive-throughs shall be allowed in the NC district.

30 d. **Gross Floor Area Limitations**
31 Grocery or food stores in the NC district shall have a maximum gross
32 floor area of 20,000 square feet, provided that such establishments have
33 a floor area ratio of at least 0.5. All other allowed non-residential uses in
34 the NC district shall have a maximum gross floor area of 3,000 square
35 feet per use.

36 3. **District Location Requirements**

37 In addition to the general rezoning criteria, the following requirements shall apply
38 in the creation or expansion of the NC district:

39 a. New NC districts larger than 1.5 acres shall be located on an arterial or
40 collector street, and existing NC districts shall not be enlarged unless the
41 site abuts an arterial or collector street.

42 b. No NC district shall be larger than four acres.

- 1 c. The subject property shall be in an area intended primarily for
2 neighborhood-scale commercial mixed-use center on the land use plan
3 map or an adopted district or neighborhood plan.

4 **C. AC: Auto Commercial Corridor District**

5 1. **Purpose**

6 The AC district is intended primarily for uses that provide commercial goods and
7 services to residents of the community in areas that are dependent on
8 automobile access and exposed to heavy automobile traffic. These commercial
9 uses are subject to the public view and they should provide an attractive
10 appearance with landscaping, sufficient parking, and controlled traffic movement.
11 Environmental impacts should be minimized. Abutting residential areas should
12 be protected from potentially negative impacts associated with commercial
13 activity. While AC district areas shall continue to meet the need for auto-related
14 and other auto-oriented uses, it is the municipality's intent that the AC district
15 also shall provide for safe and convenient personal mobility in other forms.
16 Planning and design shall accommodate pedestrians and bicyclists. This district
17 is not intended for office or mixed-use developments, which are intended to be
18 located in the Office or Mixed-Use districts.

19 2. **District Location Requirements**

20 Establishment of the AC district or changes to existing AC district boundaries
21 shall meet the general rezoning criteria of this code and also shall meet the
22 following requirements:

- 23 a. The AC District shall not be expanded along street corridors or into
24 surrounding neighborhoods unless consistent with an adopted plan.

25 **D. CBD-1: Central Business District, Core¹³**

26 1. **Purpose**

27 The CBD-1 district is intended to create a concentrated area of retail, financial,
28 public, and institutional facilities in the core of downtown Anchorage in order to
29 encourage the development of interrelated uses and functions, reduce pedestrian
30 walking distance between activities, and ensure the development of pedestrian-
31 oriented uses on the ground-floor level throughout the district. The district
32 permits and encourages residential uses.

33 2. **District-Specific Standards**

34 a. ***Restrictions on Ground-Floor Activities in CBD-1 District***

35 Each of the following non-retail uses or establishments that are
36 permitted, or permitted subject to a site plan review or conditional use
37 review, shall in the CBD-1 district be restricted to the second-floor level
38 of a building or above, or to below-ground, unless the use is set-back on
39 the ground floor from the street-facing building wall by 25 or more feet, in
40 order to allow more pedestrian-oriented uses to line the street:

- 41 i. Dwelling, mixed-use or multifamily;
42 ii. Vocational or trade school;
43 iii. Club/lodge or meeting hall;

1 iv. Parking structure; and

2 v. Instructional services.

3 **b. Bulk Regulations and Maximum Lot Coverage for CBD Districts**

4 Construction of buildings in the CBD districts above three stories in
5 height shall conform to the following bulk requirements:

6 i. *Building Tower Design*

7 One tower not exceeding the bulk requirements listed in (A) and
8 (B) below shall be allowed for a development on a parcel of land
9 containing 13,000 square feet or a fraction thereof, or one tower
10 not exceeding the bulk requirements listed in (C) and (D) below
11 shall be allowed for a development on a parcel of land containing
12 19,500 square feet. For a development on a parcel of land
13 containing more than 19,500 square feet, one additional tower
14 not exceeding the bulk requirements listed in (A) and (B) below
15 shall be allowed for every additional 13,000 square feet of land
16 area, or, alternatively, one additional tower not exceeding the
17 bulk requirements listed in (C) and (D) below shall be allowed for
18 every additional 19,500 square feet of land area.

19 (A) Maximum plan dimension: 130 feet.

20 (B) Maximum diagonal plan dimension: 150 feet.

21 (C) Maximum plan dimension: 130 feet.

22 (D) Maximum diagonal plan dimension: 180 feet.

23 Variances from the specific bulk requirement dimensions listed in
24 this subsection may be granted by the planning and zoning
25 commission on developments covering a land area of more than
26 26,000 square feet, provided that the commission finds that the
27 spirit and intent of the central business districts are maintained.

28 ii. *Alternative Structure Designs*

29 Alternative building designs may be submitted in the form of a
30 project development plan to the director for approval. Alternative
31 design forms may be approved that provide for at least 15
32 percent more access either to scenic views of adjoining
33 mountains and the Cook Inlet or for solar access as compared to
34 designs allowed under subsection b.i., above, *Building Tower*
35 *Design*. The percentage amount of additional scenic or solar
36 access shall be based on total building volume of the alternative
37 design compared to a representative tower design. Alternative
38 plans submitted under this subsection must include a schematic
39 of a project designed under subsection b.i, *Building Tower*
40 *Design*, plus a site development plan of the design utilizing the
41 provisions of this subsection b.ii. and calculations to establish the
42 increased scenic or solar access required in this subsection ii.
43 Designs using the provisions of this paragraph are allowed an
44 additional one story of base height prior to the use of the bonus

- 1 point requirements of subsection 2.c. below, *Maximum Height of*
 2 *Structures in CBD Districts.*
- 3 iii. *Existing Structures*
 4 Notwithstanding the bulk regulations and maximum lot coverage
 5 limitations contained in chapter 21.06, and the requirements of
 6 this subsection 2.b., where a lawful structure existed on
 7 September 9, 1974, that is pre-stressed for enlargement by the
 8 addition of one or more stories, such structure may be enlarged
 9 within the full plan dimensions of the existing structure by the
 10 addition of not more than two stories.
- 11 c. **Maximum Height of Structures in CBD Districts**
 12 i. Notwithstanding subsections c.ii. and c.iii. below, the maximum
 13 height of a structure shall not exceed that permitted under
 14 section 21.04.080.C., *Airport Height Overlay District.*
- 15 ii. Subject to subsection c.iii. below, no building or structure shall
 16 exceed the maximum building height specified in chapter 21.06.
- 17 iii. Building floor area may be constructed above the maximum
 18 building height specified in chapter 21.06 by earning bonus
 19 points for site and design amenities under a site development
 20 plan approved by the department as specified in table 21.04-3.,
 21 provided:
- 22 (A) Each bonus point permits an additional 400 square feet
 23 of floorspace.
- 24 (B) All new development must accumulate a minimum of
 25 one bonus point for each 1,600 square feet of site area
 26 to be approved. Only urban design amenities related to
 27 pedestrians and landscaping of those features
 28 designated "streetscape" in table 21.04-3 may be used
 29 to fulfill this requirement.
- 30 (C) No more than one bonus point per each 200 square feet
 31 of site can be accumulated for any single amenity option.
 32 Bonus points can be obtained by combining any of the
 33 options provided in table 21.04-3.
- 34 (D) At least 25 percent of all bonus points required for
 35 floorspace must be accumulated from amenities
 36 designated "streetscape." This amount can include
 37 bonus points earned under subsection iii.(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

**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
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.
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

**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
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	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:
 - (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

1 existing structures on the Town Square Park on Block
2 51, Anchorage Original Townsite, from April 21 to
3 August 21 between the hours of 9:00 a.m. and 3:00
4 p.m., solar time.

5 (C) Subject to the maximum height requirements of the
6 Airport Height Overlay District, at the request of the
7 owner of a lot in Blocks 69 through 71, Anchorage
8 Original Townsite, the right to construct the amount of
9 building square footage permitted on that lot under
10 subsections c.i. through c.iii. above, less the amount
11 allowed under this subsection c.v., may be added to the
12 amount allowed under this title on one or more lots not in
13 those blocks located in the CBD-1, CBD-2, or CBD-3
14 district. The extent of additional footage available under
15 this provision shall be calculated by the director, and a
16 letter stating the transfer shall be recorded against the
17 property.

18 vi. Structures in excess of three stories shall be allowed additional
19 buildable area for that portion of the required sidewalk within
20 private property between the structure setback line determined
21 by section 21.06.020.A.6., *Setbacks from Projected Rights-of-*
22 *Way*, and a sidewalk width of 11.5 feet. This additional area
23 shall be calculated by multiplying the lineal feet of sidewalk
24 affected by this subsection by 33 feet. This additional area can
25 be included as part of the maximum building height allowed in
26 the Airport Height Overlay District.

27 **E. CBD-2: Central Business District, Intermediate**

28 **1. Purpose**

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

33 **2. District-Specific Standards**

34 Development in the CBD-2 district shall comply with the requirements set forth in
35 subsection D.2.b. above, *Bulk Regulations and Maximum Lot Coverage for CBD*
36 *Districts*, and D.2.c. above, *Maximum Height of Structures in CBD Districts*.

37 **F. CBD-3: Central Business District, Periphery**

38 **1. Purpose**

39 The CBD-3 district is intended to create financial, office, and hotel areas at the
40 periphery of the central business district. The district also permits secondary
41 retail uses. The height limitations in this district are intended to help preserve
42 views and to conform structures to the geologic characteristics of the western
43 and northern boundaries of the district. The district permits and encourages
44 residential uses.

1 **2. District-Specific Standards**

2 Development in the CBD-3 district shall comply with the requirements set forth in
3 subsection D.2.b. above, *Bulk Regulations and Maximum Lot Coverage for CBD*
4 *Districts*, and D.2.c. above, *Maximum Height of Structures in CBD Districts*.

5 **G. OC: Office Commercial District**

6 **1. Purpose**

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

14 **2. District-Specific Standards**

15 **a. Limitations on Retail Uses**

16 Any uses categorized by this code as “retail (sales),” “retail (personal
17 services),” or “food and beverage service” may be located in the OC
18 district only within a building that also contains office and/or residential
19 uses. Such retail uses shall be limited to 30 percent of the gross floor
20 area of the building. No outdoor storage or merchandise display is
21 allowed.

22 **b. Limitations on Visitor Accommodations**

23 Any uses categorized by this code as “visitor accommodation” shall
24 comply with the multi-family residential design standards set forth in
25 section 21.07.100.F. and G.

26 **c. Minimum Residential Density**

27 When such uses are the primary use on a lot, any multiple-family
28 residential uses in the OC district shall have a minimum density of at
29 least 18 units/acre.

30 **3. District Location Requirements**

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

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

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

39 **21.04.040 MIXED-USE DISTRICTS**

40 **A. General Purpose/Intent**

41 The mixed-use districts are intended to provide for and encourage development and
42 redevelopment that contains a mix of residential and nonresidential uses within close
43 proximity, rather than a separation of uses, in accordance with the comprehensive plan.

1 The mixed-use districts define the uses of land and the siting and character of the
2 improvements and structures allowed on the land in a manner that allows a balanced mix
3 of uses. A key feature of all the mixed-use districts is a pedestrian- and bicycle-friendly
4 network of streets and sidewalks connecting the nonresidential uses, residential
5 neighborhoods, and transit facilities. The mixed-use districts specifically are intended to:

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

31 **B. NMU: Neighborhood Mixed-Use District¹⁴**

32 **1. Purpose**

33 The NMU district is intended for neighborhood retail service centers at a larger
34 scale than allowed by the NC district. NMU centers are generally between four
35 and 30 acres in size, and are primarily applied to existing commercial areas to
36 encourage mixed-use housing opportunities, compact redevelopment, and
37 mixed-use urban design. The NMU district should contain primarily commercial
38 uses that serve the daily needs of nearby neighborhoods (e.g., small
39 grocery/convenience store, drug store, religious assembly, service station)
40 located in close proximity to one another. Multi-family residential and limited
41 office uses also are allowed. Siting and architectural design and scale of
42 structures in this district should be compatible with surrounding neighborhoods.
43 The NMU district may be used for commercial retail segments of linear transit-

1 supportive development corridors, in addition to nodal centers. The NMU district
2 may be used for the “neighborhood commercial centers” identified in the
3 *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

4 **2. District-Specific Standards**

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

6 Development in the NMU district shall comply with section 21.04.040F.,
7 *Mixed-Use District Development Standards*.

8 **b. District Location Requirements**

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

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

15 ii. The NMU district shall not be expanded along street corridors or
16 into adjacent residentially zoned areas unless consistent with an
17 adopted plan.

18 iii. The subject property shall be in an area intended for
19 neighborhood scale commercial mixed-use center, or transit-
20 oriented development corridor on the land use plan map or an
21 adopted district or neighborhood plan.

22 **C. CMU: Community Mixed-Use District**

23 **1. Purpose**

24 The CMU district is intended to facilitate the development of a mixed-use center
25 at the community scale. The CMU district may be used for the “town centers”
26 and the “redevelopment/mixed-use areas” identified in the *Anchorage 2020*
27 *Anchorage Bowl Comprehensive Plan*. The CMU area is intended to include
28 commercial, institutional, recreational, and service facilities needed to support the
29 surrounding neighborhoods (e.g., large supermarket, large drug store, specialty
30 shops, and community park). Medium- to higher-density housing should be
31 located around the district, and development should facilitate pedestrian and
32 bicycle connections between residential and nonresidential uses. The CMU
33 district may also be used for commercial retail segments of linear transit-
34 supportive development corridors, in addition to nodal centers.

35 **2. District-Specific Standards**

36 Development in the CMU district shall comply with section 21.04.040F., *Mixed-*
37 *Use District Development Standards*.

38 **3. District Location Requirement**

39 The subject property shall be in an area intended for community-scale
40 commercial mixed-use center or transit-oriented development corridor on the
41 land use plan map or an adopted district or neighborhood plan.

1 **D. RMU: Regional Mixed-Use District**

2 **1. Purpose**

3 The RMU district is intended primarily for regional-scale commercial activity
4 centers that may have long-term potential to develop at greater intensities or as
5 mixed-use urban environments. The area is typically defined by conglomerations
6 of medium-to-large scale commercial uses, located near intersections of major
7 arterial streets and/or freeways, serving a metropolitan region-scale trade area.
8 Shopping malls and/or large retail establishments typically anchor the center.
9 Supporting uses include low-medium rise offices, hotels, transit hubs,
10 entertainment, and residential uses that provide potential for the area to grow into
11 a more physically integrated and mixed-use center. Somewhat greater
12 residential and employment densities are allowed than in NMU or CMU zones.
13 The RMU district is appropriate for auto-oriented regional commercial centers
14 such as the Dimond Center area, and permits land-intensive auto-oriented uses
15 such as automobile dealerships that may not be appropriate for more compact
16 mixed-use zones.

17 **2. District-Specific Standards**

18 Development in the RCMU district shall comply with section 21.04.040F., *Mixed-*
19 *Use District Development Standards.*

20 **3. District Location Requirement**

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

24 **E. MMU: Midtown Mixed-Use District**

25 **1. Purpose**

26 The MMU district is intended to facilitate the development of a high-intensity mix
27 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 district
29 should provide commercial, office, institutional, and residential uses and
30 structures at higher intensities than surrounding areas. The area also should
31 contain a broad mix of complementary uses which may include public facilities
32 and parks. The district should contain and be surrounded by high-density
33 housing, and development should facilitate and encourage pedestrian and
34 bicycle travel between residential and nonresidential uses. Transit, bicycle, and
35 pedestrian facilities are important components of development in the district, in
36 order to reduce demand for auto travel as well as increase visual interest.

37 **2. District-Specific Standards**

38 Development in the MMU district shall comply with section 21.04.040F., *Mixed-*
39 *Use District Development Standards.*

40 **3. District Location Requirement**

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

43 **F. Mixed-Use District Development Standards**

44 **1. Applicability**

45 All development in the RM-4, NC, NMU, CMU, RMU, and MMU districts shall
46 comply with the appropriate development standards in chapter 21.07, and also

1 the standards in this subsection 21.04.040F. When the standards of this
2 subsection and section 21.07.110 are in conflict, the standards of this subsection
3 shall control.

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

5 **a. Purpose**

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

11 **b. Public Focus Areas**

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

20 **c. FAR Incentives**

21 FAR incentives are offered to encourage residential development in
22 mixed-use areas. In the NMU and CMU districts, the following incentives
23 apply and may be earned cumulatively:

24 **i. Incentive for Additional Residential Development**

25 An additional 0.07 FAR may be obtained beyond the maximum
26 allowed by section 21.06.010C. if the additional 0.5 FAR is
27 residential, and 50 percent or more of the gross floor area of the
28 development project is residential.

29 **ii. Incentive for Additional Private Usable Open Space**

30 An additional 0.02 FAR may be obtained beyond the maximum
31 allowed by section 21.06.010C. if the additional 1.0 FAR is
32 residential, and the majority of residential dwellings in the
33 development project each have at least 72 square feet of private
34 usable open space.

35 **3. Reduced Parking Ratios**

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

38 **4. Building Placement and Orientation**

39 **a. Placement, Orientation, and Openness to the Sidewalk**

40 **i. Purpose**

41 Building frontages should be built and oriented to the street,
42 lining sidewalks and public spaces with frequent shops,
43 entrances, windows with interior views, and articulated ground-
44 level façades. Comfortable, human-scale transition spaces such
45 as entrance areas, patios, or café seating may be placed
46 between the building and public sidewalk, as long as the building
47 remains close, accessible, and inviting from the sidewalk.

1 ii. *Building Placement and Street Setbacks*
 2 Buildings shall be built to or close to the public sidewalk, using
 3 the setbacks required in subsection 21.06.010C., *Table of*
 4 *Dimensional Standards: Mixed Use Districts.*

5 iii. *Building Entrances*
 6 All buildings shall have at least one primary resident, public, or
 7 customer entrance oriented towards an abutting street that is not
 8 separated from the building by on-site parking. If the building is
 9 within a large development site and not located on the street,
 10 then the entrance shall orient towards an on-site pedestrian
 11 walkway connected to a public sidewalk.

12 5. **Pedestrian Amenities**

13 a. ***Pedestrian Amenities Required***

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

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

20
21 b. ***Acceptable Pedestrian Amenities***

22 Acceptable pedestrian amenities include, but are not limited to:

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

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

29 iii. Sidewalk planters between sidewalk and building.

30 iv. Public art including but not limited to sculptures, fountains,
 31 clocks, or murals, with a value equal to or greater than one
 32 percent of construction value of the structure.

33 v. Pocket parks with a minimum usable area of 300 square feet.

34 vi. Heated sidewalks.

1 service establishments, campus-style industrial parks, and limited retail/personal
2 service storefronts. These areas are predominantly industrial, not commercial, in
3 character.

4 **2. District-Specific Standards**

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

9 **C. I-1: Light Industrial District**

10 **1. Purpose**

11 The I-1 district is intended primarily for public and private light manufacturing,
12 processing, service, storage, wholesale, and distribution operations.

13 **D. I-2: Heavy Industrial District**

14 **1. Purpose**

15 The I-2 district is intended primarily for public and private heavy manufacturing,
16 storage, major freight terminals, waste and salvage, resource extraction, and
17 other related uses.

18 **21.04.060 CHUGIAK-EAGLE RIVER DISTRICTS**

19 **A. General Purpose/Intent**

20 The Chugiak-Eagle River area of the municipality is distinct from the Anchorage Bowl and
21 is geographically separated from it by the Fort Richardson Military Reservation, the
22 Chugach Mountains, and other natural topography and land features. The community's
23 growth, development patterns, character, and lifestyle differ from those in the bowl. A
24 greater percentage of the Chugiak-Eagle River land areas are devoted to large-lot
25 residential living, and the commercial and industrial areas, for the most part, are
26 concentrated along the Old and New Glenn Highways, the major transportation corridors
27 of the community. The Chugiak-Eagle River community has a separate comprehensive
28 plan that guides its growth and development.

29 The *Chugiak-Eagle River Comprehensive Plan* provides guidance to the zoning district
30 sin this section. These districts are implementation tools that recognize the distinctness
31 of Chugiak-Eagle River and may apply in various areas of the community. Other zoning
32 districts in this chapter may also be applied in Chugiak-Eagle River, but these specific
33 zoning districts may be applied only in Chugiak-Eagle River.

34 **B. RL-1: Low Density Residential with Mobile Homes District¹⁵**

35 **1. Purpose**

36 The RL-1 district is intended to be applied only in the Chugiak-Eagle River area,
37 for lands that are or will develop for residential purposes. It is designed to protect
38 and conserve areas with larger lots, low population densities, and a long-
39 established rural lifestyle. This district permits mobile home dwellings on
40 individual lots. As noted below, this district allows more varied accessory uses
41 commonly found in rural areas, with less regulatory control. Certain types of non-
42 residential uses, such as governmental, educational, religious, or recreational
43 uses, may be allowed subject to restrictions intended to preserve and protect the
44 residential character of the district.

2. **District-Specific Standards**

a. ***Development and Design Standards***

Notwithstanding the provisions of subsection 21.07.080H.2., single- and two-family dwellings are permitted to have no more than one dumpster.

b. ***Accessory Uses***

The following district-specific standards for accessory uses replace the corresponding accessory use standards of subsection 21.05.070 in this district. The definitions of the accessory uses in subsection 21.05.070 still apply.

i. ***Garage or Carport, Private Residential***

(A) On lots less than two acres, the gross floor area of the garage or carport shall not exceed 9 percent of the lot size.

(B) On lots of two acres or more, the gross floor area of the garage or carport shall not exceed 8,000 square feet.

(C) Such accessory uses shall serve only the residents of the property and shall not be used for commercial purposes except as part of a home occupation approved under subsection B.2.b. below, or a commercial use allowed by table 21.05-1.

ii. ***Home Occupation***

(A) A permanent resident of the dwelling unit shall be engaged in the home occupation on the premises.

(B) The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to the following:

(1) No more than 40 percent of the gross floor area of the dwelling is devoted to the home occupation; or

(2) 100 percent of an accessory structure is devoted to the home occupation; or

(3) No more than 20 percent of the gross floor area of the dwelling and 100 percent of the accessory structure is devoted to the home occupation.

(C) No traffic or deliveries shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.

(D) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses at the property line. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises. No

1 hazardous, toxic, or radioactive materials shall be
2 manufactured, handled, or stored on the property as part
3 of the home occupation.

4 **iii.** *Vehicle Repair/Rebuilding, Outdoor, Hobby*
5 Repair or rebuilding work shall be screened from view from all
6 property lines and adjacent rights-of-way by an opaque fence
7 between six and eight feet in height, or by opaque landscaping of
8 equivalent height.

9 **iv.** *Use of an Intermodal Shipping Container (Connex Trailer)*
10 The use of an intermodal shipping container is allowed in the RL-
11 1 district.

12 **v.** *Outdoor Storage of Inoperative Vehicle*
13 Inoperative vehicles shall be screened from view from all
14 property lines and adjacent rights-of-way by an opaque fence
15 between six and eight feet in height, or by opaque landscaping of
16 equivalent height.

17 **vi.** *Commercial Automotive Repair*
18 Commercial automotive repair is allowed in the RL-1 district
19 provided it complies with the home occupation standards specific
20 to the RL-1 district.

21 **vii.** *Parking of Business Vehicles, Outdoor*
22 Parking of business vehicles is prohibited in any setback area.

23 **C. RC: Rural Commercial¹⁶**

24 **1. Purpose**

25 The RC district is intended primarily for uses that provide a range of commercial
26 goods and services, including some light industrial services, to residents of the
27 community in areas where concentration of development is prevented by lack of
28 public sewer and/or water and the resulting requirement for large sites. Because
29 these commercial and light industrial uses are generally first generation
30 development and of lower intensity, the standards of building appearance, paved
31 parking, controlled traffic movement, and landscaping are not required.
32 Development in this district will be where commercial goods and services are
33 generally focused at intersections or in a linear manner along roadsides. This
34 district is not intended for moderate or high-density commercial, office, or light
35 industrial developments.

36 **2. District-Specific Standards**

37 The standards of the following sections do not apply in the RC district:

38 **a.** 21.07.030, *Open Space*.

39 **b.** 21.07.060, *Transportation and Connectivity*.

40 **c.** 21.07.080, *Landscaping, Screening, and Fences*, except that

41 **i.** Level 4 Screening landscaping shall be required on all lots
42 adjacent to the right-of-way of a freeway designated on the

1 *Official Streets and Highways Plan*, to roadway sections built to
2 freeway design standards with full grade separations of
3 intersecting streets, or to streets functioning as frontage roads
4 for such freeways.

5 ii. Level 3 Separation landscaping shall be required along lot lines
6 abutting lots in residential districts.

7 d. 21.07.090, *Off-Street Parking and Loading*, except that subsection
8 21.07.090D. shall apply.

9 e. 21.07.110, *Public/Institutional and Commercial Building Standards*.

10 f. 21.07.120, *Large Commercial Establishments*.

11 g. 21.07.130, *Exterior Lighting*.

12 **21.04.070 OTHER DISTRICTS**

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

14 **1. Purpose**

15 The AD district includes all lands and water areas owned by the Ted Stevens
16 Anchorage International Airport, Merrill Field Airport, and Birchwood Airport.

17 **2. District-Specific Standards**

18 [RESERVED]

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

20 **1. Purpose**

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

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

25 **1. Purpose**

26 The DR district is applied to lands intended for future development, undesignated
27 municipally owned lands, and military lands (which are exempt from municipal
28 jurisdiction). Large-lot single-family residential development is allowed by right,
29 though rezoning and/or master planning shall occur prior to other types of
30 development.

31 **D. M: Marine District**

32 **1. Purpose**

33 The M district is intended primarily for water-dependent and water-related
34 commercial and industrial uses. Emphasis is on development flexibility for water-
35 dependent and water-related uses, and on public access to the waterfront and
36 Ship Creek.

37 **2. District-Specific Standards**

38 a. Any use that is water-dependent or water-related may be allowed in the
39 M district, subject to determination by the director.

1 plans, greater compatibility between the proposed uses and adjacent existing
2 uses can be obtained.

3 **2. District-Specific Standards**

4 **a. Additional Conditional Uses Allowed**

5 In addition to the uses allowed in the TA district in accordance with Table
6 21.05-2, *Table of Allowed Uses – Commercial, Industrial, Mixed-Use,*
7 *and Other Districts*, the following uses may be allowed through the
8 issuance of a conditional use permit subject to the requirements of
9 section 21.03.070, *Conditional Uses*:

10 **i. Multi-Family Dwellings**

11 Multi-family dwellings that are four-plex or greater in density.

12 **ii. Commercial Uses**

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

16 **(B)** Uses occupying an area of more than 14,400 square
17 feet in those areas designated as "commercial" or
18 "residential-commercial" on the *Turnagain Arm*
19 *Comprehensive Plan*.

20 **iii. Institutional Uses**

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

23 **iv. Industrial Uses**

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

28 **I. W: Watershed District**

29 **1. Purpose**

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

36 **21.04.080 OVERLAY ZONING DISTRICTS**

37 **A. General Purpose/Intent**

38 The overlay zoning districts of this section apply in combination with the underlying base
39 zoning districts and impose regulations and standards for specific areas in addition to
40 what is required by the base districts. The requirements of an overlay district shall apply
41 whenever they are in conflict with those in the base district. The following overlay
42 districts are established:

- 1 1. Airport Height Overlay District;
- 2 2. Neighborhood Conservation Overlay District;
- 3 3. Railroad Terminal Reserve Overlay District; and
- 4 4. Flood Hazard Overlay District.

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

6 The creation, alteration, or elimination of an overlay district is a rezoning and is governed
7 by the provisions of section 21.03.050H., *Rezoning to Create, Alter, or Eliminate*
8 *Overlay Districts*.

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

10 1. **Purpose**

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

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

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

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

25 3. **Establishment or Modification**

26 In addition to the standard submittals required to initiate an overlay map
27 amendment pursuant to section 21.03.050.H., establishment of an Airport Height
28 Overlay District also shall require preparation of an airport height map as set
29 forth in this section:

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

-
- 1 ii. Current zoning districts.
- 2 iii. Major reference points in the vicinity of the airstrip or airport.
- 3 iv. Existing topography, if available.
- 4 v. The airport elevation that shall be the official elevation of the
- 5 airport or airstrip upon approval of the map.
- 6 c. The map required by paragraph a. above, shall accurately depict
- 7 airspace zones as provided in FAR part 77, subpart C, paragraph 77.25,
- 8 in ten-foot conical increments. Before submission to the Department the
- 9 map shall be certified by the Federal Aviation Administration that it
- 10 depicts the requirements of FAR part 77, subpart C, paragraph 77.25. If,
- 11 for safety reasons, zone surfaces deviate in any way from the
- 12 requirements of the FAR, each such deviation shall be indicated in
- 13 writing on the map and shall be accompanied by a letter of nonobjection
- 14 by the Federal Aviation Administration. Any such deviation is subject to
- 15 approval of the department.
- 16 d. Before submission to the department any optional map depicting
- 17 airspace zones provided in FAR part 77, subpart C, paragraph
- 18 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation
- 19 Administration indicating that it accurately depicts the requirements of
- 20 FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3).
- 21 4. **Additional Height Limitations in Airport Height Overlay District**
- 22 Notwithstanding the height limitations in section 21.06.010, *Dimensional*
- 23 *Standards Tables*, all development within the Airport Height Overlay District shall
- 24 comply with the following height limitations:
- 25 a. No structure shall be constructed or maintained so that it exceeds the
- 26 greater of:
- 27 i. Thirty-five feet above ground elevation; or
- 28 ii. The maximum height permitted under FAR part 77, subpart C, as
- 29 depicted on any airport height zone map adopted under section
- 30 21.04.080.C., *Airport Height Overlay District*.
- 31 b. Any structure within three nautical miles of an airport reference point
- 32 established by federal regulation, the height of which exceeds the level
- 33 of that reference point by more than 200 feet, shall present to the
- 34 building official the results of an airspace determination conducted by the
- 35 Federal Aviation Administration pursuant to its regulations.
- 36 c. The height restrictions of this district do not apply to buildings for which
- 37 building or land use permits were issued prior to June 17, 1986.
- 38 d. Vegetation shall not be affected by the height limitation of this section.

D. NCO: Neighborhood Conservation Overlay District

1. Purpose

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

2. Establishment or Modification

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

a. Eligibility Criteria

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

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

b. Determination of Eligibility

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

1 proposed area based on the criteria set forth in subsection a.
2 above. The urban design commission may conduct informal
3 meetings with residents of the community, seek the advice of
4 preservation professionals and historians, and conduct or
5 receive any preliminary research or studies to assist with its
6 decision regarding eligibility.

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

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

20 ii. The Neighborhood Conservation Plan shall detail the boundaries
21 of the district, document the history and significance of the area,
22 provide photographs of properties within the area, and present
23 proposed design standards and guidelines for regulating future
24 development in the district.

25 iii. The urban design commission shall review the Neighborhood
26 Conservation Plan, including the proposed boundaries and
27 design guidelines, and shall then vote whether to recommend to
28 the planning and zoning commission that the area be designated
29 an NCO district.

30 **d. Property Owners' Approval**

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

42 **e. Rezoning Process**

43 If the urban design commission recommends designation of the NCO
44 district, and at least 51 percent of the property owners indicate approval,
45 then the director shall forward the application to the planning and zoning
46 commission for an amendment to include the district on the zoning map.
47 The application shall then be processed according to the general
48 rezoning procedures set forth in section 21.03.050D., *General*
49 *Procedures*.

- 1 **f. *Findings Required***
2 In addition to the general approval criteria applicable to all proposed
3 rezonings (see 21.03.050E.), an application for designation of a NCO
4 district may be approved only if the assembly finds that:
- 5 **i. The district retains the general character and appearance of its**
6 original period of development;
- 7 **ii. The district evidences on-going maintenance of existing older**
8 buildings and/or there is potential for rehabilitation of existing
9 buildings in the district;
- 10 **iii. There is potential or existing pressures for redevelopment and**
11 new infill development in the district;
- 12 **iv. The district exhibits a significant degree of continuity in terms of**
13 the built environment, including both sides of the facing block
14 fronts; and
- 15 **v. The proposed development standards are appropriate to protect**
16 and preserve the general character and appearance of the
17 district.
- 18 **g. *Establishment of NCO District***
19 The assembly shall designate each NCO district by separate ordinance
20 that shall include a map defining the overlay boundaries and an adopted
21 Neighborhood Conservation Plan that shall establish standards and
22 conditions for future development in the district consistent with the
23 purposes of the plan. The Neighborhood Conservation Plan shall be
24 adopted as a component of the comprehensive plan (see section
25 21.01.080, *Comprehensive Plan*).
- 26 **h. *Amendments to Approved Neighborhood Conservation Districts***
27 Any proposal to add or subtract parcels to an adopted NCO District,
28 including the dissolution of the district, or any proposed modification to
29 the development standards in an NCO district, shall be subject to the
30 procedural requirements set forth in this subsection.
- 31 **3. *Development Application Review***
32 Applications for development in an approved NCO district shall be reviewed by
33 the regular decision-making body assigned by this code to hear such
34 applications. For example, the director shall review administrative site plans in
35 an NCO district, and the urban design commission shall review major site plans.
36 Applications shall be reviewed for compliance with the Neighborhood
37 Conservation Plan and associated development standards, in addition to any
38 other applicable requirements of this code.
- 39 **4. *Development Standards***
40 **a. All new development, additions, changes, and expansions to existing**
41 structures must comply with the regulations associated with the NCO
42 district.
- 43 **b. Neighborhood Conservation Plans may contain neighborhood design**
44 standards related to any of the following issues: location of proposed

1 buildings or additions; characteristics of uses; height; size; exterior
2 materials; demolition; exterior color; setbacks; lot size/coverage; roof
3 line/pitch; paving; building orientation; relationship of buildings to the
4 streetscape; location of parking; exterior lighting; neighborhood character
5 and compatibility; view preservation of or from specific locations;
6 landscaping and screening; riparian areas, wetland areas, or drainage
7 patterns; site disturbance; or other items as deemed critical to
8 maintaining the existing character of the proposed district.

- 9 c. In no circumstance shall a Neighborhood Conservation Plan:
- 10 i. Prohibit uses that are otherwise allowed by the underlying base
11 zoning district; or
- 12 ii. Allow uses that are prohibited in the underlying base zoning
13 district.
- 14 d. When the neighborhood design standards have been approved for an
15 NCO district, each application for a building permit for new construction
16 within that district shall comply with those standards.

17 **E. RTR: Railroad Terminal Reserve Overlay District**

18 **1. Purpose and Intent**

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

24 **F. FHO: Flood Hazard Overlay District**

25 **1. Purpose and Intent**

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

- 30 a. Restrict or prohibit uses and structures that are dangerous to health,
31 safety, or property in time of flood, or that cause increased flood heights
32 or velocities;
- 33 b. Require that uses vulnerable to floods, including public facilities that
34 serve such uses, be provided with flood protection or flood proofing at
35 the time of initial construction;
- 36 c. Minimize the need for rescue and relief efforts associated with flooding
37 and generally undertaken at the expense of the general public;
- 38 d. Minimize prolonged business interruptions;
- 39 e. Minimize damages to public facilities and utilities such as water and gas
40 mains, electric, telephone and sewer lines, streets and bridges located in
41 areas of special flood hazard;

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

1 iv. Flood hazard boundary map (FHBM), prepared by the Federal
2 Insurance Administration, FEMA, including the current digital
3 flood hazard boundary map (DFHBM) prepared by the Federal
4 Insurance Administration.

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

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

21 c. **Rules for Interpretation of District Boundaries**
22 The boundaries of the floodplain districts established by this chapter
23 shall be determined from the cited maps and reports. Where
24 interpretation is needed as to the exact location of the boundaries, the
25 department of project management and engineering, upon advice from
26 the U.S. Corps of Engineers, shall make the necessary interpretation.

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

32 5. **Regulations Applicable to Flood Hazard Overlay District**
33 a. **Applicability**
34 The regulations within this section shall apply to all areas of the Flood
35 Hazard Overlay District.

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

41 ii. Critical facilities shall not be located in the Flood Hazard Overlay
42 District. For the purposes of this subsection only, critical facilities
43 are defined as fire stations, police stations, hospitals, emergency
44 shelters, schools, and emergency operations centers.

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

- 1 No building permits, encroachment permits, manufactured home permits,
2 or other land use permits shall be issued for the construction or placing
3 of a structure within the Flood Hazard Overlay District unless the plans
4 show that, in addition to compliance with all other ordinances, regulations
5 and permit requirements, the structure shall meet the following
6 requirements:
- 7 i. Prior to final approval of a permit it must be demonstrated that all
8 necessary permits have been received from those governmental
9 agencies from which approval is required by federal or state law,
10 including section 404 of the Federal Water Pollution Control Act
11 amendments of 1972.
- 12 ii. It must be demonstrated that the structure will be reasonably
13 safe from flooding. If a proposed building site is in a floodplain,
14 all new construction and substantial improvements shall be
15 designed and adequately anchored to prevent flotation, collapse
16 or lateral movement of the structure, be constructed with
17 materials and utility equipment resistant to flood damage, and be
18 constructed by methods and practices that minimize flood
19 damage.
- 20 iii. The approval of a subdivision application or multi-unit
21 development shall require proof that:
- 22 (A) The proposed construction is consistent with the need to
23 minimize flood damage within the floodplain;
- 24 (B) All public utilities and facilities such as sewer, gas,
25 electrical and water systems are to be located and
26 constructed to minimize or eliminate flood damage;
- 27 (C) Adequate drainage is provided to reduce exposure to
28 flood hazards. The actions of one project shall not
29 adversely impact the receiving waters and the rights of
30 other property owners, as measured by increased flood
31 peaks, flood stage, flood erosion, and sedimentation
32 through storm waters or drainage systems; and
- 33 (D) Base flood elevation data has been provided for
34 subdivision proposals and other proposed development.
- 35 iv. Construction within floodplains shall require that new and
36 replacement water supply systems be designed to minimize or
37 eliminate infiltration of floodwaters into the systems.
- 38 v. Construction within floodplains shall require that:
- 39 (A) New and replacement sewage systems shall be
40 designed to minimize or eliminate infiltration of
41 floodwaters into the systems and discharges from the
42 systems into floodwaters; and

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

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

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

9 6. **Regulations Applicable to Subdistricts**

10 a. **Floodway Area**

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

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

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

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

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

35 b. **Floodway Fringe Area**

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

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

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

1 iii. The following uses, structures and activities are permitted only
2 by special flood hazard permit: any use permitted by special
3 flood hazard permit as set forth in subsection a. of this section,
4 and all other uses, structures and activities which are in
5 accordance with all other land use regulations provided they are
6 adequately floodproofed as set forth in subsection F.8. below,
7 *Special Flood Hazard Permit.*

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

12 7. **Construction Requirements**

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

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

20 ii. The lowest floor, including basement, of nonresidential structures
21 shall be elevated to or above the base flood level, unless the
22 structure, with all utility and sanitary facilities, is designed so that
23 below base flood level the structure is watertight with walls
24 substantially impermeable to the passage of water and so that it
25 is capable of resisting hydrostatic and hydrodynamic loads and
26 effects of buoyancy.

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

34 iv. Where floodproofing is utilized a registered professional engineer
35 or architect shall certify that the floodproofing methods are
36 adequate.

37 v. For new manufactured home parks and manufactured home
38 subdivisions; for expansions to existing manufactured home
39 parks and manufactured home subdivisions; for existing
40 manufactured home parks and manufactured home subdivisions
41 where the repair, reconstruction or improvement of the streets,
42 utilities and pads equals or exceeds 50 percent of value of the
43 streets, utilities and pads before the repair, reconstruction or
44 improvement has commenced; and for manufactured homes not
45 placed in a manufactured home park or manufactured home
46 subdivision, require that the repair, and on all property not within

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

- 1 any space below that level is watertight with walls
2 substantially impermeable to the passage of water and
3 with structural components having the capability of
4 resisting hydrostatic and hydrodynamic loads and effects
5 of buoyancy. If this method is used, compliance shall be
6 certified by a registered professional engineer or
7 architect.
- 8 iii. Adequate drainage paths are required around structures on
9 slopes to guide floodwaters around and away from proposed
10 structures.
- 11 c. **Standards for Zone A99**
12 All construction in areas designated on the flood insurance rate map as
13 zone A99 shall meet all requirements of subsections 7.a. and 7.b. of this
14 section.
- 15 8. **Special Flood Hazard Permit**
16 a. **Required**
17 No person shall engage in development within the Flood Hazard Overlay
18 District unless a special flood hazard permit is first issued, pursuant to
19 section 21.03.110, *Special Flood Hazard Permits*.
- 20 b. **Conditions**
21 Special conditions may be attached as a condition to the issuance of a
22 special flood hazard permit. Conditions shall include any floodproofing
23 measures deemed necessary by the issuing official to further the
24 purposes of this chapter. Floodproofing measures may include
25 requirements that:
- 26 i. The finished surface of the first or main floor shall be at least one
27 foot above the level of the regulatory flood protection elevation.
- 28 ii. Structures or uses below the level of the regulatory flood shall be
29 restricted to those not involving habitual human habitation, such
30 as working space, living space, sleeping space, etc.
- 31 iii. The anchorage shall be suitable to resist flotation and lateral
32 movement.
- 33 iv. For all construction and substantial improvements, fully enclosed
34 areas below the lowest floor that are subject to flooding shall be
35 designed to automatically equalize hydrostatic flood forces on
36 exterior walls by allowing for the entry and exits of floodwaters.
37 Designs for meeting this requirement must either be certified by
38 a registered professional engineer or architect or must meet or
39 exceed the following minimum criteria: A minimum of two
40 openings having a total net area of not less than one square inch
41 for every square foot of enclosed area subject to flooding shall
42 be provided to FEMA specifications (such as Smart Vent). The
43 bottom of all openings shall be no higher than one foot above
44 grade. Openings may be equipped with screens, louvers or
45 other coverings or devices provided that they permit the
46 automatic entry and exits of floodwaters.

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

9. Nonconforming Uses

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

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

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

- a. The director of the department of project management and engineering shall grant or deny development permit applications in accordance with the provisions of this chapter, except that the platting board is directed and authorized to consider this chapter in relation to any matter brought before that board.
- b. The director of the department of project management and engineering shall maintain all records required by the Federal Insurance Administration and shall file an annual report with the federal insurance administrator. Form OMB 64-R1546 shall be used in accordance with 41 CFR 1909.22(b)(3).
- c. Additional duties and responsibilities of the director of the department of project management and engineering are as follows:

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- i. *Permit Review*
The director of the department of project management and engineering shall:
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- (A) Review all flood hazard permits to determine that the permit requirements of this chapter have been satisfied.
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- (B) Review all flood hazard permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
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- (C) Review all flood hazard permits to determine if the proposed development is located in the floodway, and, if located in the floodway, ensure that the encroachment provisions of subsection 6.a. above are met.
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- ii. *Use of Other Base Flood Data*
When base flood elevation data have not been provided in accordance with subsection F.3. above, the director of the department of project management and engineering shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer subsections F.6. through F.9. above.
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- iii. *Information to be Obtained and Maintained*
The director of the department of project management and engineering shall:
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- (A) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.
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- (B) For all new or substantially improved floodproofed structures:
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- (1) Verify and record the actual elevation, in relation to mean sea level; and
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- (2) Maintain the floodproofing certifications required in subsection 7.a.iv. above.
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- (3) Maintain for public inspection all records pertaining to the provisions of this section.
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- iv. *Duties Regarding Alteration of Watercourses*
The director of the department of project management and engineering shall:
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- (A) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a

1 watercourse and submit evidence of such notification to
2 the Federal Insurance Administration.

- 3 (B) Require that maintenance is provided within the altered
4 or relocated portion of the watercourse so that the flood-
5 carrying capacity is not diminished.

6 v. *Interpretation of FIRM Boundaries*

7 The director of the department of project management and
8 engineering shall make interpretations, where needed, as to
9 exact location of the boundaries of the areas of special flood
10 hazard, for example, where there appears to be a conflict
11 between a mapped boundary and actual field conditions. The
12 person contesting the location of the boundary shall be given a
13 reasonable opportunity to appeal the interpretation as provided
14 in subsection F.11. below.

15 11. **Appeal Procedure**

16 Appeals alleging error by the director of the department of project management
17 and engineering charged with the enforcement or interpretation of this chapter
18 may be taken to the zoning board of examiners and appeals in accordance with
19 the provisions of section 21.03.200, *Appeals*.

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

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

- 24 i. The danger that materials may be swept onto other lands to the
25 injury of others;
- 26 ii. The danger to life and property due to flooding or erosion
27 damage;
- 28 iii. The susceptibility of the proposed facility and its contents to flood
29 damage and the effect of such damage on the individual owner;
- 30 iv. The importance of the services provided by the proposed facility
31 to the community;
- 32 v. The necessity of the facility of a waterfront location, where
33 applicable;
- 34 vi. The availability of alternative locations for the proposed use
35 which are not subject to flooding or erosion damage;
- 36 vii. The compatibility of the proposed use with existing and
37 anticipated development;
- 38 viii. The relationship of the proposed use to the comprehensive plan
39 and floodplain management program for that area;
- 40 ix. The safety of access to the property in time of flood for ordinary
41 and emergency vehicles;

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- x. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
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- xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
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- b. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsections 12.a.i through xi. of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
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- c. The zoning board of examiners and appeals may attach such conditions to the granting of variances or appeals as it deems necessary to further the purposes of this chapter.
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- d. The director of the department of project management and engineering shall maintain the records of all variance and appeal actions and report any variances to the Federal Insurance Administration upon request.
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- e. Conditions for variances are as follows:
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- i. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
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- ii. Variances shall not be issued within any designated floodway if any increase in flood levels during the basic flood discharge 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.
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- iv. Variances shall only be issued upon:
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- (A) A showing of good and sufficient cause;
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- (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
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- (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.
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- 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 PRD#2 NOTE: This was the R-1 district in the previous draft.

² PRD#2 NOTE: This was the R-7 district in the previous draft.

³ PRD#2 NOTE: This was the R-2 district in the previous draft.

⁴ PRD#2 NOTE: This is a new district in this draft.

⁵ PRD#2 NOTE: This was the R-3 district in the previous draft.

⁶ PRD#2 NOTE: This was the R-4 district in the previous draft.

⁷ PRD#2 NOTE: This was the RMX district in the previous draft.

⁸ PRD#2 NOTE: This was the R-6 district in the previous draft.

⁹ PRD#2 NOTE: This was the R-9 district in the previous draft.

¹⁰ PRD#2 NOTE: This was the R-10 district in the previous draft.

¹¹ 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.

¹² PRD#2 NOTE: This was the NMU-1 district in the previous draft.

¹³ 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.

¹⁴ PRD#2 NOTE: This was the NMU-2 district in the previous draft.

¹⁵ PRD#2 NOTE: This was the R-5 district in the previous draft.

¹⁶ PRD#2 NOTE: This is a new district in this draft.

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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 21.03.080B, *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 21.03.080C, *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 Abbreviations

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 21.05.020C., 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 use-specific standards is noted through a cross-reference in the last column of the table. These standards apply in all districts unless otherwise specified.

1 **B. Table Organization**

2 In Tables 21.05-1 and 21.05-2, land uses and activities are classified into general “use
3 categories” and specific “use types” based on common functional, product, or physical
4 characteristics, such as the type and amount of activity, the type of customers or
5 residents, how goods or services are sold or delivered, and site conditions. This
6 classification provides a systematic basis for assigning present and future land uses into
7 appropriate zoning districts. This classification does not list every use or activity that may
8 appropriately exist within the categories, and specific uses may be listed in one category
9 when they may reasonably have been listed in one or more other categories. The use
10 categories are intended merely as an indexing tool and are not regulatory.

11 **C. Unlisted Uses**

12 When application is made for a use type that is not specifically listed in Tables 21.05-1
13 and 21.05-2, the procedure in section 21.03.210, *Use Classification Requests*, shall be
14 followed.

15 **D. Use for Other Purposes Prohibited**

16 Approval of a use listed in Tables 21.05-1 and 21.05-2, and compliance with the
17 applicable use-specific standards for that use, authorizes that use only. Development or
18 use of a property for any other use not specifically allowed in the tables and approved
19 under the appropriate process is prohibited.

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E. Table of Allowed Uses – Residential Districts

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS													
This table shows only those uses allowed in the residential districts. All other uses not shown are prohibited.													
P = Permitted Use S = Administrative Site Plan Review													
C = Conditional Use M = Major Site Plan Review													
Use Category	Use Type	RS-1	RS-2	RT	RM-1	RM-2	RM-3	RM-4	RL-1	RL-2	RL-3	RL-4	Use-Specific Standards
RESIDENTIAL USES													
Household Living	Dwelling, mixed-use						P	P					21.05.030A.1.
	Dwelling, multifamily				S	P	P	P					21.05.030A.2.
	Dwelling, single-family attached			P	P	P							21.05.030A.3.
	Dwelling, single-family detached	P	P	P	P	P			P	P	P	P	21.05.030A.4.
	Dwelling, townhouse				S	S	S	S					21.05.030A.5.
	Dwelling, two-family		P	P	P	P			P	P	P		21.05.030A.6.
	Dwelling, mobile home								P				21.05.030A.7.
	Manufactured home community				C	C	C		C				
Group Living	Habilitative care facility	C	C	C	C	C	C	C	C	C			21.05.030B.2
	Residential care (8 or fewer residents)	P	P	P	P	P	P	P	P	P	P		21.05.030B.3.
	Residential care (9 or more residents)	C	C	C	P	P	P	C	P	C			21.05.030B.3.
	Roominghouse				C	C	P	P					21.05.030B.4.
	Transitional living facility						P	P					
PUBLIC / INSTITUTIONAL USES													
Adult Care	Adult care (9 to 15 persons)	C		C	C	C	C	C	C				21.05.040A.
	Adult care (16 or more persons)	C		C	C	C	C	C	C				21.05.040A.
Child Care	Child care facility (9 or more children)	C	C	C	C	C	C	C	P	C	C		21.05.040B.
Community Service	Community center	C	C	C	S	S	S	S	C	C	C		21.05.040C.2.
	Neighborhood recreation center	S	S	S	S	S	S	S	S	S	S		
	Religious assembly	S	S	S	S	S	S	S	S	S	S		21.05.040C.7.
Cultural Facility	Botanical gardens		S						S	S	S	S	
Educational Facility	Boarding school				M	M	M	M					21.05.040E.1.
	College or university							M					

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS

This table shows only those uses allowed in the residential districts. All other uses not shown are prohibited.

P = Permitted Use

S = Administrative Site Plan Review

C = Conditional Use

M = Major Site Plan Review

Use Category	Use Type	RS-1	RS-2	RT	RM-1	RM-2	RM-3	RM-4	RL-1	RL-2	RL-3	RL-4	Use-Specific Standards
	Elementary school	M	M	M	M	M	M	M	M	M			21.05.040E.4.
	High school or middle school	M	M	M	M	M	M	M	M	M			21.05.040E.5.
Health Care Facility	Health care facility or nursing facility (1-16 patients)				C	C	C	C					21.05.040F.1.
	Health care facility or nursing facility, 17+ patients						C						21.05.040F.1.
	Health services							P					21.05.040F.2.
Parks and Open Area	Community garden	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	
Public Safety Facility	Community or police substation				P	P	P	P					21.05.040H.1.
Transportation Facility	Airstrip, private	C	C	C					C	C	C	C	21.05.040I.2.
Utility Facility	Utility substation	S	S	S	S	S	S	S	S	S	S	S	21.05.040J.3.
Telecommunication Facilities	Type 1 tower	S	S	S	S	S	S	S	S	S	S	S	21.05.040K.
	Type 2 tower	C	C	C	C	C	C	C	C	C	C	C	21.05.040K.
	Type 3 tower	C	C	C	C	C	C	C	C	C	C	C	21.05.040K.
	Type 4 tower	S	S	S	S	S	S	S	S	S	S	S	21.05.040K.
COMMERCIAL USES													
Agricultural Uses	Farming, animal husbandry								P	P	P		21.05.050A.1.
	Farming, horticultural								P	P	P		
Animal Sales, Service & Care	Kennel, commercial								S/M				21.05.050B.2. 21.07.130
	Paddock or stable, commercial		S/M						S/M	S/M	S/M		21.05.050B.3. 21.07.130
Assembly	Club / lodge / meeting hall						C	S					21.05.020A.
Entertainment, Indoor	Fitness and recreational sports center							P					
Entertainment/ Recreation, Outdoor	Skiing facility, alpine											C	
Financial Institution	Financial Institution							P					

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS													
This table shows only those uses allowed in the residential districts. All other uses not shown are prohibited.													
P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review													
Use Category	Use Type	RS-1	RS-2	RT	RM-1	RM-2	RM-3	RM-4	RL-1	RL-2	RL-3	RL-4	Use-Specific Standards
Food and Beverage Service	Restaurant							S					21.05.020A
Office	Office, business or professional							P					
Retail (Personal Services)	General personal services							P					
	Instructional services							P					
Retail (Sales)	Convenience store							S					21.05.050K.4
	General retail							P					
	Grocery or food store							S					21.05.020A
	Nursery, commercial	C		C					C	C			21.07.130
Visitor Accommodations	Extended-stay lodgings						C	S					21.05.050M.2.
	Hostel				C	C	P	P					
	Inn						C	S					21.05.020A. 21.05.050M.5.
	Recreational and vacation camp								C	C	C	C	
INDUSTRIAL USES													
Manufacturing and Production	Natural resource extraction, organic and inorganic	C	C	C	C	C	C	C	C	C	C		21.05.060B.5.
Waste and Salvage	Land reclamation	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	S/ C	21.05.060E.4.

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1 F. Table of Allowed Uses – Commercial, Industrial, Mixed-Use, and Other Districts

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																					
For uses allowed in the AD and M districts, see section 21.04.060.																					
This table shows only those uses allowed in the non-residential districts. All other uses not shown are prohibited.																					
Use Category	Use Type	COMMERCIAL						MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards	
		N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I		T A
RESIDENTIAL USES																					
Household Living	Dwelling, mixed-use	P	P	P	P	P	P	P	P	P	P								S		21.05.030A.1.
	Dwelling, multifamily				P	P	S		P	P	P	P							S		21.05.030A.2.
	Dwelling, single-family detached							P								P			P		21.05.030A.4.
	Dwelling, townhouse								S	S	S	S									21.05.030A.5.
	Dwelling, two-family							P												C	21.05.030A.6.
	Dwelling, mobile home							P												C	21.05.030A.7.
Group Living	Correctional community residential center		P/C	C	C	C		P		P/C	P/C	P/C		P					P		21.05.030B.1.
	Habilitative care facility		C	C	C	C	C												C		21.05.030B.2.
	Residential care (8 or fewer residents)	P	P					P												P	21.05.030B.3.
	Residential care (9 or more residents)		P	P	P	P	P	P											C	C	21.05.030B.3.
	Roominghouse	P	P	P	P	P	P	P	S	S	S	S								C	21.05.030B.4.

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																					
		COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards
Use Category	Use Type	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A	
	Transitional living facility		P																		
PUBLIC/INSTITUTIONAL USES																					
Adult Care	Adult care (9 to 15 persons)	P	P	P	P	P	P													C	21.05.040A.
	Adult care (16 or more persons)	P	P	P	P	P	P												P	C	21.05.040A.
Child Care	Child care facility (9 or more children)	P	P	P	P	P	P	P	P	P	P								P	C	21.05.040B.
Community Service	Cemetery or mausoleum							P											P	C	21.05.040C.1.
	Community center							P	S	S	S	S						C	S	S	21.05.040C.2.
	Crematorium							C					C	P					C	C	21.05.040C.3.
	Government administration and civic buildings		P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M							P/M	M	21.05.040C.4
	Homeless and transient shelter																		C		
	Neighborhood recreation center	S							P	S										S	
	Religious assembly	P	P	P	P	P	P	P	P	P	P	P								P	S
Cultural Facility	Aquarium										M	M							C		

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																						
		COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards	
Use Category	Use Type	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A		W
	Botanical gardens																	P	S	S		
	Library	S		S/M	S/M	S/M		P	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	
	Zoo																			C	C	
Educational Facility	Boarding school					M		C		M	M	M								M	C	21.05.040E.1.
	College or university		C	M	M	M				M	M	M								M	C	
	Education and research center			P	P	P	P			S	S	S	P	P						P	C	
	Elementary school		M		C	C		M		M	M	M								M	M	21.05.040E.4.
	High school or middle school		M		C	C		M		M	M	M								M	C	21.05.040E.5.
	Vocational or trade school		P	P	P	P	P	P		S	S	S	P	P						C		21.05.040E.6.
Health Care Facility	Health care facility or nursing facility (1-16 patients)	C	P					P	S	S	S	S									C	21.05.040F.1.
	Health care facility or nursing facility (17+ patients)		C					P		S	S	S								C	C	21.05.040F.1.
	Health services	P	P	P	P	P	P	P	S	S	S	S								C	C	21.05.040F.2.

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																					
		COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards
Use Category	Use Type	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A	
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	P	S	S	S	S	S	S	S	S	S	S	S	S	S
Public Safety Facility	Community or police substation	P	P	P	P	P		P	P	P	P	P							P	C	
	Correctional institution																		C		21.05.040H.2.
	Fire station		M	M	M	M		P	M	M	M	M	M						M	C	
Transportation Facility	Airport																				
	Airstrip, private													C	C				C	C	21.05.040I.2.
	Bus transit center		S	S	S	S		P		S	S	S							S		
	Heliport		C	C	C								C	C	C				C	C	
	Railroad freight terminal													C	P					C	
	Railroad passenger terminal								M	M	M	M		M	M				M	C	
	Rail yard													C	P					C	
Utility Facility	Utility facility							P					C	C	C				C		C
	Utility substation	S	S	S	S	S	S	P	S	S	S	S	P	P	P				S	S	S

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																						
		COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards	
Use Category	Use Type	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A		W
Telecommunication Facilities	Type 1 tower	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S	S	S	21.05.040K.
	Type 2 tower	S	S	S	S	S	S	S	C	C	C	C	P	P	P	S	S	S	S	S	S	21.05.040K.
	Type 3 tower	S	S	S	S	S	S	S	C	C	C	C	P	P	P	S	S	S	S	S	S	21.05.040K.
	Type 4 tower	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S	S	S	21.05.040K.
COMMERCIAL USES																						
Agricultural Uses	Farming, animal husbandry																					21.05.050A.1.
	Farming, horticultural													P							C	
Animal Sales, Service & Care	Animal control shelter		S/M											S/M					S/M			21.05.050B.1. 21.07.120
	Kennel, commercial		P/M	P/M	P/M	P/M		P	P/M	P/M	P/M		P/M	P/M							S/M	21.05.050B.2. 21.07.120
	Paddock or stable, commercial							P												M		21.05.050B.3.
	Retail and Pet services		P/M	P/M	P/M	P/M		P		P/M	P/M	P/M									C	21.05.050B.4. 21.07.120
	Veterinary clinic	P/M	P/M			P/M		P	P/M	P/M	P/M	P/M	P/M	P/M							C	21.05.050B.5. 21.07.120
Assembly	Civic / convention center			C	C	C				S	S	S								C		21.05.020A.
	Club / lodge / meeting hall	S	P	P	P	P		P	S	P	P	P							S	C		21.05.020A.

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																							
		COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards		
Use Category	Use Type	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A		W	
Entertainment, Indoor	Amusement establishment		P/M		P/M	P/M		P		P/M	P/M	P/M							C			21.05.020A. 21.07.120	
	Entertainment facility, major		C	C	C	C						C						C	C			21.05.020A. 21.07.120	
	Fitness and recreational sports center		P/M	P/M	P/M	P/M		P	P/M	P/M	P/M	P/M							S/M			21.07.120	
	Movie theater			P/M	P/M	P/M		P		S/M	S/M	S/M							C			21.05.020A. 21.07.120	
	Nightclub, licensed		P/M	P/M	P/M	P/M		P		P/M	P/M	P/M									P/M		21.05.020A. 21.05.050D.5. 21.07.120
	Nightclub, unlicensed		P/M	P/M	P/M	P/M		P		S/M	S/M	S/M									P/M		21.05.020A. 21.05.050.D.6. 21.07.120
	Theater company or dinner theater				P/M	P/M	P/M		P		P/M	P/M	P/M								P/M		21.05.020A. 21.07.120
Entertainment/ Recreation, Outdoor	General outdoor recreation, commercial		S					P		S	S	S						C	C			21.05.050E.1.	
	Golf course							C										C	C				
	Motorized sports facility							C						C	C			C	C			21.05.050E.3. 21.05.020A.	
	Shooting range, outdoor							C											C			21.05.050E.4.	
	Skiing facility, alpine																	C	C	C			
Financial Institution	Financial institution	P	P	P	P	P		P	P	P	P											21.05.050F.	

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 For uses allowed in the AD and M districts, see section 21.04.060. This table shows only those uses allowed in the non-residential districts. All other uses not shown are prohibited.																						
Use Category	Use Type	COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards	
		N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A		W
Food and Beverage Service	Bar	P	P/M	P/M	P/M	P/M		P	P/M	P/M	P/M	P/M	P/M						P/M			21.05.020A. 21.07.120
	Food and beverage kiosk	P	P	P	P	P	P	P	S	S	S	S	P	P					P			21.05.020A. 21.05.050G.2.
	Restaurant	P	P/M	P/M	P/M	P/M	P/M	P	P/M	P/M	P/M	P/M	P/M						P/M	C		21.05.020A. 21.07.120
Office	Office, business or professional	P	P	P	P	P	P	P	P	P	P	P								C		
	Broadcasting facility		P	P	P	P	P	P			S	S	P	P					P	P		
Retail (Personal Services, Repair, and Rental)	Dry cleaning establishment		P/M					P					P/M	P/M								21.07.120
	Funeral services		P/M			P/M		P		P/M	S/M	S/M										21.07.120
	General personal services	P		P/M	P/M	P/M	P	P	P/M	P/M	P/M	P/M								P/M		21.07.120
	Instructional services	P	P/M	P/M	P/M	P/M		P	P/M	P/M	P/M	P/M								P/M		21.07.120
	Repair and/or service		P/M		P/M	P/M		P		P/M	P/M	P/M	P/M	P/M								21.07.120
	Small equipment rental		P/M					P					P/M	P/M								21.05.050I.6. 21.07.120
Retail (Sales)	Auction house		P/M					P					P/M	P/M								21.07.120

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																						
		COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards	
Use Category	Use Type	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A		W
	Building materials store		S/M					P			C		P/M	S/M								21.07.120
	Business service establishment	P	P/M	P/M	P/M	P/M	P	P	P/M	P/M	P/M	P/M	P									21.07.120
	Convenience store	P	P/M	P/M	P/M	P/M	P	P	P/M	P/M	P/M	P/M										21.05.020A. 21.05.050J.4. 21.07.120
	Farmers market			P	P	P		P		P	P	P							P	P		
	Fueling station		P/M					P	C	S/M	S/M	S/M	P/M	P/M							C	21.05.020A. 21.07.120
	Meat and seafood processing, storage, and sales		P/M					P					P/M	P/M						C		21.07.120
	General retail	P	P/M	P/M	P/M	P/M	P	P	P/M	P/M	P/M	P/M										21.07.120
	Grocery or food store	P		P/M	P/M	P/M		P	S/M	S/M	S/M	S/M								C		21.05.020.A. 21.07.120
	Liquor store		P/M	P/M	P/M	P/M		P	P/M	P/M	P/M	P/M										21.05.020.A. 21.07.120
	Nursery, commercial		P/M					P			C	C							C	C		21.07.120
	Pawnshop		P/M					P			P/M											21.07.120
Vehicles and Equipment	Aircraft and marine vessel sales		P					P					P	P								21.07.120

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																						
		COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards	
Use Category	Use Type	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A		W
	Heavy equipment sales and rental							P						P	P							21.07.120
	Impound yard													C	P				C			21.07.120
	Parking lot or structure (50+ spaces)		S	M	M	M	S	P		M	M	M	S	C					C			21.05.050K.5. 21.07.120
	Parking lot or structure (less than 50 spaces)		P		S	S	S	P		S	S	S	S	C					P	S		21.05.050K.5. 21.07.120
	Vehicle parts and supplies		P					P		C	P	P	P	P						C		21.05.050.K.6. 21.07.120
	Vehicle-large, sales and rental		P/ M					P			S/ M		P/ M	P/ M								21.05.050K.7. 21.07.120
	Vehicle-small, sales and rental		P/ M					P			S/ M		P/ M	P/ M								21.05.050K.8. 21.07.120
	Vehicle service and repair, major		P					P					P	P	P					C		21.07.120
	Vehicle service and repair, minor		P					P			S		P	P						C		21.05.050K.10. 21.07.120
Visitor Accommodations	Camper park		C					P											C	C		21.05.050L.1.
	Extended-stay lodgings		C		P	P	S	P		P	P	P										21.05.050L.2.
	Hostel				P	P		P		P	P	P										

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																						
		COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER						Use-Specific Standards
Use Category	Use Type	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A	W	
	Hotel		P	P	P	P	S	P		S	S	S									21.05.020A.	
	Inn			P	P	P			P	P	P	P								C	21.05.050L.5. 21.05.020A.	
	Motel		P				S	P												C	21.05.020A.	
	Recreational and vacation camp							P											C			
INDUSTRIAL USES																						
Industrial Service	Data processing facility						S	P					P	P	P							
	General industrial service							P						P	P							
	Governmental Service							P					P	P	P						21.05.060A.3.	
	Research laboratory						S				C	C	P	P	P				C	C		
Manufacturing and Production	Cottage crafts	P				P		P	P											P	21.05.060B.1.	
	Commercial Food Production		P					P			C	C	P	P	P							
	Manufacturing, heavy													C	P							
	Manufacturing, light							P					P	P	P							

TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS																					
		COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards
Use Category	Use Type	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A	
	Natural resource extraction, organic and inorganic	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	S/ C	21.05.060B.5.
	Natural resource extraction, placer mining							C											C	C	21.05.060B.6.
Marine Facility	Aquaculture													C	C						
	Facility for combined marine and general construction																				
	Marine operations														P						
	Marine wholesaling														P						
Warehouse and Storage	Bulk storage of hazardous materials														C						21.05.060D.1.
	Motor freight terminal													C	P						21.05.060D.2.
	Self-storage facility		M					P					P	P							21.05.060D.3.
	Storage yard							P					P	P	P				C		21.05.060D.4.
	Warehouse							P					P	P	P				C		21.05.060D.5.

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																						
For uses allowed in the AD and M districts, see section 21.04.060.																						
This table shows only those uses allowed in the non-residential districts. All other uses not shown are prohibited.																						
Use Category	Use Type	COMMERCIAL							MIXED-USE				INDUSTRIAL			OTHER					Use-Specific Standards	
		N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	N M U	C M U	R M U	M M U	I C	I 1	I 2	A F	D R	P R	P L I	T A		W
	Wholesale establishment							P					P	P	P							
Waste and Salvage	Composting facility							C							P				C		21.05.060E.1.	
	Incinerator or thermal desorption unit							C						C	C						21.05.060E.2.	
	Junkyard or salvage yard														C						21.05.060E.3.	
	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	21.05.060E.4.	
	Landfill														C				C		21.05.060E.5.	
	Snow disposal site													C	P	P				C	C	21.05.060E.6.
	Solid waste transfer facility														S	S				M	C	21.05.060E.7.

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 Allowed

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 21.05.020B. 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 21.050.020B.

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;
- e. Property in the TA district designated as “residential” in the *Turnagain Arm Comprehensive Plan*;

- f. Public recreational facilities;
- g. Care facilities; or
- h. Public libraries.

3. Compliance with State Standards

Where the state has provided specific standards for determining an enterprise's permissible location, the state's means of measurement shall apply. Such enterprises shall also comply with subsection B.2. above if the enterprise engages in other activities not regulated by the state for which title 8 prohibits the presence of minors or unaccompanied minors on the premises.

4. Administrative Permit Required

An administrative permit shall be on display in a prominent place. This permit shall certify that the enterprise is in compliance with subsection B.2. or 3. of this section, as applicable. This permit shall be obtained from the director, pursuant to section 21.03.230, *Administrative Permits*. This permit shall remain valid so long as the enterprise remains in continuous operation at that location and does not physically expand. In addition, a permit granted under subsection B.3. shall remain valid so long as the enterprise does not engage in an activity regulated by this section B.

5. Premises Without Permit

An enterprise not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required.

C. Large Commercial Uses

Where table 21.05-1 or table 21.05-2 indicates more than one abbreviation for a particular commercial use, such as "P/M" or "S/M," then the size of the proposed use shall determine the applicable review procedure. All such commercial uses of less than 25,000 square feet shall be reviewed through the process indicated by the first abbreviation, and all such uses of 25,000 square feet or more shall be reviewed through the process indicated by the second abbreviation. All such commercial uses which have a use-specific standard reference to section 21.07.120, shall, when they are 25,000 square feet or more, be subject to the large commercial standards in section 21.07.120, *Large Commercial Establishments*, in addition to other generally applicable development standards.

21.05.030 RESIDENTIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general residential use categories and specific residential 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, or subject to a site plan or conditional use review process.

A. Household Living

This category is characterized by residential occupancy of a dwelling unit by a "household," which is defined in chapter 21.13. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Specific use types include:

- 1 1. **Dwelling, Mixed-Use**
2 a. **Definition**
3 A dwelling that is located on the same lot or in the same building as a
4 non-residential use, in a single environment in which both residential and
5 non-residential amenities are provided.
- 6 b. **Use-Specific Standards**
7 Buildings containing mixed-use dwellings in the RM-4 district shall
8 comply with the applicable residential design standards in section
9 21.07.100, *Residential Design Standards*. Buildings containing mixed-
10 use dwellings in the mixed-use districts shall comply with the mixed-use
11 development standards in section 21.04.040F.
- 12 2. **Dwelling, Multifamily**
13 a. **Definition**
14 A residential building or multiple residential buildings comprising three or
15 more dwelling units on one lot. The definition includes the terms
16 “apartment” or “apartment building.”
- 17 b. **Use-Specific Standards**
18 Multiple-family dwellings shall comply with the applicable residential
19 design standards in section 21.07.100, *Residential Design Standards*.
- 20 3. **Dwelling, Single-Family Attached**
21 a. **Definition**
22 One dwelling unit in a building on its own lot, with one or more walls
23 abutting the wall or walls of another single-family dwelling unit on an
24 adjacent lot.
- 25 b. **Use-Specific Standards**
26 i. *Residential Design Standards*
27 Single-family attached dwellings shall comply with the applicable
28 residential design standards in section 21.07.100, *Residential*
29 *Design Standards*.
- 30 ii. *Common Party Wall Agreement*
31 A common party wall agreement shall be recorded. The
32 agreement shall provide for maintenance of the uniformity and
33 common appearance of the exterior of all structures and
34 landscaping. The paint and trim colors for both units of each
35 structure shall be the same and landscaping shall be installed
36 and maintained as a common design for both units of each
37 structure.
- 38 iii. *Access; No Vertical Stacking*
39 Each unit shall have its own access to the outside, and no unit
40 may be located over another unit in whole or in part.
- 41 iv. *Side Setback Requirement*
42 Detached accessory structures shall comply with the side
43 setback requirement of the underlying zoning district on the
44 common lot line between attached residential units.

- 1 4. **Dwelling, Single-Family Detached**
2 a. **Definition**
3 One detached building on its own lot, erected on a permanent
4 foundation, designed for long-term human habitation exclusively by one
5 family, having complete living facilities, and constituting one dwelling
6 unit.
- 7 b. **Use-Specific Standards**
8 Single-family detached dwellings shall comply with the applicable
9 residential design standards in section 21.07.100, *Residential Design*
10 *Standards*.
- 11 5. **Dwelling, Townhouse**
12 a. **Definition**
13 Attached building containing three or more single-family dwelling units
14 erected in a single row, with each unit on its own lot and having its own
15 separate entrance.
- 16 b. **Use-Specific Standards**
17 i. Townhouse dwellings shall comply with the use-specific
18 standards for “Dwelling, Single-Family Attached” above.
- 19 ii. Townhouse dwellings shall comply with the applicable residential
20 design standards in section 21.07.100, *Residential Design*
21 *Standards*.
- 22 6. **Dwelling, Two-Family**
23 a. **Definition**
24 One detached building on one lot designed for and constituting two
25 dwelling units. The definition includes the term “duplex.”
- 26 b. **Use-Specific Standards**
27 Two-family dwellings shall comply with the applicable residential design
28 standards in section 21.07.100, *Residential Design Standards*.
- 29 7. **Dwelling, Mobile Home**
30 a. **Definition**
31 A transportable, factory-built dwelling unit designed and intended to be
32 used as a year-round dwelling, and built prior to the enactment of the
33 Federal Manufactured Home Construction and Safety Standards Act of
34 1976.
- 35 b. **Use-Specific Standards**
36 Only one mobile home is allowed per lot in the RL-1 district, unless the
37 lot is within a manufactured home community. A mobile home shall be
38 placed on a permanent foundation unless it is located within a
39 manufactured home community.
- 40 8. **Manufactured Home Community (MHC)**
41 a. **Definition**
42 Any parcel or adjacent parcels of land in the same ownership that is
43 utilized for occupancy by more than two mobile homes or manufactured
44 homes. This term shall not be construed to mean tourist facilities for

1 parking of travel trailers or campers, which are classified under "Camper
2 Park."

3 **b. Use-Specific Standards**

4 All MHCs within the municipality shall be constructed, operated, and
5 maintained in accordance with these general standards:

6 **i. Compliance with Applicable Regulations**

7 MHCs shall be constructed, operated, and maintained in
8 conformance with all applicable state statutes and regulations
9 and local ordinances; provided, however, that the provisions of
10 chapter 21.11, *Nonconformities*, of this title shall not be applied
11 to prohibit the removal and replacement of a mobile home or
12 manufactured home on a space within a MHC subject to that
13 chapter.

14 **ii. Responsibility for Compliance**

15 Complete responsibility for standards established by this
16 subsection and for construction within a MHC shall rest with the
17 owner of such community.

18 **iii. Minimum Site Size**

19 MHCs in the RM-1, RM-2, RM-3, and RL-1 districts shall be on
20 sites of at least two acres.

21 **iv. Maximum Site Density**

22 Gross density for MHCs shall not exceed eight units per acre.

23 **v. Impermanent Foundations**

24 No mobile homes and manufactured homes within an MHC shall
25 be placed on a permanent foundation.

26 **vi. Mobile Home or Manufactured Home Spaces**

27 **(A) Occupancy**

28 No mobile home or manufactured home space shall
29 contain more than one manufactured home, mobile
30 home or duplex mobile home or manufactured home.
31 No other dwelling unit shall occupy a mobile home or
32 manufactured home space.

33 **(B) Minimum Size**

34 All single mobile home or manufactured home spaces
35 shall have a minimum of 3,500 square feet of land area.
36 A duplex mobile home or manufactured home space
37 shall have a minimum of 5,000 square feet of land area.

38 **(C) Mobile Home or Manufactured Home Separation**

39 **(1)** No part of any mobile home, manufactured
40 home, accessory building, or its addition shall be
41 placed closer than 15 feet from any other mobile
42 home, manufactured home, or its addition, or no
43 closer than ten feet if that mobile home,
44 manufactured home, accessory building, or its

- 1 addition being placed meets NFPA 501A and
2 HUD #24CFR328O standards.
- 3 (2) The requirements of sections 21.06.020A.2.,
4 *Projections into Required Setbacks* and
5 21.05.070, *Accessory Uses and Structures*, shall
6 not apply to MHCs. All mobile homes,
7 manufactured homes, and accessory structures
8 shall be placed at least five feet from the front
9 space line. Steps shall not be considered in
10 determining the separations required by this
11 subsection.
- 12 (D) *Access*
13 Each mobile home or manufactured home space shall
14 have direct access to an internal street. Direct access to
15 exterior public streets is prohibited.
- 16 vii. *Streets and Drainage Facilities*
17 All streets within an MHC shall comply with the following
18 standards:
- 19 (A) *Street Surface*
20 All streets shall be surfaced with all-weather materials,
21 such as gravel, asphalt, or concrete, to a minimum
22 surface width of 34 feet.
- 23 (B) *Right-of-Way Width*
24 Any street that services 100 spaces or more shall be
25 classified as a major street. Major streets shall have a
26 minimum right-of-way width of 50 feet. All other streets
27 shall have a minimum right-of-way width of 40 feet.
28 Streets are not required to be dedicated as public rights-
29 of-way.
- 30 (C) *Cul-De-Sac Streets*
31 No street shall dead end except for cul-de-sac streets
32 that are no more than 650 feet in length and have a
33 minimum turning radius of 50 feet at the termination
34 point of the cul-de-sac.
- 35 (D) *Intersections*
36 No street shall extend more than 650 feet in length
37 between street intersections. Intersecting streets shall
38 cross at 90-degree angles from an alignment point 100
39 feet from the point of intersection. No street intersection
40 shall be closer than 125 feet to any other street
41 intersection.
- 42 (E) *Street Frontage*
43 Double-frontage spaces are prohibited, except that
44 reverse-frontage spaces may back against streets
45 bordering the MHC.

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- (F) *Street Layout*
Streets shall be laid out so that their use by through traffic will be discouraged.
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- (G) *Street Grades*
Street grades shall not exceed six percent. Street grades within 100 feet of intersections shall not exceed four percent.
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- (H) *Street Curves and Visibility*
The radius of street curves (between intersections) shall exceed 100 feet. Streets shall be constructed to provide clear visibility as measured along a centerline of the street for a minimum distance of 150 feet.
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- (I) *Crosswalks*
Pedestrian crosswalks not less than ten feet in width may be required in blocks longer than 330 feet when deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping centers, convenience establishments, service buildings or other community facilities.
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- viii. *Water and Sewage Systems*
All mobile homes in MHCs shall be connected to water and sewage systems approved by the appropriate governmental body before they may be occupied.
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- ix. *Additions to Mobile Homes or Manufactured Homes; Accessory Buildings*
- (A) *Generally*
Additions or other accessory buildings or structures shall not exceed 120 square feet gross floor area. Additions and accessory buildings shall not exceed the height of the mobile home or manufactured home by more than 12 inches. All additions and accessory buildings shall be subject to the spacing and setback requirements for mobile homes and manufactured homes. Any addition or accessory building shall be constructed in accordance with building safety code regulations pertaining to temporary structures, provided that additions will not be required to have a permanent foundation.
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- (B) *Exits*
The number of exterior exits from additions shall be equal to or greater than the number of exits leading from the mobile home or manufactured home to the addition. When two exterior exits are required from additions, they shall be placed a distance apart equal to one-fifth of the total perimeter of the addition.
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- x. *Refuse Collection*
A MHC operator shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and

1 maintained in accordance with all municipal health regulations
 2 and shall be designed to bar animals from access to refuse.
 3 Refuse shall be removed from refuse collection sites at least
 4 once a week. Refuse facilities shall be screened pursuant to
 5 section 21.07.080H., *Screening*.

6 **xi.** *Fuel Tanks*

7 Fuel oil supply tanks shall be placed in compliance with
 8 applicable building and fire codes. Liquefied gas containers shall
 9 be securely anchored to a permanent and stable holding
 10 structure or adequately secured to a mobile home or
 11 manufactured home.

12 **xii.** *Campers and Travel Trailers*

13 Occupied campers and travel trailers are not subject to
 14 paragraphs 8.b.vi., *Mobile Home or Manufactured Home*
 15 *Spaces*, and 8.b.viii., *Water and Sewage Systems*, of this
 16 subsection. Any permitted spaces intended for occupied
 17 campers and travel trailers shall be placed in an area segregated
 18 from permanent mobile home or manufactured home spaces.
 19 Any area within a MHC that is occupied by campers and travel
 20 trailers shall be served by a service building containing public
 21 toilet facilities and water supply.

22 **xiii.** *Animals in MHCs*

23 The outdoor keeping of animals other than dogs is prohibited.

24 **xiv.** *Convenience Establishments in MHCs*

25 Convenience establishments of a commercial nature, including
 26 stores, coin-operated laundry and dry cleaning establishments
 27 and laundry and dry cleaning agencies, beauty shops and
 28 barbershops, may be permitted in MHCs subject to the following
 29 restrictions. Such establishments and the parking area primarily
 30 related to their operations shall not occupy more than ten
 31 percent of the area of the community, shall be subordinate to the
 32 residential use and character of the park, shall be located,
 33 designed and intended to serve frequent trade or service needs
 34 of persons residing in the community, and shall present no
 35 visible evidence of their commercial character from any portion
 36 of any district outside the community. Such convenience areas
 37 shall be considered accessory uses to the principal use of mobile
 38 homes or manufactured homes, may be permitted without a
 39 zoning change, and shall be discontinued if the MHC is
 40 discontinued.

41 **xv.** *Sites in Flood Hazard Overlay District*

42 All MHCs of which all or a portion are within the Flood Hazard
 43 Overlay District shall meet the following requirements:

- 44 **(A)** Over-the-top ties shall be provided at each of the four
 45 corners of the mobile home or manufactured home and
 46 two ties per side at intermediate locations. Mobile
 47 homes more than 50 feet long shall require one
 48 additional tie per side.

- 1 (B) Frame ties shall be provided at each corner of the frame,
2 and five ties per side at intermediate points. Mobile
3 homes or manufactured homes more than 50 feet long
4 shall require 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 or manufactured home
8 shall be similarly anchored.
- 9 (E) All applications for a conditional use for a MHC shall
10 include an evacuation plan indicating alternate vehicular
11 access and escape routes during times of flooding.
- 12 **xvi. Sites in Floodplain**
13 No mobile homes or manufactured homes shall be placed within
14 the regulatory floodplain, except that MHCs existing before
15 September 25, 1979, shall be permitted to place mobile homes
16 or manufactured homes within existing unit spaces.
- 17 **xvii. Nonconforming MHCs**
18 (A) Those MHCs situated within the boundaries of the
19 former City of Anchorage which existed prior to August
20 30, 1977, are not subject to paragraphs 8.b.vi., *Mobile*
21 *Home or Manufactured Home Spaces*, and 8.b.viii.,
22 *Water and Sewage Systems*, of this subsection,
23 provided that such communities meet the standards set
24 forth in the former City of Anchorage Municipal Code
25 sections 6.60.010 through 6.60.110.
- 26 (B) Those MHCs situated in any area of the municipality
27 other than that described in paragraph i. above, which
28 existed prior to 1966, are not subject to the requirements
29 of paragraphs 8.b.vi., *Mobile Home or Manufactured*
30 *Home Spaces*, 8.b.vii., *Streets and Drainage Facilities*,
31 and 8.b.ix., *Additions to Mobile Homes or Manufactured*
32 *Homes; Accessory Buildings*, of this subsection, within
33 the area and to the extent that it was constructed,
34 operated or maintained prior to that date.
- 35 (C) Any MHC exempt from certain requirements of this
36 subsection 21.05.030A.8., *Manufactured Home*
37 *Community*, as provided in paragraphs xvii.(A) and (B)
38 above, shall conform to all provisions of this subsection
39 21.05.030A.8. within any area first constructed,
40 operated, or maintained after the specified date or within
41 any area that is substantially altered, remodeled,
42 reconstructed or rebuilt after that date.

43 B. Group Living

44 This category is characterized by residential occupancy of a structure by a group of
45 people who do not meet the definition of "Household Living." The size of the group may

1 be larger than a family. Generally, structures have a common eating area for residents.
2 The residents may receive care, training, or treatment, and caregivers may or may not
3 also reside at the site. Accessory uses commonly include recreational facilities and
4 vehicle parking for occupants and staff. Specific use types include:

5 **1. Correctional Community Residential Center**

6 **a. Definition**

7 A community residential facility, other than a correctional institution, for
8 the short-term or temporary detention of people in transition from a
9 correctional institution, performing restitution, or undergoing rehabilitation
10 and/or recovery from a legal infirmity. This does not include people who
11 pose a threat or danger to the public for violent or sexual misconduct or
12 who are imprisoned or physically confined under guard or 24-hour
13 physical supervision.

14 **b. Use-Specific Standards**

15 **i. Standards for Centers Established After January 1, 1995**

16 The following standards apply to all correctional community
17 residential centers established after January 1, 1995:

18 **(A)** No new correctional community residential center may
19 be located within one mile of an existing center or within
20 500 feet of an existing school or park.

21 **(B)** Program occupancy limits shall be as determined by the
22 state department of corrections.

23 **(C)** Maximum resident occupancy at a center shall be
24 determined by requiring a minimum of 150 square feet of
25 building area per resident. This measurement shall be
26 calculated by including all bedroom, kitchen, bathroom,
27 living, recreation, and other areas within the facility
28 intended for common use by the residents.

29 **(D)** Each center shall have a minimum of 50 square feet of
30 outdoor recreation area per maximum resident
31 occupancy.

32 **(E)** In the AC, CMU, RMU, and MMU zoning districts,
33 correctional community residential centers that house
34 only residents convicted of misdemeanors are a
35 permitted use. Centers that house felons are a
36 conditional use in those districts.

37 **(F)** No additional correctional community residential centers
38 may be located in the CBD zoning districts or in an AC
39 zoning district in the area bounded on the north by Ship
40 Creek, on the south by Chester Creek, on the east by
41 Orca Street extended, and on the west by Cook Inlet.

42 **ii. Existing Centers Established Under Quasi-Institutional House**
43 **Provisions**

44 The three correctional community residential centers that were
45 established under the quasi-institutional house provisions of title

16 and title 21 of this code and that existed as of January 1, 1995, may continue to operate under the terms of their existing conditional use permits and at the occupancy level permitted as of that date. No other beds may be added to these centers.

2. **Habilitative Care Facility [RESERVED awaiting Assembly action on AO 2005-124]**

3. **Residential Care Facility [RESERVED awaiting Assembly action on AO 2005-124]**

4. **Roominghouse**

a. **Definition**

Any dwelling or establishment in which four or more guestrooms are available for compensation that is paid on a daily, weekly, or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. This definition does not include bed-and-breakfast establishments, which are classified in this title as an accessory use under section 21.05.070.

b. **Use-Specific Standards**

i. **Administrative Permit**

Roominghouses shall require an administrative permit issued in accordance with section 21.03.230. An application for a roominghouse shall not be complete unless it is accompanied by proof of a current business license, health inspection for 25 occupants or more, a health authority approval certificate (for on-site systems only), and a site plan and building floor plans meeting the requirements of this title.

ii. **General Standards**

(A) In residential zones, the design standards for multi-family residential buildings shall apply.

(B) L2 buffer landscaping is required when abutting residential lots in a residential zone.

(C) The number of guestrooms shall be limited to 8 guestrooms or 12 pillows.

(D) Cooking facilities are prohibited in guestrooms.

(E) The roominghouse shall be limited to a single structure, and only one roominghouse shall be allowed per lot.

(F) Public ingress and egress to the roominghouse shall be limited to one primary entrance; guestroom entrances shall be from a shared interior hall rather than individual exterior doors.

(G) In residential zones, the owner or operator of the roominghouse shall reside on site.

1 **5. Transitional Living Facility [RESERVED awaiting Assembly action on AO**
2 **2005-124]**

3
4 **21.05.040 PUBLIC/INSTITUTIONAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

5 This section defines the general public/institutional use categories and specific public/institutional
6 use types listed in Tables 21.05-1 and 21.05-2. This section also contains use-specific standards
7 that apply to specific use types. The use-specific standards apply regardless of whether the use
8 type is permitted as a matter of right, subject to an administrative or major site plan review
9 process, or subject to the conditional use process.

10 **A. Adult Care [RESERVED awaiting Assembly action on AO 2005-124]**

11 **B. Child Care Facility [RESERVED awaiting Assembly action on AO 2005-185]**

12 **C. Community Service**

13 This category includes uses of a public, non-profit, or charitable nature providing a local
14 service to people of the community. Generally, such uses provide the service on-site or
15 have employees at the site on a regular basis. The service is ongoing, not just for special
16 events. The use may provide special counseling, education, or training. Accessory uses
17 may include offices, meeting, food preparation, parking, health, therapy areas, and
18 athletic facilities. Specific use types include:

19 **1. Cemetery or Mausoleum**

20 **a. Definition**

21 A graveyard, burial ground, mausoleum, or other place of interment,
22 entombment, or sepulture of one or more human bodies or remains.
23 Crematoria are not permitted unless specifically allowed under this title
24 as a separate principal use.

25 **b. Use-Specific Standards**

26 **i. Burial of Human Remains in Other Areas Prohibited**

27 Human remains, other than cremated remains, may not be
28 buried, entombed, or interred, above or below ground, except in
29 an approved cemetery.

30 **ii. Landscaping**

31 The site shall contain L2 Buffer landscaping immediately within
32 and along the entire length of its periphery, except at access
33 points to the cemetery. The landscaping shall be maintained by
34 the property owner.

35 **iii. Platting of Burial Plots**

36 Burial plots shall be platted in accordance with section
37 21.03.060D., *Abbreviated Plat Procedure*.

38 **iv. Density of Burial Plots**

39 Notwithstanding the minimum lot area for any zoning district,
40 there shall be no more than 1,500 burial plots per gross acre.

41 **v. Interment Below Groundwater Table Prohibited**

42 No burial plots shall be established where interment would occur
43 below the groundwater table.

1 vi. *Traffic Access*
2 A cemetery or mausoleum shall have direct access to a street
3 designated as a collector or greater capacity.

4 vii. *Dimensional Standards*
5 Notwithstanding the general dimensional standards in chapter
6 21.06, the following standards shall apply to all cemeteries and
7 mausoleums.

8 (A) *Minimum Site Area*
9 Five acres.

10 (B) *Minimum Setbacks*
11 (1) Front setback: Ten feet.

12 (2) Side setback: Ten feet.

13 (3) Rear setback: Ten feet.

14 (C) *Maximum Height of Structures*
15 35 feet.

16 viii. *Location of Burial Plots within Setbacks*
17 Graves and burial plots shall not be allowed within setback
18 areas.

19 ix. *Parking, Driveways, and Streets*
20 Parking shall be provided according to section 21.07.090, *Off-*
21 *Street Parking and Loading*, except that the traffic engineer may
22 authorize a pavement surface of gravel for drives and streets
23 that provide direct access to graves and burial plots. Internal
24 driveways and streets providing direct access to a public right-of-
25 way or connecting to principal structures shall be paved with
26 asphalt or concrete.

27 2. **Community Center**

28 a. **Definition**
29 A facility that is intended primarily to serve the meeting, cultural, social
30 services, administrative, athletic, or entertainment needs of the
31 community as a whole, operated by the government or as a non-profit
32 facility, and generally open to the public.

33 b. **Use-Specific Standards (also apply to “Religious Assembly”)**

34 i. *Applicability*
35 The standards of this subsection shall apply to all community
36 centers and religious assemblies within a residential zoning
37 district.

38 ii. *Minimum Lot Area and Width*
39 Notwithstanding the general dimensional standards of chapter
40 21.06, community centers and religious assemblies subject to
41 this subsection shall have a minimum lot area of 14,000 square
42 feet and a minimum lot width of 100 feet at any point.

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- iii. *Traffic Access*
Community centers and religious assemblies shall have at least one property line of the site that is at least 50 feet in length, and it shall abut a street designated as a class I collector or greater on the OSHP. All ingress and egress traffic shall be directly onto such street.
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- iv. *Buffering Standards*
L3 Separation landscaping is required along all property lines where the community center or religious assembly site abuts a residential use in a residential zone.
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3. **Crematorium**
- a. ***Definition***
A furnace or establishment for the cremation of corpses, human and animal.
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- b. ***Use-Specific Standard***
All facilities shall be maintained within a completely enclosed building, and shall be sufficiently insulated so that, to the maximum extent feasible, no noise or odor can be detected off-premises.
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4. **Governmental Administration and Civic Buildings**
- a. ***Definition***
An office of a governmental agency or foreign government that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.
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- b. ***Use-Specific Standards***
All government administration and civic buildings shall have the following review process:
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- i. New construction of 20,000 square feet or less is permitted.
- ii. New construction over 20,000 square feet is a major site plan review.
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- iii. Lease of existing space is permitted.
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5. **Homeless and Transient Shelter**
- a. ***Definition***
A facility designed to provide minimum necessities of life on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, necessary medical and clothing needs, directly or by referral to appropriate agency; and planning for more permanent housing and employment, including contact with community resources.
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- 1 **6. Neighborhood Recreation Center**
 2 **a. Definition**
 3 A facility providing recreation/pool facilities and/or meeting rooms, and
 4 typically oriented to the recreational needs of the residents of a particular
 5 subdivision or housing project.
- 6 **7. Religious Assembly**
 7 **a. Definition**
 8 A building or structure, or group of buildings or structures, intended
 9 primarily for the conducting of organized religious services. Accessory
 10 uses may include, without limitation, parsonages, meeting rooms, and
 11 child care provided for persons while they are attending religious
 12 functions. Schools associated with religious assemblies are not an
 13 accessory use.
- 14 **b. Use-Specific Standards**
 15 **i. Standards**
 16 Religious assembly uses shall comply with the use-specific
 17 standards set forth above under "Community Center."
- 18 **ii. Columbaria**
 19 Columbaria, which are structures having recesses in the walls to
 20 receive urns containing ashes of the dead, or columbarium walls,
 21 are permitted accessory uses with religious assemblies.
- 22 **iii. Maximum Height**
 23 Except for those elements exempted in subsection
 24 21.06.020C.3., a religious assembly may not exceed the height
 25 permitted in the zoning district in which it is located. However, in
 26 districts where the maximum height is 30 feet, the maximum
 27 height for a religious assembly or a portion thereof may increase
 28 to 40 feet, so long as the building is setback from any point on
 29 the property line at least twice the maximum actual height.
- 30 **D. Cultural Facility**
 31 This category includes public or nonprofit facilities open to the public that display or
 32 preserve objects of interest or provide facilities for one or more of the arts or sciences or
 33 provision of government services. Accessory uses may include parking, offices, storage
 34 areas, and gift shops. Specific use types include:
- 35 **1. Aquarium**
 36 **a. Definition**
 37 An establishment where aquatic collections of living organisms are kept
 38 and exhibited.
- 39 **2. Botanical Gardens**
 40 **a. Definition**
 41 A facility for the demonstration and observation of the cultivation of
 42 flowers, fruits, vegetables, native, and/or ornamental plants.

3. Library**a. Definition**

A facility for the use of literary, musical, artistic, and/or reference materials.

4. Museum or Cultural Center**a. Definition**

A building or place serving as a repository for a collection of natural, scientific, cultural, historic, or literary curiosities or objects of interest, or works of art, or sites and buildings, and arranged, intended, and designed to be used by members of the public for viewing, and which may include demonstrations and teaching. This use includes planetariums.

5. Zoo**a. Definition**

An area, building, or structures that contain wild animals on exhibition for viewing by the public.

E. Educational Facility

This category includes any public and private school at the elementary, middle, junior high, or high school level. This category also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. This category also includes vocational or trade schools. Accessory uses at schools include play areas, meeting areas, cafeterias, recreational and sport facilities, auditoriums, parking, and before- or after-school day care. Accessory uses at colleges include offices, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and ancillary supporting commercial activities. Specific use types include:

1. Boarding School**a. Definition**

A school where students are provided with on-site meals and lodging.

b. Use-Specific Standards

Boarding schools shall comply with the use-specific standards set forth below for "Elementary School." Any associated dormitories shall comply with the use-specific standards for "dormitory" in section 21.05.070, *Accessory Uses and Structures*.

2. College or University**a. Definition**

A degree-granting institution, other than a vocational or trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories. Colleges tend to be in campus-like settings or on multiple blocks.

3. Education and Research Center**a. Definition**

Educational facilities, research centers, and laboratories operated by a government or educational institution and devoted to the study of natural and applied sciences and/or engineering.

4. Elementary School

a. Definition

A public, private, parochial, or charter school offering academic instruction for students typically between the kindergarten and sixth grade levels, but not higher than the seventh grade. Pre-school is not included and is categorized in this title as "Child Care Facility."

b. Use-Specific Standards (also apply to "Boarding School" and "Middle and High School")

i. Purpose

The standards of this subsection are intended to ensure the compatibility of schools with surrounding neighborhoods and to minimize the impacts of school uses on adjacent properties.

ii. Applicability

The standards of this subsection shall only apply to schools with 100 students or more.

iii. Public Schools

Public schools are subject to the facility standards of the Anchorage School District, in addition to the requirements of this title for the zoning district in which they are located. For issues in which the Anchorage School District site development and design criteria are more stringent than the standards of this section, the School District standards shall control.

iv. Minimum Lot Dimensions and Setbacks

All schools are subject to the following standards:

(A) School buildings in residential districts shall: 1) cover not more than 35 percent of their site area; and 2) provide 50-foot side and rear setbacks.

(B) Minimum lot requirements in all districts shall be as follows:

(1) Elementary: one acre per 100 students;

(2) Middle, High, and Boarding: one and one-half acres per 100 students.

v. Vehicle and Pedestrian Access

(A) All middle and high schools, and schools without an Anchorage School District attendance boundary shall have at least 100 feet of frontage on a Class I or greater classification street.

(B) Paved pedestrian walkways and trails, exclusive of driveways, shall be provided between the principal buildings and each abutting public right-of-way or trail.

1 vi. Temporary Structures for School Expansion Space
2 (Relocatables)
3 Temporary structures serving as expansion space for schools
4 are allowed in all districts in which schools are allowed, subject
5 to the following standards:

6 (A) To the maximum extent feasible, temporary structures
7 shall not be located between the principal building and a
8 street classified as collector class or greater in the
9 OSHP.

10 (B) The temporary structures are exempt from the general
11 requirements for all temporary uses contained in section
12 21.05.080, Temporary Uses and Structures.

13 vii. Buffering Standards
14 L3 Separation landscaping is required along all property lines
15 where the school site abuts a residential use in a residential
16 zone.

17 5. High School or Middle School

18 a. Definition
19 A public, private, parochial, or charter school offering academic
20 instruction for students typically in the seventh through twelfth grades,
21 but may include lower grades. This classification includes the terms
22 "middle school" and "junior high school."

23 b. Use-Specific Standards
24 High schools and middle schools shall comply with the use-specific
25 standards set forth for "Elementary School" above.

26 6. Vocational or Trade School

27 a. Definition
28 A secondary or higher education facility teaching skills that prepare
29 students for jobs in a trade to be pursued as an occupation, such as
30 carpentry, welding, heavy equipment operation, piloting boats or aircraft,
31 repair and service of appliances, motor vehicles, boats, aircraft, light or
32 heavy equipment, accounting, data processing, and computer repair.
33 Incidental instruction services in conjunction with another primary use
34 shall not be considered a vocational or trade school.

35 b. Use-Specific Standard
36 i. In the CBD districts, vocational or trade schools shall be
37 prohibited at the ground level.

38 ii. This use includes business schools but excludes establishments
39 providing training in an activity that is not otherwise permitted in
40 the zoning district.

41 F. Health Care Facility

42 This category includes uses that provide medical or surgical care to patients. Accessory
43 uses include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking,
44 maintenance facilities, and housing for staff or trainees. Specific uses types include:

1 1. Health Care Facility [RESERVED awaiting Assembly action on AO 2005-
2 124]

3
4 2. Health Services [RESERVED awaiting Assembly action on AO 2005-124]

5
6 **G. Parks and Open Areas**

7 This category includes uses of land focusing on natural areas, large areas consisting
8 mostly of vegetative landscaping or outdoor recreation, community gardens, or public
9 squares. Lands tend to have few structures. Accessory uses may include clubhouses,
10 playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.
11 Specific use types include:

12 1. **Community Garden**

13 a. **Definition**

14 A private or public facility for the cultivation of fruits, flowers, vegetables,
15 or ornamental plants by more than one individual or family, for personal
16 use and not for commercial gain.

17 2. **Park and Open Space, Public or Private**

18 a. **Definition**

19 A non-commercial, not-for-profit facility or area designed to serve the
20 recreation needs of the residents of the community. Such facilities or
21 areas include, but are not limited to, playfields, playgrounds, and open
22 space.

23 **H. Public Safety Facility**

24 This category includes buildings, storage areas, and other facilities for the public safety
25 operations of local, state, or federal government. Accessory uses include maintenance,
26 storage, fueling facilities, satellite offices, holding cells, and parking areas. Specific uses
27 include:

28 1. **Community or Police Substation**

29 a. **Definition**

30 A subsidiary community services or police station providing public
31 services primarily intended for the immediate geographic area in which
32 the station is located.

33 b. **Use-Specific Standards**

34 In the RM-2, RM-3, and RM-4 districts, community or police substations
35 shall be no larger than 3,500 square feet in gross floor area, and shall be
36 architecturally compatible with the surrounding residential neighborhood
37 in terms of building and roofing design and materials and lot placement.

38 2. **Correctional Institution**

39 a. **Definition**

40 A facility, other than a correctional community residential center,
41 providing for the imprisonment or physical confinement of prisoners
42 under guard or 24-hour physical supervision, such as prisons, prison
43 farms, jails, reformatories, penitentiaries, houses of detention, detention
44 centers, honor camps, and similar facilities.

- 1 **b. Use-Specific Standards**
- 2 i. *Traffic Access*
- 3 A site more than one-half acre in size shall provide for direct
- 4 access from a street of collector or greater capacity.
- 5 ii. *Screening or Buffering*
- 6 The planning and zoning commission may require:
- 7 (A) Enclosure of the entire site by a fence, or L3 Separation
- 8 landscaping, or both, in order to prevent casual access
- 9 to and from the site.
- 10 (B) L3 Separation landscaping along the perimeter of the
- 11 site.
- 12 (C) L4 Screening landscaping when adjacent to residential
- 13 zones.
- 14 **3. Fire Station**
- 15 a. **Definition**
- 16 A station housing fire and rescue personnel including indoor and outdoor
- 17 space for administrative offices, storage of equipment, and associated
- 18 vehicles, equipment, and servicing facilities.
- 19 **I. Transportation Facility**
- 20 This category includes facilities that receive and discharge passengers and freight.
- 21 Accessory uses include freight handling areas, concessions, offices, parking and
- 22 maintenance, and fueling facilities. Specific use types include:
- 23 **1. Airport**
- 24 a. **Definition**
- 25 A publicly owned area of land or water that is used or intended for use
- 26 for the landing and take-off of aircraft, and includes its buildings and
- 27 facilities, if any.
- 28 **2. Airstrip, Private**
- 29 a. **Definition**
- 30 Privately owned land or water maintained as a runway.
- 31 b. **Use-Specific Standard**
- 32 Private airstrips are allowed conditionally in residential districts only if
- 33 approach and noise buffer areas are provided.
- 34 **3. Bus Transit Center**
- 35 a. **Definition**
- 36 Any premises for the loading and unloading of passengers on public
- 37 transit, such as a bus transfer center. Accessory uses may include ticket
- 38 purchase facilities, food and beverage kiosks, and convenience stores.
- 39
- 40

- 1 4. **Heliport**
2 a. **Definition**
3 An area designed to be used for the landing or takeoff of helicopters,
4 which may include all necessary passenger and cargo facilities, fueling,
5 and emergency service facilities.
- 6 5. **Railroad Freight Terminal**
7 a. **Definition**
8 A rail facility for the loading and unloading of goods, merchandise,
9 substances, materials, and commodities.
- 10 6. **Railroad Passenger Terminal**
11 a. **Definition**
12 A railroad facility for the boarding of passengers, but not including freight
13 terminal operations. Accessory uses may include ticketing sales and
14 offices, restaurants and stores.
- 15 7. **Rail Yard**
16 a. **Definition**
17 Lands reserved for typical railroad activities including, but not limited to,
18 repair, maintenance and servicing of rolling stock and railroad support
19 equipment; fueling; inventory of equipment, tools, parts, and supplies in
20 support of railroad activities; loading/unloading and transfer of freight;
21 switching and classifying rail cars in support of train operations and
22 intermodal activities; storage of rail cars and equipment supporting
23 railroad activities; crew operations, training, and other administrative
24 support functions in support of railroad activities.
- 25 J. **Utility Facility**
26 This category includes both major utilities, which are infrastructure services providing
27 regional or community-wide service, and minor utilities, which are infrastructure services
28 that need to be located in or near the neighborhood where the service is provided.
29 Services may be publicly or privately provided. Accessory uses may include parking and
30 control, monitoring, or data transmission equipment. Specific uses types include:
- 31 1. **Utility Facility**
32 a. **Definition**
33 A service of a regional nature that normally entails the construction of
34 new buildings or structures, and that typically has employees at the site.
35 Examples include water works, water or sewage treatment plants, power
36 or heating plants, or steam generating plants.
- 37 2. **Utility Substation**
38 a. **Definition**
39 A service that is necessary to support development within the immediate
40 vicinity, and is typically not staffed. Examples include, but are not limited
41 to, electric transformer stations; gas regulator stations; water reservoirs;
42 telephone exchange facilities; and water and sewage collection or
43 pumping stations.
- 44 b. **Use-Specific Standards**
45 The facility shall be designed and constructed to ensure visual and
46 aesthetic compatibility with the surrounding neighborhood. Compatibility

1 may be achieved either by using similar architectural design and
 2 materials as building(s) in the surrounding neighborhood, or by screening
 3 the facility with L3 Separation landscaping.

4 **K. Telecommunication Facilities**

5 Telecommunication facilities transmit signals between or among points using
 6 electromagnetic waves. The facilities may include towers, antennas, buildings,
 7 transformers, transmitters, receivers, equipment cabinets, and parking areas.

8 **1. Definitions**

9 **a. Type 1 Tower**

10 A freestanding vertical support structure of cylindrical, conical, or
 11 rectangular cross section constructed of composite, wood, concrete, or
 12 metal employed primarily for the purpose of supporting an antenna array
 13 and commonly called a monopole.

14 **b. Type 2 Tower**

15 A freestanding vertical support structure of open frame skeletal design
 16 employed primarily for the purpose of supporting an antenna array and
 17 commonly called a lattice tower. This tower type includes lateral arrays.

18 **c. Type 3 Tower**

19 A guyed vertical support structure of open frame, skeletal design, or solid
 20 pole design employed primarily for the purpose of supporting an antenna
 21 array and commonly called a guyed tower.

22 **d. Type 4 Tower**

23 A support structure, such as an existing building, steeple, spire, or utility
 24 pole that is not a type 1, 2, or 3 and is used for supporting a disguised,
 25 camouflaged, or hidden antenna array so that its principal or secondary
 26 function as an antenna and antenna support structure is imperceptible to
 27 an uneducated eye. The antennas are mounted on the support structure
 28 so that they are located and designed to minimize visual and aesthetic
 29 impacts to surrounding land uses and structures and shall, to the
 30 greatest extent practical, blend into the existing environment. This
 31 definition shall include any antenna or antenna array complying with the
 32 objective of definition whether it is mounted on tower structure or not.

33 **2. Use-Specific Standards**

34 **a. Setbacks**

35 **i.** The minimum distance from any lot line to the vertical axis of the
 36 tower structure shall be as follows:

37 **(A)** Types 1 and 4: equal to or greater than the setbacks of
 38 the underlying zoning district.

39 **(B)** Type 2: equal to or greater than the distance measured
 40 from grade to the first taper transition.

41 **(C)** Type 3: equal to or greater than the distance measured
 42 from the tower structure axis to the outermost guy wire
 43 anchor. The guy wire levels and anchor radius must

- 1 match manufacturer's criteria for the proposed
2 application.
- 3 ii. For type 3 towers, that portion of guy wire anchor structure that
4 is above grade shall be set back from any property line in
5 accordance with the following:
6
7 (A) Guy wire with a nominal diameter of 0.25 inches or less--
8 25 feet, provided the setback may be reduced to 0 feet if
9 the anchor structure is enclosed within a sight obscuring
10 fence.
11
12 (B) Guy wire with a nominal diameter greater than 0.25
13 inches but less than 0.625 inches--25 feet, provided the
14 setback may be reduced to 5 feet if the anchor structure
15 is enclosed within a sight obscuring fence.
16
17 (C) Guy wire with a nominal diameter equal to or greater
18 than 0.625 inches--25 feet.
19
- 20 b. ***Tower Structure Height***
21
- 22 i. Height for a tower structure directly fixed to the ground shall be
23 determined by measurement from grade to the highest point on
24 the tower structure, including any installed antennas and lighting
25 and supporting structures.
- 26 ii. Base height shall be as set forth below:
27
28 (A) Residential districts--65 feet
29
30 (B) Commercial and Mixed-Use districts--130 feet
31
32 (C) Industrial districts--150 feet
33
34 (D) AF district--200 feet
35
36 (E) All other districts--100 feet
37
- 38 iii. Height for a tower structure not directly affixed to the ground
39 shall be determined by measurement from the grade of the
40 building to the highest point on the tower structure, including any
41 installed antennas and lighting and supporting structures. At no
42 time shall the height of a tower installed on a building be more
43 than either two times the height of the existing building, or more
44 than the allowable tower height as set by the zoning district,
45 excluding the building, whichever is greater. Tower structures
shall not exceed the height limits set forth in subsection
21.04.080C. of this title nor interfere with Federal Aviation
Administration Regulations on airport approaches.
- iv. Collocation shall grant an additional 15 feet above the base
height for each qualifying antenna to maximum of 30 feet of
additional height. Increases in tower structure height by

1 operation of this paragraph shall not reclassify a tower structure
2 from a local interest tower to a community interest tower.

3 v. If any community interest or local interest tower on a site
4 exceeds 200 feet in height, the tower site shall be separated
5 from any other principal or conditional use community interest or
6 local interest tower site with tower(s) exceeding 200 feet in
7 height by at least 5,280 feet.

8 vi. Any tower or antenna seeking to exceed the height limitations of
9 this section may apply for a conditional use permit.

10 c. ***Residential Zoning Districts***

11 Type 1, 2 and 3 towers in residential districts shall only be located on a
12 lot with an existing non-residential use or a lot with a multifamily
13 residential use.

14 d. ***Collocation***

15
16 i. The collocation tower structure, pole, monopole or any other
17 similar facility, must be designed to accommodate no less than
18 the following communications equipment: 12 antennas with a flat
19 plate wind loading of not less than 4 square feet per antenna; a
20 standard mounting structure, stand off arms, platform or other
21 similar structure that is sufficient to hold the antennas; cable
22 ports at the base and antenna levels of the tower structure; and,
23 sufficient room within or on the tower structure for 12 runs of
24 7/8" coaxial cable from the base of the tower structure to the
25 antennas. If the proposed collocation design does not meet the
26 standards for the 12 antennas, but still provides for collocation,
27 the director may apply a lesser collocation standard if it meets
28 the intent of promoting collocation.

29 ii. Applicants for collocation shall provide proof in a form found
30 acceptable to the municipal attorney that more than one service
31 provider can locate in the collocation facility.

32 iii. All community and local interest towers shall, for a reasonable
33 compensation, be made available for use by as many other
34 licensed carriers as can be technically collocated thereon when
35 the use will not result in substantial injury to the owner, or in
36 substantial detriment to the service to the customers of the
37 owners. All licensed carriers shall cooperate with each other in
38 collocating additional facilities upon such towers. All licensed
39 carriers shall exercise good faith in collocating with other
40 licensed carriers and in the sharing of towers, including the
41 sharing of technical information to evaluate the feasibility of
42 collocation. Reasonable compensation shall be as indicated in
43 the municipality at the time of the request for collocation, subject
44 to proof by the petitioner.

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- 4 **iv.** Any request by a licensed carrier to a tower owner for collocation
5 shall be either approved or denied within six months of the date
6 of the request.
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- 9 **e.** **General Standards**
- 10 **i.** *Parking*
11 Off-street parking space is not required, however if it is provided,
12 parking spaces may be shared with other principal uses on the
13 site. The parking spaces shall be paved with concrete or asphalt
14 compound or shall be covered with a layer of crushed rock of no
15 more than one inch in diameter to a minimum depth of three
16 inches. Parking space illumination shall be provided only to
17 extent that the area is illuminated when the parking space is in
18 use. The illumination shall be the lowest possible intensity level
19 to provide parking space lighting for safe working conditions.
- 20 **ii.** *Security*
21 The tower structure and support structures shall be secured to
22 prevent unauthorized access.
- 23 **iii.** *Installation*
24 All transmitting antennas shall be installed in a manner as set
25 forth by the manufacturer and by the Federal Communications
26 Commission as meeting the current American National
27 Standards Institute (ANSI) standard for nonionizing
28 electromagnetic radiation (NIER).
- 29 **iv.** *Tower Lighting*
30 Tower structures shall not be lighted unless the Federal Aviation
31 Administration requires or recommends that obstruction lighting
32 be installed. To prevent direct light reflection on other property,
33 tower structure lighting shall be shielded to the extent permitted
34 by the Federal Aviation Administration.
- 35 **v.** *Tower Color*
36 The tower structure and any other structure(s) directly related to
37 the operation of any antenna mounted on the tower structure
38 shall be neutral in color and, to the extent possible, shall be
39 compatible with the appearance and character of the
40 neighborhood or location unless obstruction marking is required
41 by the Federal Aviation Administration.
- 42 **vi.** *Notice and interference*
43 An operator proposing to install or modify an antenna shall
44 provide notice to all property owners within 500 feet of the date
45 of activation of the new or modified antenna. Within 90 days of
46 activation the antenna, the operator shall resolve all reported
47 occurrences of interference.
- 48 **vii.** *Identification placard*
 An identification placard shall be attached to the tower structure
 or the security fencing in a location clearly visible at eye level.
 The placard shall provide the following information:

- 1 (A) The name and address of the tower structure owner;
- 2 (B) The name and address of the tower structure manager,
3 if different from the owner;
- 4 (C) The date of erection of the tower structure; and
- 5 (D) The owner's name and address of each antenna on the
6 tower structure.
- 7 f. **Administrative permit required**
8 An administrative permit shall be obtained from the director. The
9 application shall identify the antenna(s) on the tower, and include the
10 dimensional design of the tower/antenna(s), the legal description of the
11 site, its zoning and its street address, if any, and a site plan with the
12 exact location of the tower and/or antennas marked. This permit shall
13 certify that, when granted, the antenna, or tower structure was in
14 compliance with this section. This permit shall remain valid so long as
15 that antenna or tower structure remains in continuous operation or is
16 revoked according to this title.
- 17
18 g. **Tower Permit Revocation**
19 After having a tower permit revoked, no tower shall be re-permitted for
20 that property or by that tower owner on any property within the
21 municipality for a period of one year except through a conditional use
22 permit. This subsection shall apply only with respect to community and
23 local interest tower revocations pursuant to this title after the effective
24 date of this ordinance.
- 25
26 h. **Annual inventory**
27 By January 31 of each year, each tower owner who is regulated by this
28 section shall provide the municipality with an inventory of all additions
29 and deletions of said provider's existing towers or approved sites for
30 such facilities that are either within the municipality or within one mile of
31 the border thereof as of December 31 of the previous year. The first
32 inventory from each provider shall be a comprehensive current list of
33 their existing towers and approved sites.
- 34
35 i. **Time period for construction**
36 Construction of a tower shall commence within one year from the date of
37 the permit's approval, with opportunity for a six-month extension. If not
38 used within one year, or within the extension period, the permit shall
39 become null and void.
- 40
41 j. **Administrative site plan review**
42
43 i. **Applicability**
44 When an administrative site plan is required by tables 21.05-1 or
45 21.05-2, this subsection shall apply. A site plan review is
46 required of all such towers since they have aesthetic and visual
47 impacts on their neighbors and the public interest is best served
48 by allowing these neighbors and the public at large a chance to
49 comment on and provide input concerning the location and
50 design of these towers. All such towers shall conform to the

1 requirements of this section and to the requirements of the
2 zoning district in which the tower is located.

3 **ii. General**

4 **(A)** In approving a site plan permit, the director may impose
5 conditions to the extent that he or she concludes are
6 necessary to minimize any adverse effect of the
7 proposed tower structure, including all associated
8 structures and landscaping, on adjoining properties.

9 **(B)** Any information of an engineering nature that the
10 applicant submits, whether civil, mechanical, or
11 electrical, shall be certified by a licensed professional
12 engineer.

13 **iii. Submittal Information**

14 Applicants for an administrative site plan review for a tower
15 structure shall submit the information required in the user's
16 guide.

17 **iv. Minimum Separation Distance From Protected Land Uses**

18 **(A)** The minimum separation distance between the base of
19 the tower and any principal structure on PLI or
20 residentially-zoned land, or any school or licensed
21 daycare facility, shall be two times the allowable tower
22 height.

23 **(B)** After giving due consideration to the comments of the
24 applicant, the property owner, and the local community
25 council, the minimum separation distance set forth in the
26 paragraph iv.(A) above may be reduced by no more than
27 one-half by the director.
28

29 **v. Public Participation Process**

30 Notwithstanding table 21.03-1, at least 35 days before acting on
31 a tower site plan application under this section, the director shall
32 publish notice of the application in a newspaper of general
33 circulation in the municipality. The notice shall state the name(s)
34 of the applicant(s), a clear and concise description of the project,
35 the street address, if any, and the legal description of the land
36 subject to the application. The notice, including a map of the
37 vicinity, shall also be provided to any officially recognized
38 community council whose boundary encompasses the tower site
39 and to owners of property within 500 feet of the proposed site.
40 The applicant shall also post the property with a notice pursuant
41 to subsection 21.03.020H.5. Following notice of the site plan, the
42 community council has 35 days from the date of the letter to
43 respond.
44

45 **vi. Approval Period**

46 The director shall take action on the site plan within 60 days of
47 the site plan application submission.
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- vii. Factors Considered In Granting Site Plan Approval For Tower Structures**
In addition to the general standards for site plan approval at subsection 21.03.080E, the director shall also consider the factors for conditional uses for tower structures in subsection m.iii. below.
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- viii. Height**
Unless clearly specified by conditions of approval, the approved tower height is that of the allowed tower height in the district, plus additional height allowed with collocation, if collocation is provided for. The petitioner must show that there is capacity for the height and enough space for equipment cabinets on their ground lease to accommodate the height and any collocated antennas.
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- k. Qualification Of Type 4 Tower Structure And Antenna**
Each type 4 tower structure and antenna shall be subject to design review and approval by the director. A proponent of a type 4 tower structure and antenna design shall provide evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the director to find the design appropriately meets the definition of a type 4 tower as it relates to the specific proposed site. At completion of the construction of the tower structure and antenna, it shall be reviewed by the director to confirm the installation complies with the design standards. If the installation fails to comply, the tower structure and antenna design and installation shall be amended or redesigned as directed by the director.
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- l. Abandonment**
Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.
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- m. Conditional Use Standards**
- i. General and Applicability of Conditional Use Requirement**
Applications for conditional use permits under this section shall be subject to the general conditional use procedures of subsection 21.03.070C, but not the approval criteria of subsection 21.03.070D. Applications for conditional use permits under this section shall comply with the standards contained in this section.
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- (A)** In granting a conditional use permit, the planning and zoning commission may impose conditions to the extent the planning and zoning commission concludes such conditions are necessary to minimize any adverse effect

- 1 of the proposed tower structure or antenna on adjoining
2 properties.
- 3 **(B)** Any information of an engineering nature that the
4 applicant submits, whether civil, mechanical, or
5 electrical, shall be certified by a licensed professional
6 engineer.
- 7 **ii.** *Submittal Information*
8 Applicants for conditional use for a tower structure shall submit
9 the information required in the user's guide.
- 10 **iii.** *Factors Considered in Granting Conditional Use Permits for*
11 *Antennas and Tower Structures.*
12 The planning and zoning commission shall consider the following
13 factors in determining whether to issue a conditional use permit,
14 although the planning and zoning commission may waive or
15 reduce the burden on the applicant of one or more of these
16 criteria if the planning and zoning commission concludes that the
17 goals of this ordinance are better served thereby:
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20 **(A)** Height of the proposed tower structure;
21 **(B)** Proximity of the tower structure to residential structures
22 and residential district boundaries;
23 **(C)** Nature of uses on adjacent and nearby properties;
24 **(D)** Surrounding topography;
25 **(E)** Surrounding tree coverage and foliage;
26 **(F)** Design of the tower structure, with particular reference to
27 design characteristics that have the effect of reducing or
28 eliminating visual obtrusiveness;
29 **(G)** Proposed ingress and egress; and
30 **(H)** Availability of suitable existing tower structures, other
31 structures, or alternative technologies not requiring the
32 use of tower structures or structures or the availability of
33 said structures or technology to cover the service area
34 gap within the licensed service area.
- 35 **iv.** *Availability of Suitable Existing Tower Structures, Other*
36 *Structures, or Alternative Technology*
37 No new tower structure shall be permitted unless the applicant
38 demonstrates to the reasonable satisfaction of the planning and
39 zoning commission that no existing tower structure, structure or
40 alternative technology that does not require the use of tower
41 structures, or alternative technology can accommodate or
42 replace the applicant's proposed antenna. An applicant shall
43 submit any additional information requested by the planning and
44 zoning commission related to the availability of suitable existing

- 1 tower structures, other structures or alternative technology.
 2 Evidence submitted to demonstrate that no existing tower
 3 structure, structure or alternative technology can accommodate
 4 the applicant's proposed antenna, or is not able to cover the
 5 service area gap within the licensed service area, will consist of
 6 the following:
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- 8 (A) No existing tower structures or structures are located
 9 within the geographic area which meet applicant's
 10 engineering requirements.
- 11 (B) Existing tower structures or structures are not of
 12 sufficient height to meet applicant's engineering
 13 requirements.
- 14 (C) Existing tower structures or structures do not have
 15 sufficient structural strength to support applicant's
 16 proposed antenna and related equipment.
- 17 (D) The applicant's proposed antenna would cause
 18 electromagnetic interference with the antenna on the
 19 existing tower structures or structures, or the antenna on
 20 the existing tower structures or structures would cause
 21 interference with the applicant's proposed antenna.
- 22 (E) The fees, costs, or contractual provisions required by the
 23 owner in order to share an existing tower structure or
 24 structure or to adapt an existing tower structure or
 25 structure for sharing are unreasonable. Costs exceeding
 26 new tower structure development are presumed to be
 27 unreasonable.
- 28 (F) The applicant demonstrates that there are other limiting
 29 factors that render existing tower structures and
 30 structures unsuitable.
- 31 (G) The applicant demonstrates that an alternative
 32 technology that does not require the use of tower
 33 structures or structures, such as a cable microcell
 34 network using multiple low-powered
 35 transmitters/receivers attached to a wireline system, is
 36 unsuitable. Costs of alternative technology that exceed
 37 new tower structure or antenna development shall not be
 38 presumed to render the technology unsuitable.
- 39 v. *Modifications*
 40 Standards for modifications to community interest and local
 41 interest towers allowed as a conditional use are as follows:
- 42 (A) Repairs and maintenance to the tower structure may be
 43 performed consistent with Section 21.11.040F.
- 44 (B) The replacement, repair or addition of antennas, dishes
 45 and other transmitting or receiving devices to a tower

- 1 shall not be considered a modification of final approval
 2 as set forth in Section 21.03.070E. and shall be
 3 considered a use contemplated within the original
 4 approved or de facto conditional use where the
 5 replacement, repair or addition of antennas, dishes and
 6 other transmitting or receiving devices:
- 7 (1) Will serve the same user or successor entity
 8 under the original conditional use;
- 9 (2) Will serve the same general purpose as was
 10 served under the original conditional use;
- 11 (3) Is consistent with the original conditional use.
- 12 n. ***Amateur Radio Stations And Receive Only Antennas***
- 13 i. Amateur radio stations are exempt from the location, tower type,
 14 and height limitations contained in this title provided:
- 15 (A) The antenna and tower structure are part of a federally-
 16 licensed amateur radio station, and
- 17 (B) In residential zoning districts there is no use of the tower
 18 structure by a third party commercial antenna operator.
- 19 ii. The following are exempt from this title:
- 20 (A) Installation and use of antenna(s) smaller than one
 21 meter in any dimension for use by a dwelling unit
 22 occupant for personal, home occupation, or utility
 23 telemetry purposes, or by an electric or gas utility on an
 24 existing power pole or cabinet to monitor or control
 25 equipment thereon; and
- 26 (B) Noncommercial receive only antennas.
- 27 iii. Notwithstanding the above, any antenna or tower structure that
 28 is not operated for a continuous period of 12 months shall be
 29 considered abandoned, and the owner of such antenna or tower
 30 structure shall remove the same within 180 days of receipt of
 31 notice from the director notifying the owner of such
 32 abandonment. Failure to remove an abandoned antenna or
 33 tower structure within said 180 days shall be grounds for the
 34 municipality to remove the tower structure or antenna at the
 35 owner's expense.
- 36 iv. Any antenna or tower structure erected under this subsection
 37 2.n. shall not exceed the height limits set forth in chapter 21.06
 38 of this title nor interfere with Federal Aviation Administration
 39 Regulations on airport approaches.

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, on a commercial basis. 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 Husbandry [may change pending Assembly adoption of a Large Animal Ordinance]**
 - a. **Definition**

Commercial agricultural uses in general and especially dairy, stock, and poultry farming.
 - b. **Use-Specific Standards**
 - 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.
 - 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**

A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public or nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

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- b. **Use-Specific Standards (also apply to “Retail and Pet Services” and “Veterinary Clinic”)**
- i. **General Standards when Use is Adjacent to a Residential District**
All facilities, including all treatment rooms, cages, pens, kennels, training rooms and exercise runs, shall be maintained within a completely enclosed, soundproof building, and shall be sufficiently insulated so that, to the maximum extent feasible, no noise or odor can be detected off-premises.
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- ii. **Additional Standards in the I-1 and PLI District**
Notwithstanding the above provisions, outdoor exercise runs may be allowed in the I-1 or PLI districts where all parts of the use are located 200 feet or more from any non-industrial district. An outdoor run shall be located on site and shall be screened from the view of all adjacent streets and properties by fencing or vegetation. To the maximum extent feasible, no noise or odor shall be detected off-premises.
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- iii. Waste shall be managed in accordance with AMC section 15.20.020.
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2. **Kennel, Commercial**
- a. **Definition**
A commercial establishment where small domestic animals, such as dogs and cats, are boarded.
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- b. **Use-Specific Standards**
To the maximum extent feasible, no noise or odor shall be detected off-premises. Waste shall be managed in accordance with AMC section 15.20.020.
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3. **Paddock or Stable, Commercial [may change pending Assembly adoption of a Large Animal Ordinance]**
- a. **Definition**
A commercial establishment consisting primarily of a fenced area or enclosed building in which four or more large domestic animals, such as cattle, horses, pigs, and goats, are sheltered and fed. Such facilities have stalls or compartments. Includes riding stable facilities for the care and exercise of horses and related equestrian activities.
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4. **Retail and Pet Services**
- a. **Definition**
An establishment primarily engaged in the sale, bathing, and/or grooming of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry. Accessory uses may include overnight stays incidental to the primary use.
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- b. **Use-Specific Standards**
Retail and Pet Services shall comply with the use-specific standards above for “Animal Control Shelter.”
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1 **5. Veterinary Clinic**

2 **a. Definition**

3 An establishment for the medical care and treatment by a licensed
4 veterinarian.

5 **b. Use-Specific Standards**

6 Veterinary clinics shall comply with the use-specific standards above for
7 “Animal Control Shelter.”

8 **C. Assembly**

9 This use includes buildings and facilities owned or operated by associations,
10 corporations, governments, or other persons for social, educational, or recreational
11 purposes. Facilities are primarily for members and their guests, or members of the public
12 paying a fee. Accessory uses may include offices, meeting areas, food preparation
13 areas, concessions, parking, and maintenance facilities. Specific use types include:

14 **1. Civic/Convention Center**

15 **a. Definition**

16 An establishment designed to accommodate 500 or more persons and
17 used for conventions, conferences, seminars, product displays, and
18 entertainment functions. Accessory uses may include temporary outdoor
19 displays, parking, and food and beverage preparation and service for on-
20 site consumption.

21 **b. Use-Specific Standard**

22 Any use that involves the retail sale of alcohol is subject to the Assembly
23 Alcohol Approval process; see section 21.05.020A.

24 **2. Club/Lodge/Meeting Hall**

25 **a. Definition**

26 An establishment owned or operated by a corporation, association, or
27 persons for a social, educational, or recreational purpose, to which
28 membership may be required for participation.

29 **b. Use-Specific Standard**

30 Any use that involves the retail sale of alcohol is subject to the Assembly
31 Alcohol Approval process; see section 21.05.020A.

32 **D. Entertainment, Indoor**

33 This category includes uses that provide continuous recreation or entertainment
34 activities, primarily indoors. Accessory uses may include concessions, snack bars,
35 parking, and maintenance facilities. Specific use types include:

36 **1. Amusement Establishment**

37 **a. Definition**

38 An establishment offering entertainment, game playing, or similar
39 amusements to the public within a fully enclosed building. This shall
40 include arcades, bowling alleys, billiard parlors, bingo parlors, laser tag
41 parlors, water parks, miniature golf courses, and indoor shooting ranges.

- 1 **b. Use-Specific Standard**
 2 Any use that involves the retail sale of alcohol is subject to the Assembly
 3 Alcohol Approval process; see section 21.05.020A.
- 4 **2. Entertainment Facility, Major**
 5 **a. Definition**
 6 Major entertainment facilities uses are designed to accommodate
 7 activities that generally draw 1,000 persons or more to specific events or
 8 shows. Activities are generally of a spectator nature. Examples include
 9 amphitheaters, performing arts centers, stadiums, sports arenas,
 10 coliseums, auditoriums, and fairgrounds. Accessory uses may include
 11 restaurants, bars, concessions, parking and maintenance facilities.
- 12 **b. Use-Specific Standard**
 13 Any use that involves the retail sale of alcohol is subject to the Assembly
 14 Alcohol Approval process; see section 21.05.020A.
- 15 **3. Fitness and Recreational Sports Center**
 16 **a. Definition**
 17 A facility primarily featuring equipment for exercise and other active
 18 physical fitness conditioning or recreational sports activities, such as
 19 swimming, skating, racquet sports, aerobic dance, gymnasium facilities,
 20 yoga, and other kinds of sports and fitness facilities.
- 21 **4. Movie Theater**
 22 **a. Definition**
 23 An indoor theater for showing motion pictures.
- 24 **5. Nightclub, Licensed**
 25 **a. Definition**
 26 An enterprise, that, for consideration, provides entertainment to its
 27 patrons in the form of floorshows; dance revues; live, recorded, or
 28 electronically enhanced music; patron dancing; or performances by live
 29 or recorded professional or amateur entertainers. Discotheques,
 30 nightclubs, bars, lounges, dance halls, bistros, and any facility that meets
 31 the terms of this definition are often, but not exclusively, open during one
 32 or more of the hours between 11:00 p.m. and 7:00 a.m. This definition
 33 excludes theaters or auditoriums with fixed seating, religious assemblies,
 34 adult-oriented establishments as defined by AMC section 10.40.050,
 35 publicly owned and operated recreation centers or parks, and public and
 36 private schools.
- 37 **b. Use-Specific Standards**
 38 **i.** All facilities adjacent to a residential district shall be maintained
 39 within a completely enclosed, soundproof building, and shall be
 40 sufficiently insulated so that no unreasonable noise can be
 41 detected off-premises.
- 42 **ii.** Any use that involves the retail sale of alcohol is subject to the
 43 Assembly Alcohol Approval process; see section 21.05.020A.
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6. Nightclub, Unlicensed**a. Definition**

An enterprise, that, for consideration, provides entertainment to its patrons in the form of floorshows; dance revues; live, recorded, or electronically enhanced music; patron dancing; or performances by live or recorded professional or amateur entertainers, but does not offer or sell to its patrons either alcoholic beverages, as defined by AS 04.21.080 or adult entertainment as defined by AMC section 10.40.050. Teen clubs and cultural performance venues as set forth in AMC chapter 10.55, discotheques, nightclubs, bars, lounges, dance halls, bistros, and any facility that meets the terms of this definition are often, but not exclusively, open during one or more of the hours between 11:00 p.m. and 7:00 a.m. This definition excludes theaters or auditoriums with fixed seating, religious assemblies, adult-oriented establishments as defined by AMC section 10.40.050, publicly owned and operated recreation centers or parks, and public and private schools.

b. Use-Specific Standards**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; 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.

1 **7. Theater Company or Dinner Theater**

2 **a. Definition**

3 An establishment for live dramatic, operatic, or dance presentations open
4 to the public, without membership requirements, whose seating capacity
5 does not exceed 500 seats and seating area does not exceed 3,000
6 square feet, or any area for the rehearsal of such live performances.
7 These establishments may also provide food and beverages for
8 consumption on the premises.

9 **b. Use-Specific Standard**

10 Any use that involves the retail sale of alcohol is subject to the Assembly
11 Alcohol Approval process; see section 21.05.020A.

12 **E. Entertainment/Recreation, Outdoor**

13 This category includes uses that provide continuous recreation or entertainment
14 activities, primarily outdoors. Accessory uses may include concessions, snack bars,
15 parking, and maintenance facilities. Specific use types include:

16 **1. General Outdoor Recreation, Commercial**

17 **a. Definition**

18 Intensely developed recreational uses such as amusement parks,
19 miniature golf courses, golf driving ranges, batting cages, skateboard or
20 skate parks or courses, bicycle motocross courses, water parks or slides,
21 drive-in movie theaters, courses for paramilitary games, and archery
22 facilities.

23 **b. Use-Specific Standard**

24 L3 Separation landscaping shall be provided wherever this use is
25 adjacent to a residential district.

26 **2. Golf Course**

27 **a. Definition**

28 A tract of land laid out with a course having nine or more holes for
29 playing the game of golf, including any accessory clubhouse, driving
30 range, office, restaurant, concession stand, picnic tables, pro shop,
31 maintenance building, restrooms, or similar accessory uses or structures.
32 This term shall not include housing or miniature golf courses as a
33 principal or accessory use, nor shall it include driving ranges that are not
34 accessory to a golf course.

35 **3. Motorized Sports Facility**

36 **a. Definition**

37 A facility for the racing of motorcycles, snow machines, race cars, or
38 other motorized vehicles.

39 **b. Use-Specific Standards**

40 **i. Assembly Alcohol Approval Process**

41 Any use that involves the retail sale of alcohol is subject to the
42 Assembly Alcohol Approval process; see section 21.05.020A.

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- 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 15.70.080A., a noise analysis shall be prepared identifying noise mitigation measures.
- (B) The applicant shall prepare an operation plan to monitor and enforce:
- (1) Prohibition on consumption of alcoholic beverage on the premises; and
- (2) Mandatory transportation of racing machines to the site;
- (C) The applicant shall submit a dust and litter control plan and describe the methods to be used to collect trash on the site.
- (D) The applicant shall identify one or more individuals who shall be responsible for enforcement of the noise, operation, and dust and litter control plans developed pursuant to this subsection.
- iv. *Dimensional Standards*
Notwithstanding the general dimensional standards of chapter 21.06:
- (A) The planning and zoning commission may designate minimum setback areas around the perimeter of the site as it deems necessary to minimize glare and noise impact on adjacent uses, to separate incompatible uses, and to restrict casual access to the site.
- (B) The maximum height of structures shall be 35 feet.
- v. *Site Location, Development, and Operation*
- (A) No motorized facility shall be located within 500 feet of any residential or mixed-use district.
- (B) In order to prevent casual access to and from the site or to mitigate adverse effects of the motorized sports facility upon adjacent uses, the planning and zoning commission may require the enclosure of the entire site by a screening structure and/or landscaping, as described in section 21.07.080.

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- (C) Public sanitation facilities (restrooms) shall be provided on-site and operated in a manner consistent with AMC section 15.20.020.
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- vi. *I-1 District Standards*
Motorized sports facilities are conditionally allowed in the I-1 district on parcels with a minimum of 20 acres. The maximum engine size allowed is 250 cc's for wheeled vehicles and 550 cc's for snow machines.
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4. **Shooting Range, Outdoor**
- a. **Definition**
An establishment engaged in the use of land for discharging of firearms for target practice, skeet, and trap shooting.
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- b. **Use-Specific Standards**
- i. *Intent*
The intent of the following conditional use standards for shooting ranges is primarily safety and buffering for adjacent neighborhoods.
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- ii. *Setbacks*
All shooting areas shall be set back a minimum distance of 100 feet from any public right-of-way. The setback behind the back stops in the line of fire shall be a minimum of 100 feet. Buildings located behind the firing line are allowed to be located to the normal zone setback.
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- iii. *Site Size*
The minimum site size shall be 20 acres.
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- iv. *Shooting Area*
The backstop must be an earth mound or dugout of sufficient dimension to stop projectiles. Casual access into the line of fire shall be prevented through fencing or some equally effective equivalent.
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- v. *On-site Uses*
An accessory retail store, snack shop, and short-term rental of firearms and equipment for use only on the premises are permitted. Sale of alcoholic beverages is prohibited.
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5. **Skiing Facility, Alpine**
- a. **Definition**
A facility and related terrain utilized for alpine skiing, and uses and facilities typically associated with the use and operation of such facility, including but not limited to:
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- i. Ski and snowboard runs and trails;
- ii. Ski lifts and tows, including towers and structures, related to skiing and snowboarding patrons;
- iii. Snow-making equipment/facilities;

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- 1 iv. Ski patrol facilities;
- 2 v. Ski area administrative and ticketing offices;
- 3 vi. Special events directly associated with ski areas such as ski
4 races, snowboard races, snow machine races, bicycle races,
5 and concerts;
- 6 vii. Alpine slide;
- 7 viii. Nordic ski trails and facilities;
- 8 ix. Tubing hills;
- 9 x. Ski and equipment rental facilities and ski instruction facilities;
- 10 xi. Ice skating rinks;
- 11 xii. Ski bridges; and
- 12 xiii. Supporting accessory structures.

13 **Ski Facility, Alpine** shall not mean such uses as lodges, hotels, dwelling
14 units, restaurants, retail shops, outdoor carts and vending areas, clinics,
15 day care centers, offices, and high impact recreational uses such as go
16 carts, golf courses and driving ranges, paint ball games, rifle ranges,
17 waterslides, and stables.

18 **F. Financial Institution**

19 **1. Definition**

20 Establishments that provide retail banking, mortgage lending, and financial
21 services to individuals and businesses. This classification includes those
22 institutions engaged in the on-site circulation of cash money and check-cashing
23 facilities. Accessory uses may include automatic teller machines, offices, and
24 parking. Financial institutions may or may not have drive-through service
25 depending on the zoning district in which they are located; see section
26 21.05.070, *Accessory Uses and Structures*.

27 **2. Use-Specific Standards**

- 28 **a.** Financial institutions are permitted in the NC, NMU, and AC districts if
29 they are providing primarily retail services to walk-in customers, rather
30 than primarily office and support services with few walk-in customers.
- 31 **b.** Financial institutions in the NC and NMU districts shall have a maximum
32 gross floor area limit of 3,000 square feet.
- 33 **c.** Financial institutions in the AC district shall have a maximum gross floor
34 area of 5,000 square feet.¹

1 **G. Food and Beverage Services**

2 This category includes businesses that serve prepared food or beverages for
3 consumption on or off the premises. Accessory uses may include food preparation
4 areas, offices, and parking. Specific use types include:

5 **1. Bar**

6 **a. Definition**

7 An establishment that prepares and retails alcoholic beverages for
8 consumption on the premises. These establishments may also
9 manufacture malt beverages and provide limited food services.

10 **b. Use-Specific Standard**

11 Any use that involves the retail sale of alcohol is subject to the Assembly
12 Alcohol Approval process; see section 21.05.020A.

13 **2. Food and Beverage Kiosk**

14 **a. Definition**

15 An establishment in a freestanding building, trailer, or vehicle on an
16 impermanent foundation that sells coffee or other beverages and pre-
17 made bakery goods from a window to customers who are either
18 pedestrians or seated in their automobiles for consumption off the
19 premises and that provides no indoor or outdoor seating.

20 **b. Use-Specific Standards**

21 Kiosks in all districts shall comply with the following standards:

22 **i.** Vehicle stacking spaces shall be provided pursuant to section
23 21.07.090I.

24 **ii.** Kiosks shall be on wheels to facilitate movement onto and off the
25 site, and may not be located on a permanent foundation. The
26 wheels shall be screened with opaque skirting or screening so as
27 to not be visible.

28 **iii.** Kiosks may be located on the same lot as another principal use.

29 **iv.** Kiosks shall comply with the "Drive-Through Service" accessory
30 use standards in section 21.05.070D.9.

31 **3. Restaurant**

32 **a. Definition**

33 An establishment primarily engaged in the preparation and sale of food
34 and beverages, normally for consumption on the premises.

35 **b. Use-Specific Standard**

36 **i.** Any use that involves the retail sale of alcohol is subject to the
37 Assembly Alcohol Approval process; see section 21.05.020A.

38 **ii.** Any restaurant with drive-through service shall comply with the
39 "Drive-Through Service" accessory use standards in section
40 21.05.070D.9.
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1 **H. Office**

2 This category includes activities that generally focus on providing business or
3 professional services. Accessory uses may include cafeterias, parking, or other
4 amenities primarily for the use of employees in the firm or building. Specific use types
5 include:

6 **1. Office, Business or Professional**

7 **a. Definition**

8 An establishment that provides executive, management, administrative,
9 or professional services, but not involving the sale of merchandise,
10 except as incidental to a permitted use. Typical examples include real
11 estate, insurance, property management, investment, employment,
12 travel, advertising, law, architecture, design, engineering, accounting,
13 call centers, and similar offices. (Government offices are classified
14 under "Governmental Administration and Civic Buildings" above.)

15 **2. Broadcasting Facility**

16 **a. Definition**

17 An establishment engaged in the broadcasting of audio, television, or
18 movie productions and associated activities.

19 **I. Retail (Personal Services, Repair, and Rental)**

20 This category includes retail establishments engaged in the provision of information,
21 instruction, personal improvement, personal care, repair, lease, or rent of new or used
22 products, or similar services. Accessory uses may include offices, storage of goods,
23 manufacture, or repackaging of goods for on-site sale, and parking. Specific uses
24 include:

25 **1. Dry Cleaning Establishment**

26 **a. Definition**

27 An establishment maintained for on-site laundry and/or dry cleaning,
28 using a perchlorethylene process or similar nonflammable, non-aqueous
29 solvent, of fabrics, textiles, wearing apparel, or articles of any sort
30 including related maintenance or operation of equipment and machinery.
31 This does not include large commercial dry cleaning plants, which are
32 classified as "General Industrial Service."

33 **2. Funeral Services**

34 **a. Definition**

35 An establishment providing services involving the display of the
36 deceased, preparation of the deceased for burial, and rituals connected
37 therewith before burial or cremation. Cremation services are a separate
38 use.

39 **3. General Personal Services**

40 **a. Definition**

41 An establishment, whether for consideration or not, that provides care,
42 advice, aid, maintenance, repair, treatment, or similar semi-technical,
43 technical, or experienced assistance, other than the practice of a
44 profession and wholesale or retail sale of goods. Examples include, but
45 are not limited to: dry-cleaning drop-off; photography studios; shoe
46 repair; beauty and barber shops; and tanning salons.

- 1 **4. Instructional Services**
2 **a. Definition**
3 A specialized instructional establishment that provides on-site training of
4 business, artistic, or commercial skills. Examples include, but are not
5 limited to, driving schools, fine arts schools, dance, music, and computer
6 instructional services. This use does not include establishments that
7 teach skills that prepare students for jobs in a trade (e.g., carpentry),
8 which are classified under “Vocational or Trade Schools.”
- 9 **5. Repair and/or Service**
10 **a. Definition**
11 An establishment primarily engaged in the provision of repair services to
12 individuals and households, rather than to business. Examples include,
13 but are not limited to, locksmith, repair of household appliances and
14 office machines. This use excludes maintenance and repair of
15 automobiles and industrial equipment or machinery.
- 16 **6. Small Equipment Rental**
17 **a. Definition**
18 The commercial rental of supplies and equipment primarily intended for
19 homeowner use, such as furniture, and minor residential gardening and
20 construction projects, but not including car or truck rentals, or rentals of
21 smaller motor vehicles not for home care such as motorcycles or
22 snowmobiles. This use does not include the rental, storage, or
23 maintenance of large construction or other commercial heavy equipment,
24 which are classified under “Industrial Service.”
- 25 **b. Use-Specific Standard**
26 All maintenance of equipment shall be conducted within an enclosed
27 building.
- 28 **J. Retail (Sales)**
29 This category includes retail establishments involved in the sale of new or used products
30 to the general public. Accessory uses may include offices, parking, storage of goods,
31 assembly, repackaging, and repair of goods for on-site sale. Specific use types include:
- 32 **1. Auction House**
33 **a. Definition**
34 A structure or enclosure where goods are sold by auction.
- 35 **2. Building Materials Store**
36 **a. Definition**
37 An establishment primarily engaged in the storage, distribution, and sale
38 of lumber and other building materials such as brick, tile, cement,
39 insulation, floor covering, roofing materials, and other improvement
40 materials and associated tools; and/or the sale and service of plumbing,
41 heating, and/or electrical equipment.
- 42 **3. Business Service Establishment**
43 **a. Definition**
44 An establishment that, for consideration, provides other businesses with
45 advertising, leased or rented equipment, maintenance, security,
46 management, consulting or technical aid, or copying services.

- 1 4. **Convenience Store**
2 a. **Definition**
3 An establishment with a gross floor area of less than 5,000 square feet
4 engaged primarily in the sale of convenience goods, such as pre-
5 packaged food items, tobacco, over-the-counter drugs, periodicals, and
6 other household goods.
- 7 b. **Use-Specific Standards**
8 i. Any use that involves the retail sale of alcohol is subject to the
9 Assembly Alcohol Approval process; see section 21.05.020A.
- 10 ii. In the RM-4 and NC districts, a convenience store shall not sell
11 alcoholic beverages.
- 12 5. **Farmers Market**
13 a. **Definition**
14 An occasional, periodic, or seasonal market for offering for sale fresh
15 agricultural, fresh food, or arts and crafts products directly to the
16 consumer at an open-air market, covered structure with multiple stalls, or
17 other pre-designated area, where the vendors are generally individuals
18 who have raised the produce or made the product, or have taken the
19 same on consignment for retail sale.
- 20 6. **Fueling Station**
21 a. **Definition**
22 An establishment engaged in the retail dispensing or sale of gasoline or
23 other vehicular fuel products. This use definition does not include
24 convenience store or vehicle service and repair uses.
- 25 7. **Meat and Seafood Processing, Storage, and Sales**
26 a. **Definition**
27 An establishment primarily engaged in the cold storage and preservation
28 of food in separate and individual compartments that is offered for sale to
29 the public.
- 30 8. **General Retail**
31 a. **Definition**
32 An establishment engaged primarily in the retail sale of goods or
33 merchandise, and rendering services incidental to the sale of such
34 goods. Examples may include, but are not limited to: pharmacies;
35 general merchandise retailers; warehouse and club retailers;
36 superstores; discount stores; catalog showrooms; and specialty retail
37 stores specializing in such goods as clothing, home furnishings, sporting
38 goods, books, stationary, music, video rentals, or flowers.
- 39 9. **Grocery or Food Store**
40 a. **Definition**
41 An establishment primarily engaged in the retail sale of food and/or
42 beverages primarily to be consumed outside of the retail establishment's
43 premises. Examples include, but are not limited to: supermarkets,
44 grocery stores, delicatessens, specialty food shops, and bakeries.
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1 b. **Use-Specific Standard**
2 Any use that involves the retail sale of alcohol is subject to the Assembly
3 Alcohol Approval process; see section 21.05.020A.

4 10. **Liquor Store**
5 a. **Definition**
6 An establishment that is primarily engaged in selling alcoholic beverages
7 for consumption off the premises.

8 b. **Use-Specific Standard**
9 Any use that involves the retail sale of alcohol is subject to the Assembly
10 Alcohol Approval process; see section 21.05.020A.

11 11. **Nursery, Commercial**
12 a. **Definition**
13 An establishment primarily engaged in the growth and sale of plants,
14 shrubs, trees, and materials used in indoor and outdoor planting,
15 conducted within or outside an enclosed building.

16 12. **Pawnshop**
17 a. **Definition**
18 An establishment that loans money on deposit of personal property or
19 deals in the purchase or possession of personal property on condition of
20 selling the same back again to the pledger or depositor, or loans or
21 advances money on personal property by taking chattel mortgage
22 security thereon, and takes or receives such personal property.

23 **K. Vehicles and Equipment**

24 This category includes a broad range of uses for the sale, rental, and/or repair and
25 maintenance of motor vehicles and related equipment. Large parking areas and outdoor
26 storage areas may be included with these uses. Accessory uses may include incidental
27 repair and storage, offices, and sales of parts and/or tires. Specific use types include:

28 1. **Aircraft and Marine Vessel Sales**
29 a. **Definition**
30 An establishment primarily engaged in the display and sale of aircraft
31 and/or marine vessels as well as associated parts and supplies.

32 2. **Heavy Equipment Sales and Rental**
33 a. **Definition**
34 An establishment engaged in the display, sale, leasing, or rental of heavy
35 equipment of 12,000 or more pounds gross vehicular weight (GVW).
36 This category does not include recreational vehicles or larger trucks that
37 typically are sold at automobile dealerships; such vehicles are covered
38 by "Vehicle-Large, Sales and Rental" below.

39 3. **Impound Yard**
40 a. **Definition**
41 An area used for the storage of vehicles for any reason, including but not
42 limited to traffic accidents, improper parking, and abandonment. No
43 dismantling or disassembly of vehicles is permitted in an impound yard.
44 The vehicle so stored may be sold from the impound yard by auction or
45 otherwise, in accordance with state law.

- 1 **4. Parking Lot**
2 **a. Definition**
3 An off-street, surfaced, ground-level area where motor vehicles are
4 stored for daily, overnight, or temporary parking not to exceed 72 hours.
- 5 **5. Parking Structure**
6 **a. Definition**
7 A structure designed with one or more levels or floors partially or fully
8 enclosed, used for the parking of motor vehicles. The facility may be
9 above, below, or partially below ground. This use does not include
10 private carports or garages.
- 11 **b. Use-Specific Standards**
12 i. *Ground-Floor Pedestrian-Oriented Uses Required*
13 A ground-floor parking garage in any district or any parking
14 structure in the CBD, CMU, RMU, or MMU districts shall provide
15 a first-floor space that:
16 **(A)** Has a minimum depth of 25 feet;
17 **(B)** Faces on each street, except alleys, for the full length of
18 the building, except for places necessary for pedestrian
19 and vehicle entrances and exits; and
20 **(C)** Is used for retail, restaurant, and other pedestrian-
21 oriented uses otherwise permitted or approved in the
22 zoning district.
- 23 ii. *Upper-Floor Facade*
24 The street-facing façade of second and higher floors of a parking
25 garage or any parking structure in the CBD, CMU, RMU, or MMU
26 districts shall have a repeating pattern that includes no less than
27 three instances of either (1) color change, (2) texture changes,
28 (3) material module changes, or (4) expression of an
29 architectural or structural bay through a change in plane no less
30 than 12 inches in width, such as an offset, reveal, or projecting
31 rib. At least one of these elements shall repeat at an interval of
32 not more than 30 feet. This standard may be waived if the
33 applicant can demonstrate an alternative building design that
34 significantly articulates a wall plane.
- 35 iii. *Incentives for Active Uses on Second and Third Floor Facades*
36 Parking garage projects are encouraged to contribute more
37 human activity and vitality to the city center by providing
38 occupied spaces with windows near street level. If the second
39 and third floor of a parking garage or any parking structure in the
40 CBD-1 or CBD-2 district has a space that (i) has a depth of
41 twenty-five feet or more, (ii) faces on all streets, except alleys, for
42 the entire length of the building, and (iii) is for any non-parking
43 use otherwise permitted or approved for the zoning district, then
44 a bonus height of two additional stories may be added to the
45 parking structure.
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- iv. **Landscaping**
- (A) **Parking Structures in the CBD and CMU Districts**
Level 1 Edge Treatment landscaping shall be planted around the perimeter of the parking structure, except at vehicular and pedestrian ingress and egress points, where the structure abuts an alley right-of-way, and where there is a ground floor pedestrian-oriented use as specified in subsection b.i. above.
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- (B) **Parking Structures in the AC, OC, RMU, and MMU Districts**
Level 2 Buffer landscaping shall be planted around the perimeter of the parking structure, except at vehicular and pedestrian ingress and egress points, where the structure abuts an alley right-of-way, and where there is a ground floor pedestrian-oriented use as specified in subsection b.i. above. The Level 2 Buffer landscaping planting area minimum and minimum average widths may be 6 feet.
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- (C) **Waiver Provision**
The director may waive the required landscaping for sides of a parking structure that directly abut another building.
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6. **Vehicle Parts and Supplies**
- a. **Definition**
The display and sale of new, reconditioned, or rebuilt parts, supplies, or equipment for automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, aircraft, boats, mobile homes, or snowmobiles.
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- b. **Use-Specific Standard**
No dismantling or wrecking of vehicles or machinery may occur on site. Uses that include dismantling and wreckage are classified by 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.
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- 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.
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- 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 rating (GVWR) of more than 12,000 lbs.

- 1 **8. Vehicle-Small, Sales and Rental**
- 2 **a. Definition**
- 3 An establishment engaged in the display, sale, leasing, or rental of small
- 4 motor vehicles. Vehicles include, but are not limited to: motorcycles,
- 5 personal watercraft (jet skis), utility trailers, snowmobiles, and all-terrain
- 6 vehicles (ATVs).
- 7
- 8 **b. Use-Specific Standards**
- 9 i. Vehicles shall be in operable condition, and no repair work shall
- 10 be done except minor incidental repair and reconditioning of
- vehicles to be displayed and sold on the premises.
- 11
- 12 **9. Vehicle Service and Repair, Major**
- 13 **a. Definition**
- 14 An establishment engaged in the major repair and maintenance of
- 15 automobiles, motorcycles, trucks, vans, trailers, recreational vehicles,
- 16 mobile homes, or snowmobiles. Services include all activities listed in
- 17 “Vehicle Service and Repair, Minor”, as well as engine, transmission or
- 18 differential repair or replacement; body, fender, muffler, or upholstery
- work; and painting.
- 19
- 20 **10. Vehicle Service and Repair, Minor**
- 21 **a. Definition**
- 22 An establishment engaged in light maintenance activities such as engine
- 23 tune-ups; oil change and lubrication; carburetor cleaning; muffler
- 24 replacement; brake repair; car washing; seasonal tire shops; and
- 25 detailing and polishing. Vehicle parts are sold and are ordinarily installed
- 26 on the premises. Major automotive repairs, including but not limited to
- 27 engine, transmission or differential repair or replacement, or body and
- 28 fender work, are prohibited except where specifically permitted by this
- title or by the terms of a conditional use.
- 29
- 30 **b. Use-Specific Standards for Carwash Bays and Vehicle Repair Bays**
- 31 i. In the RMU district, to the maximum extent feasible, the entrance
- 32 to a car wash bay or vehicle repair bay shall not face the primary
- street frontage.
- 33
- 34 ii. In the RMU district, notwithstanding the general setback
- 35 requirements in chapter 21.06, a 20-foot setback for vehicle
- 36 service areas, bays, or canopies is required from any adjacent
- 37 street. The setback shall be landscaped with L3 Separation
- 38 landscaping, in order to screen the automotive wash, repair, or
- maintenance facility from view from adjacent streets.
- 39
- 40 iii. Vehicle wash or service bays facing a rear or side setback shall
- 41 be screened from adjacent residential properties by a screening
- wall or fence of at least six feet in height.
- 42
- 43 iv. Outdoor vacuuming facilities must be screened by a sound-
- mitigating barrier when they are adjacent to residential uses.

1 **L. Visitor Accommodations**

2 This category includes visitor-serving facilities that provide temporary lodging in guest
3 rooms or guest units, for compensation, and with an average length of stay of less than
4 30 days. Accessory uses may include pools and other recreational facilities for the
5 exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.
6 Specific use types include:

7 **1. Camper Park**

8 **a. Definition**

9 A lot or parcel of land, or portion thereof, temporarily occupied or
10 intended for temporary occupancy by recreational vehicles or tents for
11 travel, recreational, or vacation usage for short periods of stay, and
12 containing a potable water source and washroom facilities. These
13 establishments may provide laundry rooms, recreation halls, and
14 playgrounds. These uses are not intended for vehicle storage.

15 **b. Use-Specific Standards**

16 **i. Location and Access**

17 A camper park shall have a minimum of 40 feet of frontage upon
18 a collector or street of greater capacity. No entrance to, or exit
19 from, a camper park shall be through a residential district or shall
20 provide access to any street other than collector or street of
21 greater capacity.

22 **ii. Occupancy and Length of Stay**

23 Spaces in camper parks may be used by campers, recreational
24 vehicles, equivalent facilities constructed on automobiles, tents,
25 or short-term housing or shelter arrangements or devices. The
26 occupants of such space shall remain in the camper park a
27 period not to exceed 30 days.

28 **2. Extended-Stay Lodgings**

29 **a. Definition**

30 A visitor lodging establishment with six or more guest rooms offering
31 suites with kitchens, business traveler communications conveniences,
32 and intended primarily for periods of stay of one week or more. This
33 does not include bed-and-breakfasts, which are classified as an
34 accessory use under section 21.05.070.

35 **b. Use-Specific Standards**

36 **i.**A kitchen area separate from the living or sleeping area shall be
37 provided in all units, and cooking may be done only in the
38 kitchen area.

39 **ii.**The facility shall provide a lobby area with a minimum of 750
40 square feet.

41 **iii.**Extended-stay lodgings in the RM-3 or RM-4 districts shall be
42 subject to the applicable multi-family building development and
43 design standards in section 21.07.100., and shall be subject to
44 the multi-family residential parking standards in section
45 21.07.090. In the RM-3 or RM-4 districts, extended-stay

lodgings shall adhere to the maximum floor area ratio permitted for multi-family dwellings.

3. **Hostel**

a. **Definition**

An overnight lodging facility containing between six and 19 guest rooms or up to 60 pillows. Sleeping accommodations may be dormitory-style and shared kitchen facilities may be available to the guests.

4. **Hotel**

a. **Definition**

Any building containing 20 or more guestrooms accessible primarily by means of an interior corridor, rented for compensation by the day or week, and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants and meeting rooms. Meeting facilities designed to accommodate 1,500 or more persons shall constitute a separate principal use and be classified as "civic/convention center" under this title.

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.

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 RM-3 or RM-4 districts shall be subject to the applicable multi-family building development and design standards in section 21.07.100., and the multi-family building parking standards in section 21.07.090. In the RM-3 or RM-4 districts, inns shall adhere to the maximum floor area ratio permitted for multi-family dwellings.

6. **Motel**

a. **Definition**

An establishment that provides individual sleeping 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.

1 **7. Recreational and Vacation Camp**

2 **a. Definition**

3 An overnight recreational camp, such as a children’s camp, family
4 vacation camp, or outdoor retreat. These establishments provide
5 accommodation facilities, such as cabins and fixed camp sites, and
6 incidental recreational and educational facilities.

7 **21.05.060 INDUSTRIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

8 This section defines the general industrial use categories and specific industrial use types listed
9 in tables 21.05-1 and 21.05-2. This section also contains use-specific standards that apply to
10 specific use types. The use-specific standards apply regardless of whether the use type is
11 permitted as a matter of right, subject to a site plan review process, or subject to the conditional
12 use process.

13 **A. Industrial Service**

14 This category includes establishments engaged in the repair or servicing of agricultural,
15 industrial, business, or consumer machinery, equipment, products, or by-products. Firms
16 that service consumer goods do so by mainly providing centralized services for separate
17 retail outlets. Contractors and building maintenance services and similar uses perform
18 services off-site. Few customers, especially the general public, come to the site.
19 Accessory activities may include retail sales, offices, parking, and storage. Specific use
20 types include:

21 **1. Data Processing Facility**

22 **a. Definition**

23 An establishment where electronic data is processed by employees,
24 including, without limitation, data entry, storage, conversion or analysis,
25 subscription and credit card transaction processing.

26 **2. General Industrial Service**

27 **a. Definition**

28 Establishments engaged in the repair or servicing of agricultural,
29 industrial, business, or consumer machinery, equipment, products, or by-
30 products. Examples include: welding shops; machine shops; tool repair;
31 electric motor repair; repair of scientific or professional instruments;
32 repair, storage, salvage, or wrecking of heavy machinery, metal, and
33 building materials; heavy truck servicing and repair; aircraft servicing and
34 repair; tire retreading or recapping; exterminators; gas and liquid fuel
35 distributors; large commercial dry cleaning and carpet cleaning plants;
36 and vending machine sales and service. Accessory activities may
37 include retail sales, offices, parking, and storage.

38 **3. Governmental Service**

39 **a. Definition**

40 A facility housing government shops, maintenance, and repair centers,
41 and equipment storage yards.

42 **b. Use-Specific Standard**

43 L4 Screening landscaping is required where adjacent to residential
44 zones.

1 **4. Research Laboratory**

2 **a. Definition**

3 A facility that is designed or equipped for basic or applied research or
4 experimental study, testing, or analysis in the natural sciences or
5 engineering, including any educational activities associated with and
6 accessory to such research. The use does not include facilities for the
7 manufacture or sale of products except as incidental to the main purpose
8 of the laboratory.

9 **B. Manufacturing and Production**

10 This category includes industrial establishments involved in the manufacturing,
11 processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw,
12 secondary, or partially completed materials may be used in the manufacturing process.
13 Products may be finished or semi-finished and are generally made for the wholesale
14 market, for transfer to other plants, or to order for firms or consumers. Such uses may
15 include industries furnishing labor in the case of the refinishing of manufactured articles.
16 Goods are generally not displayed or sold on site, but if so, they are a subordinate part of
17 total sales. Accessory activities may include limited retail sales, offices, cafeterias,
18 parking, employee recreational facilities, warehouses, storage yards, repair facilities,
19 truck fleets, and caretaker's quarters. Specific uses types include:

20 **1. Cottage Crafts**

21 **a. Definition**

22 An establishment engaged in small-scale assembly and arts-and-crafts
23 production by hand manufacturing involving the use of hand tools and
24 small-scale equipment. Examples include, but are not limited to: candle
25 making, artisan woodworking, art studio/gallery, artisan pottery and
26 jewelry production, and the like. Cottage crafts are less intensive than,
27 and do not have the off-site impacts often associated with, general
28 industrial uses.

29 **b. Use-Specific Standards**

30 **i. Production and Sale of Cottage Crafts**

31 Cottage crafts may only be produced within a wholly-enclosed
32 permanent structure. Cottage crafts production may occupy up
33 to 1,500 square feet of gross building area, and may include up
34 to an additional 300 square feet gross building area on the same
35 lot devoted to the display and retail sale of the crafts produced.
36 The retail/display area shall be located on the ground floor and in
37 the front part of the building facing the primary street on which
38 the lot is located.

39 **ii. Prohibitions**

40 The outdoor storage of materials related to the production and
41 sale of cottage crafts is prohibited. The use of equipment,
42 materials, or processes that create hazards, noise, vibration,
43 glare, fumes, or odors detectable to the normal senses off-site is
44 prohibited.

45 **2. Commercial Food Production**

46 **a. Definition**

47 An establishment engaged in providing food services at institutional,
48 governmental, commercial, industrial, and other locations of other

1 businesses. Examples include airline food services, cafeterias, and
 2 catering companies that prepare food for consumption at an off-premise
 3 customer site.

4 **3. Manufacturing, Heavy**

5 **a. Definition**

6 An establishment engaged in the manufacture or compounding process
 7 of raw materials. Such activities may involve the storage of large
 8 volumes of highly flammable, toxic matter or explosive materials needed
 9 for the manufacturing process. Examples include, but are not limited to:
 10 refining or initial processing of raw materials; rolling, drawing, or
 11 extruding of metals; asphalt batching plants and hot-mix plants; sawmills;
 12 manufacture or packaging of cement products, feed, fertilizer, flour, glue,
 13 paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled
 14 products, or similar industrial uses; and manufacture, service, or repair of
 15 railroad equipment.

16 **4. Manufacturing, Light**

17 **a. Definition**

18 An establishment engaged in the manufacture, predominantly from
 19 previously prepared materials, of finished products or parts, including
 20 processing, fabrication, assembly, treatment and packaging of such
 21 products, and incidental storage, sales, and distribution of such products,
 22 but excluding basic industrial processing. Examples include, but are not
 23 limited to: airplane, automobile, or truck assembly; repair of railroad
 24 equipment; beverage manufacture and brewery; boatbuilding; cabinet
 25 shops; machine or blacksmith shops; metalworking or welding shops;
 26 paint shops; processing and/or dressing of skins; steel fabrication shops
 27 or yards; and printing, publishing, and lithography.

28 **5. Natural Resource Extraction, Organic and Inorganic**

29 **a. Definition**

30 The development or extraction of organic and/or inorganic material from
 31 its natural occurrences on affected land. This use includes placer mining
 32 operations in which rock byproduct is removed from the premises. This
 33 use shall also include commercial or industrial operations involving
 34 removal of timber, native vegetation, peat, muck, topsoil, fill, sand,
 35 gravel, or rock, or any other mineral and other operations having similar
 36 characteristics. This use includes only operations of a scale involving
 37 50,000 cubic yards or more of material. Site preparation as part of the
 38 development of a subdivision under a subdivision agreement is not
 39 included.

40 **b. Use-Specific Standards (also apply to "Natural Resource Extraction,
 41 Placer Mining")**

42 **i. General Standards**

43 The following general standards apply in all districts:

44 **(A) Limit on Site Size**

45 Except for placer mining, general natural resource
 46 extraction is allowed only on sites of five acres or more.

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- (B) *Water Discharge Permit*
Placer mining operations are subject to a wastewater discharge permit issued by the state department of environmental conservation.
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- (C) *Required Submittals*
In addition to the general submittal requirements applicable to all site plans specified in the title 21 user's guide, additional submittal requirements are specified in that guide for natural resource extraction. The site plan shall be subject to review and approval of the department of project management and engineering for drainage, erosion, and sedimentation control; for conformance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit and other applicable EPA guidelines; and for compliance with generally accepted sound engineering principles.
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- (D) *Standards for Approval*
In addition to the conditional use standards of approval at 21.03.070D, the planning and zoning commission may approve a natural resource extraction conditional use only if the commission finds that the use also meets the following standards:
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- (1) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner to make them dust free. Where access roads intersect collectors or arterials, suitable traffic controls shall be established.
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- (2) The extraction operations will not pose a hazard to the public health and safety.
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- (3) The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly interfere with surrounding land uses.
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- (4) The restoration plan for the site ensures that, after extraction operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition. The site shall either be restored generally to its pre-excavation contours, or as appropriate for the future use of the land.
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- (5) The proposed use meets such additional standards for natural resource extraction conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.

1 **6. Natural Resource Extraction, Placer Mining**

2 **a. Definition**

3 Natural resource extraction by means of the placer mining method that
4 does not involve the removal of any natural resources other than small
5 quantities of precious metals, such as gold, silver, and platinum, from the
6 premises. Rock byproduct is not removed from the premises.

7 **b. Use-Specific Standards**

8 Placer mining shall comply with the use-specific standards set forth
9 above for "Natural Resource Extraction, Organic and Inorganic."

10 **C. Marine Facility**

11 This category includes a mix of commercial and light industrial manufacturing,
12 processing, storage, wholesale, and distribution operations that are water-dependent or
13 water-related. Water-dependent uses are generally permitted, while water-related uses
14 are generally conditional uses. Specific uses include:

15 **1. Aquaculture**

16 **a. Definition**

17 An establishment engaged in the hatching, raising and breeding of fish or
18 other aquatic plants or animals for sale.

19 **2. Facility for Combined Marine and General Construction**

20 **a. Definition**

21 An establishment engaged in the manufacture, construction, and repair
22 of marine and non-marine related products.

23 **3. Marine Operations**

24 **a. Definition**

25 Establishments engaged in light industrial manufacturing, processing, or
26 storage operations, that are water-dependent and water-related.
27 Examples include, but are not limited to: cargo handling facilities,
28 including docking, loading, and related storage; fabrication, storage, and
29 repair of fishing equipment; facilities for marine construction and salvage;
30 facilities for marine pollution control, petrochemical cleanup, and
31 servicing of marine sanitation devices; facilities for processing of
32 products harvested from the ocean; facilities for manufacturing ice;
33 marine industrial welding and fabricating; seafood packaging, packing,
34 storage, loading, and distribution facilities; shipbuilding and facilities for
35 construction, maintenance, and repair of vessels; marine repair yards,
36 boat fabrication, boat storage, and marine machine shops; marine
37 transport services, including ferries, public landings and boat launches,
38 commercial vessel berthing, excursion services, hovercraft, and boat
39 rentals; recreational and commercial fishing and boating activities;
40 tugboat, fireboat, pilot boat; coast guard, and similar services; uses that
41 provide pedestrian access to the waterfront; wharves, docks, ramps, and
42 piers; marine police, harbormaster, and other marine enforcement
43 agencies; harbor and marine supplies and services, and ship supply,
44 such as fueling and bunkering of vessels; and aids to navigation.

1 **4. Marine Wholesaling**

2 **a. Definition**

3 Establishments engaged in wholesale and distribution operations of
4 marine-related products.

5 **D. Warehouse and Storage**

6 This category includes uses involved in the storage or movement of goods for
7 themselves or other firms. Goods are generally delivered to other firms or the final
8 consumer, except for some will-call pickups. There is little on-site sales activity with the
9 customer present. Accessory uses may include offices, truck fleet parking, and
10 maintenance areas. Specific use types include:

11 **1. Bulk Storage of Hazardous Materials**

12 **a. Definition**

13 An establishment primarily engaged in the bulk storage of hazardous
14 materials, including liquefied petroleum gas, for wholesale sale.

15 **b. Use-Specific Standards**

16 Any new facilities for the storage and/or dispersion of hazardous
17 materials, or expansion of existing facilities for the storage and/or
18 dispersing of hazardous materials, shall occur at least 1,000 feet from a
19 residential or mixed-use district, school, hospital, or place of public
20 assembly.

21 **2. Motor Freight Terminal**

22 **a. Definition**

23 A facility for freight pick-up, distribution, and storage. This may include
24 intermodal distribution facilities for truck or shipping transport.

25 **b. Use-Specific Standards**

26 i. Loading, parking, and maneuvering space shall be entirely on
27 private property.

28 ii. No part of any terminal shall be located less than 200 feet from
29 any residential use or property zoned residential.

30 **3. Self-Storage Facility**

31 **a. Definition**

32 A completely enclosed structure(s) containing three or more areas or
33 rooms available for lease or rent for the purpose of the general storage
34 of household goods and business or personal property, where the leasee
35 of the unit is provided direct access to deposit or store items. Also
36 known as a "ministorage facility."

37 **b. Use-Specific Standards**

38 The standards below are applicable to self-storage facilities in all
39 districts.

40 i. *Size of Site; Traffic Access*

41 The self-storage site shall contain no less than one-half acre and
42 no more than ten acres, and the vehicle storage site shall
43 contain no less than one acre and no more than ten acres. The
44 site shall have direct driveway access from a street constructed

- 1 to appropriate municipal standards as described in chapter
2 21.08, and as required by the traffic engineer.
- 3 **ii.** *Dimensional Standards*
4 Notwithstanding the general dimensional standards in chapter
5 21.06, the following specific standards apply:
- 6 **(A)** *Maximum Lot Coverage By All Buildings*
7 50 percent.
- 8 **(B)** *Maximum Height of Structures*
9 35 feet. Structures over 35 feet in height shall require
10 conditional use approval.
- 11 **iii.** *Parking*
12 There shall be a minimum on-site queue lane length of 50-feet
13 and 24-feet wide for vehicles entering a security gate. The width
14 of the gate shall be excluded from this requirement.
- 15 **iv.** *Paving and Drainage*
16 **(A)** All driveways, interior aisles, and walkways shall be
17 paved to municipal standards.
- 18 **(B)** Provisions shall be made to prevent any contamination
19 of the domestic water supply or to prevent excessive or
20 contaminated surface runoff from the site onto adjoining
21 lands or streams. Drainage flow patterns shall be shown
22 on the site plan or a separate approved map. If plans
23 indicate that surface drainage will be carried off, the site
24 plan shall be subject to the approval of the department of
25 project management and engineering. If applicable,
26 drainage shall comply with section 21.07.040.
- 27 **v.** *Curb Cuts*
28 Access shall be as approved by the traffic engineer. The width
29 and distance of any access from any property line or street
30 intersection will be subject to the approval of the traffic engineer
31 or the state department of transportation and public facilities.
- 32 **vi.** *Permitted Accessory Uses*
33 The facility may provide two on-site dwelling units for use by an
34 on-site caretaker, manager, or owner of the site.
- 35 **vii.** *Outside Storage of Vehicles or Equipment*
36 Any outside vehicle storage is a conditional use in the AC
37 district.
- 38 **viii.** *Storage of Hazardous Substances*
39 The storage of explosives, radioactive materials, or any other
40 hazardous chemicals, or flammable materials as defined by
41 municipal code, is prohibited.
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- ix.** *Prohibited Uses Within Storage Units*
Except for work performed ancillary to the operation of the self-storage facility, the following uses are prohibited from occurring within a self-storage facility or vehicle storage rental unit or space:
- (A)** Any type of servicing, repair, or fabrication of vehicles, boats, trailers, lawn mowers, appliances, or any other equipment.
- (B)** The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
- (C)** Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
- x.** *Fencing and Landscaping*
- (A)** All site boundaries shall be fenced with a sight-obscuring fence structure at least eight feet high. No fencing shall be required on the portion of site boundaries where a structure, excluding connexes, abuts either side of the lot line. The design of the sight-obscuring structure shall be architecturally compatible with the surrounding properties and shall be approved by the department.
- (B)** Where a self storage or vehicle storage facility abuts a commercially zoned district, L2 Buffer landscaping shall be required external to the sight-obscuring fence. Where lot lines for these facilities abut a residential district, 15 feet of landscaping shall be required. No landscaping shall be required on the portion of site boundaries where a structure, excluding connexes, abuts either side of the lot line, unless otherwise required by this title.
- (C)** The structure shall be maintained in a safe, sound, and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title. Security wire, such as concertina or razor wire and barbed wire is permitted, but only if inverted inside the fence, and not visible from outside the fence.
- (D)** All areas internal to the site not devoted to building structures, driveways, landscaping, designated snow storage areas and walkways shall be paved to municipal standards as prescribed by the traffic engineer. Snow storage areas, as designated on a site plan approved by the department of building safety, shall be provided in accordance with the requirements of building safety and municipal engineering requirements.

- 1 **xi.** *Vehicle Storage Yards*
2 The yard may not be used to display or advertise any
3 merchandise for sale, including vehicles. No salvaging,
4 dismantling, or disassembly of vehicles is permitted in a vehicle
5 storage yard.
- 6 **xii.** *Financial Guarantees*
7 The department may require a financial guarantee to ensure
8 installation of required landscaping, fencing, paving, or mitigation
9 of any environmental impacts or contamination to the site or
10 surrounding land in accordance with section 21.08.060,
11 *Subdivision Agreements*.
- 12 **xiii.** *Containerized Storage Units in Conjunction with Self-Storage*
13 *Facilities*
14 In the AC district, containerized storage shall be prohibited in
15 conjunction with vehicle storage yards, and shall only be
16 permitted in conjunction with self-storage facilities in accordance
17 with conditional use approval under this subsection. The
18 following standards shall apply to the use of containerized
19 storage units in conjunction with permitted self-storage facilities:
- 20 **(A)** A containerized storage unit shall be a factory-built
21 shipping container, meeting the standards of the U.S.
22 Department of Transportation.
- 23 **(B)** Containerized storage units may be utilized for storage,
24 provided they are limited to one unit in height (no
25 stacking), have uniform roll up doors or swing doors,
26 uniform exterior façade materials and colors.
- 27 **(C)** A containerized storage unit shall be subject to the
28 requirements for any required permitting, as set forth in
29 the Anchorage Municipal Code of Ordinances.
- 30 **xiv.** *Existing Self Storage and Vehicle Storage Operations*
31 Self-storage and vehicle storage operations existing on or before
32 the date of adoption of this title shall be deemed to be approved
33 site plans and uses and not nonconforming uses or structures.
34 Notwithstanding the provisions of chapter 21.11,
35 *Nonconformities*, where self-storage and vehicle storage
36 operations exist and have been in continuous existence since
37 the date of adoption of this section, that use may continue
38 provided the owner thereof complies with the following:
- 39 **(A)** *Site Enhancement Plan Required*
40 Any self-storage or vehicle storage operation existing
41 prior to the adoption of this section that does not comply
42 with the requirements of this section related to sight-
43 obscuring fencing, required landscaping external to said
44 fencing, and elimination of security razor or concertina
45 security wire at the top of a fence shall obtain approval
46 by the director of, and agree to implement, a site
47 enhancement plan for the property. This site

1 enhancement plan shall be submitted to the director
2 within 10 years of October 26, 2004, or within 24 months
3 of sale or transfer of ownership of the site, whichever
4 comes first. The intent of this site enhancement plan is
5 to bring the property as closely as reasonably possible
6 into compliance with the above noted subsection without
7 impeding existing operations.

8 **(B)** *Contents of Site Enhancement Plan*

9 The site enhancement plan shall include:

- 10 **(1)** A graphic and legal description of the plan area.
- 11 **(2)** Existing fencing and fencing types on the site.
- 12 **(3)** Current vegetation external to perimeter fencing,
13 if any.
- 14 **(4)** Vehicular access points, including ingress and
15 egress points, and queuing lanes.
- 16 **(5)** Proposed modifications to bring the property
17 into compliance with the intent of the standards
18 of this section, but only for the following items:
19 sight-obscuring fencing, required landscaping
20 external to said fencing on any side of the
21 property abutting a residential zoning district or a
22 major or minor arterial, if the side is not
23 otherwise obscured from view by other
24 landscaping, naturally-vegetated areas, natural
25 features or buildings located on adjoining
26 properties, and in all instances elimination of
27 barbed, razor and concertina or other security
28 wire, unless the security wire is inverted inside
29 the fence and not visible from outside the fence.
- 30 **(6)** It is the intent of this section that owners of
31 existing facilities not be required to move
32 existing fences or change existing operations.

33 **(C)** *Narrative Statement Required*

34 A narrative statement shall also be submitted with the
35 site enhancement plan. The narrative shall be based on
36 existing conditions and shall detail the following
37 information:

- 38 **(1)** The method of securing the area to prevent
39 casual access.
- 40 **(2)** A proposed schedule that specifies the date and
41 methods by which the owner will come into
42 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 or other official regulatory documents related to the use of the property as a self-storage and/or vehicle storage use.
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- (3) A map of the subject property indicating the location of all parcels of real property within a distance of 300 feet from the exterior boundary of the subject property, showing the zoning district boundaries.
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- (4) The compatibility of the operation with surrounding neighborhoods, and with prevention of noise, dust, safety hazards, traffic congestion, aesthetic deterioration and other adverse environmental effects.
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- (5) Any other information the property owner may wish to submit in order to make his or her case.
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- (E) *Decision by Director*
Upon receipt of a site enhancement plan pursuant to subsection xiv.(A). above, the director shall make a determination within 60 days of submittal of the site enhancement plan. The decision of the director shall be in writing and sent by certified mail to the address listed in the owner's application.
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- (F) *Appeals*
A decision of the director is final unless appealed within 30 days of its receipt by the owner of the property. Appeal is to the zoning board of examiners and appeals. Only the applicant may appeal the decision of the director. An appeal from a decision of the zoning board of examiners and appeals may be brought in superior court.

(G) Abandonment

If the owner of property on which a self-storage or vehicle storage facility subject to this section is located fails, within 10 years, to submit a site enhancement plan for approval, or if an approved site enhancement plan has not been implemented within that period of time, the director shall send a notice by certified mail to the property owner that the use will be considered abandoned if, within 6 months a site enhancement plan has not been submitted. An owner so notified, who then timely submits a site enhancement plan, shall have 1 year after approval of its site enhancement plan to implement it, and an owner with a previously-approved site enhancement plan shall have 1 additional year to complete the plan's implementation. This section shall not apply to any self-storage and/or vehicle storage operation continuing under a planning and zoning commission-approved site plan or conditional use existing on the date of adoption of this title.

4. Storage Yard**a. Definition**

Any lot or portion of a lot that is used for the sole purpose of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.

b. Use-Specific Standards (also apply to "Junkyard")**i. Location of Site**

(A) A storage yard shall not be located within 300 feet of any academic school, hospital, governmental facility (except governmental service), or any other place of public assembly.

(B) A junkyard shall not be located within 500 feet of any academic school, hospital, governmental facility (except governmental service), residential subdivision, or place of public assembly.

ii. Minimum Lot Size and Width

Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a junkyard or storage yard shall be two acres. The minimum lot width shall be 150 feet.

iii. Limits on Outdoor Storage

Outdoor storage shall not exceed 35 feet in height. No outdoor storage shall occur within the required front or side setback as set forth in chapter 21.06.

iv. Screening

L4 Screening landscaping is required where adjacent to residential districts.

1 v. *Drainage; Protection of Water Supply*
2 Provisions shall be made to prevent any contamination of the
3 domestic water supply or excessive surface runoff from the
4 property into adjoining lands or streams. The drainage plan that
5 carries water off the site shall be subject to the approval of the
6 department of project management and engineering. Failure to
7 prevent such contamination of the domestic water supply or to
8 prevent excessive surface runoff from the site onto adjoining
9 lands or streams shall be cause for the conditional use to be
10 rescinded and the junkyard to be removed at the cost of the
11 owner of the land upon which it is located.

12 5. **Warehouse**
13 a. **Definition**
14 A structure containing an area available for the purpose of storing raw
15 materials, goods, or property.
16 b. **Use-Specific Standard**
17 L3 Separation landscaping is required where adjacent to residential
18 districts.

19 6. **Wholesale Establishment**
20 a. **Definition**
21 An establishment primarily engaged in the sale or distribution of goods
22 and materials in large quantity to retailers or other businesses for resale
23 to individual or business customers. This shall not include heavy
24 manufacturing, resource extraction, scrap operations, bulk storage of
25 hazardous materials, or salvage operations.

26 E. **Waste and Salvage**
27 This category includes uses that receive solid or liquid wastes from others for disposal on
28 the site or for transfer to another location; uses that collect sanitary wastes; or uses that
29 manufacture or produce goods or energy from the composting of organic material or
30 processing of scrap or waste material. Waste and salvage uses also include uses that
31 receive hazardous wastes from others. Accessory uses may include recycling of
32 materials, offices, and repackaging and shipment of by-products. Specific use types
33 include:

34 1. **Composting Facility**
35 a. **Definition**
36 A facility where organic matter, including leaves, grass, manures, and
37 non-meat, non-biosolids waste, amassed primarily from off-site, is
38 processed by composting and/or processing for commercial purposes.
39 Activities may include management, collection, transportation, staging,
40 composting, curing, storage, marketing, or use of compost. collected
41 b. **Use-Specific Standards**
42 i. Composting facilities shall be set back at least 660 feet from any
43 lot line abutting a residential or and mixed-use district and any
44 residential use (except a residential use occupied by the owner,
45 operator or any employee of such composting facility) as such
46 zone districts or residential uses exist at the time of the
47 establishment of the composting facility.

- 1 ii. Composting facilities shall contain and treat on-site, all water
2 run-off that comes into contact with the feedstocks or compost, in
3 such manner that the run-off will not contaminate surface or
4 ground water.

- 5 iii. Composting facilities shall not be located in any floodway.

- 6 iv. No composting facility shall commence operation until a
7 nuisance condition control plan, specifying all measures to be
8 taken to control nuisance conditions (such as odor, noise,
9 scattered solid waste, dust) has been approved by the director.

10 **2. Incinerator or Thermal Desorption Unit**

11 **a. Definition**

12 An establishment that uses thermal combustion processes to destroy or
13 alter the character or composition of medical waste, hazardous waste,
14 sludge, soil or municipal solid waste (not including animal or human
15 remains). This definition does not include “rag burners” or oil heaters,
16 and short-term (less than six months) on-site remediation operations.
17 Incinerators and thermal desorption units that are accessory to other
18 principal uses must meet these use-specific standards.

19 **b. Use-Specific Standards**

20 Incinerator facilities that alter or destroy medical waste may be permitted
21 by conditional use as an accessory use to research institutes, hospitals,
22 nursing or convalescent facilities, or other uses, for which the applicant
23 shall have the burden of proof to demonstrate that the infectious waste
24 incinerator is an accessory use.

25 **i. Separation Requirements**

26 Incinerator facilities and thermal desorption units shall meet the
27 following separation distances from residential zoning districts
28 and public, private, and parochial academic schools, or meet the
29 supplemental requirements contained in subsection ii.(B). below:

30 **(A) Separation Distances for Thermal Desorption Units**

31 Facilities with a rated capacity of under 100 tons per
32 hour shall be 400 meters from the nearest emission
33 source. Facilities with a rated capacity of 100 tons per
34 hour or more shall meet the supplemental requirements
35 contained in subsection ii.(B). below.

36 **(B) Separation Distances for Incinerator Facilities**

37 Separation distances for incinerator facilities are as
38 follows:

TABLE 21.05-3: 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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- ii. *Additional Requirements*
 In addition to standard materials required for all conditional use applications, all applicants for a conditional use for an incinerator facility or thermal desorption unit shall submit the following:
 - (A) *Information Pertaining to Incineration Process*
 The applicant must provide the following information pertaining to the proposed incineration process:
 - (1) A description of the incineration operation, including equipment to be used.
 - (2) The type and quantity of material that will be processed.
 - (3) Operating hours and conditions.
 - (4) Plans for storing the material to be burned.
 - (5) A disposal plan for waste generated from the incineration process.
 - (6) The location of points of vehicular access to the site and projected traffic counts for each.
 - (7) A description of the permitting process required for operation of the incinerator.
 - (8) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.
 - (B) *Analysis of Health Risk Required*
 An analysis of the health risk of the incinerator or thermal desorption unit must be conducted for incinerators that do not meet the separation distances contained in subsection b.i. above. The intent of the analysis is to provide information regarding the health risks of persons living close to the proposed incineration site. The municipality shall select a contractor to

1 conduct the analysis and the cost will be billed to the
2 petitioner. The analysis shall meet the following
3 requirements:

4 (1) The analysis shall utilize an EPA-approved
5 dispersion model appropriate for the type of
6 facility, and the given terrain, to estimate the
7 ambient annual average concentration of
8 contaminants from the facility. The model shall
9 be run according to EPA modeling guidelines;

10 (2) Models shall utilize a full year of local
11 meteorological data (e.g., National Weather
12 Service observations taken at the Anchorage
13 International Airport). If several years worth of
14 meteorological data are obtained, the year
15 providing the highest ambient concentrations
16 shall be used;

17 (3) All emission factors used in conjunction with the
18 model shall be documented. Acceptable
19 emission factors may be obtained from either a
20 source test conducted by the manufacturer of
21 the same or similar model as the one proposed
22 to be used or must reference a published report
23 (e.g., an article in a peer review scientific journal
24 or EPA publication);

25 (4) The report shall describe the modeling results in
26 terms of the annual concentration of each
27 identified toxic compound at the boundary of the
28 adjacent residential zoning districts as well as
29 the location and magnitude of the maximum
30 annual average concentrations found within
31 each adjacent residential district; and

32 (5) The report shall also describe the health risks
33 attributable to these concentration levels based
34 on the latest cancer risk values from the EPA's
35 Integrated Risk Information System (IRIS)
36 database. Cancer risks shall be based on the
37 risk of one additional cancer above the
38 background cancer rate per 100,000 individuals.

39 (C) *Hazardous Waste Prohibited*

40 Incinerators covered under this definition shall not accept
41 any materials that meet the definition of hazardous
42 waste as defined by the U.S. Environmental Protection
43 Agency (EPA) or the state department of environmental
44 conservation (ADEC).

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(D) *Standards for Facilities Not Meeting Separation Requirements*

The planning and zoning commission may approve a conditional use for an incinerator facility or thermal desorption unit that does not meet the separation distance requirement contained in subsection i. above only if the commission finds that the use meets the following standards:

- (1)** As demonstrated by the submitted health risk analysis, the proposed activity 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; and
- (2)** The storage plan for the material to be burned and the waste generated by the incineration activity is adequate to prevent any runoff, groundwater contamination, airborne dust or other means for contaminants to migrate off the site.

(E) *Minimum Distance Requirements; Exceptions*

Notwithstanding the requirements of subsection B of this section, no incinerator facility or thermal desorption unit shall be located less than 400 meters from a residentially zoned district, or primary or secondary school. No new incinerator facility or thermal desorption unit may be located less than 400 meters from existing incinerators or thermal desorption units unless:

- (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

1 risk of all incinerators and thermal desorption
2 units operating within 400 meters of the
3 proposed facility will not pose a lifetime health
4 risk greater than one excess cancer case per
5 100,000 for individuals living within adjacent
6 residentially zoned areas or attending primary or
7 secondary schools.

8 (F) *Conditions of Approval*

9 The planning and zoning commission shall attach such
10 conditions to the approval of a conditional use for an
11 incinerator as it finds are necessary to conform the use
12 to the standards set forth in subsection B. above. These
13 conditions shall also include the following conditions:

14 (1) All conditional uses granted under this
15 subsection are subject to revocation if the
16 planning and zoning commission determines,
17 based on a recommendation by the municipal
18 department of health and human services, that
19 the operator of the incinerator failed to operate
20 according to the specifications shown in the
21 plans approved by the planning and zoning
22 commission or operate in conformance with the
23 state department of environmental conservation
24 or municipal air quality regulations. In order to
25 determine whether or not this condition is met,
26 the director of the municipal department of
27 health and human services shall have authority
28 to require monitoring for compliance with the
29 conditional use permit and to annually obtain
30 copies of the operator's monitoring or testing
31 records.

32 (2) The petitioner shall obtain all applicable permits
33 from the U.S. Environmental Protection Agency,
34 state department of environmental conservation,
35 and municipal department of health and human
36 services.

37 3. **Junkyard or Salvage Yard**

38 a. **Definition**

39 Any lot, or portion of a lot, that is used for the purpose of the outdoor
40 storage, handling, dismantling, wrecking, keeping, or sale of used,
41 discarded, wrecked, or abandoned airplanes, appliances, vehicles,
42 boats, building and building materials, machinery or equipment, or parts
43 thereof, including but not limited to scrap metals, wood, lumber, plastic,
44 fiber or other tangible materials defined under "junk" (see general
45 definitions in chapter 21.13). Auto wrecking yards and salvage or scrap
46 yards are included in this use. This does not include a composting
47 facility.

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- 1 **b. Use-Specific Standards**
2 Junkyards and salvage yards shall comply with the use-specific
3 standards applicable to "Storage Yard" set forth above.
- 4 **4. Land Reclamation**
5 **a. Definition**
6 An operation engaged primarily in increasing land-use capability by
7 changing the land's character or environment through fill or regrading.
8 Land reclamation shall include only operations at a scale involving 5,000
9 cubic yards or more of fill material. Site preparation as part of the
10 development of a subdivision under a subdivision agreement is not
11 included.
- 12 **b. Use-Specific Standards**
13 **i.** If the land reclamation operation will be completed within one
14 year, the review and approval procedure shall be an
15 administrative site plan review. If the operation will continue for
16 more than one year, the review and approval procedure shall be
17 the conditional use process. If an operation was approved under
18 the administrative site plan review process but is not completed
19 within one year, the operation must then apply for a conditional
20 use permit.
- 21 **ii.** In addition to the submittal requirements in the user's guide, an
22 applicant for a land reclamation use shall submit the following:
- 23 **(A)** A site plan showing:
24 **(1)** Drainage.
25 **(2)** Existing and proposed topographical contours
26 (ten-foot contour).
27 **(3)** Water table information.
28 **(4)** Points of vehicular access to the site.
- 29 **(B)** An erosion and sediment control plan.
30 **(C)** A description of the soil types encountered on the site.
31 **(D)** A landscaping plan for the period of land reclamation
32 operations and for final restoration of the site.
33 **(E)** A security plan to prevent casual trespass.
34 **(F)** Proposed hours of operation.
35 **(G)** A description of land reclamation and processing
36 operations proposed for the site.
37 **(H)** Projected traffic counts for each point of vehicular
38 access to the site.

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- (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.
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- (J) A statement of the types of materials that will be accepted at the site.
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- (K) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.
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- iii. The site plan and erosion and sediment control plan required in subsection ii. above shall be subject to review and approval for drainage, erosion and sedimentation control; for conformance with the 208 Areawide Water Quality Management Plan; and for compliance with generally accepted sound engineering principles.
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- iv. A building or land use permit is required for land reclamation.
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- v. In addition to the conditional use standards of approval at 21.03.070D., the planning and zoning commission may approve a land reclamation use only if the commission finds that the use also meets the following standards:
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- (A) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free. Where access roads intersect arterials, suitable traffic controls shall be established.
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- (B) The site will not accept materials that are hazardous or flammable.
- 26
- (C) The site will not accept junk as defined in chapter 21.13.
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- (D) The site will not accept soils contaminated with petroleum products or byproducts.
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- (E) The reclamation operations will not pose a hazard to the public health and safety.
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- (F) The reclamation operations will not generate noise, dust, surface water runoff, groundwater pollution, or traffic that will unduly impact surrounding land uses.
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- (G) The restoration plan for the site ensures that, after reclamation operations cease, the site will be left in a safe, stable and aesthetically acceptable condition.
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- (H) The proposed use meets such additional standards for land reclamation conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.

- 1 vi. The planning and zoning commission may attach such
2 conditions to the approval of a land reclamation conditional use
3 as it finds are necessary to mitigate potential negative impacts
4 on adjacent uses.
- 5 **5. Landfill**
- 6 a. **Definition**
- 7 The burial of hazardous or non-hazardous agricultural, residential,
8 institutional, commercial, or industrial waste, including areas for the
9 disposal of building and organic material, solid waste processing, and
10 incinerator facilities. This use does not include land reclamation.
- 11 b. **Use-Specific Standards**
- 12 i. Landfills shall be set back at least 660 feet from any non-
13 industrial use, and that required setback shall be planted with L4
14 Screening landscaping.
- 15 ii. Landfills shall contain and treat on-site all run-off that comes into
16 contact with the waste material, in such manner that the run-off
17 will not contaminate surface or ground water.
- 18 iii. Landfills shall not be located in any floodway.
- 19 iv. No landfill shall commence operation until a nuisance control
20 plan, specifying all measures to be taken to control nuisance
21 conditions (such as odor, noise, scattered solid waste, wildlife)
22 has been approved by the director.
- 23 **6. Snow Disposal Site**
- 24 a. **Definition**
- 25 An area used for the concentrated storage and disposal of snow
26 transported to that site from other locations.
- 27 b. **Use-Specific Standards**
- 28 i. *Location*
- 29 Snow disposal sites shall be located at least 25 feet from a class
30 A or class B wetland, and at least 100 feet from a stream or
31 water body.
- 32 ii. *Dimensional Standards*
- 33 Notwithstanding the general dimensional requirements of
34 chapter 21.06, the following specific standards shall apply to this
35 use.
- 36 (A) *Minimum Lot Size*
- 37 The minimum lot size shall be 36,000 square feet.
- 38 (B) *Maximum Height of Structures*
- 39 The maximum height of snow piles shall be 35 feet.
- 40 (C) *Minimum Setback Requirement*
- 41 The minimum setback of snow piles shall be 25 feet if
42 adjacent to a public right-of-way or to an industrial

1 zoning district, and 50 feet if adjacent to a non-industrial
2 zoning district.

3 **iii. Snow Storage Area**

4 The snow storage area shall be well defined on-site in order to
5 prevent storage of snow on adjacent properties or landscaped
6 areas. This may be accomplished through location, landscaping,
7 fencing, and/or signs.

8 **iv. Screening Fence or Berm**

9 An earthen berm or a screening structure, either at least six feet
10 high, shall be constructed within every setback adjacent to a
11 public right-of-way or to a non-industrial zoning district. Site
12 enhancement landscaping, or another ground cover acceptable
13 to the planning and zoning commission, shall be planted on the
14 berm and within the area between the berm and the lot line for
15 the site. The planning and zoning commission may require
16 construction of a berm or fence within other setback areas in
17 order to restrict casual access, to confine the operations within
18 the site, to reduce noise and glare and to ensure compatibility of
19 the operation with adjacent uses.

20 **v. Drainage and Water Quality Facilities**

21 The on-site and off-site drainage network shall handle water
22 runoff and snow melt without impacting adjacent properties.
23 Drainage and meltwater disposal shall comply with the municipal
24 *Design Criteria Manual* sections regarding snow disposal sites
25 and drainage.

26 **vi. Noise, Dust and Litter**

27 **(A) Noise**

28 If the level of noise from the activity at the snow disposal
29 site, measured at the property line of any residential or
30 noise-sensitive use such as a public building, academic
31 school, or other place of public assembly within one half
32 mile of the snow disposal site, shall exceed the
33 standards stated in AMC subsection 15.70.080A, then
34 the site plan shall identify mitigation measures.

35 **(B) Dust and Litter Control**

36 A dust control and litter plan shall be established and
37 implemented. Trash collection/removal shall be done in
38 a manner so that there are no dust or litter impacts to
39 adjacent properties or public rights-of-way.

40 **7. Solid Waste Transfer Facility**

41 **a. Definition**

42 An establishment for the processing, transfer and/or disposal of
43 hazardous or non-hazardous solid waste.

44 **b. Use-Specific Standards**

45 All such uses shall comply with the following standards:

46

- 1 i. *Location of Site*
2 A solid waste transfer facility shall not be located within 500 feet
3 of any academic school, hospital, governmental facility (except
4 governmental service), residential subdivision, or place of public
5 assembly.
- 6 ii. *Minimum Lot Size and Width*
7 Notwithstanding the general dimensional standards set forth in
8 chapter 21.06, the minimum lot size for a solid waste transfer
9 facility shall be two acres. The minimum lot width shall be 150
10 feet.
- 11 iii. *Limits on Outdoor Storage*
12 Outdoor storage shall not exceed 35 feet in height. No outdoor
13 storage, operations, or donations shall occur within the required
14 front or side setback as set forth in chapter 21.06.
- 15 iv. *Screening*
16 In addition to any landscaping required under section 21.07.080,
17 *Landscaping, Screening, and Fences*, the facility shall be
18 surrounded by a solid, opaque fence that is at least eight feet
19 high, located no less than 100 feet from any public right-of-way,
20 and located no less than 50 feet from an adjacent property.

21 **21.05.070 ACCESSORY USES AND STRUCTURES**

- 22 **A. Purpose**
- 23 This section authorizes the establishment of accessory uses that are incidental and
24 customarily subordinate to principal uses. An accessory use is “incidental and
25 customarily subordinate” to a principal use if it complies with the standards set forth in
26 this section.
- 27 **B. General Standards**
- 28 All accessory uses shall comply with the general standards in this subsection B.
- 29 **1. Approval of Accessory Uses and Structures**
- 30 a. All principal uses allowed in a zoning district shall be deemed to include
31 the accessory uses, structures, and activities set forth in this section,
32 unless specifically prohibited.
- 33 b. See also sections 21.05.030 through 21.05.060 above, in which
34 incidental or accessory uses are sometimes included in the description of
35 a specific principal use category or use type. When a definition does
36 include permitted accessory or incidental uses, such accessory or
37 incidental uses shall be subject to the general standards set forth in this
38 subsection B., the zoning district limitations in subsection C. below, as
39 well as any use-specific standards set forth in subsections D. and E.
40 below.
- 41 **2. Compliance with Ordinance Requirements**
- 42 a. All accessory uses and structures shall be subject to the standards set
43 forth in this section and the dimensional standards of chapter 21.06. If

1 the case of any conflict between the standards of this section and any
2 other requirement of this title, the standards of this section shall control.

3 b. Any use listed in subsections 21.05.030 through 21.05.060 is allowed as
4 an accessory use to a residential use if the accessory use meets the
5 standards of a "home occupation" at subsection 21.05.070D.14. If the
6 accessory use exceeds the standards of a "home occupation", then the
7 accessory use shall meet the standards of subsections 21.05.010
8 through 21.05.070, which dictate in which districts the use is allowed,
9 and any use-specific standards.

10 c. Accessory uses shall comply with all standards of this title applicable to
11 the principal use with which they are associated. Parking requirements
12 shall be met for both the principal use, as specified in section 21.07.090,
13 and any additional requirements for the accessory use, if applicable and
14 specified in this section.

15 **3. Dimensional Standards for Accessory Buildings and Structures**

16 a. **Same Lot**
17 The accessory use or structure shall be conducted and/or located on the
18 same lot as the principal use.

19 b. **Location of Accessory Structures**
20 No accessory structure shall be erected or maintained in any required
21 setback, except that:

22 i. Buildings accessory to a residential use and allowed by this
23 section 21.05.070 may be erected in a required rear setback that
24 is adjacent to an alley;

25 ii. Two sheds, each 150 square feet or less, a maximum of 12 feet
26 in height, and not attached to a foundation, may be erected in a
27 required side or rear setback; and

28 iii. Dog runs and dog houses not attached to a foundation and
29 allowed by this section 21.05.070 may be erected in a required
30 side or rear setback.

31 **4. Same Ownership Required**
32 The principal use and the accessory use shall be under the same ownership.

33 **5. Temporary Accessory Uses and Structures**
34 Temporary accessory uses and structures shall be governed by the temporary
35 use standards set forth in section 21.05.080 of this title.

36 **C. Table of Allowed Accessory Uses**

37 Tables 21.05-4 and 21.05-5 below list the accessory uses allowed within all base zoning
38 districts. Each of the listed uses is defined in subsection D. below.

39 **1. Explanation of Table Abbreviations**

40 a. **Permitted Uses**
41 "P" in a cell indicates that the accessory use is allowed by right in the
42 respective zoning district. Permitted uses are subject to all other

- 1 applicable regulations of this title, including the use-specific standards in
 2 subsection D. below and the development and design standards set forth
 3 in chapter 21.07.
- 4 **b. Administrative Site Plan Review**
 5 “S” in a cell indicates that the accessory use requires administrative site
 6 plan review in the respective zoning district in accordance with the
 7 procedures of section 21.03.080B, *Administrative Site Plan Review*.
- 8 **c. Conditional Uses**
 9 “C” in a cell indicates that, in the respective zoning district, the accessory
 10 use is allowed only if reviewed and approved as a conditional use in
 11 accordance with the procedures of section 21.03.070, *Conditional Uses*.
- 12 **d. Prohibited Uses**
 13 A blank cell indicates that the accessory use is prohibited in the
 14 respective zoning district.
- 15 **e. Use-Specific Standards**
 16 Regardless of whether an accessory use is allowed by right or subject to
 17 administrative site plan review or conditional use, there may be
 18 additional standards that are applicable to the use. The existence of
 19 these use-specific standards is noted through a section reference in the
 20 last column of the table. References refer to subsection D. below.
 21 These standards apply in all districts unless otherwise specified.
- 22 **f. Unlisted Accessory Uses or Structures**
 23 An accessory use or structure that is not listed in tables 21.05-4 and
 24 21.05-5 shall comply with all standards set forth in subsection B. above.
- 25 **g. Tables of Permitted Accessory Uses and Structures**
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TABLE 21.05-4: TABLE OF ACCESSORY USES – RESIDENTIAL DISTRICTS												
P = Permitted S = Administrative Site Plan Review												
Accessory Uses	R S	R S 2	R T	R M 1	R M 2	R M 3	R M 4	R L 1	R L 2	R L 3	R L 4	Use- Specific Standards
Accessory dwelling unit (ADU)		P	P	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	P	P	21.05.070.D.2.
Bed and breakfast (up to 3 guestrooms)	P	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	S	21.05.070.D.3.
Beekeeping	P	P	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	P	P	21.05.070.D.6.
Computer-aided learning center						P	P					21.05.070.D.7.

TABLE 21.05-4: TABLE OF ACCESSORY USES – RESIDENTIAL DISTRICTS												
P = Permitted S = Administrative Site Plan Review												
Accessory Uses	R S	R S 2	R T	R M 1	R M 2	R M 3	R M 4	R L 1	R L 2	R L 3	R L 4	Use- Specific Standards
Dormitory		S				S	S	S	S	S	S	21.05.070.D.8.
Family self-sufficiency Service						P	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	P	P	21.05.070.D.12.
Home- and garden-related use	P	P	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	P	P	21.05.070.D.14.
Outdoor keeping of animals	P	P	P	P	P			P	P	P	P	21.05.070.D.15.
Paddock, stable, or barn	P	P	P	P	P			P	P	P		21.05.070.D.18.
Private outdoor storage of non-commercial equipment accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	21.05.070.D.19.
Residential care (up to 8 clients)	P	P	P	P	P	P	P	P	P	P	P	21.05.070.D.20.
Vehicle repair/rebuilding, outdoor, hobby	P	P	P	P	P			P	P	P	P	21.05.070.D.21.

TABLE 21.05-5: 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	
	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	I C	I 1	I 2	N M U	C M U	R M U	M M U	A F	D R	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		P					S	S	S					S		21.05.070.D.3.
Beekeeping																	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										21.05.070.D.7.
Dormitory									C			S	S	S			P	P	C		21.05.070.D.8.
Drive-through service	P	P				P	P	P					P	P					P		21.05.070.D.9.
Family self-sufficiency Service											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.
Home occupation	P		P	P	P		P				P	P	P	P					P		21.05.070.D.14.

TABLE 21.05-5: TABLE OF ACCESSORY USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS

P = Permitted S = Administrative Site Plan Review C = Conditional Use Review

Accessory Uses	N C	A C	C B D 1	C B D 2	C B D 3	O C	R C	I C	I 1	I 2	N M U	C M U	R M U	M M U	A F	D R	P R	P L I	T A	W	Use- Specific Standards
Outdoor keeping of animals							P												P		21.05.070.D.15.
Outdoor display accessory to a commercial use		P				P	P	P	P	P									P		21.05.070.D.16.
Outdoor storage accessory to a commercial use		P				P	P	P	P	P									P		21.05.070.D.17.
Paddock, stable, or barn							P												P		21.05.070.D.18.
Private outdoor storage of non-commercial equipment accessory to a residential use							P												P		21.05.070.D.19.
Residential care (up to 8 clients)	P		P	P	P		P					P	P	P					P		21.05.070.D.20.
Vehicle repair/rebuilding, outdoor, hobby							P												P		21.05.070.D.21.

1 **D. Definitions and Use-Specific Standards for Allowed Accessory Uses and**
2 **Structures**

3 This section defines the accessory uses listed in tables 21.05-4 and 21.05-5 and also
4 contains use-specific standards that apply to those uses. Accessory uses shall comply
5 with the applicable use-specific standards in this subsection, in addition to complying with
6 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 from a
10 single-family residence, which provides basic requirements for living,
11 sleeping, cooking, and sanitation.

12 **b. Use-Specific Standards**

13 **i. Purpose and Intent**

14 The purpose and intent of this section is to:

15 **(A)** Fulfill housing policy #15 of *Anchorage 2020: Anchorage*
16 *Bowl Comprehensive Plan*, which provides that
17 accessory housing units shall be allowed in certain
18 residential zones;

19 **(B)** Provide a means for homeowners, particularly the
20 elderly, single parents, and families with grown children,
21 to remain in their homes and neighborhoods, and obtain
22 extra income, security, companionship and services;

23 **(C)** Allow more efficient and flexible use of existing housing
24 stock and infrastructure;

25 **(D)** Respond to changing family needs and smaller
26 households by providing a mix of housing;

27 **(E)** Stabilize homeownership and enhance property values;

28 **(F)** Provide a broader range of accessible and more
29 affordable housing within the municipality; and

30 **(G)** Protect neighborhood stability, property values, and
31 single-family residential appearance of the neighborhood
32 by ensuring that ADUs are installed under the provisions
33 of this title.

34 **ii. Application, Review, and Approval Procedures**

35 **(A)** Any landowner operating or seeking to establish an ADU
36 shall obtain a building or land use permit from the
37 building official. The permit shall constitute an ADU
38 permit.

39 **(B)** With the permit application, the landowner shall submit
40 an affidavit on a form provided by the municipality,
41 affirming that at least one landowner will occupy the
42 principal dwelling or the accessory unit, and that the

- 1 ADU will conform to the requirements of the permit and
2 the requirements of this section.
- 3 (C) The permit and the affidavit shall be filed as a deed
4 restriction with the Anchorage recording district to
5 indicate the presence of the ADU, the requirement of
6 owner-occupancy, and conformity with the requirements
7 of the permit and the requirements of this chapter.
- 8 (D) The department shall receive a fee from the applicant
9 pursuant to the title 21 user's guide.
- 10 (E) For purposes of securing financing, potential landowners
11 may request and receive a letter of pre-approval from
12 the municipality indicating the property is eligible for an
13 ADU permit if the potential landowner completes the
14 application process and construction in accordance with
15 this section.
- 16 iii. *Requirements*
17 All ADUs shall meet the following requirements:
- 18 (A) *Purpose*
19 Requirements for accessory dwelling units address the
20 following purposes:
- 21 (1) Ensure that accessory dwelling units maintain
22 and are compatible with the single-family
23 appearance and character of the principal
24 residence, lot, and neighborhood;
- 25 (2) Ensure that accessory dwelling units are smaller
26 in size than the principal dwelling on the lot, and
27 preserve yards and open space;
- 28 (3) Provide adequate parking while maintaining the
29 single-family residential character of the
30 neighborhood, avoiding negative impacts to on-
31 street parking, and minimizing the amount of
32 paved surface on a site; and
- 33 (4) Provide clear and flexible standards that make it
34 practical and economical to develop accessory
35 dwelling units that are in compliance with this
36 code, and offer an accessible, affordable
37 housing option to the community.
- 38 (B) *Requirements for Developing an ADU*
39 ADUs shall be allowed in all residential zoning districts
40 except RS-1, RM-3 and RM-4.
- 41 (1) One ADU may be added to or created within a
42 detached single family dwelling on a lot, tract, or
43 parcel, but only if the detached single-family

- 1 dwelling is the sole principal structure on that lot,
2 tract, or parcel.
- 3 (2) One ADU detached from a single-family dwelling
4 is permitted on a lot, tract, or parcel, but only if:
- 5 (a) The lot, tract, or parcel is 20,000 square
6 feet or greater and the ADU is attached
7 to or above a garage and the detached
8 single-family dwelling is the only
9 principal structure; or
- 10 (b) The lot, tract, or parcel abuts an alley;
11 the ADU is above a detached garage,
12 the ADU/garage abuts the alley, and the
13 detached single-family dwelling is the
14 only principal structure.
- 15 (3) *Lot Coverage*
16 The lot coverage of the principal dwelling unit
17 and all accessory structures combined, including
18 but not limited to the ADU, shall be less than or
19 equal to the maximum lot coverage allowed by
20 the zoning district.
- 21 (4) *Uses*
22 (a) An ADU shall not be permitted on any
23 lot with a bed and breakfast, day care,
24 adult or child care, or residential care.
- 25 (b) The landowner shall reside in either the
26 principal dwelling unit or the ADU as his
27 or her primary residence for more than
28 six months of each year.
- 29 (c) No more than two persons may reside in
30 an ADU.
- 31 (5) *Building Code Requirements*
32 To ensure that the dwellings meet appropriate
33 health and fire safety standards, the ADU shall
34 be built to the adopted municipal building code
35 standards for two-family dwellings.
- 36 (6) *Size*
37 (a) The gross floor area of the ADU, not
38 including any related garage, shall be no
39 more than 700 square feet, nor less
40 than 300 square feet, nor have more
41 than two bedrooms;
- 42 (b) In no case shall the total gross floor
43 area of an ADU be more than 35
44 percent of the total gross floor area of
45 the principal dwelling unit, excluding the
46 ADU and garages.
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- (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 or septic systems may have a separate water and/or septic system for the ADU.
- (C) *Additional Requirements for Detached ADUs*
(1) The ADU shall be at least 60 feet from the primary front lot line, or at least 10 feet behind the primary façade of the principal dwelling unit.

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- (2) The maximum height of a detached ADU shall be 25 feet.
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- (D) *Density*
ADUs are not included in the density calculations for a site.
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- (E) *Expiration of Approval of an ADU*
Approval of an ADU expires when:
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- (1) The ADU is altered and is no longer in conformance with this code;
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- (2) The property ceases to maintain all required off-street parking spaces;
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- (3) A landowner of the property does not reside in either the principal or the accessory dwelling unit;
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- (4) The ADU is abandoned by the landowner through written notification to the municipality on a form provided by the municipality; or,
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- (5) The property with an ADU changes ownership.
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- (F) *Transfer*
An ADU permit is not transferable to any other property or any other person. When a property with an ADU is sold or otherwise transferred, the new landowner shall file an affidavit of owner-occupancy with the department within 30 days of the transfer, and pay a processing fee. Failure to file an affidavit by the due date constitutes failure to have a permit, in violation of this section. Transfers from one landowner to another landowner do not require a new affidavit so long as the recipient landowner signed the original affidavit.
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- (G) *Prior Illegal Use*
- (1) All structures which meet the definition of *Accessory Dwelling Unit* which are not recognized as legal nonconforming 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:
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- (a) A permit application for an ADU is submitted to the building safety division within six months of September 30, 2003.
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- (b) The unit complies with the requirements of this section.

- 1 (2) If the unit does not comply with the requirements
2 of this section at the time the permit application
3 is filed, the building official may grant six months
4 to bring the unit into conformance.
- 5 (3) In addition to any other remedies provided in this
6 code, failure to legalize an existing unit under
7 this subsection shall result in civil penalties as
8 provided at AMC section 14.60.030. All
9 landowners of illegal units shall also be required
10 to either legalize the unit or remove it.
- 11 (4) This subsection does not apply to existing legal
12 nonconforming uses of structures established
13 pursuant to chapter 21.11.
- 14 (H) *Variances*
15 Nothing in this section guarantees any property
16 landowner the right to create an ADU unless it conforms
17 to all provisions in this section. Limitations due to
18 natural features, lot size, lot dimensions, building layout,
19 or other physical or environmental factors shall not be
20 reasons for granting a variance from the standards and
21 provisions of this section. No variances shall be granted
22 from the standards and provisions of this section.
- 23 2. **Adult Care (Up to Eight Clients) [RESERVED awaiting Assembly action on**
24 **AO 2005-124]**
- 25
- 26 3. **Bed and Breakfast**
- 27 a. **Definition**
- 28 A bed and breakfast is a detached or attached single-family dwelling or
29 two family dwelling, not including a mobile home, that is occupied by the
30 host, owner, or operator of the establishment, and that offers overnight
31 accommodations for which compensation is paid on a daily or weekly
32 basis for no more than 30 consecutive days, and which offers only one
33 daily meal. No more than five guestrooms may exist in such an
34 establishment.
- 35 b. **Use-Specific Standards**
- 36 i. **Restriction on Special Events for All Bed and Breakfasts**
37 No bed and breakfast shall hold, for consideration, weddings,
38 parties, meetings, or other similar events.
- 39 ii. **General Standards**
- 40 (A) The host-operator of the bed and breakfast enterprise
41 shall establish and maintain the single-family or the bed
42 and breakfast unit of a two-family structure as his or her
43 primary domicile at all times while it is operated as a bed
44 and breakfast.
- 45 (B) The accessory use shall protect and maintain the
46 integrity of the residential neighborhood. A bed and
47 breakfast shall not detract from the principal use in the

- 1 district and shall not place a burden on any private or
2 public infrastructure (i.e., streets or utilities) greater than
3 anticipated from permitted development.
- 4 (C) A bed and breakfast shall not be permitted on any lot
5 with an accessory dwelling unit, child or adult care
6 facility, or residential care facility.
- 7 iii. *Residential District Standards*
8 A bed and breakfast located within a residential district shall
9 conform to the requirements of this section.
- 10 (A) No more than the permitted number of guestrooms shall
11 be offered for use at any one time.
- 12 (B) Every bed and breakfast shall meet the off-street parking
13 requirements stated in section 21.07.090 and in its
14 administrative permit.
- 15 (C) Every bed and breakfast supported by on-site well and
16 wastewater disposal systems shall conform to the
17 requirements of AMC chapter 15.65, pertaining to
18 wastewater disposal regulations, and shall obtain a one-
19 time only health authority certificate.
- 20 iv. *Administrative Permit*
21 A bed and breakfast shall require an administrative permit
22 pursuant to section 21.03.230. An application for a bed and
23 breakfast shall not be complete unless it is accompanied by
24 proof of a current business license, health inspection for 25
25 occupants or more, a health authority approval certificate (for on-
26 site systems only), and a site plan and building floor plans
27 meeting the requirements of this title.
- 28 4. **Beekeeping**
29 a. **Definition**
30 Keeping honey bees, *Apis mellifera*, for the purpose of education and/or
31 producing honey or other products related to bees.
- 32 b. **Use-Specific Standards**
33 i. Colonies of *Apis mellifera* shall be managed in such a manner
34 that their flight path to and from the hive will not bring them into
35 contact with people on adjacent property. To accomplish this,
36 colonies shall be:
- 37 (A) At least 25 feet from any lot line not in common
38 ownership; or
- 39 (B) Oriented with entrances facing away from adjacent
40 property; or
- 41 (C) Placed behind a fence at least six feet in height and
42 extending at least ten feet beyond the hive in all
43 directions.

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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.
 - (B) No drive-through stacking spaces shall be located between the building and an abutting right-of-way.
 - (C) When a drive-through use abuts a residential lot in a residential district, L2 Buffer landscaping shall be provided along that lot line.
 - (D) The noise generated on the site by talk boxes shall be inaudible at the property line.

 - 10. **Family Self-Sufficiency Service**
 - 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.

 - b. **Use-Specific Standards (also applies to “Computer-Aided Learning Center”)**
 - i. **General Standards**

The following general standards apply to these uses in all districts:

 - (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.
 - (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.
 - (C) **Staff**

During the operation hours, there shall be at least one instructor/monitor on-site and responsible to the operating agency.
 - (D) **Clients**

Facility users are not required to be residents of the building housing the facility. The facility users shall be restricted to the tenants of the operating agency or beneficiaries of assisted housing from the operating agency.

 - ii. **District-Specific Standards**

The following specific standards apply to the referenced districts:

- 1 (A) In the RM-3, RM-4, and NMU districts, computer-aided
2 learning centers may be conditionally allowed if they
3 have a maximum gross floor area of 1,000 square feet.
- 4 (B) In the RM-3, RM-4, and NMU districts, family self-
5 sufficiency service facilities may be conditionally allowed
6 if they have a maximum gross floor area of 1,500 square
7 feet.
- 8 11. **Farm, Hobby**
9 a. **Definition**
10 The production of crops for sale on the premises. This may include a
11 temporary stand for sales.
- 12 12. **Garage or Carport, Private Residential**
13 a. **Definition**
14 A detached accessory or portion of a main building that is used for the
15 parking and storage of vehicles owned and operated by the residents
16 thereof.
- 17 b. **Use-Specific Standards**
18 i. Garages may encroach into the rear or side setback when that
19 setback abuts an alley.
- 20 ii. Such accessory uses shall serve only the residents of the
21 property and shall not be used for commercial purposes except
22 as part of a home occupation approved under subsection D.14.
23 below.
- 24 iii. All garages or carports accessory to a single residential use,
25 whether attached or detached to the principal dwelling, shall
26 cumulatively be no larger than 50 percent of the total gross area
27 of the principal dwelling.
- 28 13. **Home- and Garden-Related Use**
29 a. **Definition**
30 Accessory uses subordinate to the use of a residential dwelling.
31 Examples include, but are not limited to, greenhouses, gardens, storage
32 sheds, garden sheds, tool sheds, private barbeque pits, spas, and hot
33 tubs.
- 34 b. **Use-Specific Standards**
35 i. No retail sale, wholesale sale, or other commercial use of a
36 greenhouse is allowed.
- 37 ii. All spas and hot tubs shall be set back a minimum of 10 feet
38 from all property lines, and shall not be counted in calculating lot
39 coverage.
- 40 14. **Home Occupation**
41 a. **Definition**
42 An activity that results in a product or service, carried out for
43 consideration or not, and conducted as a customary, incidental, and
44 accessory use in a dwelling unit. This use expressly does not include

- 1 bed and breakfasts, hobby farms, small and large residential care, or
2 adult or child care homes.
- 3 **b. Use-Specific Standards**
4 A home occupation may be conducted in a dwelling unit or in a building
5 accessory to a dwelling unit provided that:
- 6 i. A permanent resident of the dwelling unit is engaged in the home
7 occupation on the premises;
- 8 ii. Only one nonresident may be engaged in the home occupation
9 on the premises;
- 10 iii. The use of a dwelling unit for a home occupation shall be clearly
11 incidental and subordinate to its residential use. This standard is
12 met by and limited to one of the following:
- 13 (A) No more than the lesser of 25 percent or 500 square feet
14 of the floor area of the principal dwelling is devoted to
15 any home occupation; or
- 16 (B) No more than 300 square feet of an accessory building
17 is devoted to any home occupation; or
- 18 (C) No more than 250 square feet of the principal dwelling
19 and 250 square feet of the accessory building are
20 devoted to any home occupation.
- 21 iv. Except for as provided in b.vii. below and in chapter 21.10,
22 *Signs*, there shall be no change to the outside of the building or
23 premises, nor shall there be other visible evidence of the conduct
24 of such home occupation;
- 25 v. Vehicles making deliveries shall not be parked at the site for a
26 period exceeding one hour;
- 27 vi. No traffic or deliveries shall be generated by such home
28 occupation in greater volume than would normally be expected in
29 a residential neighborhood;
- 30 vii. All vehicles used in connection with the home occupation shall,
31 except for delivery vehicles allowed above, be of the type
32 commonly used for personal non-commercial transportation.
33 Such vehicles may not include boats, motorcycles or similar
34 motor-driven vehicles, all-terrain vehicles (including snow
35 machines), vehicles with more than two axles, box vans, buses,
36 recreational vehicles, motor homes, hauling vehicles including
37 tractor-trailer tractors, or wreckers (including boom-type or tilt-
38 bed). Only one vehicle bearing visible evidence of the home
39 occupation is permitted per home occupation;
- 40 viii. The peace and quiet of the neighborhood shall not be disturbed.
41 No equipment or process shall be used in such home occupation
42 that creates noise, vibration, glare, fumes, or odors detectable to

1 the normal senses at the property line. No equipment or process
2 shall be used which creates visual or audible interference in any
3 radio or television receivers off the premises, or causes a
4 fluctuation in line voltage off the premises. No hazardous or
5 toxic materials shall be stored on the property as part of the
6 home occupation;

7 ix. The hours of operation during which an employee or co-worker,
8 clients, or customers are allowed to come to the home in
9 connection with the business activity are limited to between 8:00
10 a.m. and 8:00 p.m. Monday through Saturday. Care and feeding
11 of animals is exempted from this provision; and

12 x. A home occupation shall not be permitted on any lot with an
13 accessory dwelling unit, bed and breakfast, adult or child care
14 facility, or residential care facility.

15 c. **Uses Prohibited as Home Occupations**
16 A home occupation shall not include, but is not limited to excluding, the
17 following: veterinary or animal hospital; restaurant; and vehicle repair,
18 unless allowed below under "Vehicle Repair/Rebuilding, Outdoor,
19 Hobby."

20 **15. Outdoor Keeping of Animals**

21 a. **Definition**
22 Restraining or restricting the movement of animals outside of a building,
23 by any means not involving the continued presence and/or participation
24 of a human being.

25 b. **Use-Specific Standards**

26 i. Animals, other than dogs, shall not be kept outdoors in mobile
27 home parks.

28 ii. The following standards apply to the outdoor keeping of all
29 animals except for dogs, domestic cats, and large domestic
30 animals.

31 (A) On lots less than 21,780 square feet, no smell or odor
32 associated with the animals shall be detectible to the
33 normal senses at the property line.

34 (B) On lots of 21,780 square feet or greater, any structures
35 or enclosures for the outdoor keeping of animals shall be
36 located at least 25 feet from any lot line, and no smell or
37 odor associated with the animals shall be detectible to
38 the normal senses at the property line.

39 **16. Outdoor Display Accessory to a Commercial Use**

40 a. **Definition**
41 Outdoor display of goods and/or materials for sale, accessory to a
42 commercial principal use. Merchandise may be directly available to the
43 consumer for purchase.

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- 1 **b. Use-Specific Standard**
2 The private outdoor storage of noncommercial equipment is permitted in
3 the front setback only in the driveway, but not within five feet of any
4 property line, and is prohibited in any side or rear setback.
- 5 **20. Residential Care (Up to Eight Clients) [RESERVED awaiting Assembly**
6 **action on AO 2005-124]**
- 7
- 8 **21. Vehicle Repair/Rebuilding, Outdoor, Hobby**
9 **a. Definition**
10 The repair or rebuilding of an inoperative motor vehicle as an accessory
11 use, not for commercial purposes.
- 12 **b. Use-Specific Standards**
13 **i.**Only one inoperative vehicle may stored outdoors on the site at
14 any given time.
- 15 **ii.**Any vehicle being rebuilt or repaired shall be the property of the
16 resident of the principal structure.
- 17 **iii.**Repair or rebuilding work shall take place to the rear of the
18 principal structure and shall be screened from view from all
19 property lines and adjacent rights-of-way by an opaque fence
20 between six and eight feet in height, or by opaque landscaping of
21 an equivalent height.
- 22 **E. Prohibited Accessory Uses and Structures**
- 23 **1. Use of an Intermodal Shipping Container (Connex) Trailer**
24 The use of a connex trailer or similar structure is only allowed in industrial and
25 PLI districts, except that loading or unloading, and use during construction is
26 allowed in any district. Self-storage establishments in compliance with the
27 development standards of 21.05.060D.3., *Self-Storage Facility*, are exempt from
28 this restriction.
- 29 **2. Outdoor Storage of Inoperative Vehicles**
30 In all zoning districts, the outdoor storage of any vehicle that meets the definition
31 of “junk vehicle” at AMC section 15.20.010² is prohibited except as provided in
32 section 21.05.070.D.21, *Vehicle Repair/Rebuilding, Outdoor, Hobby*; section
33 21.05.060E.3., *Junkyard*; and section 21.05.050K.9 or K.10., *Vehicle Repair,*
34 *Major and Minor*.
- 35 **3. Use of Mobile Home, Recreational Vehicle, or Travel Trailer as Residence**
36 In all zoning districts, mobile homes, recreational vehicles, and travel trailers may
37 not be used as an accessory use for a permanent or temporary residence.
38 However, an RV or travel trailer may be used as visitor accommodation for not
39 more than 90 days in any calendar year.
- 40 **4. Use of Motor Vehicle for Sales**
41 In all zoning districts, the use of any motor vehicle or trailer as a structure in
42 which, out of which, or from which any goods are sold or stored, any services
43 performed, or other businesses conducted is prohibited. However, the following
44 shall not be prohibited by this subsection:

- 1 a. The sale of food products at a municipal-approved or -sponsored event;
- 2 b. Use of a motor vehicle in connection with an approved recycling
- 3 operation;
- 4 c. Approved food and beverage kiosks that comply with the use-specific
- 5 standards in section 21.05.050G.2., *Food and Beverage Kiosk*; and
- 6 d. Use of a trailer in connection with an approved vehicle sales use.

- 7 **5. Commercial Motor Vehicle Repair**
- 8 Commercial motor vehicle repair, including engine, body, or other repair or
- 9 repainting of more than one vehicle at any one time or owned by a person not
- 10 residing at that address, is prohibited in all residential districts.

- 11 **6. Parking of Business Vehicles, Outdoor**
- 12 The outdoor storage or parking of a vehicle or trailer is prohibited in all residential
- 13 districts, for a period of one or more nights, if the vehicle or trailer is licensed or
- 14 regularly used for business purposes, and is either:

- 15 a. A vehicle for which a commercial driver's license is required by state law;
- 16 b. A vehicle or trailer having more than two axles;
- 17 c. Any trailer bearing commercial signage, logo, or actually then carrying
- 18 commercial or industrial equipment or materials;
- 19 d. A vehicle or trailer having a height in excess of 90 inches; or
- 20 e. A vehicle with a Gross Vehicle Weight Rating (GVWR) of more than
- 21 12,000 lbs.

21.05.080 TEMPORARY USES AND STRUCTURES

- 23 **A. Purpose**
- 24 This section allows for the establishment of certain temporary uses of limited duration,
- 25 provided that such uses do not negatively affect adjacent properties or municipal
- 26 facilities, and provided that such uses are discontinued upon the expiration of a set time
- 27 period. Temporary uses do not involve the construction or alteration of any permanent
- 28 building or structure.

- 29 **B. General Temporary Use Standards**

- 30 **1. Required Permits**
- 31 All temporary uses shall obtain any permits required by other municipal
- 32 departments, such as the clerk's office, the health department or the police
- 33 department.

- 34 **2. Uses Allowed**
- 35 Except as specified below, any use allowed in a district, pursuant to tables 21.05-
- 36 1 and 21.05-2, is allowed on a temporary basis in that district. Such temporary
- 37 uses shall comply with the requirements of subsection D. below. Any such
- 38 temporary use that is established for more than 90 days within one calendar year

1 shall be considered a permanent use and shall make all improvements required
2 by this title.

3 **3. Other Uses and Structures Allowed**

4 The following temporary uses and structures shall be allowed in any zoning
5 district or as specified below, in accordance with the standards of this section.

6 **a. Licensed Commercial Uses**

7 Temporary licensed commercial uses and associated temporary
8 structures are allowed in any non-residential zoning district, for not more
9 than 90 days total (consecutive or intermittent) within a 12 month period.

10 **b. Real Estate Sales Offices**

11 Sales offices are allowed on residential development sites in any zoning
12 district until all lots or houses are sold. Use of the sales office to market
13 sites outside of the project is prohibited, unless specifically approved as
14 part of the temporary use permit.

15 **c. Special Events**

16 Amusement, athletic, charitable, cultural, entertainment, and/or political
17 events or similar temporary and transitory gatherings are allowed in all
18 zoning districts, subject to the standards of this section.

19 **d. Temporary Parking of Construction Equipment During Construction**

20 Temporary use of non-loading areas for tractor trailers, office trailers,
21 construction equipment, or intermodal shipping container (connex)
22 trailers, during construction or renovation.

23 **e. Other Temporary Uses**

24 i. Up to seven one-day garage/yard sales per year per dwelling
25 unit.

26 ii. Gatherings of less than 100 people, such as block parties,
27 nonprofit bazaars, and fundraisers; and

28 iii. Temporary uses that occur wholly within an enclosed permanent
29 building.

30 **C. Prohibited Temporary Uses and Structures**

31 The following temporary uses and structures are prohibited:

32 **1. Cloth Garages**

33 Frame-supported or arch-supported tension fabric or membrane structures,
34 fabricated off-site and assembled on-site, and typically used for garages, sheds,
35 warehouses, or temporary or permanent shelters for automobiles, boats, or other
36 items, shall be prohibited in all residential districts.

37 **D. General Requirements for All Temporary Uses and Structures**

38 All temporary uses or structures shall meet the following general requirements, unless
39 otherwise specified in this title:

- 1 1. The temporary use or structure shall not have substantial adverse or noise
2 impacts on nearby residential neighborhoods.
- 3 2. The temporary use shall comply with all applicable general and specific
4 regulations of this section unless otherwise expressly stated.
- 5 3. Permanent alterations to the site, including site grading and installation of
6 underground utilities, are prohibited, unless specifically authorized under an
7 approved temporary use permit.
- 8 4. Unless otherwise stated in this title, the temporary use shall last no longer than
9 90 days.
- 10 5. All temporary signs associated with the temporary use or structure shall be
11 removed when the activity ends.
- 12 6. The temporary use or structure shall not violate any applicable conditions of
13 approval that apply to a principal use on the site.
- 14 7. The temporary use regulations of this section do not exempt the applicant or
15 operator from any other required permits, such as health department permits.
- 16 8. If the property is undeveloped, it shall contain sufficient land area to allow the
17 temporary use or structure to occur, as well as any parking and traffic movement
18 that may be associated with the temporary use, without disturbing sensitive or
19 protected resources, including required buffers, 100-year floodplains, stream
20 protection setbacks, wetlands, areas of slope greater than 20 percent, and
21 required landscaping.
- 22 9. If the property is developed, the temporary use shall be located in an area that is
23 not actively used by an existing approved principal use, and that would support
24 the proposed temporary use without encroaching or creating a negative impact
25 on existing buffers, open space, landscaping, traffic movement, pedestrian
26 circulation, or parking space availability.
- 27 10. Tents and other temporary structures shall be located not to interfere with the
28 normal operations of any permanent use located on the property.
- 29 11. Off-street parking shall be adequate to accommodate the proposed temporary
30 use.
- 31 12. Applications for temporary structures to be located in or near the 100-year
32 floodplain shall be required to submit a plan to the director for the removal of
33 such structure(s) in the event of a flood notification. The plan shall include the
34 following information:
 - 35 a. The name, address, and phone number of the individual responsible for
36 the removal of the temporary structures;
 - 37 b. The time frame prior to the event at which a structure will be removed;
 - 38 c. A copy of the contract or other suitable instrument with a trucking
39 company to insure availability of removal equipment when needed; and

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- d. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

¹ 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.

² 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.)

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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 structures
5 are subject to the dimensional standards set forth in the following tables. Bracketed numbers
6 refer to notes at the bottom of each table. These general standards may be further limited or
7 modified by other applicable sections of this title. In particular, some uses have use-specific
8 standards in chapter 21.05 that impose stricter requirements than set forth in these tables.
9 General rules for measurement and exceptions are set forth in section 21.06.020.

Chapter 21.06: Dimensional Standards and Measurements
 Sec.21.06.010 Dimensional Standards Tables

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A. Table of Dimensional Standards: Residential Districts

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS <i>(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)</i>									
Use	Minimum lot dimensions			Minimum Setback Requirements (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			
RS-1: Single-Family Residential District									
Residential uses	6000	50	30	20	5	10	1	N/A	Principal structures: 30
All other uses	10,000	70			10				Accessory garages/carports: 20
RS-2: Residential (One-half Acre) District									
Dwelling, single-family	20,000	120	30	25	10	20	1	N/A	Principal structures: 35
Dwelling, two-family	40,000								Accessory garages/carports: 30
All other uses	20,000								Other accessory structures: 25
RT: Two-Family Residential District									
Dwelling, single-family detached	6000	50	30	20	5	10	1	N/A	Principal structures: 30
Dwelling, two-family			40						Accessory garages/carports: 25

Chapter 21.06: Dimensional Standards and Measurements

Sec.21.06.010 Dimensional Standards Tables

Dwelling, single-family attached	3500	35	40		N/A on common lot line; otherwise 5				<i>Other accessory structures: 12</i>
All other uses	10,000	70	40		10				
RM-1: Lower Density Mixed Residential District¹									
Dwelling, single-family detached	6,000 min. 12,000 max.	50	30	15	5	10	N/A, except that no portion of any structure, principal or accessory, may be closer than 10 feet to any portion of any other structure, principal or accessory	N/A	30
Dwelling, two-family	6,000	50	30	15	5	10		N/A	30
Dwelling, single-family attached	3,000	<i>Attached single-family: 35 (40 on corner lots)</i>	30	15	5 (N/A on common lot line)	10		N/A	30
Dwelling, townhouse	3,000		30	15		10		N/A	30
Dwelling, multiple-family (up to 4 units permitted)	8,500 for 3 units; 11,000 for 4 units	50	30	15	10	10		N/A	35
All other uses	10,000	70	30	15	10	10		N/A	35
RM-2: Higher Density 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, except that no portion of any structure, principal or accessory, may be	N/A	<i>Principal structures: 30</i>
Dwelling, two-family	6,000	50	30						<i>Accessory garages/carports: 25</i>

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 Sec.21.06.010 Dimensional Standards Tables

Dwelling, single-family attached	3000	<i>Attached single-family: 35 (40 on corner lots)</i>					closer than 10 feet to any portion of any other structure, principal or accessory		<i>Other accessory structures: 12</i>
Dwelling, townhouse		<i>Townhouse: 24 (30 on corner lots)</i>							
Dwelling, multiple-family (up to 8 units permitted)	8,500 for 3 units; 11,000 for 4 units; 13,500 for 5 units; 16,000 for 6 units; 18,000 for 7 units; 20,000 for 8 units	50			10				35
All other uses	10,000	70							
RM-3: Multi-Family Residential District									
Dwelling, townhouse	3000	20	50	10	5 (N/A on common lot line)	10	More than one principal structure may be allowed on any lot or tract.	N/A	35 for townhouses; 45 for all other uses
Dwelling, multi-family	6000 +1000 for every unit over 4 units	50	50	10	5	10		2.0 (for 11 units or more)	No portion of a structure within 50 feet of any other residential zoning district shall exceed the height limitations of that district
All other uses	10,000	70	50	10	5	10		N/A	
RM-4: High Intensity Multi-Family Residential District									
Dwelling, townhouse	3000	20	50	10, except that the fourth story, and an	5 (N/A on common lot line)	10	N/A	N/A	35

Chapter 21.06: Dimensional Standards and Measurements
 Sec.21.06.010 Dimensional Standards Tables

Dwelling, multi-family	6000	50		higher stories, must be set back at least 20 feet from the property line	5				5	85
All other uses									N/A	65
RL-1: Low-Density Residential with Mobile Homes District										
Dwelling, single-family, or one mobile/manufactured home	43,560	150	30	25	10	10	1	N/A		<i>Principal structures: 35</i>
Dwelling, two-family	87,120	150								<i>Accessory garages/carports: 30</i>
All other uses	43,560	150								<i>Other accessory structures: 25</i>
RL-2: Low-Density Residential (1 acre) District										
Dwelling, single-family	43,560	150	30	25	15	25	1	N/A		<i>Principal structures: 35</i>
Dwelling, two-family	87,120	200								<i>Accessory garages/carports: 30</i>
All other uses	43,560	150								<i>Other accessory structures: 25</i>
RL-3: Low-Density Residential (2 acres) District										
Dwelling, single-family	87,120	180	5	25	15	25	1	N/A		<i>Principal structures: 35</i>
Dwelling, two-family	130,680									<i>Accessory garages/carports: 30</i>
All other uses	87,120									<i>Other accessory structures: 25</i>

Chapter 21.06: Dimensional Standards and Measurements

Sec.21.06.010 Dimensional Standards Tables

RL-4: Low-Density Residential Alpine/Slope District							
All uses	(See section 21.04.020K.2.a.)	10	25 feet, 50 feet if average slope exceeds 30 percent	10	1	N/A	Principal structures: 30 Accessory garages/carports: 25 Other accessory structures: 18

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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 district specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)							
Use	Minimum lot dimensions			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
NC: Neighborhood Commercial							
All	6000	50	100	10; except that third story must be set back at least 20 feet from the property line	5 if abutting a residential use; otherwise 0	5 if abutting an alley; otherwise 10	35
AC: Automobile Commercial District							
All uses	6000	50	100	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	45
CBD-1, CBD-2, and CBD-3: Central Business Districts <i>NOTE: Buildings in the CBD districts also shall comply with the bulk, lot coverage, and height requirements in section 21.04.030D.</i>							
Residential uses	6000	50	100	N/A	N/A	N/A	CBD-1: Nine stories
Other uses							CBD-2: Five stories
							CBD-3: Three stories

Chapter 21.06: Dimensional Standards and Measurements
 Sec.21.06.010 Dimensional Standards Tables

TABLE 21.06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS
(Additional Standards May Apply. See district specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
OC: Office Commercial District							
Dwelling, multi-family <i>(minimum density of 18 dwelling units/acre if principal use on lot)</i>	6000	50	<u>50</u>	<u>10</u>	<u>5</u>	<u>10</u>	45
All other uses							
RC: Rural Commercial District							
All uses	40,000	120	<u>50</u>	<u>25</u>	<u>25</u>	<u>25</u>	35
IC: Industrial / Commercial District							
All uses	6000	50	100	5	None		50
I-1 & I-2: Industrial Districts							
All uses	6000	50	100	10	None		50 feet in the I-1; otherwise 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 district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)						
Uses	District Size		Front Setbacks	Building Bulk and Height		
	Min.	Max.		Maximum Height (Ft)	Min. Lot Coverage	Maximum Floor Area Ratio
NMU: Neighborhood Mixed Use District						
All	>4	25 acres	Min: 0 ft. Max: 20 ft. A minimum of 30% of the front building façade shall be within the maximum front setback. (illustration available soon) [3] 20-foot minimum setback for 3 rd story uses	45 feet	25%	0.67:1 FAR [1] [2]
CCMU: Community Commercial Mixed Use District						
All	15 acres	160 acres	Min: 0 ft. Max: 20 ft. A minimum of 50% of the front building façade shall be within the maximum front setback. (illustration available soon) [3]	60 feet	35%	1.0:1 FAR [1] [2]
RCMU: Regional Commercial Mixed-Use District						
All	50 acres	None	Min: 0 ft. Max: 20 ft. A minimum of 30% of the front building façade shall be within the maximum front setback. (illustration available soon) [3]	75 feet	35%	5:1 FAR
MMU: Midtown Mixed-Use District						
All	50 acres	None	Min: 0 ft. Max: 20 ft. A minimum of 50% of the front building façade shall be within the maximum front setback. (illustration available soon) [3]	180 feet	35%	10:1 FAR
NOTES: [1]: Floor Area Ratio <i>Mixed-use Incentive</i> : An additional 0.5 FAR is not included in the calculation of maximum allowable FAR if the additional 0.5 FAR is residential, and residential is 50% or more of the gross floor area of the development project. [2]: Floor Area Ratio <i>Private Usable Open Space Incentive</i> : An additional 1.0 FAR is not included in the calculation of maximum allowable FAR if the additional 1.0 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> . [3] The area of the maximum front setback between the lot line and the portion of the building within the maximum front setback shall be designed for pedestrian use or landscaping, and shall be free of motor vehicles at all times.						

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1 D. Table of Dimensional Standards: Other Districts

TABLE 21:06-4: TABLE OF DIMENSIONAL STANDARDS - OTHER DISTRICTS (Additional Standards May Apply. See district-specific standards in chapter 21.04 and 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 District							
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
DR: Development Reserve							
All	5 acres	100	20	Front, side, and rear setbacks shall be 25 feet when the abutting district is PR, PLI, or residential; otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			35
M: Marine District							
All	6000	50	100		None		90 feet above mean sea level
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 DR, PR, PLI or residential; 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				
Industrial (without sewers)							
Institutional (without sewers)							
W: Watershed District							
All	N/A	N/A	5	N/A	N/A	N/A	50

21.06.020 MEASUREMENTS AND EXCEPTIONS

A. Setbacks

1. Required Setbacks

- a. Setbacks shall be located as shown in the illustrations at the end of the chapter.
- b. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements set forth in section 21.06.010 for the zoning district in which it is located, except as otherwise established in this title for particular uses, or unless a variance or minor modification has been granted.
- c. Setbacks shall be unoccupied and unobstructed by any structure, except as provided in subsection A.2. below, and except that fences, walls, trellises, poles, posts, ornaments, furniture and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.
- d. A setback or other open space required by this title shall not be included as part of a setback or other open space required by this title for another building or structure or lot.
- e. The entire "pole" portion of a flag lot shall be considered a front setback.
- f. Setbacks shall apply to platted private streets.

2. Projections into Required Setbacks

The following structures or features may project into required front, side, or rear setbacks as specified in this subsection:

- a. ***Paved Terraces***
Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this title.
- b. ***Unroofed Landings, Decks, and Stairs***
Except as provided in subsection 2.c. below, unroofed landings, decks, and stairs may project into required front and rear setbacks only, provided that no portion other than a handrail shall extend higher than 30 inches above the finished grade level.
- c. ***Roofs Over Porches and Other Exterior Approaches***
Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five feet into a front setback, provided that, where such roof projections encroach within the setback, the roof projections shall comprise no more than 50 percent of the total length of a building's front façade. The covered porch or entrance area encroaching into the setback shall remain exterior to the building, and unenclosed or only partly enclosed, as by a railing.

- 1 **d. *Incidental Architectural Features***
2 Windowsills, fireplace chases, belt courses, cornices, eaves and similar
3 incidental architectural features may project up to two feet into any
4 required setback.
- 5 **e. *Bay Windows***
6 Bay windows, measuring no more than eight feet in width where the
7 projection breaks the plane of the wall, may project up to two feet into
8 any required setback, so long as there is a minimum of eight feet
9 between the bay window and any opposing bay window on an adjacent
10 lot.
- 11 **f. *Private Garage or Carport***
12 A private garage or carport may project into a required rear setback
13 abutting an alley.
- 14 **g. *Accessory Structures***
15 As allowed in 21.05.070B.3.
- 16 **h. *Handicap Access Ramps***
17 The Director may allow the installation of handicap access ramps with
18 handrails in any required setback if they meet the following criteria:
- 19 i. The ramp is architecturally compatible with the structure in
20 design and bulk; and
- 21 ii. The width of the ramp does not exceed 48 inches.
- 22 **3. *Construction on Adjoining Lots***
23 In determining minimum setback requirements, each lot shall be determined
24 individually and minimum setback requirements may not be calculated on the
25 basis of two or more combined lots. In all instances where a building may be
26 constructed immediately adjacent to a lot line, the building may be constructed
27 upon or over such lot line, provided that the portion of the building on each
28 individual lot is otherwise permitted on each lot, and provided further that the
29 building complies with building code requirements.
- 30 **4. *Corner Lots with Two or More Frontages and Double-Frontage Lots***
31 In the case of corner lots with two or more frontages and double-frontage lots,
32 the director shall determine the setback requirements subject to the following
33 limitations:
- 34 a. At least one front setback shall be provided having the full depth required
35 generally in the district.
- 36 b. No other front setback on such lot shall have less than half the depth
37 required generally for front setbacks in the district.
- 38 c. To the maximum extent feasible, setbacks shall be consistent with
39 surrounding properties.
- 40 **5. *Setback from Planned Utility Transmission Facilities***
41 a. No new structural or land development activity requiring a building or
42 land use permit shall be permitted within the minimum area stated in the

1 Utility Corridor Plan for planned electrical or telecommunication
2 transmission facilities for which there is a projected easement or right-of-
3 way, except as allowed under paragraph 5.b., below.

4 **b.** The following uses and activities are permitted, with written
5 acknowledgement of coordination with the affected utilities, within the
6 setbacks described in paragraph 5.a., above:

7 **i.** Sidewalks, walkways, and trails;

8 **ii.** Bus shelters and bus turnouts;

9 **iii.** Kiosks and seating units;

10 **iv.** Utilities, utility easements and utility-related structures;

11 **v.** Landscaping required by section 21.07.080, *Landscaping,*
12 *Screening, and Fences,* and consisting of ground cover, shrubs
13 and understory trees whose maximum height does not exceed
14 30 feet;

15 **vi.** Surface parking required by section 21.07.090, *Off-Street*
16 *Parking and Loading;*

17 **vii.** Temporary parking as described in section 21.05.080;

18 **viii.** Additional parking to that required by this title;

19 **ix.** Open space;

20 **x.** Fences and signs;

21 **xi.** Retaining walls;

22 **xii.** Remodeling of or addition to structures existing as of February
23 27, 1990, so long as it does not further intrude within the setback
24 area after that date; and

25 **xiii.** Driveways and vehicular access points.

26 **c.** Applicable setback requirements stated elsewhere in this title may
27 include the area of setback for electrical transmission facilities.

28 **6. Setbacks from Projected Rights-of-Way**

29 **a. *Minimum Setback***

30 No new structural or land development activity requiring a building or
31 land use permit shall be permitted within the minimum setback set forth
32 in the table below from the existing or projected centerline of a street
33 designated on the *Official Streets and Highways Plan* (OSHP), or within
34 30 feet from the existing or projected centerline of a street, road
35 reservation, or public use easement not so designated on the OSHP, but
36 designated in an adopted neighborhood or district plan, except as
37 allowed under subsection 6.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
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- b. Permitted Uses Within Setback**
 The following uses and activities are permitted within the setbacks described in paragraph 6.a., above:
 - i. Sidewalks, walkways, and trails;
 - 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 6.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 21.06.020A.6.

- d. Temporary Features**
 As used in this subsection 21.06.020A.6.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 21.06.020A.6.d. Parking, open space and usable yards, fences and signs, and retaining walls required by this title may be provided temporarily within a setback area described

1 in this subsection 21.06.020A.6.d. only if the director and the traffic
2 engineer first find that:

- 3 i. The temporary features to be used on the lot conform to all other
4 applicable requirements of this title;
- 5 ii. An alternate site plan has been submitted with an application for
6 a building or land use permit for permanent required features on
7 the lot, excluding all setback areas thereon, in conformance with
8 all applicable requirements of this title; and
- 9 iii. An agreement between the owner of the lot and the municipality
10 has been executed and recorded so as to give notice of the
11 temporary requirements to be applied to the lot and of the date
12 or event by which the temporary features shall be abandoned in
13 favor of the permanent configuration stated in the alternate site
14 plan.

15 **7. Sight Distance Triangles**

16 **a. Prohibition**

17 No person may place within a sight distance triangle area any structure
18 between 2½ feet and eight feet above the nearest curb or street
19 centerline grade, whichever is higher, except for:

- 20 i. A public utility pole;
- 21 ii. A tree that is trimmed so that the trunk is bare to a height of eight
22 feet measured from the nearest curb or street centerline grade,
23 whichever is higher; or
- 24 iii. A warning sign or signal installed on the lot by a government
25 agency.

26 **b. Definition**

27 As used in this section, the term “sight distance triangle” refers to the
28 roadway area visible to the driver. The required length is the distance
29 necessary to allow safe vehicular egress from a street, driveway, or alley
30 to a major street. Criteria for required sight distance are given below.

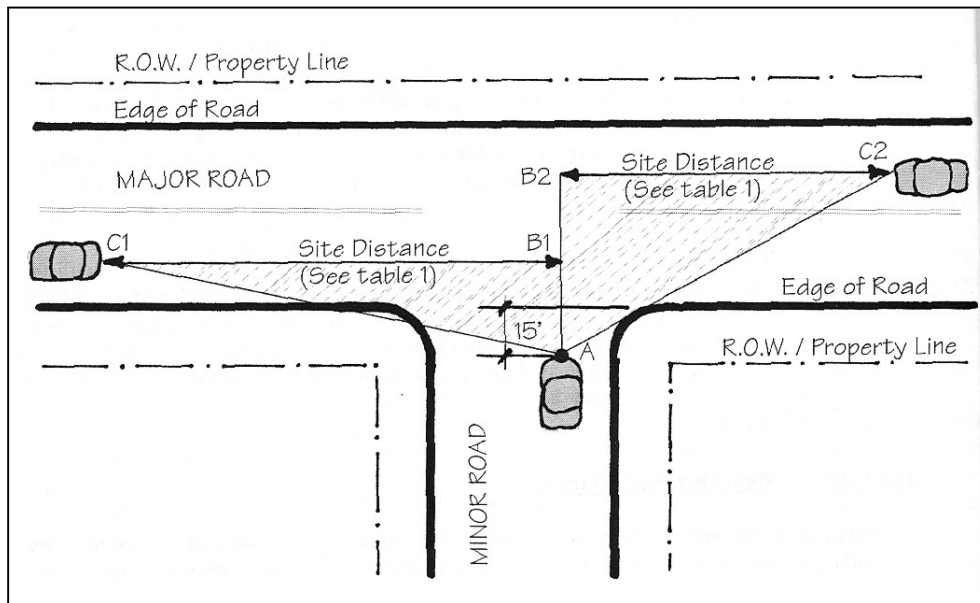
31 **c. Criteria**

32 The sight distance triangle is shown in the figure below and described as
33 follows:

- 34 i. Point A is located on the minor approach 15 feet from the edge
35 of major road travelway;
- 36 ii. Point B1 is located in the center of lane 1;
- 37 iii. Point B2 is located in the center of lane 2;
- 38 iv. Points C1 and C2 are located based on the design speed of the
39 major road and is the distance shown in Table 21.0-6-6; and
- 40 v. Point A is connected to Points C1 and C2 by a straight line.

Table 21.06-6: Required Sight Distances in Sight Distance Triangles

Speed Limit (mph)	Sight Distance (ft)
60	650
50	515
40	415
30	310
20	210



B. Lot Coverage and Floor Area Ratio (FAR)

1. Lot Coverage Requirement Generally

No building, structure, or lot shall be developed, used, or occupied unless it meets the lot coverage and FAR requirements set forth in section 21.06.010 for the zoning district in which it is located.

2. Structures Not Considered in Measuring Lot Coverage

Unless otherwise provided in this title, all structures shall be considered in determining lot coverage except for the following:

- a. Structures less than 30 inches above the finished grade level (such as paved terraces or ground-level decks);
- b. Windowsills, bay windows, fireplace chases, belt courses, cornices, eaves, and similar incidental architectural features;
- c. Handicap ramps that comply with section 21.06.020A.2.h., *Handicap Access Ramps*, above;
- d. Fences, trellises, poles, posts, ornaments, lawn furniture, and similar and customary yard accessories; and

1 e. Hot tubs.

2 3. **Structures Not Considered in Measuring Floor Area Ratio (FAR)**
3 Unless otherwise provided in this title, all gross floor area shall be considered in
4 determining FAR except for the following:

5 a. Uninhabitable attics;

6 b. Detached accessory structures; and

7 c. Usable open space areas.

8 **C. Height**

9 1. **Rules for Measuring Height**
10 Building height shall be measured as shown in the illustrations at the end of the
11 chapter.

12 2. **Reference Datum**
13 The reference datum for determination of building height shall be selected by
14 either of the following, whichever yields a greater height of building:

15 a. The elevation of the highest adjoining sidewalk or ground surface within
16 a five-foot horizontal distance from the exterior wall of the building, when
17 such sidewalk or ground surface is not more than ten feet above lowest
18 grade within a five-foot horizontal distance from the exterior wall of the
19 building.

20 b. An elevation ten feet higher than the lowest grade when the sidewalk or
21 ground described in the subsection 2.a., above, is more than ten feet
22 above the lowest grade.

23 3. **Height Exceptions**
24 Except as specifically provided elsewhere in this title, the height limitations
25 contained in this chapter do not apply to spires, belfries, cupolas, flagpoles,
26 chimneys, antennas, heating and ventilation equipment, elevator housings,
27 stairwell towers, solar reflectors, skylights, or similar appurtenances; provided,
28 however, the following:

29 a. The appurtenance does not interfere with Federal Aviation Regulations,
30 Part 77, Objects Affecting Navigable Airspace;

31 b. The appurtenance does not extend more than 25 feet above the
32 maximum permitted building height, except for flagpoles, religious
33 assembly belfries, and antennas that must be of greater height in order
34 to function;

35 c. The appurtenance is not constructed for the purpose of providing
36 additional floor area in the building; and

37 d. The appurtenance complies with the screening requirements for
38 mechanical equipment and appurtenances in 21.07.080H., *Screening*.

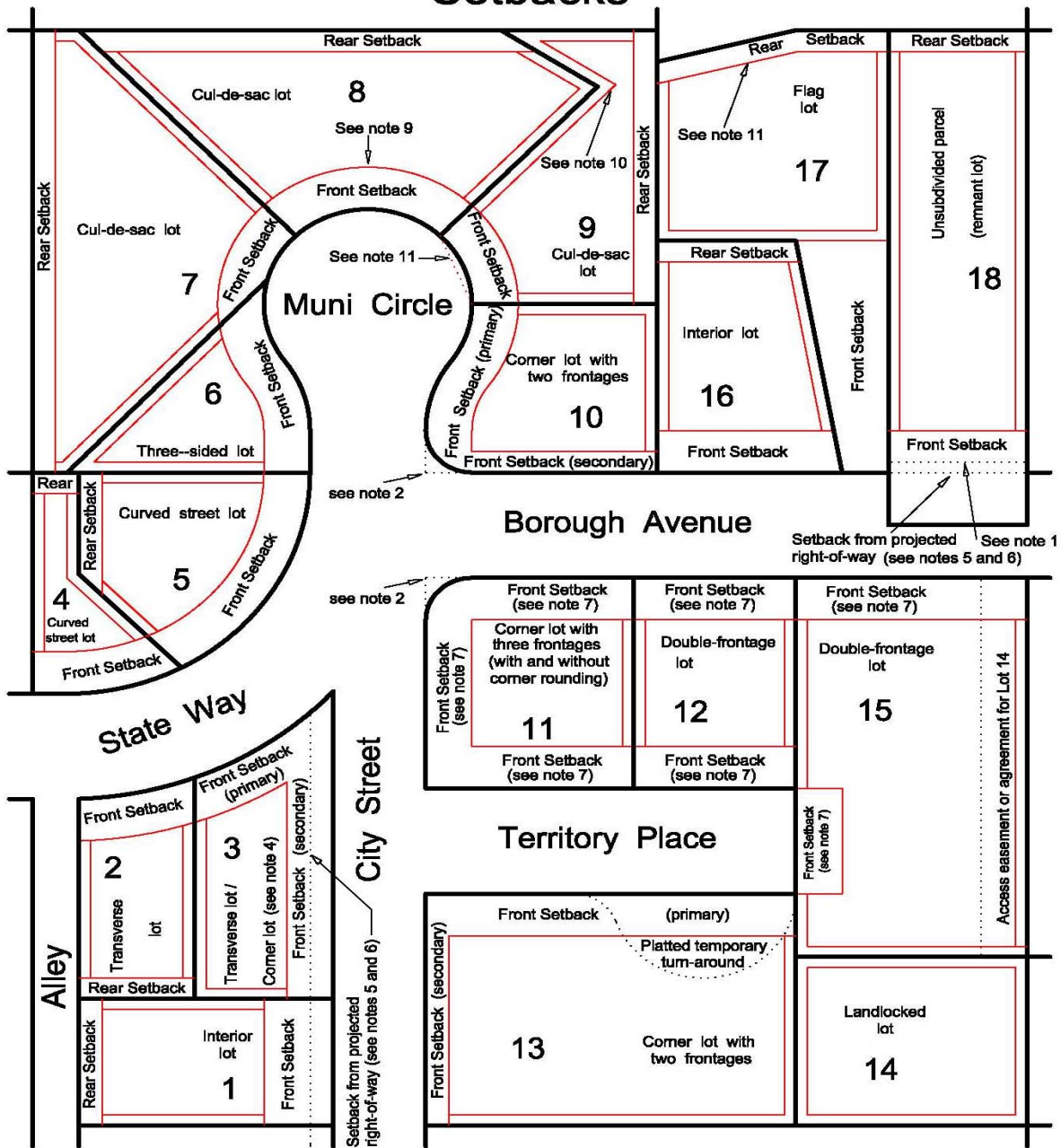
1
2
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4
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6
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4. Height Limitations

- a. Special height limitations, set forth in section 21.04.080C., apply to all development within the Airport Height Overlay District.

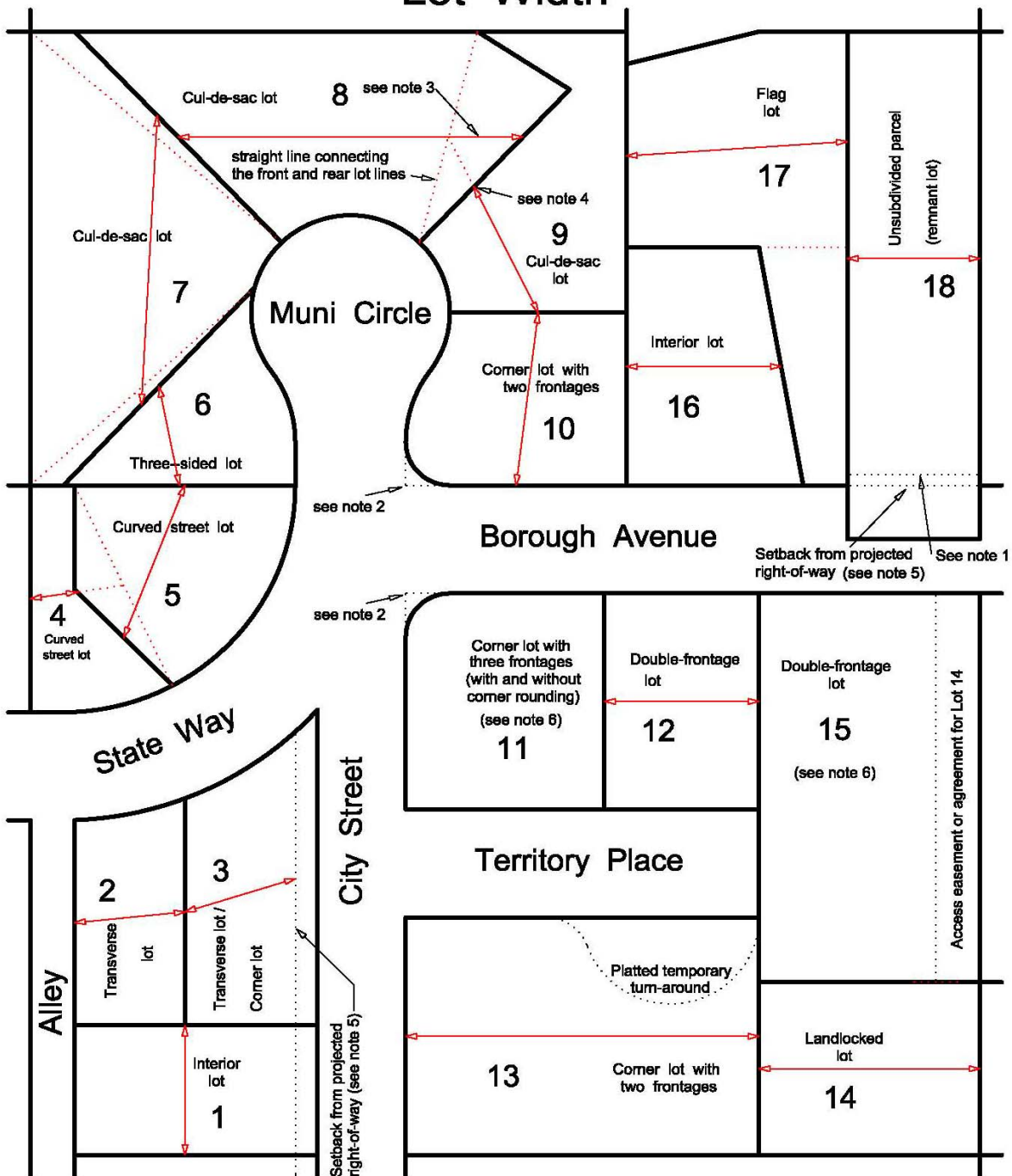
- b. Height transitions for neighborhood compatibility, as set forth in subsection 21.07.070B, apply to all development abutting residentially zoned property.

Setbacks



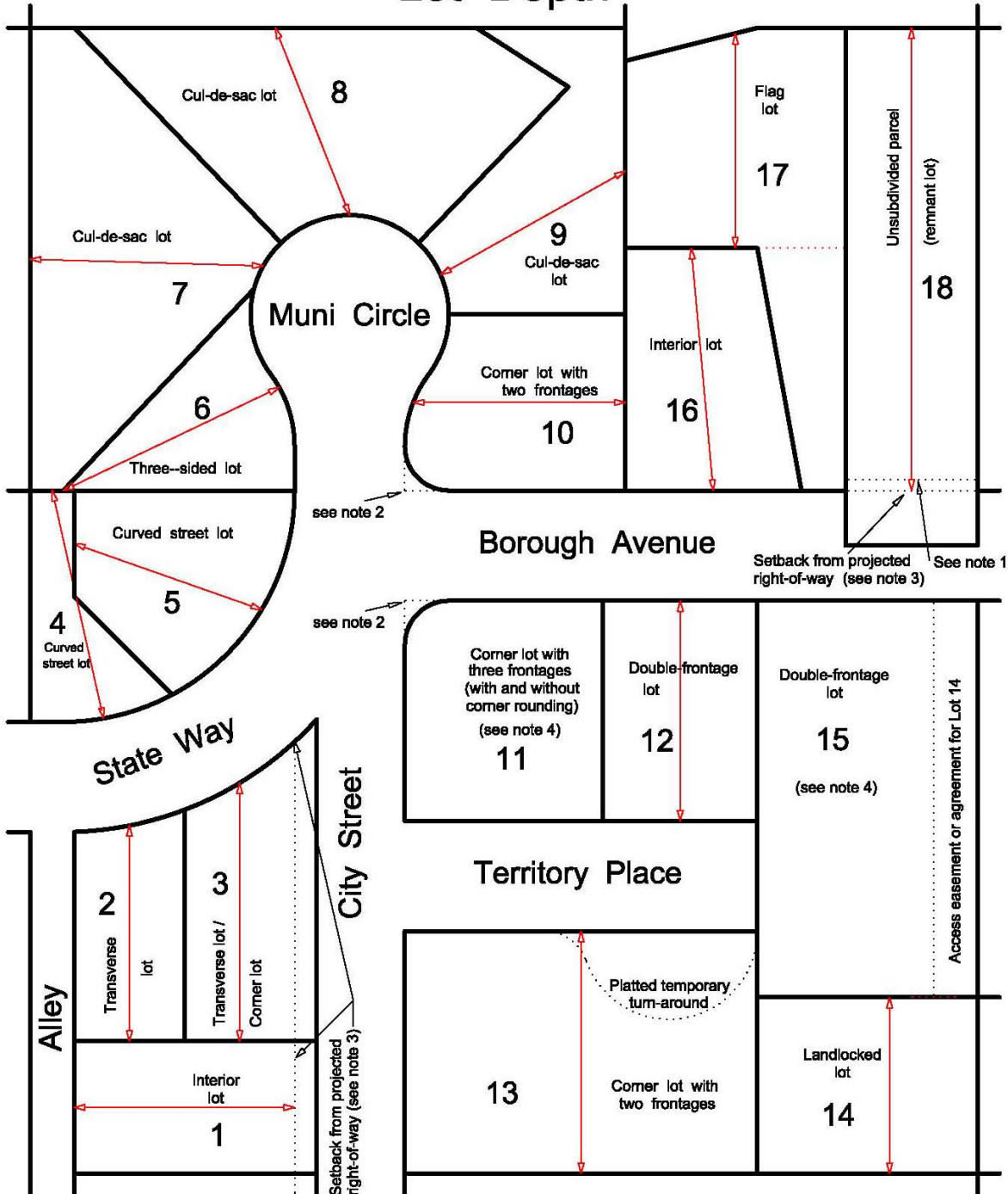
1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
3. All setbacks not called out in the illustration are side setbacks.
4. On corner, double-frontage, and three-sided lots, there are no rear setbacks, but only front and side setbacks.
5. The area between the property line and the setback from projected right-of-way is subject to the same regulations as a front setback.
6. The front setback is measured from the setback from projected right-of-way. See Section 21.06.020.A.7.c.
7. The Director shall determine the depth of the front setbacks. Until such determination, full-depth setbacks apply on all frontages.
8. Front setbacks are determined by the Director. See Section 21.06.020.A.4.
9. The setback follows the curve of the lot line.
10. Side setbacks are extended to intersect.
11. 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 pro

Lot Width

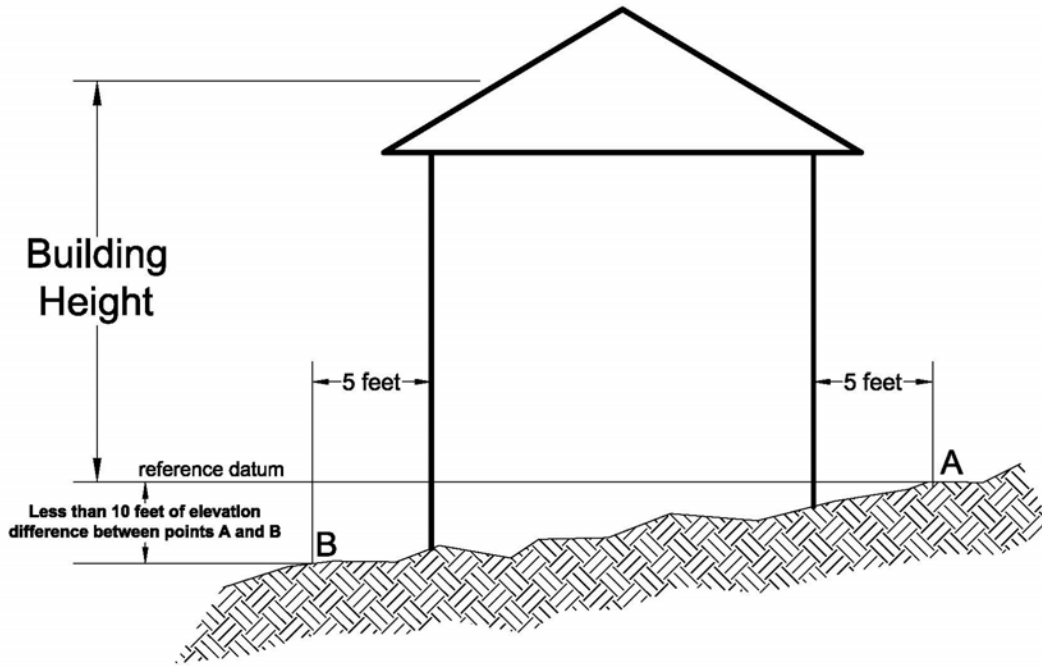


1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
3. The measurement extends to the side property lines. See Section 21.13.030.
4. The measurement does not extend beyond the property lines. See Section 21.13.030.
5. The setback 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.

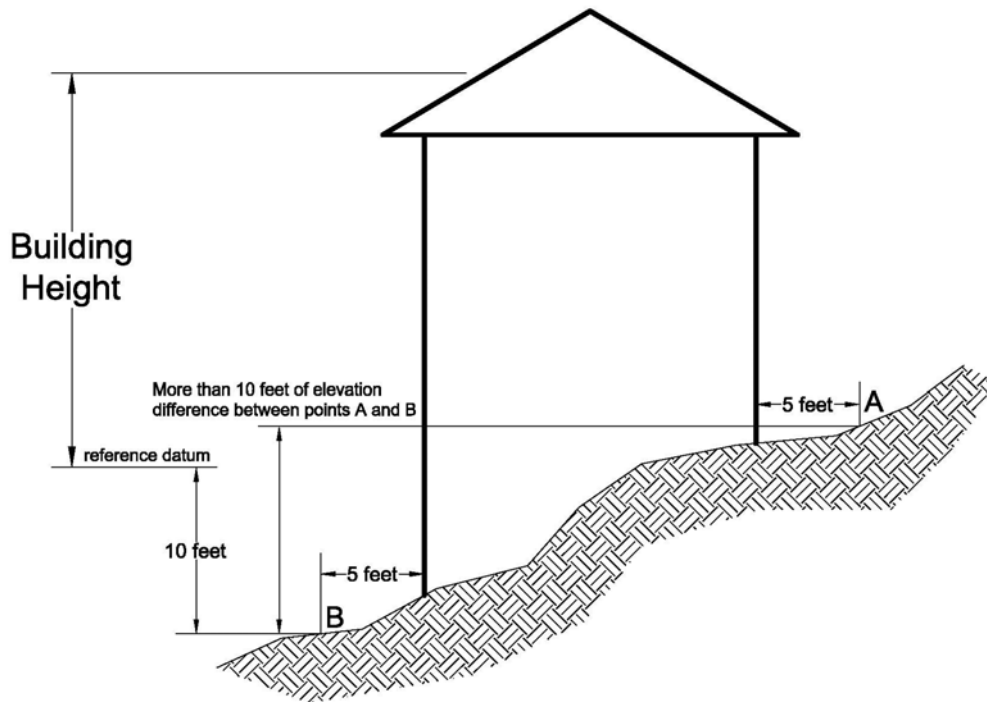
Lot Depth



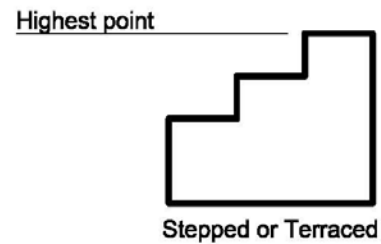
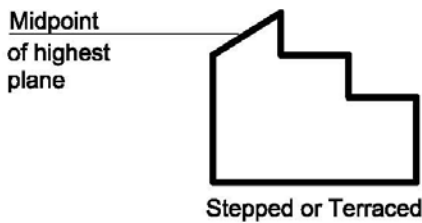
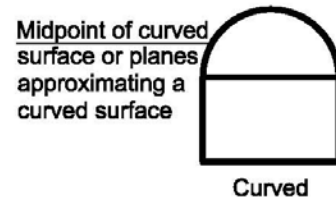
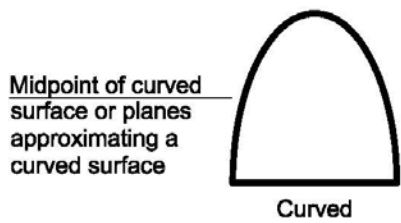
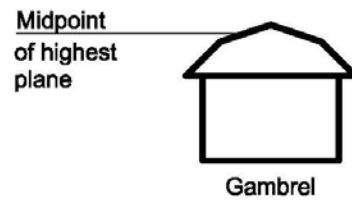
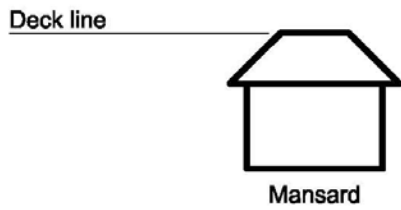
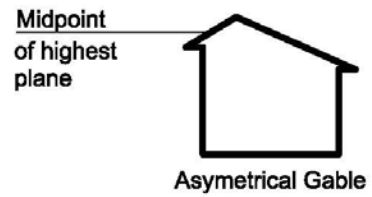
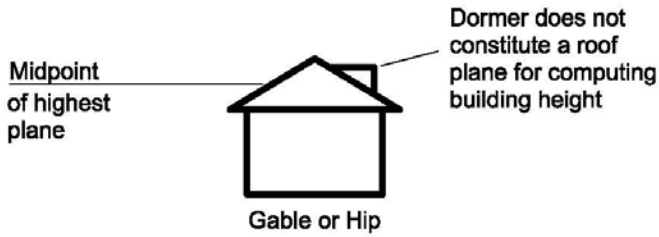
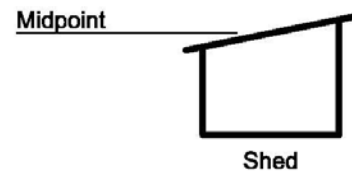
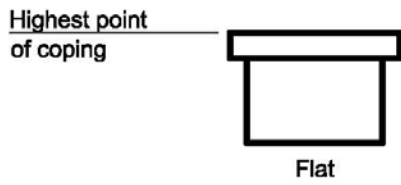
1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
3. The setback from projected right-of-way is considered a property line for computing lot depth.
4. When the definitions do not unambiguously identify the lot depth, the Director shall determine the lot depth.



Case 1



Case 2



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CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS

21.07.010 GENERAL PROVISIONS

A. Purpose

The development and design standards set forth in this chapter shall apply to the physical layout and design of development in the municipality. 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 the municipality 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 the municipality's northern climate and winter city character;
6. To strengthen and protect the image, identity, and unique character of the municipality 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, walkways, and trails; and
9. To provide road connectivity for the safe and efficient movement of people, goods, and services.

B. Alternative Equivalent Compliance

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 than the strict application of a design standard specified in this title. This procedure is

1 not intended as a substitute for a variance or administrative modification or as a
2 vehicle for relief from standards in this chapter.

3 **2. Applicability**

4 The alternative equivalent compliance procedure shall be available only for the
5 following sections of this chapter:

- 6 a. Section 21.07.060, *Transportation and Connectivity*;
- 7 b. Section 21.07.080, *Landscaping, Screening and Fencing*;
- 8 c. Section 21.07.090, *Off-Street Parking and Loading*;
- 9 d. Section 21.07.100, *Residential Design Standards*;
- 10 e. Section 21.07.110, *Public/Institutional and Commercial Design*
11 *Standards*;
- 12 f. Section 21.07.120, *Large Commercial Establishments*; and
- 13 g. Section 21.07.130, *Exterior Lighting*.

14 **3. Pre-Application Conference Required**

15 An applicant proposing to use alternative equivalent compliance under this
16 section shall request and attend a pre-application conference prior to submitting
17 the site plan for the development, to determine the preliminary response from the
18 director. Based on that response, the site plan application shall include sufficient
19 explanation and justification, in both written and graphic form, for the alternative
20 compliance requested.

21 **4. Decision-Making Responsibility**

22 Final approval of alternative equivalent compliance under this section shall be the
23 responsibility of the decision-making body responsible for deciding upon the
24 application. For example, proposed alternative equivalent compliance on a major
25 site plan application shall be considered and decided upon by the urban design
26 commission. By-right projects that would not ordinarily require review under this
27 title, yet which are proposing alternative equivalent compliance, shall receive
28 written approval of the alternative equivalent compliance from the director.

29 **5. Criteria**

30 To grant a request for alternative equivalent compliance, the decision-making
31 body shall find that the following criteria are met:

- 32 a. The proposed alternative design achieves the intent of the subject design
33 standard to the same or better degree than the subject standard.
- 34 b. The proposed alternative design achieves the goals and policies of the
35 comprehensive plan to the same or better degree than the subject
36 standard.
- 37 c. The proposed alternative design results in benefits to the community that
38 are equivalent to or better than compliance with the subject design
39 standard.

1 **6. Effect of Approval**

2 Alternative compliance shall apply only to the specific site for which it is
3 requested and does not establish a precedent for assured approval of other
4 requests.

5 **21.07.020 NATURAL RESOURCE PROTECTION**

6 **A. Purpose**

7 The municipality contains many natural amenities, including stream corridors, river
8 corridors, natural drainages, wildlife habitat areas, water bodies, wetlands, significant
9 viewsheds, and hillsides, as well as significant amounts of native forest, tree cover, and
10 open space, all of which contribute to the municipality's character, quality of life, and
11 property values. The regulations of this section are intended to ensure that the natural
12 character of the municipality is reflected in patterns of development and redevelopment,
13 and significant natural features are incorporated into open space areas.

14 **B. Stream, Water Body, and Wetland Protection**

15 **1. Purpose**

16 The following requirements are intended to promote, preserve, and enhance the
17 important hydrologic, biological, ecological, aesthetic, recreational, and
18 educational functions provided by stream and river corridors, associated riparian
19 areas, water bodies, and wetlands.

20 **2. Applicability**

21 This subsection 21.07.020B. shall apply to all new development, except for the
22 following development or activities:

- 23 **a.** Development on lots of record that were approved for single-family
24 residential use prior to the effective date of this title, which shall remain
25 subject to applicable setback regulations in effect prior to adoption of this
26 title;
- 27 **b.** Maintenance and repair of existing public roads, utilities, and other public
28 facilities within an existing right-of-way or easement;
- 29 **c.** Flood prevention or rehabilitation work carried out by a government
30 agency or approved by a government agency;
- 31 **d.** Maintenance and repair of flood control structures and activities in
32 response to a flood emergency; and
- 33 **e.** Wetland and wildlife habitat restoration, construction, and/or
34 enhancement that improves or restores the wetland or stream corridor
35 functions, provided that the proposed activity is approved by the
36 appropriate agency such as the U.S. corps of engineers or the Alaska
37 department of fish and game.

38 **3. Relationship to Other Regulations**

- 39 **a.** This subsection 21.07.020B. does not repeal or supersede any existing
40 federal, state, or local laws, easements, covenants, or deed restrictions.
41 When this subsection imposes a higher or more restrictive standard than

1 found in another applicable ordinance, statute, or regulation, this
2 subsection shall apply.

3 **b.** No person shall engage in any activity that will disturb, remove, drain, fill,
4 dredge, clear, destroy, or alter any area, including vegetation, within a
5 wetland that falls in the jurisdiction of the federal government and its
6 agencies, except as may be expressly allowed under a permit issued by
7 the appropriate federal agency.

8 **c.** The decision-making body shall not grant preliminary or final approval to
9 any development or activity, including subdivisions, in a wetland that falls
10 within the federal government’s jurisdiction until all necessary federal
11 approvals and permits have been obtained.

12 **4. Buffer/Setback Requirements**

13 **a. Streams or River Corridors**

14 **i.** In the RL-4 district, all buildings, accessory structures, and
15 parking lots shall be set back at least 100 feet horizontally from
16 the ordinary high-water mark of stream or river corridors or, if not
17 readily discernible, from the defined bank of the stream or river.
18 Except as provided in 6. below, no disturbance is permitted in
19 the 100-foot setback area. Development in the RL-4 district also
20 is subject to the district-specific development standards in
21 section 21.04.020K.

22 **ii.** In the RL-1, RL-2, RL-3, IC, I-1, and I-2 zoning districts, all
23 buildings, accessory structures, and parking lots shall be set
24 back at least 50 feet horizontally from the ordinary high-water
25 mark of stream or river corridors or, if not readily discernible,
26 from the defined bank of the stream or river. Except as provided
27 in 6. below, no disturbance is permitted in the 50-foot setback
28 area.

29 **iii.** For all zoning districts not listed in subsections a.i. and ii. above,
30 all buildings, accessory structures, and parking lots shall be set
31 back at least 25 feet horizontally from the high-water mark of
32 stream or river corridors or, if not readily discernible, from the
33 defined bank of the stream or river. Except as provided in B.6.
34 below, no disturbance is permitted in the 25-foot setback area.

35 **iv.** Segments of streams or tributaries that are contained in culverts
36 for a contiguous length of 100 feet or more are not regulated by
37 this subsection.

38 **v.** Setbacks required in this subsection shall extend the specified
39 distance from both sides of the stream or river.

40 **vi.** For parcels where there are wetlands contiguous with a stream,
41 setback requirements are listed in table 2 of the *Anchorage*
42 *Wetlands Management Plan*.

43 **b. Wetlands**

44 **i.** To the maximum extent feasible, class A and those class B
45 wetlands which, as a result of U.S. corps of engineers permitting,

1 are not authorized for development, shall be tracted out and thus
2 not included as part of a development lot. Wetland classes are
3 defined and delineated in the *Anchorage Wetlands Management*
4 *Plan*.

5 ii. Except as provided in B.6. below, all buildings, accessory
6 structures, fills and other storage of materials, and parking lots
7 shall be set back at least 15 feet horizontally from the delineated
8 edge of all class A wetlands, and all portions of class B and C
9 wetlands not authorized for development; no disturbance is
10 permitted in the 15-foot setback area.

11 c. **Water Bodies**

12 In all districts, all buildings, accessory structures, and parking lots shall
13 be set back at least 15 feet horizontally from the edge of water bodies.
14 Except as allowed in B.6. below, no disturbance is permitted in the 15-
15 foot setback area. Uses such as docks, boathouses, and floatplane
16 storage sheds (and access thereto) that require direct access to a water
17 body by their very nature or function shall be exempted from this setback
18 requirement.

19 d. **Credit for Other Requirements of this Title**

20 Stream corridor, water body, and wetland setback areas shall be credited
21 toward any applicable private open space requirements or landscaping
22 requirements only if such setback areas serve the purposes of those
23 requirements as set forth in this title.

24 5. **Boundary Delineation**

25 a. **Official Definitions and Standards**

26 i. In cases where stream channels or water bodies are not mapped
27 and recorded in official plans or other documents, delineation of
28 such features shall be made according to the municipal
29 watershed management division's definitions and standards, and
30 may be subject to formal verification by the municipal watershed
31 management division.

32 ii. In cases where wetlands are not mapped and recorded in official
33 plans or other documents, including the *Anchorage Wetlands*
34 *Management Plan*, delineation of such features shall be
35 performed using procedures as described by the U.S. corps of
36 engineers. Delineations shall be subject to formal verification by
37 the department and/or the U.S. corps of engineers.

38 b. **Stream and River Corridor Boundaries**

39 Stream and river corridors shall be delineated at the ordinary high-water
40 mark or, if not readily discernible, the defined bank of the stream or river,
41 as those terms are defined in chapter 21.13. The municipal watershed
42 management division shall maintain the official record of all stream and
43 river corridor boundaries.

44 c. **Wetland Boundaries**

45 i. **Mapped Wetlands**

46 Boundary delineation of wetlands shall be established by
47 reference to the *Anchorage Wetlands Management Plan*, which

1 is available for reference in the department and which is hereby
2 adopted and incorporated into this title by reference. Plats shall
3 depict class A and B wetland boundaries, and boundaries of
4 class C wetlands that are not authorized for development.

5 ii. *Unmapped Wetlands*

6 The review of a development proposal may discover a potential
7 wetland that has not been mapped or for which the boundaries
8 have not been clearly established. In such instances, the
9 boundaries of the wetland shall be delineated according to
10 subsection 5.a.ii. above. Any new wetland boundaries
11 delineated herein shall be submitted to the U.S. corps of
12 engineers for approval.

13 **6. Development Standards**

14 a. ***Prohibited Activities***

15 i. No person shall engage in any activity that will disturb, remove,
16 fill, drain, dredge, clear, destroy, or alter an area, including
17 vegetation, within stream or river corridors, pond or lake edges,
18 wetlands, or their associated buffer/setback areas, except as
19 may be expressly allowed in this section or title.

20 ii. Channel alteration, including culvertization other than for
21 roadway and driveway crossings, is prohibited unless a variance
22 is obtained under the provisions of section 21.03.190, a flood
23 hazard permit is obtained as per section 21.03.110, and relevant
24 state and federal permits are obtained. In emergency situations,
25 the application for the necessary approvals may be made no
26 later than 24 hours after channel alteration has begun. For the
27 purposes of this standard, an "emergency" is a situation which
28 would result in an unacceptable hazard to life, a significant loss
29 of property, or an immediate, unforeseen, and significant
30 economic hardship if corrective action requiring a permit is not
31 undertaken immediately.

32 iii. No storage or processing of hazardous materials or other
33 substances that would constitute a violation of AMC chapter
34 15.40 is permitted.

35 b. ***Utilities***

36 Utilities, including potable water wells, may be allowed in a
37 buffer/setback area only if the decision-making body determines that
38 there is no practical alternative. Any disturbance of the buffer area shall
39 be reclaimed by regrading to original contours and revegetation with
40 native species. Provisions for reclamation of the disturbed area shall be
41 included in any development or improvements agreement for the project,
42 with adequate collateral to guarantee the reclamation will be completed.
43 Utility corridors in buffer/setback areas shall be located at the outside
44 edge of the area or if crossing the setback laterally shall disturb only the
45 minimum area necessary to install the utility. Access roads for
46 maintenance of utilities shall be located outside the buffer/setback area
47 to the maximum extent feasible. Access for maintenance of utilities in
48 buffer/setback areas should be at specific points rather than parallel to
49 the utility corridor whenever possible.

1 **c. *Recreation, Education, or Scientific Activities***

2 Structures and improvements for recreational, educational, or scientific
3 activities such as trails, swimming beaches, docks, fishing access, and
4 wildlife management and viewing may be permitted in a buffer/setback
5 area by the appropriate government agency.

6 **7. *Preservation and Restoration of Vegetation***

7 All existing vegetation within the stream/river corridor, lake or pond edge, or
8 wetland buffer/setback area shall be preserved and, where necessary to repair
9 damaged riparian areas, supplemented with additional native planting and
10 landscaping. The removal of trees or vegetation that the municipality finds to be
11 a threat to the public health, safety, or welfare; the removal of species listed as
12 invasive in the *Selected Invasive Plants of Alaska* booklet produced by the
13 United States Department of Agriculture and the Forest Service, Alaska Region;
14 or the removal of dead or naturally fallen trees or vegetation, shall be exempt
15 from this requirement.

16 **8. *Wetland Mitigation Requirements***

17 When a wetland or its buffer is altered in violation of law or without specific
18 permission or approval by the decision-making body, the director shall require
19 restoration to the previous condition, to the maximum extent feasible, according
20 to an approved wetland mitigation plan.

21 **9. *Implementation of Anchorage Wetlands Management Plan***

22 **a. *Zoning and Platting Actions***

23 Zoning and platting actions taken under this title shall be consistent with
24 the *Anchorage Wetlands Management Plan*.

25 **i. *"A" Wetlands***

26 Wetlands designated "A" in the *Anchorage Wetlands*
27 *Management Plan* and in table 2 of that plan shall be protected
28 as indicated in that table and in chapter 4 of the *Anchorage*
29 *Wetlands Management Plan*.

30 **ii. *"B" Wetlands***

31 New development plans in "B" wetlands shall obtain a U.S. corps
32 of engineers permit, concurrent with or prior to necessary
33 approval by the platting board and/or the planning and zoning
34 commission. In order to maximize protection of wetlands
35 designated "B," in addition to the criteria normally considered in
36 subdivision, site plan, and conditional use applications, the
37 platting authority or the planning and zoning commission shall,
38 prior to approval, make explicit findings that, or the applicant
39 shall certify with their U.S. corps of engineers permit that:

40 **(A)** The proposed design and placement of roadways, utility
41 lines, and structures will not interfere with the natural
42 drainage function indicated in the required hydrologic
43 studies or that such interference can be adequately
44 mitigated to maintain the natural drainage function;

45 **(B)** The soils in the area proposed for development shall
46 adequately support roadways and structures, or that

1 properly designed roads and foundations will be
2 provided; and

3 (C) Habitat areas identified in federal, state, or municipal
4 documents shall be adequately protected.

5 Maintenance of open space in its natural state shall be required
6 where the platting authority or the planning and zoning
7 commission determines that such maintenance is necessary to
8 protect the hydrologic and habitat values of wetlands on the
9 property being developed or on adjacent property. Areas where
10 open space is to be preserved in its natural state shall be
11 indicated on the plat or approved site plan. The platting authority
12 and planning and zoning commission may require such land
13 development techniques and such additional conditions as may
14 be appropriate to carry out the intent of the *Anchorage Wetlands*
15 *Management Plan* and such other wetlands studies as may be
16 relevant.

17 iii. "C" Wetlands
18 When approving plats or conditional use permits in wetlands
19 designated "C" under the plan, the platting authority or the
20 planning and zoning commission shall, whenever practicable,
21 include the recommended construction mitigation techniques and
22 conditions and enforceable policies in table 2 of the *Anchorage*
23 *Wetlands Management Plan*.

24 b. **Application of Plan to Approved Projects**
25 Conditional uses and preliminary plats approved prior to March 12, 1996,
26 the date of adoption of the revised *Anchorage Wetlands Management*
27 *Plan*, shall not have additional conditions imposed upon them as a result
28 of requirements of the plan except as follows:

29 i. The "A" designation shall apply regardless of prior approvals.

30 ii. Approved plats or conditional uses in wetlands that are returned
31 to the platting authority or planning and zoning commission for
32 major amendment may be examined for conformity with plan
33 goals and enforceable policies of the *Anchorage Wetlands*
34 *Management Plan*.

35 iii. A new U.S. corps of engineers permit is required.

36 **C. Steep Slope Development**

37 1. **Purpose**
38 The purpose of this subsection 21.07.020C. is, to the extent reasonably feasible,
39 to:

40 a. Prevent soil erosion and landslides;

41 b. Provide safe circulation of vehicular and pedestrian traffic to and within
42 hillside areas and to provide access for emergency vehicles necessary to
43 serve the hillside areas;

- 1 c. Encourage only minimal grading that relates to the natural contour of the
2 land;
- 3 d. Preserve the most visually significant slope banks and ridge lines in their
4 natural state;
- 5 e. Preserve visually significant rock outcroppings, native plant materials,
6 natural hydrology, and other areas of visual significance;
- 7 f. Encourage variety in building types, grading design, lot sizes, site
8 design, density, arrangement, and spacing of buildings in developments;
- 9 g. Encourage innovative architectural, landscaping, circulation, and site
10 design; and
- 11 h. Discourage mass grading of large pads and excessive terracing.
- 12 **2. Applicability**
13 This subsection 21.07.020C. shall apply to any development or subdivision
14 proposal or lot created after the effective date of this title within the municipality
15 for properties with an average slope of 20 percent or greater, or where adverse
16 conditions associated with slope stability, erosion, or sedimentation are present
17 as determined by the municipal engineer.
- 18 **3. Standards**
19 All proposed development subject to this section shall comply with the following
20 standards.
- 21 a. ***Slopes Greater than 30 Percent***
22 One hundred percent of areas with slopes greater than 30 percent shall
23 remain undisturbed. This requirement shall not apply to small, isolated
24 steep slope areas within a site that do not exceed 5,000 square feet.
- 25 b. ***Cutting, Grading, and Filling***
26 i. Cutting and grading to create benches or pads for buildings or
27 structures shall be avoided to the maximum extent feasible.
- 28 ii. For development on individual lots, except for driveways, cut and
29 fill slopes shall be entirely contained within a lot (i.e., natural
30 grade at the lot lines shall be maintained).
- 31 iii. Sharp angles shall be rounded off, in a natural manner, at the
32 top and ends of cut and fill slopes (within approximately five feet
33 of the sharp angle) unless steep angles are a natural character
34 of the site, as determined by the municipality. Where this would
35 damage tree root systems, the amount of rounding off may be
36 reduced and shrubs used instead to hide the transition.
- 37 c. ***Raising or Lowering of Natural Grade***
38 The original, natural grade of a lot shall not be raised or lowered more
39 than four feet at any point for construction of any structure or
40 improvement, except:

- 1
2
3
4
- 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.
- 5
6
7
- 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.
- 8
9
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- iii. For the purposes of this subsection 21.07.020C.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:
- 17
18
- i. Where used internally at the split between one- and two-story portions of a building; and
- 19
20
- 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 run of no more than 100 feet or 10 percent of the road/street's entire length, whichever is less, as measured along the centerline from the nearest intersection to intersection, may be allowed by the decision-maker upon finding that:
- 29
30
31
32
33
- (A) Such street or road will not have significant adverse safety or environmental impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
- 34
- (B) No alternate location for access is feasible or available.
- 35
36
37
38
- No intersections including driveways, public use easements, private drives, or other vehicular routes, shall be allowed on this section of road.
- 39
40
- ii. No street, road, private access road, driveway, or other vehicular route shall cross slopes greater than 50 percent.
- 41
42
- iii. Streets, roads, private access roads, and other vehicular routes shall follow natural contour lines to the maximum extent feasible.

1 iv. Grading for streets, roads, private access roads, and other
2 vehicular routes shall be limited to the cartway portion of the
3 right-of-way, plus up to an additional ten feet on either side of the
4 cartway as needed, except that when developing access on
5 slopes in excess of 25 percent, only the cartway right-of-way
6 shall be graded plus the minimum area required for any
7 necessary curb, gutter, or sidewalk improvements. The
8 remainder of the access right-of-way shall be left undisturbed to
9 the maximum extent feasible.

10 f. **Natural Drainage Patterns**
11 Site design shall not change natural drainage patterns, except as
12 provided below.

13 i. All final grading and drainage shall comply with title 23 and the
14 municipality's *Erosion-Sediment Control Handbook*.

15 ii. To the maximum extent feasible, development shall preserve the
16 natural surface drainage pattern unique to each site as a result
17 of topography and vegetation. Grading shall ensure that
18 drainage flows away from all structures, especially structures
19 that are cut into hillsides. Natural drainage patterns may be
20 modified on site only if the applicant shows that there will be no
21 significant adverse environmental impacts on site or on adjacent
22 properties. If natural drainage patterns are modified, appropriate
23 stabilization techniques shall be employed.

24 iii. Development shall not adversely impact adjacent and
25 surrounding drainage patterns.

26 iv. Standard erosion control methods shall be used during
27 construction to protect water quality, control drainage, and
28 reduce soil erosion. Sediment traps, small dams, barriers of
29 straw bales, or other methods acceptable to the municipality
30 shall be located wherever there are grade changes, to slow the
31 velocity of runoff.

32 g. **Winter Erosion Blanket**
33 If a disturbed slope is not stabilized by October 15, the developer/builder
34 shall install an erosion blanket (or a product with equivalent performance
35 specifications) when finished working, but no later than October 15, to
36 prevent erosion prior to the establishment of permanent ground cover.
37 The erosion blanket shall remain in place until the following May 1.

38 h. **Utilities on Slopes**
39 Where buried utilities are required to be placed on side slopes and where
40 the utility corridor runs transverse to the side slope, the side slope
41 portion of the corridor shall be no more than 10 percent.

42 D. **Wildlife Conflict Prevention Areas**

43 1. **Applicability**
44 This subsection shall apply within 200 feet on either side of the ordinary high
45 water of the following streams: Eklutna River (downstream from the Old Glenn

1 Highway), Thunderbird Creek, Peters Creek and its tributaries, Fire Creek
2 (downstream from the Glenn Highway), Eagle River, South Fork of Eagle River
3 (below the falls), Ship Creek (upstream from Reeve Blvd.), Campbell Creek
4 (upstream from Lake Otis Parkway), Rabbit Creek, Little Rabbit Creek, Indian
5 Creek, Bird Creek, and Portage Creek.

6 **2. Standards**

7 Within the area identified in subsection D.1. above, the following mandatory
8 standards shall apply:

- 9 **a.** No landfills, transfer stations, schools, or campgrounds are allowed.
- 10 **b.** Any commercial, institutional, or industrial development shall store edible
11 garbage in bear-proof containers, and shall not store food outside.
- 12 **c.** Roads and driveways are allowed only if there is no feasible and prudent
13 alternative.
- 14 **d.** Stream crossings, either by roads, driveways, or trails, shall be designed
15 to facilitate wildlife passage along the stream, and minimize wildlife-
16 human conflicts.

17 **3. Guidelines**

18 Within the area identified in subsection D.1. above, the following voluntary
19 guidelines apply:

- 20 **a.** Fences are discouraged.
- 21 **b.** New buildings are encouraged to be sited outside these areas.
- 22 **c.** Trails should be sited outside these areas, and/or with direct consultation
23 with the state department of fish and game.
- 24 **d.** All outdoor trash receptacles should be bear-proof.
- 25 **e.** Bird feeders should be empty between April 15 and October 15.
- 26 **f.** Food, including pet food and bird seed, should be stored indoors and/or
27 in bear-proof containers.
- 28 **g.** Bee hives, vegetable gardens, fruit trees and berry bushes, and
29 composting is discouraged in this area.
- 30 **h.** Pet runs and livestock should not be kept in this area, or should be
31 penned with an electric fence.

32 **21.07.030 OPEN SPACE**

33 **A. Purpose**

34 This section 21.07.030 is intended to ensure that open space and natural areas
35 throughout the municipality are considered and protected during the development review
36 process. Open space serves numerous purposes, including preserving natural areas and
37 resources and scenic views; providing health benefits and greater resident access to

1 open areas and recreation; and enhancing the quality of new development in the
2 municipality.

3 **B. Private Open Space**

4 **1. Purpose**

5 Private open space is private open land area set aside for the exclusive use and
6 enjoyment of a development's residents, employees, or users. Goals and
7 requirements for private open space complement this title's requirements for
8 dedicated open space and parks, and serve similar purposes.

9 **2. Applicability**

10 Development in the municipality shall be required to set aside a portion of land as
11 private open space according to the following minimum requirements, except as
12 provided in subsection B.3. below:

- 13 **a.** Multi-family residential development containing six or more units: 600
14 square feet per dwelling unit.
- 15 **b.** Commercial development: 15 percent of total land area.
- 16 **c.** Mixed-Use development: 15 percent of total land area.

17 **3. Infill and Redevelopment Areas—In-Lieu Option**

18 In lieu of a percent private open space set aside, all commercial and residential
19 development in the RM-4 district, the MMU district, and designated infill and
20 redevelopment areas may, with the approval of the director, provide alternative
21 open space and environmental amenities such as those listed below. The
22 economic value of the amenities provided pursuant to this subsection shall be
23 comparable to the economic value of the space that shall have been required
24 under subsection B.2. above.

- 25 **a.** Plazas;
- 26 **b.** Fountains;
- 27 **c.** Roof gardens;
- 28 **d.** Playgrounds;
- 29 **e.** Street trees and landscaping not already required by this title or other
30 municipal ordinances or policies; or
- 31 **f.** Community meeting space open to the public.

32 **4. Standards**

33 **a. Areas Credited**

34 The following areas may be credited for private open space, when they
35 meet the design criteria of subsection 4.e. below:

- 36 **i.** Setbacks;
- 37 **ii.** Utility easements;

-
- 1 iii. Lake, wetland, and stream/riparian setbacks;
- 2 iv. Areas with average slopes over 30 percent; and
- 3 v. Tree tracts.
- 4 b. **Areas Not Credited**
- 5 Lands within the following areas shall not be counted towards required
- 6 private open space set-aside areas:
- 7 i. Required landscaping;
- 8 ii. Public or private streets or rights of way;
- 9 iii. Open parking areas and driveways for dwellings; and
- 10 iv. Land covered by structures not intended solely for recreational
- 11 uses.
- 12 c. **Use of Private Open Space Areas**
- 13 Up to 50% of the required private open space set-aside may be private
- 14 yard, deck, balcony, or other open space reserved for the exclusive use
- 15 of a single dwelling unit. No less than 50% of the required private open
- 16 space set-aside shall be common open space area.
- 17 d. **Use of Common Open Space Areas**
- 18 Common open space areas shall not be developed, or improved, except
- 19 for the limited purposes allowed below:
- 20 i. Facilities for active recreation (equipment for such uses shall be
- 21 indicated on the site and/or subdivision plan provided by the
- 22 developer).
- 23 ii. Facilities for passive recreation such as lawns and gardens.
- 24 iii. Clearing of underbrush and debris and the provision of walks,
- 25 fountains, fences, and other similar features are allowed.
- 26 iv. Snow storage, as allowed in subsection 21.07.090H.6.b.ii.
- 27 e. **Design Criteria**
- 28 At least one-half of land set aside for private open space shall be
- 29 contiguous, and no portion of the required open space may be less than
- 30 30 feet in its smallest dimension.
- 31 f. **Ownership**
- 32 All private open space areas not reserved for the exclusive use of a
- 33 single dwelling unit shall be owned jointly or in common by the owners of
- 34 the development or permanently preserved through some other
- 35 mechanism satisfactory to the director.
- 36 g. **Fee In Lieu Prohibited**
- 37 The payment of fees in lieu of the set-aside of land for private common
- 38 open space is prohibited.

21.07.040 DRAINAGE, STORMWATER RUNOFF, EROSION CONTROL

[RESERVED]

21.07.050 UTILITY DISTRIBUTION FACILITIES

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 21.08.050B., 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 AMC chapter 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.

1 **C. Variances**

2 1. The director may grant a variance from subsection A. above when any of the
3 following is found:

4 a. Placing a utility distribution line underground would cause an excessive
5 adverse environmental impact;

6 b. Placing a utility distribution line underground would threaten public health
7 and safety, because the placement cannot be shown to meet acceptable
8 technical standards for safety; or

9 c. Placing a utility distribution line underground in an environmentally sound
10 and safe manner would cost more than three times the cost of placing
11 the line overhead, where the applicant demonstrates the relative cost to
12 the satisfaction of the director.

13 2. The director may grant a variance from subsection A. above when he or she
14 finds that the utility distribution line is being placed overhead temporarily for one
15 of the reasons listed in this subsection:

16 a. The line is being placed to provide service when weather conditions do
17 not allow excavation for underground placement;

18 b. A permanent location for underground placement is not available
19 because of construction in progress; or

20 c. The line is being placed to provide service to a temporary use or
21 structure.

22 A variance issued under this subsection C.2. shall expire within two years of its
23 issuance.

24 **D. Relationship to Chapter 21.11, *Nonconformities***

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 distribution
28 line is not a nonconforming structure or use under chapter 21.11, *Nonconformities*, solely
29 because it is a nonconforming overhead line under this section.

30 **E. Designation of Target Areas**

31 1. An electric utility that owns poles that support nonconforming utility distribution
32 lines shall prepare or otherwise include as part of its annual capital improvement
33 plan, a five-year undergrounding program consistent with subsection F. below.
34 This five-year program shall be updated on an annual basis. Priorities shall be
35 based on undergrounding in conjunction with the electric utility's essential system
36 improvements and then by target area as set forth below in no particular order of
37 priority. The director shall review and provide comment for consideration by the
38 electric utilities on these five-year programs. When reviewing and commenting
39 on these programs, the director shall consider the following factors in no
40 particular order of priority:

-
- 1 **a.** Whether undergrounding will avoid or eliminate an unusually heavy
2 concentration of overhead distribution facilities.
- 3 **b.** Whether the street or general area is extensively used by the general
4 public and carries a heavy volume of pedestrian or vehicular traffic.
- 5 **c.** Whether the appearance of grounds and structures adjacent to the
6 roadway is such that the removal of the overhead facilities will
7 substantially improve the general appearance of the area.
- 8 **d.** Whether the street or area affects a public recreation area or an area of
9 scenic interest.
- 10 **e.** Whether there is a significant opportunity to achieve economies due to
11 the anticipated relocation or replacement of overhead lines or the
12 widening or realignment of streets within a given area.
- 13 **f.** Whether the five-year program sufficiently addresses the objectives of
14 subsection F. below.
- 15 **g.** Whether the area under consideration is within a zone where new and
16 relocated distribution lines are required to be placed underground.
- 17 **h.** Whether the installation of underground distribution lines is economically,
18 technically and environmentally feasible, including the effect on the
19 attached utility.
- 20 **2.** The director shall confirm annually that the electric utilities have developed
21 project undergrounding implementation plans. The director shall consult with the
22 utilities and public agencies affected by any implementation plan. In reviewing
23 implementation plans, the director shall consider the factors stated in subsection
24 E.1. above.
- 25 **3.** The following shall be target areas:
- 26 **a.** Central Business District: between and including Third Avenue and
27 Tenth Avenue and L Street and Ingra Street.
- 28 **b.** Midtown area: between and including New Seward Highway and
29 Minnesota Drive and International Airport Road and Fireweed Lane.
- 30 **c.** All municipal and state street improvement projects except for those
31 which do not require relocation of utility distribution facilities.
- 32 **d.** The following major traffic corridors:
- 33 **i.** Old Seward Highway.
- 34 **ii.** Ingra and Gambell Streets between and including Ninth Avenue
35 and Fireweed Lane.
- 36 **iii.** Northern Lights Boulevard and Benson Boulevard between and
37 including Glenwood Street and Arlington Drive.

-
- 1 iv. Muldoon Road between and including New Glenn Highway and
2 Patterson Street.
- 3 v. Tudor Road between and including Patterson Street and Arctic
4 Boulevard.
- 5 vi. Boniface Parkway between and including 30th Avenue and New
6 Glenn Highway.
- 7 vii. Spenard Road between and including Hillcrest Drive and
8 International Airport Road.
- 9 viii. Arctic Boulevard between 17th Avenue and Tudor Road.
- 10 ix. Lake Otis Parkway between Tudor Road and Abbott Loop
- 11 e. All park, recreational use and scenic interest areas.
- 12 f. Eagle River Central Business District between and including the New
13 Glenn Highway, North Eagle River Access Road, Aurora street as
14 extended to the Old Glenn Highway and the Old Glenn Highway.
- 15 g. Any area where utility distribution facilities are provided by more than
16 one utility as a result of mergers and boundary changes approved by the
17 state public utilities commission.
- 18 h. School and university areas.
- 19 **F. Nonconforming Overhead Lines**
- 20 1. An electric utility that owns poles that support nonconforming utility distribution
21 lines shall remove the poles and place those lines underground. Any other utility
22 that attaches to such poles shall place its lines underground at the same time
23 that the pole owner places lines underground.
- 24 a. The electric utility that owns poles shall, in each fiscal year, expend at
25 least two percent of a three-year average of its annual gross retail
26 revenues derived from utility service connections within the municipality,
27 excluding toll revenues, revenues from sales of natural gas to third
28 parties, and revenues from sales of electric power for resale for purposes
29 of undergrounding nonconforming lines. An electric utility's
30 expenditures, pursuant to AS 42.05.381(h), within the municipality, shall
31 be counted toward satisfaction of the two percent expenditure required
32 by this subsection.
- 33 b. A utility with lines attached to a pole that is to be removed under this
34 subsection shall place its lines underground at the same time that the
35 pole owner places its lines underground. To underground
36 nonconforming utility lines, an attached utility shall not be required to
37 expend more than two percent of its annual gross retail revenues derived
38 from utility service connections within the municipality, excluding toll
39 revenues. For the purpose of satisfying subsection 21.07.050F, the
40 utility's expenditures pursuant to AS 42.05.381(h) within the municipality
41 are counted toward this two percent expenditure limit.

- 1 c. The electric utility that owns poles may choose which existing lines to
2 underground in order to fulfill the two percent expenditure requirement, in
3 consultation with appropriate public agencies and any other utilities.
- 4 d. An electric utility that owns poles that does not expend the amount
5 required in subsection F.1. of this section, or that expends more than that
6 amount, may carry over the under expenditure or over expenditure as an
7 adjustment to the following year's obligation.
- 8 2. The electric utility that owns poles shall notify the director, and utilities or entities
9 with lines attached to such poles, of the approximate date that the owner plans to
10 remove the poles. Such notice, where possible, shall be given at least four
11 months in advance of the undergrounding except where an emergency or other
12 unforeseen circumstances preclude such notice, in which case such advance
13 notice as is reasonable under the circumstances shall be provided.
- 14 3. A utility shall annually submit a report of its undergrounding projects and
15 expenditures for non-conforming lines to the director within 120 days of the end
16 of the preceding calendar year.
- 17 4. All new service connections shall be placed underground in the same manner as
18 required for utility distribution lines under subsections A. and B. above. New
19 service lines may be temporarily installed above ground from October through
20 May, if placed underground prior to the next October.

21 **G. Lines in Municipal Right-of-Way**

- 22 1. The department of project management and engineering shall furnish to a utility
23 owning or operating utility distribution lines all planning documents for municipal
24 road construction that will require the relocation of those utility distribution lines.
- 25 2. Once a utility installing a utility distribution line underground in material
26 compliance with a right-of-way permit issued by the department of project
27 management and engineering and in accordance with this chapter, the
28 municipality shall reimburse the cost of any subsequent relocation of the utility
29 distribution line required by municipal road construction.
- 30 3. If municipal road construction requires the relocation of a nonconforming utility
31 distribution line, the municipality, as part of the road construction project cost,
32 shall reimburse the cost of the relocation. Reimbursable costs under this
33 subsection include engineering and design, inspection, construction and general
34 overhead costs, but exclude utility plant betterment costs. Plant betterment costs
35 are the costs of providing utility distribution line capacity or quality beyond what
36 current industry standards require for the capacity or level of service existing
37 before the relocation.

38 **H. Conversion of Service Connections**

- 39 A utility that places a nonconforming utility distribution line underground as required by
40 subsection F. above shall bear the cost of placing underground any related service
41 connections or other utility facilities on a customer's premises, in accordance with the
42 utility's applicable tariff or rules or regulations of operation.

43

21.07.060 TRANSPORTATION AND CONNECTIVITY

A. Purpose

The purpose of this section 21.07.060 is to support the creation of a highly connected transportation system within the municipality in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of municipal service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development, and free up arterial capacity to better serve regional long-distance travel needs.

B. Applicability

The standards of this section 21.07.060 shall apply to all development in the municipality.

C. Traffic Impact Mitigation

1. Traffic Impact Analysis Required

The transportation system for new development shall be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation of system capacity shall be undertaken through a traffic impact analysis (TIA), which should consider the following factors without limitation: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety. At a minimum, a traffic impact analysis (TIA) shall be required with applications for development review and approval when:

- a. Thresholds established in the traffic department's *Policy on Traffic Impact Analyses* are met;
- b. A TIA is required by the planning and zoning commission or assembly as a condition of any land use application approved pursuant to the requirements of this title; or
- c. The director shall, unless the traffic engineer deems it unnecessary through a waiver, also require a TIA for:
 - i. Any case where the previous TIA for the property is more than two years old;
 - ii. Any case where increased land use intensity will result in substantially increased traffic generation and reduction of the existing level of service on affected streets by at least one service level; or
 - iii. Any case in which the traffic engineer determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.

2. TIA and Development Review Process

- a. The development and review of a TIA shall be according to the traffic department's *Policy on Traffic Impact Analyses*.

- 1 b. When state-owned roads are involved, the applicant shall coordinate with
2 the state department of transportation and public facilities, and the
3 development of a TIA shall follow state regulations as defined in 17 AAC
4 10.095.

5 **3. Traffic Mitigation Measures**

6 The applicant shall, as part of the traffic impact analysis, recommend measures
7 to minimize and/or mitigate the anticipated impacts and determine the adequacy
8 of the development's planned access points. Mitigation measures shall be
9 acceptable to the traffic engineer and may include, without limitation: an access
10 management plan; transportation demand management measures; street
11 improvements on or off the site; placement of pedestrian, bicycle or transit
12 facilities on or off the site; or other capital improvement projects such as traffic
13 calming infrastructure or capacity improvements.

14 **D. Streets and On-Site Vehicular Circulation**

15 **1. Street Standards**

16 All streets shall meet the standards and requirements set forth in subsections
17 21.08.030F.2., *Street Grades*, 21.08.030F.3., *Street Alignment*, and
18 21.08.030F.4. *Street Intersections*.

19 **2. Parking Lots**

20 In addition to complying with the standards in this subsection 21.07.060D.,
21 parking areas shall comply with the standards set forth in section 21.07.090, *Off-*
22 *Street Parking and Loading*.

23 **3. Street Connectivity**

24 **a. Purpose**

25 Street and block patterns should include a clear hierarchy of well-
26 connected streets that distribute traffic over multiple streets and avoid
27 traffic congestion on principal routes. Within each residential
28 development, the access and circulation system and a grid of street
29 blocks should accommodate the safe, efficient, and convenient
30 movement of vehicles, bicycles, and pedestrians through the
31 development, and provide ample opportunities for linking adjacent
32 neighborhoods, properties, and land uses. Local neighborhood street
33 systems are intended to provide multiple direct connections to and
34 between local destinations such as parks, schools, and shopping. These
35 connections should knit separate developments together, rather than
36 forming barriers between them.

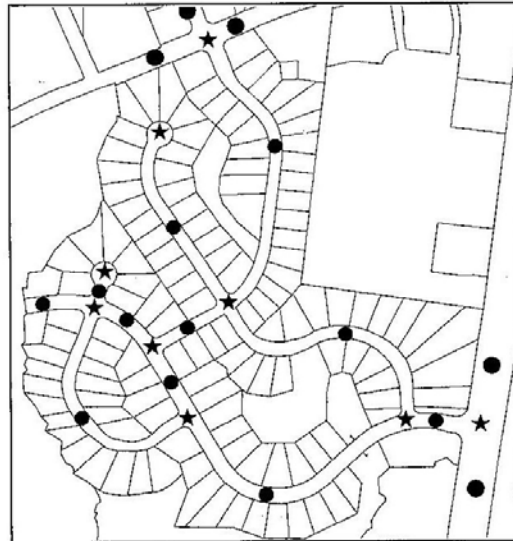
37 **b. Internal Street Connectivity (Connectivity Index)**

38 i. All development shall achieve a connectivity index of 1.65 or
39 greater.

40 ii. The connectivity index for a development is calculated by
41 dividing its links by its nodes. Figure 21.07-1, *Calculation of*
42 *Connectivity*, provides an example of how to calculate the
43 connectivity index. Nodes (stars) exist at street intersections and
44 cul-de-sac heads within the development. Links (circles) are
45 stretches of road that connect nodes. Street stub-outs are
46 considered as links. One link beyond every node that exists in
47 the development and provides access to the greater municipal

1 street system shall be included in the index calculation. In the
2 diagram, there are 16 links (circles) and nine nodes (stars);
3 therefore the connectivity index is 1.78 ($16/9 = 1.78$).

4 **FIGURE 21.07-1: CALCULATION OF CONNECTIVITY**



5
6 iii. The connectivity index standard of 1.65 or greater may be
7 reduced by the director if the owner/developer demonstrates it is
8 impossible or impracticable to achieve due to topographic
9 conditions, natural features, or adjacent existing development
10 patterns.

11 iv. Whenever cul-de-sac streets are created, at least one ten-foot
12 wide pedestrian access easement shall be provided, to the
13 extent practicable, between each cul-de-sac head or street
14 turnaround and the sidewalk system of the closest adjacent
15 street or pedestrian pathway. This requirement shall not apply
16 where it would result in damage to or intrusion into significant
17 natural areas such as stream corridors, wetlands and steep
18 slope areas.

19 c. **External Street Connectivity**

20 i. The arrangement of streets in a development shall provide for
21 the alignment and continuation of existing or proposed streets
22 into adjoining lands in those cases in which the adjoining lands
23 are undeveloped and intended for future development or in
24 which the adjoining lands are developed and include
25 opportunities for such connections.

26 ii. Street rights-of-way shall be extended to or along adjoining
27 property boundaries such that a roadway connection or street
28 stub shall be provided for development at least every 1,500 feet
29 for each direction (north, south, east, and west) in which
30 development abuts vacant lands. The director may waive this

1 requirement where topography or the presence of sensitive
2 natural areas makes compliance impractical.

3 iii. At all locations where streets terminate with no street connection,
4 but a future connection is planned or accommodated, a sign
5 shall be installed at the location with the words "FUTURE ROAD
6 CONNECTION" to inform property owners.

7 d. ***Vehicular Access to Public Streets***

8 Any development of more than 100 residential units or additions to
9 existing developments such that the total number of units exceeds 100
10 shall be required to provide vehicular access to at least four public
11 streets unless such provision is deemed impractical by the director and
12 the traffic engineer, due to topography, natural features, or the
13 configuration of adjacent developments.

14 e. ***Connections to Vacant Land***

15 Where new development is adjacent to land likely to be developed or
16 redeveloped in the future, all streets, bicycle paths, and access ways in
17 the development's proposed street system shall continue through to the
18 boundary lines of the area, as determined by the director and the traffic
19 engineer, to provide for the orderly subdivision of such adjacent land or
20 the transportation and access needs of the community. In addition, all
21 redevelopment and street improvement projects shall take advantage of
22 opportunities for retrofitting existing streets to provide increased
23 vehicular and pedestrian connectivity.

24 f. ***Cross Access to Adjacent Properties***

25 All non-residential development shall be designed to allow for cross-
26 access to adjacent properties to encourage shared parking and shared
27 access points on public or private streets. When cross-access is
28 deemed impractical by the director and the traffic engineer on the basis
29 of topography, the presence of natural features, or vehicular safety
30 factors, this requirement may be waived provided that appropriate
31 bicycle and pedestrian connections are provided between adjacent
32 developments or land uses. A cross access easement must be recorded
33 prior to issuance of a certificate of zoning compliance for the
34 development.

35 g. ***Neighborhood Protection from Cut-through Traffic***

36 Street connections shall connect neighborhoods to each other and to
37 local destinations such as schools, parks, greenbelt trail systems and
38 shopping centers, while minimizing neighborhood cut-through vehicle
39 traffic movements that are non-local in nature. Configuration of local and
40 internal streets and traffic calming measures shall be used to discourage
41 use of the local street system for cut-through collector or arterial vehicle
42 traffic.

43 E. **Standards for Pedestrian Facilities**

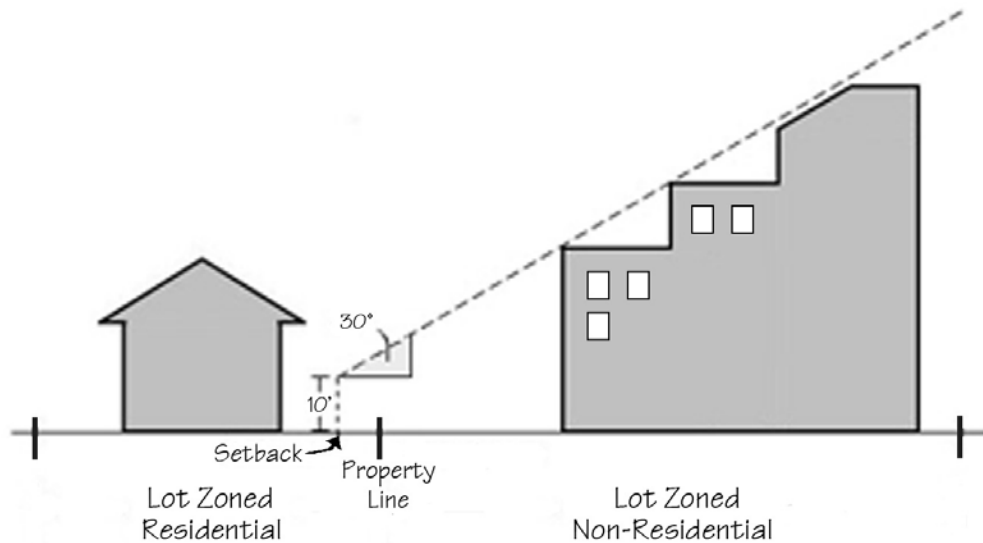
44 1. **Sidewalks**

45 a. All sidewalks shall be designed to comply with the standards of the
46 *Design Criteria Manual (DCM)* and *Municipality of Anchorage Standard*
47 *Specifications (MASS)*.

- 1 a. All trail connections shall be well-signed with destination and directional
2 signing as approved by the traffic engineer.
- 3 b. All trails shall connect origin and destination points such as residential
4 areas, schools, shopping centers, parks, etc.
- 5 c. Trails shall be designed in such a manner that motor vehicle crossings
6 can be eliminated or significantly minimized.
- 7 **4. Use and Maintenance of Sidewalks, Walkways, and Trails**
- 8 a. ***Restrictions on Use***
9 Sidewalks, walkways, and trails are intended to provide pedestrian
10 access. Vehicle parking, required snow storage for vehicle areas,
11 garbage containers, merchandise storage or display, utility boxes and
12 poles, signs, trees, and other obstructions shall not encroach into the
13 required minimum clear width of any required sidewalk, trail, walkway, or
14 other pedestrian way. Pedestrian amenities including bollards are
15 exempt from this requirement.
- 16 b. ***Maintenance and Snow Removal***
17 Sidewalks, trails, and walkways required by this title shall be maintained
18 in usable condition throughout the year, including snow and ice removal
19 as appropriate.

20 **21.07.070 NEIGHBORHOOD PROTECTION STANDARDS**

- 21 **A. Purpose and Relationship to Other Requirements**
- 22 This section provides for transitions between non-residential and residential uses,
23 through discretionary approval criteria that may be applied in combination with other
24 development standards in this chapter 21.07, in order to provide significantly more
25 protection for neighborhoods from the impacts of adjacent development. This section
26 makes available a menu of additional tools to use in discretionary approvals to protect
27 residential neighborhoods from potential adverse impacts of adjacent nonresidential
28 uses, including limitations on hours of operation, noise, and lighting.
- 29 **B. Height Transitions for Neighborhood Compatibility**
- 30 **1. Purpose**
31 The objective of the height transition standard is to help ensure compatibility
32 between non-residential development and adjacent residential districts, in terms
33 of building bulk and scale, degree of sunlight access and daylighting, and visual
34 buffering.
- 35 **2. Applicability**
36 This standard shall apply to all non-residential development in all non-residential
37 zoning districts, except that non-residential structures adjacent to the RM-4
38 district are exempt.
- 39 **3. Standard**
40 Structures shall not intercept a 30-degree daylight plane inclined into a non-
41 residential district, from a height of 10 feet above existing grade at the nearest
42 setback line of any adjacent lot zoned for residential use.



C. Non-Residential Development Adjacent to Existing Residential Use

As a condition of the approval of any conditional use permit, site plan review, subdivision, or variance of any nonresidential use located in or within 300 feet of any residential district, the decision-making body shall be authorized to impose conditions that are necessary to reduce or minimize any potential adverse impacts on residential property. Such conditions may include but are not limited to the following:

1. Hours of operation and deliveries;
2. Location on a site of activities that generate potential adverse impacts on adjacent uses, such as noise and glare;
3. Placement of trash receptacles, compactors, or recycling;
4. Location and screening of loading and delivery areas;
5. Lighting location, design, intensity, and hours of illumination;
6. Placement and illumination of outdoor vending machines, telephones, or similar outdoor services and activities;
7. Additional landscaping and screening to mitigate adverse impacts;
8. Height restrictions to preserve light and privacy and views of significant features from public property and rights of way;
9. Preservation of natural lighting and solar access;
10. Ventilation and control of odors and fumes; and
11. Paving to control dust.

D. Residential Development Adjacent To Existing Non-Residential Use

When a residential development is proposed adjacent to an existing commercial or industrial use, the decision-making body may impose neighborhood protection standards, including but not limited to increased landscaping, traffic calming measures, and requiring the residential development to be configured and dwelling units located to minimize potential conflicts with or adverse impacts from the existing non-residential industrial development. Any required mitigation measures shall be installed and maintained by the residential development, not the existing commercial or industrial use.

21.07.080 LANDSCAPING, SCREENING, AND FENCES

A. Purpose

This section is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development and that it contributes added high quality to development, retains and increases property values, improves the environmental and aesthetic character of the community. It is also the intent of this section to provide flexible requirements that encourage and allow for creativity in landscape design. Specific purposes include to:

1. Improve the general appearance of the municipality, its aesthetic appeal and identity, and the image of its street corridors and urban districts;
2. Encourage a pleasant visual character for new development which recognizes aesthetics and safety issues;
3. Unify development and enhance and define public and private spaces;
4. Improve compatibility between land uses by reducing the visual and operational impacts of more intensive uses upon adjacent properties;
5. Promote the use of existing vegetation and retention of the municipality's trees, woodlands and urban forest;
6. Reduce runoff and erosion, control dust, and preserve air and water quality; and
7. Encourage use of native plants or provide landscaping that is compatible with the climate and natural setting of the municipality and can provide desired effects even during harsh urban and winter conditions.

B. Applicability

All development, unless specifically exempted in this section 21.07.080 shall comply with the landscaping and screening standards of this section 21.07.080. Additional landscaping may be required by other standards set forth in this title. Except where specifically stated otherwise, the following development is exempt from the requirements of this section:

1. Individual single-family, two-family, and townhouse residential dwellings on separate lots that existed prior to [effective date of title], where such residential use is the primary use on the lot;
2. New single-family, two-family and townhouse subdivisions with fewer than 2 lots and 2 dwellings; and

- 1 3. Temporary uses in accordance with section 21.05.080, except that landscaping
2 and/or screening may be required pursuant to the provisions for the specific
3 temporary use in section 21.05.080.

4 **C. Landscaping Plan**

5 All landscaping and screening required under this section 21.07.080 shall be reflected on
6 a landscaping plan reviewed and approved by the decision-making body. Such plan may
7 be combined with any land clearance, vegetation protection, erosion control, or snow
8 removal plan required for compliance with other sections of this title. Where a
9 landscaping plan is required under this title, the plan shall include the information
10 specified in the title 21 user's guide.

11 **D. Alternative Equivalent Compliance**

12 The standards of this section 21.07.080 are intended to encourage development which is
13 economically viable and allow creative solutions while achieving the intent of this section.
14 Site conditions may arise where normal compliance is impractical or impossible, or where
15 the maximum achievement of the municipality's objectives can be obtained through
16 alternative compliance. The alternative equivalent compliance procedure set forth in
17 subsection 21.07.010B. may be used to propose alternative means of complying with the
18 intent of this section. Any proposed alternative landscaping and screening shall be equal
19 to or greater than normal compliance in terms of quality, durability, hardiness and ability
20 to fulfill the standards of this section. In order to be considered for alternative equivalent
21 compliance, one or more of the following landscaping-specific conditions shall be met:

- 22 1. Topography, soil, vegetation, or other site conditions are such that full
23 compliance is impossible or impractical; or improved environmental quality would
24 result from the alternative compliance;
- 25 2. Sites involving space limitations or unusually shaped parcels may justify
26 alternative compliance for in-fill sites and for improvements and redevelopment in
27 older areas;
- 28 3. Safety considerations make alternative compliance necessary; or
- 29 4. An alternative compliance proposal is equal to or better than normal compliance
30 in its ability to fulfill the intent of this section.

31 **E. Cross-reference to Other Requirements**

32 Any use required to provide landscaping or screening pursuant to the use-specific
33 standards of sections 21.05.030 through 21.05.060 shall provide such use-specific
34 landscaping or screening. In the event of a conflict between the use-specific
35 requirements and the requirements of this section 21.07.080, the use-specific provisions
36 shall govern.

37 **F. Landscaping**

38 1. **General Description of Landscaping Requirements**

39 Four types of landscaping may be required for a development, depending on the
40 use and zoning district of the property and adjacent properties, and the portion of
41 the property involved. These types of landscaping are: (1) site enhancement
42 landscaping, (2) site perimeter landscaping, (3) parking lot landscaping, and (4)
43 trees. Each type of required landscaping shall meet the minimum standards of

1 subsection 21.07.080G, *General Landscaping Requirements and Standards*, and
2 shall be shown on a landscaping plan that meets the requirements of subsection
3 21.07.080C, *Landscaping Plan*, unless exempted by the terms of those sections.
4 The site perimeter, parking lot, site enhancement, and tree landscaping
5 requirements are set forth in subsections 21.07.080F.5., 6., 7., and 8. below.

6 **2. Determining Required Landscaping**

7 Both existing trees and shrubs, and newly installed trees, shrubs, groundcovers,
8 and hardscape materials are assigned a unit value in table 21.07-1. Table 21.07-
9 3 provides the number of units per linear foot of frontage that is required for each
10 level of site perimeter landscaping, as well as the minimum and minimum
11 average widths of the landscaped areas. Other types of landscaping state the
12 units per square foot that is required to be installed in a certain area.

13 By multiplying the applicable frontage or area by the units required per linear or
14 square foot, the total number of required units is reached. Applying any
15 secondary requirements of the landscaping type (for example, a minimum
16 number of units required to be trees), the landscape designer may choose the
17 allocation of landscape units from table 21.07-1 and arrange them in the
18 landscape area as he or she sees fit.

19 **3. Shared Credit among Landscaping Types**

20 Credit for one type of landscaping may be applied to another, within the following
21 parameters:

22 **a.** Landscaping provided to meet a site perimeter landscaping requirement
23 may be used to satisfy a requirement for parking lot perimeter
24 landscaping, or vice versa, along the same lot line or street frontage;

25 **b.** Trees retained or planted as part of site enhancement, perimeter or
26 parking lot landscaping may be counted toward a tree landscaping
27 requirement, where the landscaping area coincides with a required tree
28 area;

29 **c.** Trees retained or planted as part of a tree requirement may count toward
30 other kinds of landscaping;

31 **d.** Where one kind of required landscaping area coincides with another, the
32 stricter provisions shall apply; and

33 **e.** Site enhancement and interior parking lot landscaping may not be
34 counted toward site perimeter or parking lot perimeter landscaping.
35 Interior parking lot landscaping requirements may not be met by any
36 other type of landscaping.

37 **4. Landscape Units Awarded**

38 To provide for flexibility, allow design creativity, and encourage use of larger
39 trees and retention of natural vegetation, the required amount of planting material
40 for site enhancement, site perimeter, parking lot or tree retention landscaping is
41 based on a "landscape units" point system. The number of units awarded to
42 each landscaping element is as follows:

TABLE 21.07-1: 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	
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 21.07.080G.1.c.	
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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5. Site Perimeter Landscaping

a. Purpose

Site perimeter landscaping separates land uses of different characteristics or intensities, to minimize the effects of one land use on another. It softens or reduces unwanted views, operational effects, and other impacts of a land use on adjacent properties. Perimeter

landscaping can also mark the interface between public streets and individual property, soften the visual impacts of development on public streets, and help to frame the municipality's streetscapes with trees and vegetation. Four levels of site perimeter landscaping are provided to accommodate a variety of land uses at a variety of intensities:

- i. **L1 Edge Treatment**
 Edge Treatment perimeter landscaping is typically used to define the boundary between two parcels in intensely developed areas, and to define parking areas within parking lots. It is applied where a minimal visual break or buffer is adequate to soften the impacts of a use,. It consists of ground covers, perennials, wildflowers, shrubs, fencing, or other hardscape elements.
- ii. **L2 Buffer**
 Buffer perimeter landscaping uses a combination of distance and low level buffer landscaping to soften the visual impacts of a use or development, or where visibility between areas is more important than a visually obscuring screen. It is usually applied along streets, and helps to frame the municipality's streetscapes with consistent treatments of trees and vegetation. It is the narrowest buffer that provides enough planting bed width for trees.
- iii. **L3 Separation**
 Separation perimeter landscaping is intended to provide greater physical and visual separation between uses or developments. It provides enough width so that trees may be clustered to provide greater visual buffering.
- iv. **L4 Screening**
 Screening perimeter landscaping is employed as the highest level separation where there are incompatible land uses of contrasting character and density. It is also used along freeways to protect major visual corridors and entrance gateways into the community.

- b. **Applicability of Site Perimeter Landscaping**
 Site perimeter landscaping shall be provided along the perimeter property line of development sites, except for at approved points of pedestrian or vehicle access, in accordance with table 21.07-2 as follows:

TABLE 21.07-2: APPLICABILITY OF SITE PERIMETER LANDSCAPING											
Required Level of Site Perimeter Landscaping (Level 2, 3, or 4)											
District of Proposed Development	RS-2, RL-1 to RL-4 TA, W	RS-1, RT, RM-1, RM-2	RM-3, RM-4, OC	CBD (1,2,3), RMU	NC, NMU, CMU	MMU	AC, I-1, IC	DR	Freeway [2]	Collector	Arterial, Express way
RS-2, RL-1 to RL-4, TA [1]		L2	L2				L2		L4	L2	L2

TABLE 21.07-2: APPLICABILITY OF SITE PERIMETER LANDSCAPING

Required Level of Site Perimeter Landscaping (Level 2, 3, or 4)

District of Proposed Development	RS-2, RL-1 to RL-4 TA, W	RS-1, RT, RM-1, RM-2	RM-3, RM-4, OC	CBD (1,2,3), RMU	NC, NMU, CMU	MMU	AC, I-1, IC	DR	Freeway [2]	Collector	Arterial, Express way
PLI	L3	L2	L2						L4	L2	L3
RS-1, RT [1]	L2							L2	L4	L2	L2
RM-1, RM-2 [1]	L3	L2						L2	L4	L2	L2
RM-3, RM-4	L4	L3						L3	L4	L2	L2
CBD (1, 2, 3)									L4		
NC, NMU, CMU, OC	L3	L2	L2					L3	L4		
RMU, MMU		L3	L2		L2			L3	L4		
AC	L3	L3	L3	L2	L2	L2		L3	L4	L2	L2
I-1, IC	L3	L3	L3	L2	L2	L2		L3	L4	L2	L2
AF	L3	L3	L3	L3	L3	L3			L4	L4	L4
M, I-2, AD	L4	L4	L4	L3	L3	L3	L2	L4	L4	L2	L2
Non-residential use in R zone	L3	L2	L2					L2	L4	L2	L2

NOTES:

[1] Individual single-family, two-family and townhouse residential dwellings on separate lots that existed prior to [effective date of title], or new single-family, two-family and townhouse subdivisions with fewer than 2 lots and 2 dwellings are exempt from site perimeter landscaping requirements.

[2] 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 21.07-2, the planting requirements in table 21.07-3 shall apply. The amount of landscaping required in table 21.07-3 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.

TABLE 21.07-3: SPECIFICATIONS FOR SITE PERIMETER LANDSCAPING

Requirement	L1 Edge Treatment	L2 Buffer	L3 Separation	L4 Screening
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
Minimum number of landscape units that shall be evergreen trees	none	none	0.30 units per linear foot	1.0 units per linear foot
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
Planting Area Width (minimum average)	3 ft	8 ft	15 ft	30 ft.
Planting Area Width (minimum at any point)	3 ft	8 ft	12 ft	20 ft

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d. Additional Standards for Site Perimeter Landscaping

- i. Minimum width of planting area shall be measured as the width of the planting beds between the back of edge curbing.
- ii. Where there will be vehicle overhang along any curb edge, add 2 feet to the required minimum width.
- iii. Because of low sun angles at the municipality’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.
- iv. No sign of any kind is permitted along freeways within the planting area of L4 Screening perimeter landscaping.
- v. Existing natural vegetation in any required L4 Screening perimeter landscaping area shall not be disturbed, but shall be augmented with planted landscaping if that vegetation does not meet the standards for L4 Screening. Supplemental plantings shall not disturb existing vegetation, but in the event existing vegetation is disturbed, it shall be restored.

6. Parking Lot Landscaping

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

1 orientation to entrances, increases outdoor comfort levels, and mitigates
2 wind and dust in large parking areas. Parking lot landscaping is intended
3 as a visual buffer that softens visual impacts, not a barrier that eliminates
4 natural surveillance. It consists of perimeter and interior parking lot
5 landscaping.

6 **b. *Applicability of Parking Lot Landscaping***

7 Parking lot landscaping requirements shall apply to parking lots with six
8 (6) or more parking spaces that are accessory to any multifamily or non-
9 residential building or use established, and to parking lots that are the
10 principal use on a site.

11 **c. *Parking Lot Perimeter Landscaping***

12 Perimeter parking lot landscaping shall be required for all applicable
13 parking lots on lot edges abutting a public street, a residential district, or
14 an institutional use (except for those institutional uses in the
15 Transportation Facility, Utility Facility, or Telecommunication Facilities
16 use categories per tables 21.05-1 and -2), as provided below.

17 **i. *General Requirement***

18 The parking lot perimeter landscaping requirement may be
19 satisfied by complying with one of the following options:

20 **(A)** *Option 1:* L4 Screening as defined in subsection
21 21.07.080F.5.a.iv. and table 21.07-3; or

22 **(B)** *Option 2:* L3 Separation as defined in subsection
23 21.07.080F.5.a.iii. and table 21.07-3, with ornamental
24 fencing. This option shall be available only to parking
25 lots with fewer than 100 spaces, or if less than 70
26 percent of the parking spaces are located in the front
27 parking area; or

28 **(C)** *Option 3:* L2 Buffer as defined in subsection
29 21.07.080F.5.a.ii. and table 21.07-3, with ornamental
30 fencing. This option shall be available only to parking
31 lots with fewer than 40 spaces, or if less than 50 percent
32 of the parking spaces are located in the front parking
33 area.

34 **(D)** *Option 4:* Where multiple lots are being developed
35 together under a common site plan or a joint
36 parking/circulation plan, the parking lot perimeter
37 landscaping requirement may be waived along an
38 interior lot line.

39 **ii. *Exceptions - Mixed Use Zoning Districts***

40 **(A)** Option 2 from the subsection above is available to any
41 parking lot;

42 **(B)** Option 3 from the subsection above is available to any
43 parking lot in which less than 50 percent of the parking
44 spaces are located in the front parking area.

- 1 (C) L1 Edge Treatment perimeter landscaping as defined in
2 subsection 21.07.080F.5.a.i. and table 21.07-3, may be
3 used to satisfy a parking lot perimeter requirement along
4 interior lot lines. It may also be used to satisfy a parking
5 lot perimeter requirement along a public street frontage,
6 where the street right-of-way improvements include a
7 planted landscaping strip that provides street trees.
- 8
9 iii. *Exceptions - Central Business Zoning Districts*
10 L1 Edge Treatment perimeter landscaping as defined in
11 subsection 21.07.080F.5.a.i. and table 21.07-3, may be used to
satisfy the parking lot perimeter requirement.
- 12
13 iv. *Vehicle Headlight Screening*
14 In order to reduce the impact of obtrusive glare on residences
15 during the darker months, parking stalls that face an abutting
16 residentially zoned property shall be screened from the adjacent
17 property by an opaque fence between 20 and 42 inches in
18 height, measured from the surface of the parking stall. The
19 director may waive this requirement where the applicant
20 demonstrates this standard will inhibit needed surveillance, or
that other obstructions or topography satisfy this standard.
- 21
22 v. *Perimeter Landscaped Areas Wider than 20 Feet*
23 For any landscaped areas wider than 20 feet, the required trees
24 and shrubs shall be located within ten feet of the property line
and adjacent public right-of-way or sidewalk.
- 25 d. **Parking Lot Interior Landscaping**
26 i. *Amount Required*
27 Parking lot interior landscaping shall be required for all
28 development with 20 or more parking spaces, as follows:
- 29 (A) *20 to 40 spaces*
30 An area equal to at least five percent of the surface of
31 the parking area on the site including appurtenant
32 driveways shall be devoted to landscaping.
- 33 (B) *More than 40 spaces*
34 An area equal to at least ten percent of the surface of
35 the parking area on the site, including appurtenant
36 driveways shall be devoted to landscaping.
- 37 ii. *Minimum Landscaping Area Size*
38 The minimum size of any interior planting area shall be eight feet
39 wide measured from back-of-curb and 200 square feet in area.
- 40 iii. *Minimum Stocking Requirements*
41 In any required interior parking lot landscaping area, a minimum
42 of 8 landscape units per 100 square feet (0.08 units per 1 square
43 foot) of planting area shall be provided, with at least half of the
44 landscape units being trees.
- 45

1 iv. *Landscape Massing*
2 Landscaping should be massed rather than spread throughout
3 the interior of a lot to create a more significant visual impact, to
4 increase the rate of survival of the landscaping, and to facilitate
5 snow removal. Trees and shrubs should be massed within
6 planting areas to protect them from damage and to facilitate
7 snow removal/storage.

8 v. *Preferred Locations*
9 The preferred locations for planting areas within parking lots are
10 along major drives and entryways, dividing more than two
11 double-loaded parking bays, and outlining pedestrian walkways
12 within the parking areas.

13 vi. *Natural Surveillance and Safety*
14 Good visibility in parking lots is important for both security and
15 traffic safety reasons. Plants and trees that restrict visibility, such
16 as tall shrubs and low branching trees, should be avoided.
17 Therefore, parking lot interior landscaping shall minimize
18 vegetation and solid or semi-open fences between 3 feet and 7
19 feet above grade. Berms used as part of interior landscaping
20 areas shall not exceed three feet in height.

21 7. **Site Enhancement Landscaping**

22 a. ***Purpose***
23 Site enhancement landscaping increases the greenery and seasonal
24 color on open areas of a site, and prevents erosion and dust by covering
25 bare or disturbed areas. It includes foundation plantings, front, side and
26 rear-yard greenery, and common area plantings. It enhances the
27 appearance and function of the building and site and reinforces its
28 continuity with the surrounding properties.

29 b. ***Applicability of Site Enhancement Landscaping***
30 All ground surfaces on any development site that are not devoted to
31 buildings, structures, storage yards, drives, walks, off-street parking or
32 other authorized facilities, and not otherwise devoted to landscaping
33 required by this chapter, shall provide site enhancement landscaping.

34 c. ***Specifications for Site Enhancement Landscaping***
35 In any area where site enhancement landscaping is required, a minimum
36 of 1 landscape unit per 50 square feet (.02 units per 1 square foot) of
37 planting area shall be provided. However, all applicable areas shall, at a
38 minimum, be covered with landscape or hardscape material as provided
39 in table 21.07-1.

40 8. **Trees**

41 a. ***Purpose***
42 This section is a tree requirement for new residential development. It
43 encourages the retention of trees, minimizes the impact of tree loss
44 during construction, and promotes a sustained presence of trees and
45 woodlands in urbanized areas of the municipality. Trees are an
46 important characteristic of the municipality, providing economic support
47 of local property values; enhancing the municipality's natural beauty and
48 identity; reinforcing the pleasant physical character of residential

1 neighborhoods; protecting anadromous fish and wildlife habitat;
2 ameliorating impacts of development on drainage, soil erosion, air
3 quality, and water quality; sheltering from inclement weather; and
4 providing visual buffering of urban development.

5 **b. *Applicability of Tree Requirement***

6 The tree requirement applies to new residential development. The tree
7 requirement does not apply to individual single-family, two-family and
8 townhouse dwellings on a separate lot that existed prior to [effective date
9 of title], where such residential use is the primary use on the lot, or to
10 new single-family, two-family and townhouse subdivisions with fewer
11 than 2 lots and/or 2 dwellings. Nor does it apply to the removal of dead,
12 diseased or naturally fallen trees or vegetation, or trees or vegetation
13 that the director finds to be a threat to the public health, safety or welfare.

14 **c. *Minimum Tree Density***

15 As defined in table 21.07-1, 165 tree landscape units per acre are
16 required in new residential developments.

17 i. Up to 35% of the total number of required units may be located
18 within a separate tract or tracts held in common ownership by a
19 homeowners association or comparable entity.

20 ii. All individual lots in a subdivision shall have at least one tree.

21 **d. *Tree Retention and Planting***

22 Tree density may consist of retained trees, installed trees, or a
23 combination of retained and installed trees. Trees to be retained shall be
24 depicted on the landscaping plan. Where site characteristics or
25 construction preferences do not support tree preservation, tree plantings
26 may be used to satisfy this standard.

27 **e. *Tree Retention Priorities***

28 Priorities for preservation of existing trees are listed below, in order of
29 descending priority. Landscaping plans should preserve existing trees in
30 the highest priority category of on-site location possible. No tree
31 retention area used to meet the requirements of this section may be
32 located in public or private rights-of-way, utility easements or visibility
33 clearance areas as defined in subsection 21.06.020A.8.

34 i. *Signature Trees*

35 ii. *Sensitive Environmental Areas and Existing Wooded Areas*
36 Sensitive environmental areas and features, including areas with
37 large numbers of mature trees, areas containing multiple
38 signature trees, wetland areas, stream corridors, the margins of
39 existing lakes or ponds, natural drainages, wildlife habitat areas,
40 steep slopes or geological hazard areas.

41 iii. *Required Perimeter Landscaping Areas*
42 Areas where site perimeter or parking lot perimeter landscaping
43 is required pursuant to this section 21.07.080.
44

45 iv. *Other Individual Trees or Groups of Trees*

G. General Landscaping Requirements and Standards

All required landscaping, screening or fences shall comply with the following standards:

1. Plant Materials

a. Plant Choices and Quality

Plant species selected shall be adapted to the local climate and suitable for the site. Trees, shrubs, and groundcover plants affected by streets, driveways, and parking lots shall be salt-resistant, tolerant to urban conditions such as pollution, and should be drought-tolerant to ensure a low-maintenance landscape and increase survival rates. All plant materials for required landscaping and screening shall be selected from the *Anchorage Master Tree and Shrub List*, and shall be living and free of defects; and of normal health, height, and spread as defined by the *American Standard for Nursery Stock, ANSI Z60.1*, latest available edition, American Nursery and Landscaping Association. Plants may be nursery grown, field grown, or transplanted, provided transplanting meets ANSI standards.

b. Credit for Retaining Existing Plant Materials

Given the short growing season, difficulty in establishing vegetation, and the size and character of individual trees, the retention of existing vegetation typically produces a far more beneficial effect in the municipality than installed landscaping. Therefore, existing vegetation may be retained to meet the standards in a required landscaping area, if vegetation retention areas are protected and maintained during and after construction as specified in subsection G.3., *Planting Beds and Vegetation Areas*, below, and if the vegetation is not listed as prohibited on the *Anchorage Master Tree and Shrub List*. If existing vegetation does not meet the standards for the required landscaping area, then it may be supplemented with installed landscaping as necessary to comply with the requirement. Applicants receive greater credit for retained trees than for planted trees, as provided in table 21.07-1, *Landscape Units Awarded*.

c. Winter Color and Interest

The use of plants with year-round color and texture to offset the reduced daylight and whites, browns, and grays of the seven months outside of the growing season is encouraged. The use of permanent hardscape features such as landscape lighting, landscape boulders, or landscape structures that provide color and interest year-round may be counted toward the total landscaping units required for landscaping, as provided in table 21.07-1. Awarding of landscaping units for artistic sculptures and aesthetic landscape lighting shall be determined by the urban design commission through a non-public hearing review.

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.

1 Evergreen trees installed shall meet the ANSI standard of a minimum 5:3
2 height to spread ratio.

3 **2. Planting Location**

4 Tree planting shall take into consideration the growth habits of each species and
5 shall allow adequate space for healthy growing conditions.

6 **a. Adequate Distance from Curb and Intersection**

7 Plants placed adjacent to public sidewalks and curbs where issues of
8 sight distance obstruction and interference with pedestrians and vehicles
9 are likely to occur shall include appropriate plant materials such as trees
10 with high canopies. Trees installed to meet the requirements of this title
11 shall provide a minimum of 8 foot vertical clearance over sidewalks and
12 walkways and 14 foot vertical clearance over streets, parking, driveways
13 and other vehicle operation areas. Plant materials that can
14 accommodate vehicle overhangs including low shrubs and perennials
15 are required for the first 3 feet from back-of-curb where there will be
16 vehicle overhang.

17 **b. Wind Protection and Sunlight Access**

18 Location of trees and landscaping areas to increase the hospitability of
19 outdoor climates and extend the warm outdoor season is encouraged.
20 Planting clusters or shelterbelts can shelter proposed building entrances,
21 parking areas, or outdoor pedestrian spaces against prevailing winter
22 winds and precipitation, and airborne dust during early spring after
23 breakup. Evergreen trees should be located in careful consideration of
24 wind protection and/or maintaining sun exposure for windows, sidewalks,
25 and outdoor spaces during fall and spring.

26 **c. Utility Easements**

27 Where required landscaping areas are parallel to utility easements, fifty
28 percent of the landscaping area may be located in the utility easement,
29 provided that any required trees are planted in that part of the
30 landscaping area that does not coincide with the utility easement. Where
31 a utility easement crosses a required landscaping area, trees shall not be
32 planted in the area that coincides with the utility easement.

33 The utility must make a good faith effort to provide written notice to the
34 affected residents at least one week prior to disturbance of the
35 landscaping, except for power restoration or in case of emergencies
36 involving life or safety. The utility is not responsible for replacement of
37 disturbed landscaping within the utility easements, but the utility shall
38 stabilize the disturbed area.

39 **d. Visibility Clearance Areas**

40 All landscaping and screening materials shall comply with the visibility
41 clearance requirements of chapter 21.06.020A.8.

42 **3. Planting Beds and Vegetation Areas**

43 **a. Protection of Landscaping**

44 All required landscaped areas, particularly trees and shrubs, shall be
45 protected from potential damage by adjacent activities and uses,
46 including parking and storage areas. Concrete barrier curbs or other
47 approved barriers at least six inches high shall be provided between

1 vehicular use areas and landscaped areas. Landscaped areas shall be
2 marked or otherwise made to be visible during snow removal operations.

3 **b. *Tree Retention Area Protection***

4 Tree retention areas used toward landscaping requirements under this
5 section 21.07.080 shall be adequately protected from damage through
6 adherence to the following:

7 **i. *Construction Fence***

8 A construction fence shall be placed around each tree to be
9 retained at or beyond the edge of the critical root zone. The
10 fence shall be placed before construction starts and remain in
11 place until construction is complete. The fence shall be either:

12 **(A)** 6-foot high orange plastic and be secured to the ground
13 with 8-foot metal posts; or

14 **(B)** 6-foot high steel, such as chain link, on concrete blocks.

15 **ii. *Development Limitations in Tree Retention Areas***

16 Within the critical root zone of each tree, the following
17 development is not allowed:

18 **(A)** Grade change, excavations, or cut and fill, either during
19 or after construction;

20 **(B)** New impervious surfaces;

21 **(C)** Utility or drainage field placement;

22 **(D)** Attachment of objects to a tree designated for retention;

23 **(E)** Staging or storage of materials and equipment, vehicle
24 maneuvering areas, or other activities likely to cause soil
25 compaction or above-ground damage;

26 **(F)** Placement, storage or dumping of solvents, soil
27 deposits, excavated material, concrete washout, or the
28 like.

29 **iii. *Subsequent Landscaping Work***

30 Any landscaping done in the critical root zone subsequent to the
31 removal of construction barriers shall be accomplished with light
32 machinery or hand labor.

33 **c. *Raised Planting Beds***

34 Raised planting beds are encouraged to increase the durability and
35 effectiveness of landscaping and to protect the landscaping investment.
36 Raised planting beds surrounded by a minimum 18-inch high wall may
37 be reduced in width by two feet from the minimum required planting area
38 width of any site perimeter or parking lot perimeter landscaping area.
39 Wall height may be reduced to 12-inches where there will be no vehicle
40 overhang.

- 1 d. **Berms**
2 Berms may be incorporated into any required landscaping or screening
3 area. Berms for on-site landscaping shall not be placed in a public right
4 of way, and shall not interfere with natural drainage or cause water to be
5 drained onto streets. No installed berm shall have a slope of greater
6 than 3:1.
- 7 4. **Installation of Landscaping**
8 a. **Timing**
9 All required landscaping and screening shall be installed by the
10 developer. All landscaping shall be installed before a certificate of
11 zoning compliance is issued. If a certificate of zoning compliance is
12 requested between September and May, then the certificate shall be
13 conditioned upon the landscaping being installed before the following
14 August 15.
- 15 b. **Surety**
16 A letter of credit, escrow, performance bond, or other surety approved by
17 the municipal attorney for proper installation of the landscaping and
18 equal in value to 125 percent of the value of the landscaping, as
19 determined by the project landscape architecture firm, shall be given
20 upon installation of the landscaping and shall remain in place with the
21 director for at least 24 months after installation to ensure survival and
22 proper maintenance of the landscaping in accordance with this section.
23 After the landscaping has been installed for 24 months, and an
24 inspection has found that the required landscaping is in good health, the
25 surety shall be released.
- 26 c. **Survival**
27 Any landscape element that dies or is otherwise removed or is seriously
28 damaged shall be removed and replaced based on the requirements of
29 this section before the following August 15.
- 30 5. **Use of Landscaped Areas**
31 Except as provided in F.5.b. above, no structure, parking or loading area,
32 driveway, snow storage, or paved area may be located in areas required for
33 landscaping pursuant to this title.
- 34 6. **Maintenance and Replacement**
35 a. **Maintenance**
36 Trees, shrubs, and other vegetation, irrigation systems, fences, and
37 other landscaping, screening, and fencing elements shall be considered
38 as elements of a development in the same manner as other
39 requirements of this title. The property owner shall be responsible for
40 regularly maintaining all landscaping elements in good condition. All
41 landscaping shall be maintained free from disease, weeds, and litter to
42 the extent reasonably feasible. Plants that die shall be replaced in kind.
43 All landscaping, screening, and fencing materials and structures shall be
44 repaired and replaced when necessary to maintain them in a structurally
45 sound and aesthetically pleasing condition.
- 46 b. **Irrigation**
47 To ensure that plants will survive, particularly during the critical two-year
48 establishment period when they are most vulnerable due to lack of

1 watering, the bonding requirement established in subsection
2 21.07.080G.4 above may be waived for any landscaping area that will be
3 irrigated by one of the following:

- 4 i. A built-in irrigation system with an automatic controller; or
- 5 ii. An irrigation system designed and certified by a licensed
6 landscape architect as part of the landscape plan, which
7 provides sufficient water to ensure that the plants will become
8 established.

9 **H. Screening**

10 **1. Purpose**

11 Screening consists of landscaping, the retention of natural vegetation, or the use
12 of physical structures to block views of specific activities or specific parts of a
13 property or structure. Applicants are encouraged to locate the types of features
14 listed in this section where they are not visible from off-site or public areas of a
15 site, so that screening is unnecessary.

16 **2. Refuse Collection**

17 In order to improve the image of the municipality's streets and neighborhoods, to
18 reduce the visual impacts of multi-family and nonresidential development, and to
19 avoid problems with blown trash, snow, and pests, refuse collection receptacles
20 should be adequately screened and located in unobtrusive yet convenient
21 locations.

22 **a. Residential Dwellings**

23 Single-family (attached and detached), two-family, townhouse, and
24 three-unit multifamily dwellings shall not have dumpsters.

25 **b. Standards**

26 **i. Applicability**

27 The following standards shall apply to all refuse collection
28 receptacles of multifamily residential, public/institutional,
29 commercial, and industrial uses, except for those located in
30 alleys in the CBD, commercial, industrial, and mixed-use
31 districts. For purposes of this section, the term "refuse collection
32 receptacles" includes dumpsters, garbage cans, debris piles, or
33 grease containers, but does not include public trash receptacles
34 for pedestrians placed in the right-of-way, public drop-off
35 recycling receptacles, or waste receptacles for temporary
36 construction sites. This section also does not apply to refuse
37 collection receptacles such as garbage cans that are normally
38 stored indoors and brought outdoors on garbage pickup days.

39 **ii. Location**

40 Outdoor refuse collection receptacles shall not be located in a
41 required front setback, and should, depending on the size of the
42 site and need for access by refuse collection vehicles, be set
43 back from the front plane of the principal structure. Refuse
44 collection receptacles for non-residential uses shall not be
45 located in any setback area which abuts an adjacent residential
46 use. Refuse collection receptacles shall not be located within

1 any area used to meet the minimum landscaping or parking and
2 loading area requirements of this chapter, or be located in a
3 manner that obstructs or interferes with any designated vehicular
4 or pedestrian circulation routes onsite.

5 **iii. Screening Enclosure**

6 Each refuse collection receptacle shall be screened from view on
7 all sides by a durable sight-obscuring enclosure consisting of a
8 solid fence or wall and gate of between six feet and eight feet in
9 height. Where the access to the enclosure is visible from
10 adjacent streets or residential properties, the access shall be
11 screened with an opaque gate. Gates which swing open shall
12 have a one-foot height clearance above grade to account for
13 snow. The walls and gate shall be compatible in architectural
14 design and materials with the principal building(s). The
15 enclosure shall be maintained in working order, and remain
16 closed except during trash deposits and pick-ups.

17 **iv. Maintenance of Refuse Collection Receptacle**

18 The lids of receptacles in screening enclosures without roof
19 structures shall remain closed between pick-ups, and shall be
20 maintained in working order.

21 **c. Amortization of Nonconforming Refuse Collection Receptacles**

22 Any refuse collection receptacle placed prior to the adoption of this
23 chapter that does not comply with the requirements of this section shall
24 be removed or altered to comply within five years from the effective date
25 of this title.

26 **3. Service and Off-Street Loading Areas**

27 **a. Applicability**

28 This standard shall apply to all service and off-street loading areas
29 serving public/institutional and commercial uses, except that service and
30 off-street loading areas in alleys are exempt, and service and off-street
31 loading areas serving industrial uses that are adjacent to a residential
32 district must comply.

33 **b. Standard**

34 In order to mitigate visual and noise impacts on surrounding uses and
35 neighborhoods, non-enclosed service and off-street loading areas shall
36 be screened with durable, sight-obscuring walls and/or fences of
37 between six feet and eight feet in height.

38 **4. Rooftop Mechanical Equipment**

39 **a. Applicability**

40 This standard shall apply to all development except for single-family,
41 two-family, and townhouse development.

42 **b. Standard**

43 Rooftop mechanical equipment, including HVAC equipment and utility
44 equipment that serves the structure, but not including
45 telecommunications equipment or solar collectors, shall be screened-
46 through the use of parapet walls or a sight-obscuring enclosure around
47 the equipment. The screening shall be constructed of one of the

1 primary materials used on the primary facades of the structure, and be
2 an integral part of the building's architectural design.

3 The parapet or screen shall completely surround the rooftop mechanical
4 equipment to an elevation equal to or greater than the highest portion of
5 the rooftop mechanical equipment being screened. Any parapet wall
6 shall have an elevation of no more than four feet.

7 **5. Wall-Mounted Mechanical Equipment and Meters**

8 **a. Applicability**

9 This standard shall apply to all development except for single-family and
10 two-family development.

11 **b. Standard**

12 Wall-mounted mechanical equipment, including air conditioning or HVAC
13 equipment and groups of three or more utility meters, but not including
14 intake and exhaust vents, that extends six inches or more from the outer
15 building wall shall be screened from view from streets; from residential,
16 public, and institutional properties; and from public areas of the site or
17 adjacent sites; through the use of (a) sight-obscuring enclosures
18 constructed of one of the primary materials used on the primary façade
19 of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that
20 block at least 80 percent of the equipment from view. Wall-mounted
21 mechanical equipment that extends six inches or less from the outer
22 building wall shall be designed to blend in with the color and architectural
23 design of the subject building.

24 **6. Ground-Mounted Mechanical Equipment and Utility Fixtures**

25 **a. Applicability**

26 This standard shall apply to all development.

27 **b. Standard**

28 Ground-mounted above-grade mechanical equipment shall be screened
29 from view from streets; from residential, public, and institutional
30 properties; and from public areas of the site or adjacent sites; through
31 the use of ornamental fences or screening enclosures, or through the
32 use of trees or shrubs that block at least 80 percent of the view.
33 Screening shall allow for access as required by utility companies. Above-
34 grade ground-mounted utilities are prohibited on sidewalks.

35 **7. Outdoor Merchandise Display Areas**

36 Screening shall be required of outdoor merchandise display areas as set forth in
37 section 21.05.070D.16.

38 **8. Outdoor Storage Areas**

39 Screening shall be required of outdoor storage areas as set forth in section
40 21.05.070D.17.

41 **I. Fences**

42 **1. Applicability**

43 Notwithstanding the exemptions of 21.07.080B., the provisions of this subsection
44 21.07.080I. shall apply to all construction, substantial reconstruction, or
45 replacement of fences, retaining walls not required for support of a principal or

1 accessory structure, or any other linear barrier intended to delineate different
2 portions of a lot or to separate lots from each other. The provisions of this
3 subsection do not apply to temporary fencing for construction, emergencies or
4 special public events or performance areas.

5 **2. Location**

6 A fence may be constructed within property boundaries, or at the lot line, subject
7 to the limitations in this section. No fence shall be installed so as to block or
8 divert a natural drainage flow onto or off of any other property.

9 **3. Maximum Height**

10 Fences shall not exceed the maximum heights set forth below. Such maximum
11 heights shall be measured from the top of any retaining wall, or if no retaining
12 wall has been constructed, then from natural grade. Unless specifically allowed
13 by this title, no fence shall exceed eight feet in height.

14 **a.** In the RS-1, RS-2, RT, RM-1, RM-2, RM-3 and RM-4 districts, fences in
15 front setbacks shall not exceed four feet in height.

16 **b.** In the RL-1, RL-2, RL-3, and RL-4 districts, fences in front setbacks shall
17 not exceed six feet in height if the fencing material is sight-obscuring.
18 Examples of non-sight obscuring fencing include chain-link and split rail
19 fencing.

20 **c.** In the CBD, AC, NMU, CMU, RMU, MMU, and M districts, fences in front
21 yards shall not exceed three feet in height and shall not exceed eight feet
22 in side or rear yards.

23 **d.** Enclosures provided as a part of a permitted tennis court, ball field, or
24 other recreational facility shall be exempt from the height restrictions of
25 this section.

26 **4. Through Lots and Corner Lots**

27 In the case of a through lot and a corner lot which abut a street of collector or
28 greater classification, a fence may be constructed within the front setback
29 abutting such classified street, up to a maximum of eight feet in height, provided
30 that vehicular access to the street is prohibited.

31 **5. Finished Appearance Outward**

32 Whenever any fence will be visible from adjacent streets, and whenever a fence
33 is installed as part of required buffering landscaping and is visible from adjacent
34 properties, it shall be installed so that the more finished side (i.e., the side with
35 fewer or no visible structural framing or bracing elements) faces outward from the
36 lot on which it is installed.

37 **6. Prohibited Materials**

38 Fences made of debris, junk, or waste materials are prohibited, unless such
39 materials have been recycled and reprocessed into building materials marketed
40 to the general public and resembling new building materials.

21.07.090 OFF-STREET PARKING AND LOADING

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.
- d. Except when specifically exempted, the requirements of this section 21.07.090 shall apply to all temporary parking lots and parking lots that are the principal use on a site.

- 1 **2. Expansions and Enlargements**
2 The off-street parking and loading standards of this section shall apply when an
3 existing structure or use is expanded or enlarged. Additional off-street parking
4 and loading spaces shall be required to serve the enlarged or expanded area,
5 provided that in all cases the number of off-street parking and loading spaces
6 provided for the entire use (pre-existing plus expansion) must equal 100 percent
7 of the minimum ratio established in this section.
- 8 **3. Regulation of Parking Space Use**
9 The providers of required off-street parking spaces and the municipality may
10 reasonably control the users thereof by means that may include, but are not
11 limited to, restricting all parking to the users of the facility; parking lot attendants
12 control gates; tow-away areas; areas for exclusive use by employees, tenants or
13 staff; areas restricted for use by customers or visitors; and imposing reasonable
14 time limitations on users other than tenants, employees, or staff. Direct charges
15 may be made to users who exceed maximum time limits. The traffic engineer
16 may review all methods of control and may disapprove of any restriction that
17 adversely affects the purpose of this section. The municipality may enforce any
18 approved restrictions through any of the code enforcement provisions set forth in
19 chapter 21.12, *Enforcement*.
- 20 **4. Local Improvement Assessments and Parking**
21 Any property against which local improvement assessments have been levied for
22 the construction of public off-street parking shall be exempted from providing and
23 maintaining one space for each 100 square feet of property so assessed.
- 24 **C. Parking Lot Layout and Design Plan**
- 25 **1. Applicability**
26 For all commercial, industrial, institutional, and multi-family residential
27 developments,¹ the applicant shall submit a parking lot layout and design plan for
28 review and approval by the traffic engineer. The plan shall contain sufficient
29 detail to enable the traffic engineer to verify compliance with this section
30 21.07.090. Subject to approval of the traffic engineer, the parking layout and
31 design plan may be combined with other plans required under this title, such as
32 the landscaping plan required in 21.07.080, *Landscaping, Screening, and*
33 *Fences*.
- 34 **2. Minimum Plan Requirements**
- 35 **a.** The parking lot layout and design plan shall be prepared by a design
36 professional and stamped by a professional registered with the Alaska
37 State Board of Registration for Architects, Engineers, and Land
38 Surveyors.
- 39 **b.** The building official and traffic engineer shall establish the minimum
40 submittal requirements for such plans that will enable staff to adequately
41 review and ensure compliance with the standards and requirements of
42 this section 21.07.090. Such submittal requirements, to be included in
43 the user's guide, shall include but not be limited to elements such as
44 placement and dimensions of spaces, landscaping, pedestrian and
45 vehicle circulation, snow storage, lighting, loading and trash collection
46 areas, and drainage.

1 c. The traffic engineer shall ensure that provisions have been made for
 2 minimum interference with street traffic flow and safe interior vehicular
 3 and pedestrian circulation, transit, and parking.

4 **D. Off-Street Parking Requirements**

5 **1. Schedule A**

6 Unless otherwise expressly stated in this title, off-street parking spaces shall be
 7 provided in accordance with table 21.07-4, *Off-Street Parking Schedule A*.

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TABLE 21.07-4: OFF-STREET PARKING SCHEDULE A ("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)				
Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090F	See Stacking Subsection 21.07.090I
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. Also see Schedule B.	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	
	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		

TABLE 21.07-4: OFF-STREET PARKING SCHEDULE A
 (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090F	See Stacking Subsection 21.07.090I
	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/religious assembly	1 per 80 sf of principal assembly area plus 1 per 350 sf of office area	X	
	Community center	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	1 per 300 sf gfa		
Cultural Facility	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	
	Zoo	1 per 2,000 sf gross land area	X	
	All other uses	1 per 400 sf gfa	X	
Educational Facility	Boarding school	See Schedule C.		
	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	
	Middle school	1 per six seats in the main auditorium or assembly room, based on maximum capacity	X	

TABLE 21.07-4: OFF-STREET PARKING SCHEDULE A
 (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090F	See Stacking Subsection 21.07.090I
	High school	1 per employee plus 1 per four students		
	All other Educational Facility uses without auditoriums or assembly rooms	1 per 300 sf of enclosed floor space	X	
Government Facility	Correctional institution	See Schedule C.		
	Governmental office	1 per 300 sf gfa	X	
	Governmental service	1 per 600 sf gfa	X	
	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.		
	Park, public	See Schedule C. Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field.		
Transportation Facility	Airport	See Schedule C.		
	Airstrip, private	See Schedule C.		
	Bus transit center	See Schedule C.		
	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.		
	Railroad passenger terminal	See Schedule C.		

TABLE 21.07-4: OFF-STREET PARKING SCHEDULE A
 (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090F	See Stacking Subsection 21.07.090I
	Taxicab dispatching office	See Schedule C.		
Utility Facility	All uses	1 per 1,000 sf gfa		
Communication 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		
	Kennel	1 per 800 sf gfa		
	Paddock or stable	1 per 5 stalls		
	Retail and pet services	1 per 300 sf gfa		
	Veterinary clinic	1 per 600 sf gfa		
Assembly	Civic/convention center	1 per four seats. 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.		
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. 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. If no fixed seating, then based on maximum capacity under provisions of International Building Code.		

TABLE 21.07-4: OFF-STREET PARKING SCHEDULE A
 (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090F	See Stacking Subsection 21.07.090I
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.		
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	1 per 100 sf gfa	X	
	Food and beverage kiosk	1 per establishment, plus vehicle stacking spaces		X
	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 facility	1 per 300 sf gfa		
Retail (Personal Service, Repair, and Rental)	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 (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		

TABLE 21.07-4: OFF-STREET PARKING SCHEDULE A
 (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090F	See Stacking Subsection 21.07.090I
	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	X	
	Meat and seafood processing, storage, and sales	1 per 400 sf gfa	X	
	General retail	1 per 300 sf gfa	X	
	Grocery or food store	1 per 250 sf gfa	X	
	Liquor store	1 per 300 sf gfa	X	
	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	
	Pawnshop	1 per 300 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)		
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		

TABLE 21.07-4: OFF-STREET PARKING SCHEDULE A
 (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090F	See Stacking Subsection 21.07.090I
	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 4 beds, or 1 per cabin, sleeping unit, or tent site, whichever is greater		
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	
	Commercial food production	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.		
	Facility for combined marine and general construction	See Schedule C.		
	Marine operations	See Schedule C.		
	Marine wholesaling	1 per 400 sf gfa		
Warehouse and Freight Movement [1]	Bulk storage of hazardous materials	See Schedule C.		
	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		

TABLE 21.07-4: OFF-STREET PARKING SCHEDULE A
 (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090F	See Stacking Subsection 21.07.090I
	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.		

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 schedule A.

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2. Schedule B

TABLE 21.07-5: OFF-STREET PARKING SCHEDULE B – MIXED-USE DISTRICTS

Use Type	Minimum Spaces Required
Residential	Multi-family and mixed-use residential uses within 1320 feet of a transit stop on a transit route 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; or 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's <i>Transit Design Guidelines</i> .

The total number of parking spaces required may be further reduced by the traffic engineer and director if the applicant prepares a parking evaluation that demonstrates a reduction is appropriate based on the expected parking needs of the development, availability of mass transit, and similar factors. The parking evaluation shall be prepared in a form and manner prescribed by the traffic engineer.

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3. Schedule C

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

1 acceptable estimates as approved by the traffic engineer, and shall include other
 2 reliable data collected from uses or combinations of uses that are the same as or
 3 comparable with the proposed use. Comparability shall be determined by
 4 density, scale, bulk, area, type of activity, and location. The study shall
 5 document the source of 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 accommodate
 14 the majority of auto trips to a site based on typical peak parking demand.
 15 Exceptions and flexibility procedures are provided where a required limit
 16 on the number of parking spaces is problematic for a certain use.

17 **b. Maximum Number of Spaces**

18 For any use categorized as a Public/Institutional, Commercial or
 19 Industrial use in table 21.05-1 or table 21.05-2, *Tables of Allowed Uses*,
 20 the maximum number of off-street vehicle parking spaces shall be as
 21 established in table 21.07-6 below. The table applies the maximum
 22 number of spaces allowed as a percentage of the minimum parking
 23 requirements established in table 21.07-4, *Off-Street Parking Schedule*
 24 A. Uses in the Parks and Open Areas, Transportation Facility, and Utility
 25 Facility use categories are exempt.

TABLE 21.07-6 MAXIMUM NUMBER OF ALLOWED PARKING SPACES

Number of Off-Street Parking Spaces Required	Maximum Allowed (% of minimum required in Table 21.07-4, <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 and bar establishments that do not include customer drive-throughs may, in any use district, have up to 200% of the minimum parking required in Table 21.07-4, <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, CMU, and RM-4 districts, the maximum number of spaces allowed shall be 125% of the minimum parking required in Table 21.07-4, <i>Off-Street Parking Schedule A</i>.</p> <p>[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.)</p>	

1 **c. Exceptions**

2 i. If application of the maximum parking standard would result in
3 fewer than six parking spaces, the development shall be allowed
4 six parking spaces.

5 ii. For the purpose of calculating parking requirements, the
6 following types of parking spaces shall not count against the
7 maximum parking requirement, but shall count toward the
8 minimum requirement:

9 (A) Accessible parking;

10 (B) Vanpool and carpool parking; and

11 (C) Parking structures, underground parking, and parking
12 within, above, or beneath the building(s) it serves.

13 iii. For the purpose of calculating parking requirements, fleet vehicle
14 parking shall not count against either the minimum or maximum
15 requirements.

16 iv. Exceptions to the maximum parking requirement may be allowed
17 by the traffic engineer and the building official in situations that
18 meet all of the following criteria:

19 (A) The proposed development has unique or unusual
20 characteristics such as high sales volume per floor area
21 or low parking turnover, which create a parking demand
22 that exceeds the maximum ratio and which typically
23 does not apply to comparable uses; and,

24 (B) The parking demand cannot be accommodated by on-
25 street parking or shared parking with nearby uses; and,

26 (C) The request is the minimum necessary variation from the
27 standards; and,

28 (D) If located in a mixed-use district, the uses in the
29 proposed development and the site design are highly
30 supportive of the mixed-use concept and support high
31 levels of existing or planned transit and pedestrian
32 activity.

33 **E. Parking Alternatives**

34 The traffic engineer and director may approve alternatives to providing the number of off-
35 street parking spaces required by subsection 21.07.090D., in accordance with the
36 following standards.

37 **1. Shared Parking**

38 The traffic engineer and director may approve shared parking facilities for
39 developments or uses with different operating hours or different peak business
40 periods if the shared parking complies with all of the following standards:

- 1 a. **Location**
2 Shared parking spaces shall be located within 1320 feet of an entrance,
3 unless approved by the traffic engineer.
- 4 b. **Zoning Classification**
5 Shared parking areas shall be located on a site with the same or a more
6 intensive zoning classification than required for the primary uses served.
- 7 c. **Shared Parking Study**
8 Those proposing to use shared parking as a means of satisfying off-
9 street parking requirements shall submit a shared parking analysis to
10 staff that demonstrates the feasibility of shared parking. The study shall
11 be provided in a form established by the traffic engineer and shall be
12 made available to the public. It shall address, at a minimum, the size
13 and type of the proposed development, location of required parking, the
14 composition of tenants, the anticipated rate of parking turnover, and the
15 anticipated peak parking and traffic loads for all uses that will be sharing
16 off-street parking spaces. The applicant shall also demonstrate that any
17 parking reduction requested as part of the shared parking study will not
18 result in the spillover of parking onto other properties.
- 19 d. **Agreement for Shared Parking**
20 The parties involved in the joint use of off-street parking facilities shall
21 submit a written agreement in a form to be recorded for such joint use,
22 approved by the traffic engineer and the director as to form and content.
23 The agreement shall guarantee the use of the shared parking facilities
24 for the life of the uses, and shall provide for the maintenance of jointly
25 used parking facilities. The traffic engineer and director may impose
26 such conditions of approval as may be necessary to ensure the
27 adequacy of parking in areas affected by such an agreement.
28 Recordation of the agreement shall take place before issuance of a land
29 use or building permit for any use to be served by the shared parking
30 area. A shared parking agreement may be revoked only if all required
31 off-street parking spaces will be provided in accordance with the
32 requirements of subsection 21.07.090D.
- 33 2. **Off-Site Parking**
34 The traffic engineer and the director may approve the location of required off-site
35 parking spaces on a separate lot from the lot on which the principal use is
36 located if the off-site parking complies with all of the following standards:
- 37 a. **Ineligible Activities**
38 Required parking spaces for residential uses must be located on the site
39 of the use or within a tract owned in common by all the owners of the
40 properties that will use the tract. Required parking spaces for persons
41 with disabilities may not be located off-site.
- 42 b. **Location**
43 No off-site parking space may be located more than 600 feet from an
44 entrance (measured along the shortest legal pedestrian route) unless
45 approved by the traffic engineer. Off-site parking spaces shall be
46 connected to the use by acceptable pedestrian facilities. Off-site parking
47 spaces may not be separated from the use served by a street right-of-
48 way with a width of more than 80 feet, unless a grade-separated

1 pedestrian walkway, a traffic signal, a shuttle bus, or other traffic control
2 is provided or other traffic control or remote parking shuttle bus service is
3 provided.

4 **c. Zoning Classification**

5 Off-site parking areas shall have the same or a more intensive zoning
6 classification applicable to the primary use served.

7 **d. Agreement for Off-Site Parking**

8 In the event that an off-site parking area is not under the same
9 ownership as the principal use served, a written agreement between the
10 record owners shall be required. The agreement shall guarantee the use
11 of the off-site parking area for the life of the use. An attested copy of the
12 agreement between the owners of record shall be submitted to the
13 municipality for recordation in a form established by the municipal
14 attorney. Recordation of the agreement shall take place before issuance
15 of a building permit or certificate of occupancy for any use to be served
16 by the off-site parking area. An off-site parking agreement may be
17 revoked only if all required off-street parking spaces will be provided in
18 accordance with the requirements of this chapter. No use shall be
19 continued if the parking is removed unless substitute parking facilities are
20 provided, and the traffic engineer and the director shall be notified at
21 least 60 days prior to the termination of a lease for off-site parking.

22 **3. On-street Parking**

23 In mixed-use districts where on-street parking is allowed, on-street parking
24 spaces in the right-of-way along the property line, between the two side lot lines
25 of the site, may be counted to satisfy the minimum off-street parking
26 requirements. In all other districts, on-street parking meeting the above criteria
27 shall be counted towards off-street parking requirements if approved by the traffic
28 engineer.

29 **4. District Parking**

30 Minimum required off-street parking spaces may be waived for properties within
31 the boundaries of a public parking or local improvement district that provides
32 district-wide parking facilities.

33 **5. Stacked, Tandem, and Valet Parking**

34 Stacked, tandem, or valet parking for nonresidential uses is allowed if an
35 attendant is present to move vehicles. In addition, a guarantee acceptable to the
36 municipality shall be filed with the municipality ensuring that a valet parking
37 attendant shall always be on duty when the parking lot is in operation.

38 **6. Parking Structures**

39 **a. Maximum Parking Waiver**

40 Where 75 percent or more of the parking provided for a use is in one or
41 more parking structures, there shall be no maximum cap on the number
42 of parking spaces.

43 **b. Credit for Nearby Public Parking Structures**

44 In the mixed-use districts, spaces available in public parking structures
45 located within 600 feet of the subject use may be counted toward the
46 total amount of required off-street parking.

1 c. **Floor Area Bonus for Automated and Underground Parking in the**
2 **CBD and Mixed-use Districts**
3 A floor area bonus shall be granted for underground parking structures
4 and automated parking structures in the CBD and mixed-use districts.
5 The bonus shall be granted at a ratio of three square feet of additional
6 bonus area for each square foot of structured parking that is
7 underground or within an automated parking structure.

8 7. **Other Eligible Alternatives**
9 The traffic engineer may approve any other alternative to providing off-street
10 parking spaces on the site of the subject development if the applicant
11 demonstrates to the satisfaction of the traffic engineer that the proposed plan will
12 protect surrounding neighborhoods, maintain traffic circulation patterns, and
13 promote quality urban design to at least the same extent as would strict
14 compliance with otherwise applicable off-street parking standards.

15 **F. Off-Street Loading Requirements**

16 No building or structure used for any multi-family, commercial, industrial, or
17 public/institutional use shall be erected, nor shall any such existing building or structure
18 be altered so as to increase its gross floor area by 25 percent or more, without prior
19 provision for off-street loading space in conformance with the following minimum
20 requirements:

21 1. **Types of Loading Berths**
22 Required off-street loading space shall be provided in berths that conform to the
23 following minimum specifications:

24 a. Type A berths shall be at least 60 feet long by ten feet wide by 14 feet
25 six inches high, inside dimensions. Note that these minimum dimensions
26 do not accommodate some semi-truck combinations, and a 67 foot long
27 by 15 foot high berth may be needed in some situations.

28 b. Type B berths shall be at least 30 feet long by ten feet wide by 14 feet
29 six inches high, inside dimensions.

30 c. Type C berths shall be located in the rear of a lot and utilize part of an
31 adjacent alley. The building setback shall be a minimum of five feet from
32 the property line along the alley for the entire width of the lot.

33 2. **Number of Spaces**
34 The following numbers and types of berths shall be provided for the specified
35 uses in table 21.07-7, *Off-Street Loading Berths*; provided, however, that, in any
36 mixed-use district, one type C berth may be substituted for one type B berth.
37 The uses specified in this subsection shall include all structures designed,
38 intended, or arranged for such use.

TABLE 21.07-7: 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
	Each additional 250,000 or fraction thereof	1 additional	B
Public/Institutional Uses			
Cultural facilities	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

TABLE 21.07-7: OFF-STREET LOADING BERTHS

Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
Visitor accommodations and office uses	25,000--40,000	1	B
	40,000--100,000	2	B
	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

1 otherwise prohibited by this title. Design and location of entrances and exits for
2 required off-street loading areas shall be subject to the approval of the traffic
3 engineer. Service and off-street loading areas shall comply with the screening
4 requirements for such areas set forth in subsection 21.07.080H.4.

5 **7. Signs**

6 The owners of the property shall provide, locate, and maintain loading signs as
7 specified by the traffic engineer. Such signs shall not be counted against allowed
8 advertising sign area.

9 **G. Computation of Parking and Loading Requirements**

10 **1. Fractions**

11 For residential uses, when measurements of the number of required spaces
12 result in a fractional number, any fraction shall be rounded up to the next higher
13 whole number. For all other uses, when measurements of the number of
14 required spaces result in a fractional number, any fraction shall be rounded down
15 to the next lower whole number.

16 **2. Multiple Uses**

17 Developments containing more than one use shall provide parking and loading in
18 an amount equal to the total of the requirements for all uses, except as allowed
19 by this section. However, loading facilities may be shared between uses when
20 approved by the traffic engineer.

21 **3. Area Measurements**

22 Unless otherwise specified, all square footage-based parking and loading
23 standards shall be computed on the basis of gross floor area of the use in
24 question. A parking structure within a building and any enclosed rooftop
25 mechanical equipment shall not be counted in such measurement.

26 **4. Computation of Off-Street Parking**

27 Required off-street loading space shall not be included as off-street parking
28 space in computation of required off-street parking space, unless approved by
29 the traffic engineer pursuant to subsection F.5. above.

30 **5. Parking for Unlisted Uses**

31 Parking requirements for uses not specifically listed in subsection 21.07.090D.
32 shall be determined by the traffic engineer based on the requirements for the
33 closest comparable use, as well as on the particular parking demand and trip
34 generation characteristics of the proposed use. The traffic engineer may
35 alternately require the submittal of a parking demand study that justifies
36 estimates of parking demand based on the recommendations of the Institute of
37 Transportation Engineers, and includes relevant data collected from uses or
38 combinations of uses that are the same or comparable to the proposed use in
39 terms of density, scale, bulk, area, type of activity, and location.

40 **6. Dimensions of Parking Spaces**

41 The parking configuration stated in the following table shall apply to all required
42 off-street parking, except as stated elsewhere in this section.

TABLE 21.07-8: 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. Alternative Parking Space Dimensions

If approved by the traffic engineer, an applicant may specify up to 10 percent of the total number of spaces provided be for compact cars and employ the parking configuration stated in table 21.07-9. All such spaces shall be signed for compact cars only.

TABLE 21.07-9: ALTERNATIVE PARKING ANGLE DIMENSIONS, COMPACT CARS

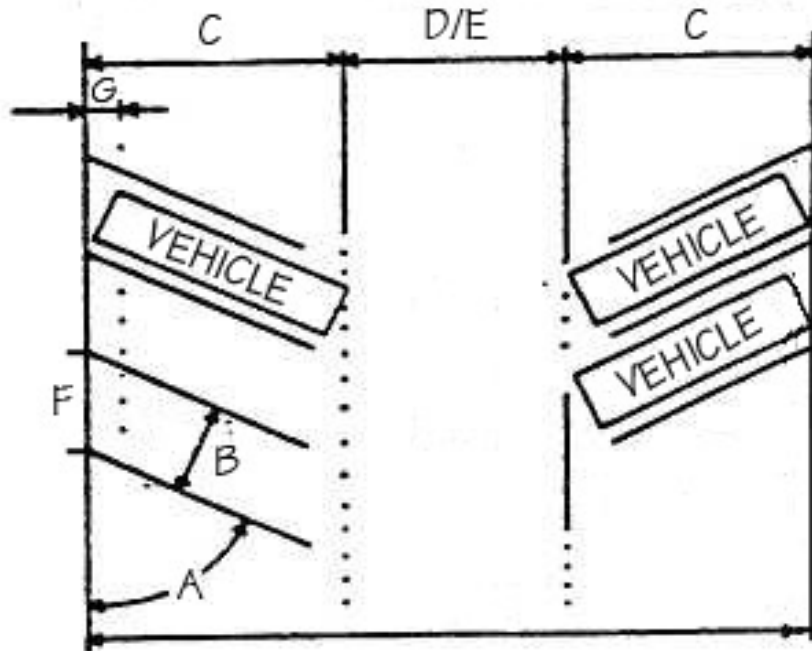
Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D/E)	Overhang (G)
45°	7' 7"	15' 2"	10' 9"	1' 6"
50°	7' 7"	15' 8"	11' 2"	1' 7"
60°	7' 7"	16' 4"	12' 6"	1' 8"
70°	7' 7"	16' 5"	14' 1"	1' 10"
75°	7' 7"	16' 6"	16' 4"	1' 10"
90°*	7' 7"	15' 6"	19' 0"	2' 0"

* Assumes two-way traffic flow.

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8. Calculation of Parking Space Dimensions

The spatial relationships described in tables 21.07-8 and 21.07-9 shall be calculated in the manner depicted in the following diagram:



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9. 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.

10. Recreational Vehicle Spaces

Parking spaces for recreational vehicles, if provided, shall be a minimum of 10 feet by 40 feet.

1 **H. Parking Lot Design Standards**

2 Parking lots and spaces provided in accordance with the requirements of this section
3 shall meet the following standards:

4 **1. Relationship to Landscaping**

5 No parking shall be permitted in any required landscaping area.

6 **2. Location of Parking Lots**

7 Parking lots shall be located on the proposed development site in accordance
8 with the following standards for each use type specified, except when alternate
9 configuration is approved by the traffic engineer and the building official.

10 **a. General Standard**

11 The parking area shall be separated from any building on the same lot by
12 a sidewalk or landscaped area, or both, at least four feet wide.

13 **b. Commercial Developments in the NC, AC, IC, I-1, and I-2 Districts**

14 i. *Relationship to Residential Areas*

15 To the maximum extent feasible, parking lots shall be located
16 away from any adjoining residential uses while still remaining in
17 compliance with the standards and requirements of this section.

18 **c. Multi-Family Development in the R-3, R-4, and OC Districts**

19 i. *Relationship to Street Frontage*

20 No more than 50 percent of a site's frontage on the primary
21 adjacent public street shall be occupied by a parking lot,
22 perimeter parking lot buffer, parking structure, garages, or
23 carports.

24 **d. Multi-Family Development in Mixed-Use Districts**

25 i. *Relationship to Street Frontage*

26 No more than 50 percent of a site's frontage on the primary
27 adjacent public street shall be occupied by a parking lot,
28 perimeter parking lot buffer, or driveways.

29 ii. *Parking Underneath Buildings*

30 Parking may be allowed on the ground level underneath a
31 building provided the parking area is fully screened by a wall or
32 façade or other architectural treatment consistent with the rest of
33 the building in terms of style, detail, and materials.

34 iii. *Parking Structures*

35 The ground floor of all parking structures must be screened by
36 usable ground-floor commercial, institutional, or residential space
37 of a minimum depth of 25 feet from any property line that abuts a
38 public street.

39 **3. Location of Parking Spaces**

40 **a. General**

41 Except as provided in this section, all required parking spaces shall be
42 on the same lot as the main building served, or on an abutting lot
43 provided that the zoning district in which the lot is located allows for off-
44 street parking as a permitted principal use, site plan review use, or

1 conditional use. Such abutting lot shall be under the same ownership as
2 that of the building to be served, and there shall be a parking agreement,
3 approved by the municipality and recorded, which provides for parking
4 requirements in perpetuity.

5 **b. Mixed Use**

6 Any off-street or structured parking in the mixed-use districts may be on
7 the same lot as the building served, abutting or contiguous lots, or any lot
8 within 600 feet.

9 **4. Pedestrian Access and Circulation**

10 **a. Purpose**

11 These standards are intended to provide safe, efficient, and convenient
12 pedestrian access and circulation patterns within parking lots. By
13 creating a safe, continuous network of pedestrian walkways within and
14 between parking lots and developments and adjoining streets and
15 developments, pedestrians will feel more inclined to walk (rather than
16 drive) between stores and other destinations. A pedestrian network that
17 offers clear circulation paths from the parking areas to building entries
18 also creates a safer, more inviting pedestrian environment.

19 **b. Pedestrian Circulation Plan Required**

20 Applicants shall submit a pedestrian circulation plan for all parking areas
21 that demonstrates compliance with the following standards.

22 **c. Pedestrian Connections**

23 In addition to any pedestrian connections required under this chapter,
24 clearly defined on-site pedestrian walkways shall:

25 **i.** Connect each primary entrance of any multi-family or non-
26 residential building with all parking areas or parking structures
27 that serve such primary building(s), and with any required drop-
28 off areas.

29 **ii.** Within all parking lots containing 40 or more spaces, be provided
30 between a public right-of-way and building entrances when
31 buildings are not located directly adjacent to the sidewalk.

32 **d. Demarcation of Pedestrian Connections**

33 Where an on-site pedestrian walkway system abuts a parking lot or
34 internal street or driveway, the walkway shall be clearly marked and
35 physically separated from the parking lot or drive through the use of a (1)
36 an upright curb of five inches or more in height, bollards, or other
37 physical buffer; and (2) a change in paving materials distinguished by its
38 color, texture, edge, or striping. The vehicle overhang shall not encroach
39 into a curbed walkway. Where an on-site pedestrian walkway crosses a
40 parking lot or internal street or driveway, the crosswalk shall be clearly
41 marked and delineated through a change in paving materials
42 distinguished by its color, texture, edge, or striping, and shall meet any
43 requirements of the American with Disabilities Act. Additionally,
44 pedestrian use areas shall be delineated with visual elements such as
45 light poles, bollards, planters, and architectural elements to highlight their
46 location, particularly after a snowfall.

- 1 e. **Pedestrian Drop-Off Areas**
2 For all parking lots with 40 or more spaces, a defined pedestrian drop-off
3 area shall be provided near the primary building entry. The drop-off
4 areas shall meet the standards set forth in the following section.
- 5 5. **Vehicular Access and Circulation**
6 Parking areas should be designed for a safe and orderly flow of traffic throughout
7 the site. Plans shall be reviewed and approved by the traffic engineer.
8 Applicants shall submit a vehicular circulation plan for all parking areas that
9 demonstrates compliance with the following standards:
- 10 a. **Key Elements**
11 The vehicular circulation plan shall address the following elements as
12 they relate to parking lots, including but not limited to: fire lanes,
13 emergency access, drive-throughs, drop-offs, and loading areas.
- 14 b. **Circulation Patterns**
15 Circulation patterns within parking areas shall be well defined with curbs,
16 landscaping, landscaped islands, and other similar features. In order to
17 define circulation and provide better site distance, islands at the end of
18 each aisle are encouraged. Parking spaces along major circulation
19 drives are prohibited. Where loading facilities are required, truck
20 circulation shall be considered, and truck turning radii shall be shown on
21 the vehicular circulation plan.
- 22 c. **Dead-End Parking Aisles**
23 Dead-end parking aisles shall be allowed only with the approval of the
24 traffic engineer.
- 25 d. **Relationship to Adjacent Properties and Parking Lots**
26 The plan shall show existing parking and circulation patterns on adjacent
27 properties and potential connections.
- 28 e. **Parking Area Entries/Driveways**
29 Entries and driveways providing access to parking areas shall conform to
30 the municipality's *Policy for Driveway Standards* currently adopted by the
31 traffic department. A copy of those standards can be obtained from the
32 traffic department. Access to roads owned by the state of Alaska
33 requires department of transportation and public facilities approval and a
34 current valid driveway permit. The municipality cannot issue driveway
35 permits for state-owned rights-of-way.
- 36 f. **Passenger Drop-Off Areas**
37 All institutional, entertainment, and commercial uses such as
38 schools/daycare, stadiums, and theaters that have high-volume peak
39 traffic volumes shall provide an area for drop-offs and pick-ups that
40 meets the following requirements:
- 41 i. **Plan**
42 The vehicle access and circulation plan shall show the location
43 and design of the proposed passenger drop-off area. The plan
44 shall also include a traffic control plan, approved by the traffic
45 engineer, addressing projected usage, hours of operation, peak
46 loading/unloading time, plans for directing traffic, safety

- 1 measures, and other information deemed necessary by the
2 traffic engineer to designing a safe and well-functioning drop-off
3 area.
- 4 ii. **Schools**
5 Drop-off and pick-up areas shall be required for schools (public
6 or private). Drop-off and pick-up areas may be adjacent to a
7 primary driveway access or aisle, but shall be located far enough
8 off the roadway so that they do not cause traffic to stop. Length
9 and design of the drop-off and pick-up areas shall be approved
10 by the traffic engineer.
- 11 g. **Parking and Maneuvering**
12 All parking spaces and vehicle maneuvering areas required by this
13 section, except those that serve single-family and duplex residences,
14 shall be located entirely on private property unless specifically provided
15 otherwise by this section.
- 16 h. **Alleys**
17 The usable portion of an alley may be credited as aisle space subject to
18 safety approval by the traffic engineer.
- 19 i. **Parking Lot Connections**
20 Required parking areas serving a site, whether located on that same lot
21 or on an adjacent lot, may be connected by means of a common access
22 driveway within or between the interior of such lots.
- 23 j. **Ingress and Egress Points**
24 i. Ingress and egress to parking facilities shall be designed to
25 maintain adequate sight distance and safety and as prescribed in
26 municipal driveway standards.
- 27 ii. Adequate ingress to and egress from each parking space shall
28 be provided without backing more than 25 feet.
- 29 k. **Parking Space Obstructions**
30 No wall, post, guardrail, or other obstruction that would restrict vehicle
31 door opening shall be permitted within five feet of the centerline of a
32 parking space.
- 33 6. **Snow Storage and Handling**
34 a. **Snow Storage in All Zoning Districts**
35 i. No snow shall be stored in required site perimeter or parking lot
36 landscaping areas or on pedestrian walkways or sidewalks.
- 37 ii. No snow pile shall be taller than fifteen (15) feet, except as
38 allowed by 21.05.060E.6., *Snow Disposal Site*.
- 39 iii. Snow shall not be stored on any site (except for a *Snow Disposal*
40 *Site* pursuant to subsection 21.05.060E.6.) for more than 21
41 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 for
10 snow storage. No parking credit shall be given for snow storage
11 areas. The snow storage area shall be clearly indicated on the
12 parking lot plan.
- 13 ii. The designated snow storage area may overlap with fifty percent
14 (50%) of the private open space required in section 21.07.030C,
15 provided that:
- 16 **(A)** No trees or shrubs exist in that portion of private open
17 space which overlaps with the snow storage area; and
- 18 **(B)** All areas of the private open space used for snow
19 storage are within fifteen (15) feet of a paved area.
- 20 **7. Refuse and Trash Collection Areas**
- 21 a. All refuse and trash collection areas shall be delineated on the parking
22 lot layout and design plan.
- 23 b. All refuse and trash collection areas shall be screened in accordance
24 with 21.07.080H.2., *Refuse Collection*.
- 25 c. Refuse and trash collection areas shall not be located within any area
26 used to meet the minimum parking specifications of this section or on or
27 near any pedestrian use areas such as sidewalks or walkways.
- 28 d. Refuse and trash collection receptacles shall not be located in a manner
29 that obstructs or interferes with any designated vehicular or pedestrian
30 circulation routes within a parking lot.
- 31 **8. Maximum Grade**
- 32 The maximum grade for any parking space or interior drive lanes shall be five
33 percent, except that for accessible spaces the maximum grade shall be two
34 percent (2%), as required by the Americans with Disabilities Act. Drive lanes that
35 are covered or heated may have an increased maximum grade with the approval
36 of the traffic engineer.
- 37 **9. Paving**
- 38 a. ***Material***
- 39 Except as provided in 9.b. below and in section 21.07.100D.2.a.vi.,
40 *Paved Driveways*, all parking lots shall be paved. The paving shall be
41 with impermeable materials such as a concrete or asphalt compound to
42 standards prescribed by the traffic engineer, except that a permeable
43 surface may be used when approved by the traffic engineer. Single- and

two-family development in the RL-1, RL-2, RL-3, RL-4, and TA districts are exempt from this requirement.

b. Temporary Parking Lots

Temporary parking lots shall not be paved, unless required by the municipal engineer.

10. Bicycle Racks

All parking lots with more than 40 spaces shall provide at least one bicycle rack with a minimum of four parking slots. Such racks shall be conveniently located near the primary entry of the primary building on the site, but shall not obstruct pedestrian use areas.

I. Vehicle Stacking Spaces

The vehicle stacking standards of this section shall apply unless otherwise expressly approved by the traffic engineer:

1. General

Uses of land and structures requiring a drive-through shall provide sufficient queuing space within the site to avoid vehicles waiting within the public right-of-way. Such uses shall demonstrate to the traffic engineer that sufficient in-line waiting spaces are provided as part of the parking plan to avoid encroachment into the public rights-of-way.

2. Minimum Number of Spaces

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.		

3. Design and Layout

Required stacking spaces are subject to the following design and layout standards.

- 1 a. **Size**
 2 Stacking spaces shall be a minimum of eight feet by 20 feet in size,
 3 except as noted above in table 21.07-10, *Vehicle Stacking Areas*, for
 4 self-storage and vehicle storage facilities.
- 5 b. **Location**
 6 Stacking spaces may not impede on- or off-site traffic movements or
 7 movements into or out of off-street parking spaces.
- 8 c. **Design**
 9 Stacking spaces shall be separated from other internal driveways by
 10 raised medians if deemed necessary by the traffic engineer for traffic
 11 movement and safety.

12 J. **Accessible Parking Requirements**

13 A portion of the total number of required off-street parking spaces in each off-street
 14 parking area shall be specifically designated, located, and reserved for the use by
 15 persons with physical disabilities.

- 16 1. **Number of Spaces Required**
 17 Accessible parking requirements for commercial, industrial, public, and
 18 institutional uses, and multi-family developments requiring more than 25 spaces,
 19 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
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

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
1,400--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

2. Dimensions

Car accessible spaces shall be at least eight feet wide with an access aisle at least five feet wide abutting the space. Van accessible spaces shall have an abutting aisle eight feet in width. Accessible vehicle space access aisles shall be part of an accessible route to the building or facility entrance as specified in subsection J.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 Routes

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.

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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- 1 e. **Gratings**
2 If gratings are located in walking surfaces on an accessible route, then
3 they shall have spaces no greater than 1/2 inch wide in one direction. If
4 gratings have elongated openings, then they shall be placed so that the
5 long dimension is perpendicular to the dominant direction of travel.
- 6 f. **Ramps**
7 ADA ramps cannot protrude into the ADA access aisle. Ramp details
8 shall be included on the plans.
- 9 4. **Location**
10 Accessible vehicle spaces serving a particular building shall be located on the
11 shortest accessible route of travel from adjacent parking to an accessible
12 entrance. The accessible route of travel shall not pass behind parking spaces.
13 In parking facilities that do not serve a particular building, accessible vehicle
14 spaces shall be located on the shortest accessible route of travel to an
15 accessible pedestrian entrance of the parking facility. In buildings with multiple
16 accessible entrances with adjacent parking, accessible vehicle spaces shall be
17 dispersed and located closest to the accessible entrances.
- 18 5. **Signs and Striping**
19 Each accessible vehicle space shall be designated as reserved by a sign
20 showing the symbol of accessibility. Van-accessible spaces shall have an
21 additional sign reading "Van-Accessible" mounted below the symbol of
22 accessibility.
- 23 a. Eight-foot van accessible aisles require a no-parking sign.
- 24 b. Signs shall be located so that they do not obstruct the ramps or other
25 pedestrian access.
- 26 c. A handicapped sign detail shall be included in the plan submittal per
27 municipality sign specifications.
- 28 d. All accessible spaces and aisles shall be striped with handicap blue,
29 including the total length of the curb encompassing the accessible
30 parking space.
- 31 6. **Implementation of ADA**
32 Regulations may be promulgated under section 21.03.040, *Amendments to Text*
33 *of Title 21*, to implement the requirements of Americans with Disabilities Act of
34 1991 as it may be amended or interpreted by federal regulation.
- 35 7. **Standards for Parking as Principal Use**
36 Where a parking structure or lot is a permitted principal or conditional use and is
37 not providing required parking for another principal use, accessible parking
38 spaces in accordance with this section shall be provided.

- 39 K. **Modification of Parking Requirements**
40 The number of required parking spaces shall be that specified in this title unless modified
41 pursuant to section 21.03.180, *Minor Modifications*, or section 21.03.190, *Variances*.

42

21.07.100 RESIDENTIAL DESIGN STANDARDS

A. Purpose

The standards of this section 21.07.100 are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote an integrated character for the municipality's neighborhoods. Specifically, the standards:

1. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods;
2. Provide variety and visual interest in the exterior design of residential buildings;
3. Provide for a variety of lot sizes and housing types for a range of households and age groups;
4. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
5. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences;
6. Locate active living spaces, entrances, and windows to improve the physical and visual connection from residences to the street, and foster opportunities for casual surveillance of the street and outwardly expressed proprietorship of the neighborhood; and
7. Improve the compatibility of attached and multi-family residential development with the residential character of surrounding neighborhoods.

B. Alternative Equivalent Compliance

The alternative equivalent compliance procedure set forth in subsection 21.07.010B. may be used to propose alternative means of complying with the intent of this section.

C. Prohibited Structures

Quonset huts are prohibited in all residential districts.

D. Standards for Single-Family and Two-Family Residential Dwellings

1. Purpose

This subsection 21.07.100D. is intended to promote building design that contributes to a sense of neighborhood and to the overall streetscape by carefully relating buildings, yards, and garages in relation to public streets and adjacent properties. The standards support visual variety, avoid monotony in home designs and layouts, and protect property values of both the subject property and surrounding development.

2. Design Standards

a. Standards for All Single- and Two-Family Residential Structures

i. Applicability

- 1 The standards of this subsection D.2.a. apply to all single- and
 2 two-family residential structures.
 3
- 4 ii. *Permanent Foundation*
 5 All dwellings shall be on a permanent foundation.
- 6 iii. *Aspect Ratio*
 7 The dimensions of a rectangle, drawn to encompass the whole
 8 structure measured at 30 inches above the ground, shall be as
 9 follows: the shorter dimension of the rectangle shall be more
 10 than 30% of the longer dimension of the rectangle.
- 11 iv. *Siding Material*
 12 Metal or vinyl siding that is vertically corrugated is prohibited.
- 13 v. *Roof Design*
 14 If all of the dwelling is single-storied, it shall have a pitched roof
 15 of at least 4 to 12 (rise to run). An applicant may request an
 16 administrative site plan review to be considered for a waiver from
 17 this requirement.
- 18 vi. *Paved Driveways*
 19 All residential driveways that are less than 150 feet in length
 20 shall be paved with concrete, asphalt, or an asphaltic all-weather
 21 surface (not including gravel) to standards prescribed by the
 22 traffic engineer for their entire length. For such residential
 23 driveways exceeding 150 feet in length, at least the 25 feet of
 24 driveway closest to the public street shall be paved with such
 25 materials. Alternative paving materials may be used if approved
 26 by the traffic engineer.
- 27 b. **Standards for Limited Single- and Two-Family Residential**
 28 **Structures**
- 29 i. *Applicability*
 30 The standards of this subsection D.2.b. apply to all residential
 31 development except for residential development in the RL-1, RL-
 32 2, RL-3, and RL-4 districts, and single-family residential
 33 development on lots of one acre or greater. This section does
 34 not apply in Girdwood.
- 35 ii. *Mix of Housing Models*
 36 Any development of 5 or more units shall have a mix of housing
 37 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

38

Each housing model shall have at least two of the following variations:

- (A) Noticeably different floor plans;
- (B) Noticeably different placement of the building footprint on the lot;
- (C) Noticeably different garage placement; or
- (D) Noticeably different roof lines.

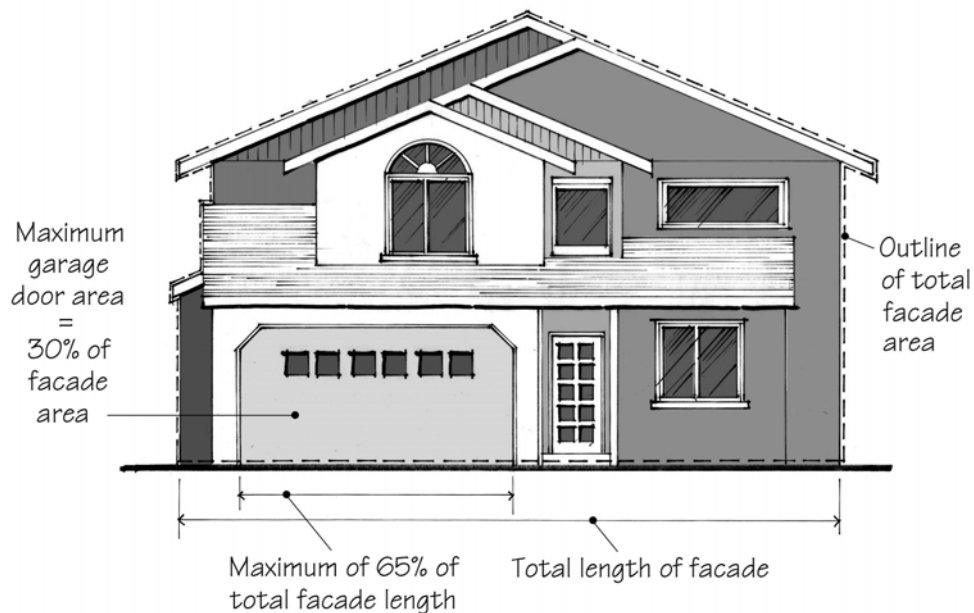
The development shall be arranged to avoid placing identical housing types, including mirror image floorplans, on adjacent lots.

iii. *Primary Entrance*

The location of the primary pedestrian entrance of each residence shall be clearly visible from the street or public area adjacent to the front lot line.

iv. *Garages*

- (A) Garage doors facing the street shall comprise no more than 65 percent of the total length of a dwelling's façade and no more than 30 percent of the overall square footage of the dwelling's front façade that faces the street. Single-story_homes are exempted from the overall square footage limitation.



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- (B) Dwelling units with garage doors that face the street and comprise more than 50 percent of the width of the façade shall be recessed at least four feet behind the remaining façade and shall feature at least one design element from list A and one design element from list B:
- 6
7
- (1) *List A:*
- Balcony over the garage
 - Eyebrow mansard over the entire length of the garage door extending a minimum of two (2) feet
 - Entry is pronounced using a porch, columns, or other similar features
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- (2) *List B:*
- Windows in the garage door
 - At least two different materials used on the front façade
 - Special paving patterns in the driveway
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- (C) The minimum front building setback may be reduced by five feet when there is a detached garage located in the rear of the lot behind the principal dwelling structure, or a rear garage attached to the principal dwelling if the front wall of the garage is located at least 10 feet behind the façade of the house.
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- 24 v. *Alleys*
- 25 (A) If a development includes alleys, the lot depth
- 26 requirement is reduced by half the width of the alley.
- 27 (B) If a residential unit has alley or rear yard access to a
- 28 garage, the front setback for the living portion of the
- 29 house (but not the garage) may be reduced to 10 feet.
- 30 (C) If a residential unit is served by an alley, no driveways in
- 31 the front yard shall be permitted. All vehicular access,
- 32 including to garages, shall be through the alley.

33 **E. Standards for Townhouse Residential**

34 **1. Purpose**

35 The purpose of these standards is to provide a distinctive architectural character
36 in new townhouse residential development that avoids featureless design.

37 **2. Applicability**

38 These standards shall apply to all townhouse structures as well as to townhouse-
39 style construction on a single lot.

40 **3. Building Articulation and Architectural Variety**

- 41 a. No more than eight townhouse units may be attached in a single row or
42 building cluster.

- 1 c. Promote building design, placement, and orientation that contributes to a
2 sense of neighborhood and community; and
- 3 d. Improve the quality of life of residents of multi-family residential
4 dwellings.
- 5 2. **Applicability**
6 All development or redevelopment of multi-family residential structures of four
7 stories or less shall comply with the following requirements. In the case of
8 mixed-use buildings, these standards and the standards of section 21.04.040F.,
9 *Mixed-Use District Development Standards*, shall both apply. In case of conflict,
10 the more stringent standard shall control.
- 11 3. **Building and Parking Location, Layout, and Orientation**
- 12 a. In multi-building developments, the buildings are encouraged to be
13 arranged to enclose and frame common areas. Common areas and
14 courtyards should be convenient to a majority of units.
- 15 b. When more than one multi-family structure is constructed:
- 16 i. No side, end, or rear wall of a multi-family structure shall be
17 located within 20 feet of a side, end, or rear wall of any other
18 multi-family structure;
- 19 ii. No side, end, or rear wall of a multi-family structure shall be
20 located within 30 feet of the front wall of any other multi-family
21 structure; and
- 22 iii. No front wall of a multi-family structure shall be located within 40
23 feet of the front wall of any other multi-family structure.
- 24 For purposes of measurement in this subsection, projections such as
25 decks and bay windows shall not be counted.
- 26 c. **Parking**
27 All surface parking shall comply with at least two of the following
28 requirements in addition to the parking lot landscaping requirements set
29 forth in section 21.07.080:
- 30 i. Separated from any building by a landscaped strip of at least six-
31 feet in width, or
- 32 ii. No more than one double-loaded row of parking between any
33 building on the site and an adjacent public street, or
- 34 iii. The parking lot is broken up into pods of no more than 40 spaces
35 with pods separated by landscaped areas, raised sidewalks,
36 ornamental fencing, or similar features.
- 37 4. **Building Mass and Articulation**
- 38 a. Each façade greater than 50 feet in length, measured horizontally, shall
39 incorporate wall plane projections or recesses having a depth of at least
40 10 percent of the length of the façade, and extending at least 20 percent

- 1 of the length of the façade. No uninterrupted length of any façade shall
2 exceed 50 horizontal feet.
- 3 **b.** The facades of all multi-family buildings shall be articulated through the
4 incorporation of three or more of the following:
- 5 **i.** Balconies;
- 6 **ii.** Bay or box windows;
- 7 **iii.** Porches or arctic entries;
- 8 **iv.** Dormers;
- 9 **v.** Variations in materials and/or colors;
- 10 **vi.** Variations in roof forms;
- 11 **vii.** Variation in window sizes and shapes; or
- 12 **viii.** Vertical elements that demarcate building modules.
- 13 **c.** Buildings located within 20 feet of the public right-of-way shall have a
14 first floor raised at least one foot off the ground to maintain privacy.
- 15 **d.** The height of each multi-family building taller than 35 feet shall be
16 stepped down from its highest roofline at least one full story on any end
17 of the building located within 50 feet of a street-right-of-way or an
18 adjacent area zoned RS-1 or RT.
- 19 **5. Roof Form**
- 20 **a. *Roof Design***
- 21 **i.** The incorporation of a variety of roof forms is strongly
22 encouraged. Upper-level residential floors may be incorporated
23 into the roof form to reduce the apparent height and mass of
24 buildings.
- 25 **ii.** Multi-family residential buildings shall be designed to avoid any
26 continuous roofline longer than 50 feet. Rooflines longer than 50
27 feet shall include at least one vertical elevation change of at least
28 two feet.
- 29 **6. Façades and Detail Elements**
- 30 **a. *Facade Materials***
- 31 **i.** Natural, smooth face CMU shall not be used as a primary
32 exterior finish.
- 33 **ii.** Siding material shall be continued down to within nine inches of
34 finished grade with the following exceptions:
- 35 **(A)** If a secondary wainscot finish precludes this condition;
36 or

1 (B) If grade dictates a siding transition. If this occurs then
2 the area in question must not exceed 18 inches above
3 grade and must be screened by approved landscaping.
4

5 b. **Windows**

6 Except for facades built on side lot lines, all elevations on multi-family
7 buildings shall contain at least 12 percent windows.

8 7. **Entrances and Porches**

9 a. Building/development entries shall comply with at least two of the
10 following requirements:

11 i. At least one main building entry shall face the primary adjacent
12 public street;

13 ii. Building entrances face a courtyard that has a direct and visible
14 connection to an adjacent public street;

15 iii. Building entries are connected to a public sidewalk by walkways
16 that are not routed through a parking lot;

17 iv. The pedestrian entry to the site from the public right-of-way is
18 emphasized with landscaping, special paving, gateways, arbors,
19 or similar features; or

20 v. No more than one curb cut per 100 feet of frontage. Shared
21 driveways are encouraged.

22 b. The front entry of any structure shall be emphasized by the use of at
23 least two of the following:

24 i. A porch or landing;

25 ii. Double doors;

26 iii. A roofed structure such as a portico, awning, or marquee;

27 iv. The inclusion of side-lights (glazed openings to the side of the
28 door), and transom-lights (glazed opening above the door) in the
29 entry design;

30 v. Decorative lighting; or

31 vi. Enhanced landscaping.

32 8. **Weather Protection**

33 Buildings shall be designed so that entries, steps, balconies, and pedestrian
34 paths are protected from precipitation shedding off roofs.

35 9. **Accessory Elements**

36 a. **Storage**

37 A multi-family project shall provide covered, enclosed, and secure
38 storage areas for bicycles and other belongings that typically cannot be
39 accommodated within individual dwelling units. Storage and other

1 accessory buildings shall be designed with materials and/or architectural
2 elements that are related to the principal building(s).

3 **b. *Trash Receptacles/Dumpsters***

4 Where dumpsters are allowed, they shall comply with the requirements
5 of 21.07.080H. Where dumpsters are not provided, multi-family
6 developments shall provide covered storage for trash receptacles. Such
7 storage shall not be located between any building and the primary
8 adjacent street frontage.

9 **c. *Garages***

10 **i. *Attached or Detached Garages***

11 To the maximum extent feasible, garage entries and carports
12 shall not be located between a principal multi-family building and
13 a required street frontage, but shall instead be internalized in
14 building groups so that they are not visible from adjacent streets.

15 **ii. *Size***

16 Garages and carports shall be limited to six spaces per structure
17 to avoid a continuous row of garages. No more than six garage
18 doors may appear on any multi-family building elevation
19 containing front doors, and the plane of each garage door shall
20 be offset at least two feet from the plane of the garage door
21 adjacent to it.

22 **iii. *Design***

23 Detached garages and carports shall be integrated in design with
24 the principal building architecture, and shall incorporate similar
25 and compatible forms, scale, materials, color, and details.

26 **iv. *Parking Structures***

27 Underground parking structures are strongly encouraged for
28 multi-family developments.

29 **10. *Snow Storage***

30 Snow storage areas shall be indicated clearly on all site plans. Location and
31 design of snow storage areas in parking lots shall comply with the provisions of
32 subsection 21.07.090H.6., *Snow Storage and Handling*.

33 **G. *Standards for Multi-Family Residential (More Than Five Stories)***

34 All multi-family residential dwellings that are five stories or greater in height shall comply
35 with the development standards for public/institutional, commercial, and five-or-more
36 story multifamily buildings set forth in section 21.07.110.

37 **21.07.110 PUBLIC/ INSTITUTIONAL AND COMMERCIAL DESIGN STANDARDS**

38 **A. *Purpose***

39 This section is intended to promote high-quality building design that actively considers
40 the surrounding context in non-residential and mixed-use areas, encourages visual
41 variety in such areas, ensures building layout and design suitable for the municipality's
42 northern climate, fosters a human scale and accessible and attractive street fronts,
43 projects a positive image to encourage economic development in the municipality, and
44 protects property values of both the subject property and surrounding development. It is

1 also the intent of this section to provide flexible standards that allow for creativity and
2 innovation.

3 **B. Applicability**

4 Development of any structure that will contain a use categorized in table 21.05-1 or table
5 21.05-2, *Tables of Allowed Uses*, as a public/institutional or commercial use, and multi-
6 family development of five or more stories, shall comply with the standards of this section
7 21.07.110. However, special-purpose public facilities such as airports and fire stations
8 with highly unique design and functionality requirements shall be exempt from this
9 section, if approved by the director.

10 **C. Alternative Equivalent Compliance**

11 The alternative equivalent compliance procedure in subsection 21.07.010B. may be used
12 to propose alternative means of complying with the intent of this section. Applicants for
13 alternative equivalent compliance shall demonstrate design strategies that address each
14 of the core subject areas set forth below in subsection E.

15 **D. Prohibited Structures**

16 Quonset huts and inflatable domes are prohibited in all commercial and mixed-use
17 districts.

18 **E. Menu of Design Choices²**

19 To provide for flexibility and allow design creativity, the standards of this section
20 21.07.110 are arranged into menus of design feature choices. The applicant shall select
21 a minimum number of design features from each menu. The menus are organized into
22 three subject areas that affect the community/public realm: (a) building orientation (b)
23 massing and articulation, and (c) northern climate response.

24 **1. Minimum Number of Design Features**

25 The minimum number of design feature choices required from each menu is
26 provided in Table 21.07-13. Depending on building size, the applicant shall also
27 provide between one and three additional design features, which the applicant
28 may select from any of the menus.

29 **2. Shared Credit Among Menu Choices**

30 Achievement of a design feature choice in a menu may count toward other
31 design features in the same menu or other menus if the feature also achieves the
32 requirements of the other design feature choice(s).

33 **3. Design Innovation Credit**

34 A design innovation that is not covered by the menu choices may be used as
35 credit for up to one design feature in this section. The applicant shall
36 demonstrate a specific design quality that achieves the intent of the subsection.
37 For permitted uses the director shall approve the design innovation. A design
38 innovation shall not be used to satisfy the minimum required number of design
39 features in a menu if the minimum requirement is one design feature.

40

TABLE 21.07-13: BUILDING SIZE AND MINIMUM NUMBER OF DESIGN FEATURES

Design Feature Menus	Less than 7,000 square feet of gross floor area	7,000 to 25,000 square feet of gross floor area	Greater than 25,000 square feet of gross floor area
Building Orientation Choices	2	3	3
Building Massing Choices	0	1	2
Façade Articulation Choices	2	3	3
Weather Protection Choices	2	2	2
Sunlight and Wind Mitigation	0	1	2
Additional Choices (any menu)	1	2	3
Total Number Required:	6	11	15

4. Building Orientation

a. Purpose

The design choices for building orientation address the building's relationship to surrounding streets, walkways and parking, and the overall public realm. Building orientation features should encourage pedestrian accessibility and views to indoor activity, enhance public street safety and natural surveillance opportunities and provide a comfortable street environment using windows, entrances and active uses at or near the ground-level.

b. Orientation Design Choices

Windows on the ground level that are used to achieve the choices below shall be windows providing visual access. The sills of qualifying windows on ground-level walls shall be no more than 4 feet above the adjacent exterior grade. Ground-level wall areas are defined as exterior wall areas up to 9 feet above finished grade.

i. Windows and Entrances

Provide windows and/or primary entrances on exterior walls that face streets for at least 35 percent of the length of the building elevation and 15 percent of the ground-level wall area. In mixed-use districts, the minimum percentage is at least 50 percent of the length and 25 percent of the ground-level wall area.

ii. Building Placement to the Street

A building that achieves item a. above may receive credit for an additional orientation feature if at least 50 percent of the length of at least one ground-level street-facing building elevation is within a 20-foot maximum setback area that is to be free of motor vehicles. In mixed-use districts, at least 75 percent of the building elevation length shall be within a 20-foot maximum setback.

iii. Corner Building

Frame an intersection corner by locating the first and second floor building facade within 20 feet of the front lot line on both

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1 street frontages, with windows and one or more primary
2 entrances within 25 feet of the lot corner. Vehicle parking and
3 driveways shall be at least 40 feet from the lot corner.

4 **iv. *Street Oriented Entrances***

5 Provide at least one primary entrance within 60 feet of a street
6 sidewalk, or 90 feet for buildings over 25,000 square feet of
7 gross floor area. The entrance faces and opens onto a clear and
8 direct connecting walkway to the street sidewalk, and is clearly
9 visible from the street and principal walkway and vehicular
10 approaches. Two such primary entrances on separate building
11 elevations and at least 30 feet apart may count as two
12 orientation features.

13 **v. *Upper Level Windows***

14 Front, side and corner side exterior walls facing streets and
15 customer entrances use a combination of windows or openings
16 and façade articulation that provide visual demarcation of each
17 floor on every building elevation. Windows shall comprise an
18 average of 35% or more of the length all upper floor façades.
19 Exterior wall areas of building mechanical rooms are exempt.

20 **vi. *Screening Vegetation***

21 In areas not zoned for mixed-use, L4 Screening Landscaping
22 that provides a wooded frontage along abutting streets may
23 count as an orientation feature.

24 **5. Building Massing and Articulation**

25 **a. *Purpose***

26 The design choices for building massing / articulation are intended to
27 reduce the apparent bulk of large buildings, encourage compatible
28 building scale with surrounding community and achieve a comfortable
29 human scale by providing variation in large building volumes and visual
30 variety on façade surfaces, especially at or near ground level.
31 Articulation should express elements such as floor and ceiling levels,
32 window heights, structural column spacing, or internal divisions.

33 **b. *Building Massing Choices***

34 **i. *Upper Story***

35 Buildings with a maximum footprint of 7,000 square feet gross
36 floor area, that do not exceed 14,000 square feet gross floor
37 area, may count use of a second story as a building massing
38 feature. The gross floor area of the second floor shall be a
39 minimum of 65% of the first floor.

40 **ii. *Upper Story Setback***

41 A 20 feet minimum setback for stories above the third story for
42 building elevations facing the street or public open space. This
43 requirement applies to a maximum of two building elevations.

44 **iii. *Wall Modulation***

45 Modulate each building elevation facing a street or abutting
46 residentially zoned lots. Offset the wall and foundation line at
47 intervals so that there is at least one offset every 140 feet of wall

- 1 length that varies the depth of the building wall by a minimum of
2 12 feet. Offsets shall comprise at least 20% of the length of the
3 building elevation, for at least 60% of the building height.
- 4 **iv. Roof Forms**
5 Option A: Provide a modulated roof on each building elevation
6 facing a street or abutting residentially zoned lots, using features
7 such as a terracing parapet, multiple peaks, jogged ridge lines
8 and dormers, with a maximum of 140 feet uninterrupted roofline
9 between roof modulation elements, each such element providing
10 a minimum 2 foot vertical change in roofline, and with modulation
11 elements equaling at least 20 percent of the roofline on each
12 building elevation. Option B: A sloped roof with a pitch no less
13 than 4/12 and no greater than 12/12. Rounded, gambrel,
14 mansard and irregular roof forms shall be averaged.
- 15 **v. Height Transitions**
16 Provide a building form that is terraced or otherwise transitioned
17 down on at least one of its elevations toward abutting streets,
18 public parks, or down to the smaller-scale of shorter buildings on
19 abutting lots. The building mass shall not intercept a 45-degree
20 daylight plane inclined from a height of 10 feet above existing
21 grade at the property line. This limitation only applies to the first
22 75 feet of building height. Only buildings greater than 45 feet
23 high may receive credit for this massing feature. The building
24 must be terraced or otherwise transitioned at a 45 degree angle
25 or less along the daylight plane.
- 26 **vi. Public Plaza**
27 Provide a public plaza of at least 2000 square feet of gross floor
28 area and a minimum dimension in length or width of 40 feet. The
29 plaza shall be located within 50 feet of and visible to the primary
30 public entrance. The plaza shall contain at least one amenity for
31 each 200 square feet of gross floor area. Amenities include a
32 bench or other seating, 10 landscaping units, fountain, kiosk (no
33 more than one), or art work. The plaza shall be located so that it
34 receives a minimum of four hours of direct or reflected sunlight
35 on March/September 21.
- 36 **vii. Housing**
37 The provision of upper story residential dwelling units, with upper
38 story residential uses comprising least 35% of the total gross
39 floor area of the building.
- 40 **c. Façade Articulation Choices**
41 **i. Façade Surface Articulation**
42 Incorporate two or more of the following detail elements at least
43 every 50 feet in wall length on each building elevation facing a
44 street or abutting residentially zoned lots:
45 **(A)** Changes in color, texture, and/or material;

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- (B) Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of 12 inches;
 - (C) Windows and primary entrances;
 - (D) Projections or breaks in the vertical rise of the building elevation
- ii. *Entrance Feature*
Incorporate changes in architectural mass, surface or finish to provide a clearly defined primary entrance that is easily visible from streets and sidewalks. Feature at least three of the following elements:
- (A) canopies, porticos, overhangs, arcades or similar sheltering cover,
 - (B) recessed or projected entrance,
 - (C) arches,
 - (D) peaked roof forms,
 - (E) outdoor patios or plazas,
 - (F) transom or sidelight windows,
 - (G) architectural tilework or moldings integrated into the building design, or
 - (H) integrated planters or wing walls that incorporate landscaped areas or seating areas.
- iii. *Base, Middle, and Top*
At least two building facades consist of a recognizable base, middle and top. The base is at least 2 feet above grade and is distinguished from the rest of the building such elements as a cornice, an arcade, clerestory-level windows, or other differences in color, texture and/or material, changes in material or texture. The top consists of cornice treatments with integrally textured materials such as masonry or differently colored materials (more than color painted stripes or bands), a sloping roof with overhangs, or stepped parapets.
- iv. *Ground Level Expression*
The objective of this design choice is to create the greatest amount of visual interest at the pedestrian level and reinforce the character of the streetscape through use of familiar-sized, human-scale design elements. Provide at least three of the following on ground-level, street-facing facades:
- (A) Kickplates for windows,

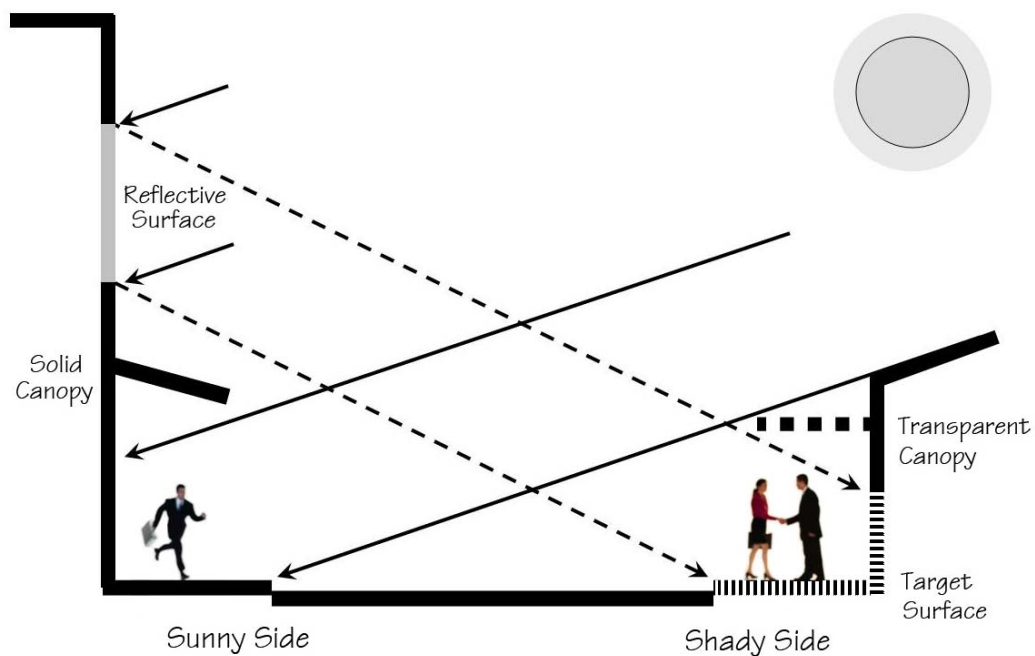
- 1 (B) Projecting window sills,
2 (C) Architectural bays and mullions dividing windows;
3 (D) Pedestrian scale building signs;
4 (E) Pedestrian scale building lighting;
5 (F) Canopies or similar weather protection;
6 (G) Tilework;
7 (H) Belt courses or masonry strips of distinct color or texture;
8 (I) Plinths for columns; or
9 (J) Ornamental details integrated into the façade design.
- 10 v. *Ground Level Transparency and Activity*
11 Achievement of both the *windows and entrances* and the *street*
12 *oriented entrances* design choices from the building orientation
13 menu may be used as credit for one articulation feature.
- 14 vi. *Four-Sided Design*
15 Architectural features and treatments are not restricted to a
16 single façade of any primary structure. All sides display the
17 same level of quality and architectural interest, by including the
18 same varieties of materials, trim, and horizontal and vertical
19 articulation.
- 20 6. Northern Climate Design
21 a. **Purpose**
22 The design choices for northern climate address the combined effects of
23 Anchorage's northern climate, including snow, ice, rain, temperature,
24 wind exposure, long and dark winters, and the low and seasonal sunlight
25 conditions. Building design should maximize the use, comfort,
26 convenience and accessibility of public spaces and walkways, optimize
27 relationships to sunlight and wind, and consider microclimatic impacts on
28 the site and surrounding community.
- 29 b. **Weather Protection Specifications**
30 Shelter may be composed of awnings, canopies, arcades, marques,
31 cantilevered overhangs, colonnades, recessed ground floor facades or
32 similar features along the pedestrian route. Sheltering is required to
33 cover only hard surfaced areas intended for pedestrian use. The shelter
34 design shall prevent water, ice or snow from dripping or sliding onto
35 pedestrian areas. It shall have at least eight feet of vertical clearance
36 and project over at least 6 feet of width of the pedestrian area below.
37 However, the shelter may be indented as necessary to accommodate
38 street trees, street lights, bay windows or similar building accessories to
39 not less than 3 feet in width. The shelter shall be at least 65% open to
40 the outside along the building facade, and open to the air at each end.

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- c. Weather Protection Design Choices**
- i. *Weather Protected Entrance*
For buildings less than 7,000 square feet gross floor area, provide outdoor sheltering for a primary entrance that covers at least 60 square feet. For buildings 7,000 to 25,000 gross floor area, provide outdoor sheltering for a primary entrance that covers at least 120 square feet. For buildings greater than 25,000 square feet gross floor area, provide outdoor sheltering for a primary entrance that covers at least 200 square feet.
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- ii. *Sheltered Drop-Off, Bicycle, or Transit Area*
Provide shelter along a portion of building facade over a taxi, valet or drop off zone, bicycle parking, or a transit shelter.
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- iii. *Sheltered Façade Walkway*
Weather protection above a minimum of 35% of the length of ground level building facades that contain a primary entrance or abut a street sidewalk or pedestrian walkway. The minimum percentage is 50% in mixed-use districts.
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- iv. *Heated Walkway Surface*
Provide a heated walkway along a minimum of 35% of the length of ground level building elevations that contain a primary entrance or abut a pedestrian walkway. The width of the heated surface shall be equal to the width of the walkway.
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- v. *Weather Protected Transition Space*
Provide a sheltered outdoor publicly accessible space such as café seating along a building façade as a transition between indoor areas and unsheltered outdoor spaces. The sheltered area shall be a minimum of 400 square feet and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bollard to lean on, bike rack or art work for each 80 square feet of gross floor area.
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- d. Sunlight and Wind Mitigation Choices**
- i. *Solar Access*
The objective of this choice is to allow credit for preserving direct sunlight access to neighboring areas. Preserve or maximize solar access to adjacent public parks, sidewalks across the street, and neighboring properties through building placement, height and/or massing. The building placement, massing and height shall be such that these areas receive at least four hours of solar access on March/September 21.
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- ii. *Sun Trap*
Preserve or create a publicly accessible sun trap or “pocket” that captures direct and reflected sunlight. The sun trap shall contain at least 400 square feet of pedestrian area that is exposed to direct and reflected sun for at least six hours on March/September 21.

iii. *Redirected Sunlight as an Amenity*

The objective of this choice is to allow credit for the use of reflected radiation. Provide a light-colored, reflective upper-story façade surface that redirects sunlight into publicly accessible pedestrian spaces and walkways, and/or any ground level walls abutting such public spaces, to brighten or increase the microclimatic comfort of those spaces. Demonstrate a façade surface with a solar orientation and a reflectance of at least 50% that will redirect sunlight to at least 400 square feet of target surface for 2 or more hours on March 21/September 21.



iv. *Transparent Sheltering Roof*

Provide a transparent roof on one of the design choices from the weather protection menu above. The transparent roof shall allow sunlight to penetrate through to the sheltered pedestrian area.

v. *Atrium*

Provide a publicly accessible atrium, galleria or similar kind of sunlit interior space which takes advantage of direct and/or reflected sunlight to provide brightness, orientation, and reduce the need for artificial lighting. The publicly accessible portion of the atrium shall be at least 400 square feet, with a minimum dimension in length or width of 16 feet. It shall be exposed to direct and/or reflected sun for at least four hours daily eight months of the year, and adhere to the plaza amenities standard in item f of the building massing menu.

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- vi. *Protective Wall Projections*
Provide balconies, marquees or similar features that project out at least 4 feet to protect public spaces and building entrances on building facades that contain a primary entrance or that abut a street sidewalk or pedestrian walkway. The sum of the horizontal length of all on the building facade shall equal or exceed the total length of the building façade at the ground level.
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- vii. *Height Transition*
Provide building massing menu feature v. with the addition that the setback from the lower façade wall to the tower portion of the building is at least 20 feet for effective wind downdraft mitigation at the ground level.
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- e. ***Wind and Shadow Impacts of Tall Buildings***
The following measures shall be required to mitigate undesirable impacts of proposed tower development in the municipality’s northern climate, including wind impacts on pedestrians at the ground level and shadowing and temperature impacts on the development site and surrounding community.
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- i. *Wind Impact Study and Mitigation.*
Buildings over 120 feet in height shall provide a wind study conducted by a licensed design or engineering professional that evaluates the wind impact of a proposed development, and implement the appropriate design measures to reduce or mitigate undesirable wind conditions on streets, open spaces and other pedestrian areas. Subject to approval by the director.
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- ii. *Shadow Impact Study and Mitigation.*
Buildings over 75 feet in height shall provide a shadow impact study by a licensed architect to evaluate the impact of shadows potentially cast, and implement appropriate design measures to reduce or mitigate undesirable shadow conditions. Measures may include repositioning the tower on the lot, increasing setbacks, reducing or shifting a building’s height or mass, redesigning a building’s shape using a narrow east-west profile, or angled or terraced roof forms. Subject to approval by the director.

36 **21.07.120 LARGE COMMERCIAL ESTABLISHMENTS³**

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 this
41 community and its streetscapes and commercial areas. The purpose of this section is to
42 encourage major commercial developments to contribute to and respect the municipality
43 as a unique place and to physically integrate with the community in a positive and
44 architectural and site design sensitive manner. The standards of this section augment
45 existing basic standards for development found elsewhere in this chapter with more
46 specific interpretations that apply to large commercial establishments. These standards
47 promote: a basic level of architectural variety and interest; a compatible appearance and
48 scale; pedestrian and parking lot access; orientation of buildings and entrances in relation

1 to surrounding streets; provisions for adaptive reuse of prominent vacant buildings; and
2 mitigation of negative impacts of large scale commercial developments.

3 **B. Applicability**

4 The standards of this section 21.07.120 shall apply to any use in the Retail (Sales); Retail
5 (Personal Service, Repair, and Rental); Vehicles and Equipment; Animal Sales, Service,
6 and Care; Food and Beverage Service; or Indoor Entertainment use category, or any
7 combination thereof, occupying more than 25,000 gross square feet of floor area, but not
8 including any secondary buildings or pad lots as part of the same development site that
9 are less than 25,000 gross square feet of floor area.

10 **C. Relationship to Other Standards**

11 The provisions of this section shall replace the provisions of section 21.07.110,
12 *Public/Institutional and Commercial Building Standards*, but shall apply in addition to all
13 other generally applicable standards found elsewhere in this chapter and title. Where
14 there is a conflict with generally applicable standards in this chapter, the standards of this
15 section shall apply. Where there is a conflict with district-specific standards in chapter
16 21.04 of this title, the district-specific standards shall apply.

17 **D. Alternative Equivalent Compliance**

18 The alternative equivalent compliance procedure in subsection 21.07.010B. may be used
19 to propose alternative means of complying with the intent of this section. Applicants for
20 alternative equivalent compliance shall demonstrate design strategies that address each
21 of the mandatory standards set forth below in subsection E.

22 **E. Mandatory Standards**

23 **1. Vehicular Access**

24 Primary vehicular access shall be from a street designated collector or greater on
25 the *Official Streets and Highways Plan*. Secondary vehicular access may be
26 from a street designated less than a collector, provided the applicant
27 demonstrates that any traffic and visual impacts on adjacent residential and
28 commercial areas are sufficiently minimized.

29 **2. Weather Protection for Pedestrians**

30 **a.** Buildings and roofs shall be designed so that drainage from the roof shall
31 not fall on sidewalks, walkways, or building entrances.

32 **b.** All primary entrances shall have a roof, canopy, arcade, overhang, or
33 similar weather protection that is a minimum of 8 feet and a maximum of
34 16 feet above the ground surface.

35 **c.** Building elevations that face public streets or customer parking areas
36 and that have a walkway along the façade shall provide a canopy,
37 arcade, overhang, or similar weather protection along at least 60% of
38 such building elevation.

39 **3. Adjacent Residential Development**

40 Level 4 Screening landscaping shall be provided along property lines that are
41 adjacent to residentially-zoned property. The landscaping shall allow for any
42 pedestrian connections provided by this section.

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- 4. Community Space**
The establishment shall provide at least one public space, such as a plaza, patio, courtyard, or atrium, either indoors or outdoors, at or near the principal customer building entrance. Each public space shall be no less than 2,000 square feet in gross floor area and no dimension shall be less than 40 feet. The public space shall contain at least 1 amenity for each 200 square feet of gross floor area. Amenities include a bench or other seating, 10 landscaping units, fountain, or art work. Common spaces are encouraged to have good solar access and/or provide views of the Chugach mountains or other major landmark(s).
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- 5. Wall Modulation**
Each building elevation that faces a street, a customer parking area, or a residentially-zoned lot shall be modulated. The wall and foundation line shall be offset at intervals so that there is at least one offset every 140 feet of wall length that varies the depth of the building wall by a minimum of 12 feet. Offsets shall comprise at least 20% of the length of the elevation, for at least 60% of the building height.
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- 6. Ground Level Expression**
Each building elevation that faces a public street shall provide, along at least 60% of the building length, three of the following features:
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- a. Windows with kickplates or projecting sills;
 - b. Architectural bays and mullions dividing windows;
 - c. Pedestrian scale ornamental lighting;
 - d. Tilework;
 - e. Belt courses or masonry strips of distinct color or texture;
 - f. Plinths for columns; or
 - g. Ornamental details integrated into the façade design.
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- 7. Roofs**
Provide a modulated roof on each elevation facing a street or residentially zoned lot, using features such as a terracing parapet, multiple peaks, jogged ridge lines and dormers, with a maximum of 140 feet of uninterrupted roofline between roof modulation elements. Each modulation element shall provide a minimum of 2 feet of vertical change in the roofline for at least 20 percent of the roofline.
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- 8. Entryways**
Entryways shall incorporate changes in architectural mass, surface, or finish to provide a clearly defined primary entrance that is easily visible from streets and sidewalks. At least two of the following features shall be provided:
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- a. Recessed or projected entrance;
 - b. Peaked roof form;
 - c. Transom or sidelight windows;

- 1 d. Ornamental architectural features such as tilework, moldings, or lighting;
2 or
- 3 e. Integrated planters or wing walls the incorporate landscaped and/or
4 seating areas.
- 5 9. **Prohibited Materials**
6 Exterior building materials shall not include the following:
- 7 a. Plywood without board and batten;
- 8 b. Unstained or untreated wood, except for cedar or redwood; and
- 9 c. T-111 siding.
- 10 Neon tubing shall not be an acceptable building/roofline outline feature.
- 11 10. **Outdoor Sales and Display**
- 12 a. ***Intent Statement***
13 To screen storage and display areas of large commercial establishments
14 from adjacent properties, public streets, and customer entrances, and to
15 mitigate visual and noise impacts.
- 16 b. ***Permanent Outdoor Display, Sales, and Storage of Merchandise***
- 17 i. This subsection E.10. shall not apply to uses in the Vehicles and
18 Equipment use category.
- 19 ii. Any outdoor storage, display, or sales location shall be
20 permanently defined on a site plan.
- 21 iii. The size of permanent outdoor storage, display, and sales areas
22 shall be ten percent (10%) of the footprint of the principal
23 building, or 15,000 square feet, whichever is less.
- 24 iv. Permanent outdoor storage, display, and sales areas shall be
25 contiguous to the building and shall not be within 100 feet of
26 residential property.
- 27 v. All outdoor storage, display, and sales areas shall have
28 permanent walls and/or screening fences, no more than 15 feet
29 high, made of materials and colors designed to be
30 complementary to those used as predominant materials and
31 colors on the building. Merchandise shall not be stacked above
32 the height of the screening wall or fence. Any chain link fencing
33 used shall be dark-colored and covered with a windscreen,
34 which shall be maintained in good repair.
- 35 vi. Outdoor storage, display, and sales areas shall be counted when
36 calculating required parking.
- 37 c. ***Temporary Outdoor Display and Sales***
38 Temporary outdoor display and sales of merchandise shall not be
39 located in required parking areas, on pedestrian walkways or sidewalks,
40 or in required landscaping.

11. **Master Site Plan and Secondary Buildings**

a. ***Intent***

To integrate the location, orientation, and appearance of all structures and improvements within a large commercial establishment as a unified, coherent and accessible site development.

b. ***Master Site Plan***

Large commercial establishments on sites that include more than one building, or that include multiple pad lots or platted lots for separate commercial establishments, shall, at the time of plat review or major site plan review, be required to establish a master site plan for the location, design and orientation of principal and secondary buildings on site.

c. ***Applicability of Large Commercial Establishment Regulations***

Building and site design standards for large commercial establishments in this section, unless stated to apply specifically to principal buildings, apply to both principal and secondary buildings on any commercial tract within a large commercial establishment site or site master plan area.

d. ***Secondary Building Orientation to Public Streets***

Peripheral secondary buildings located at the edge of the site next to a public street or street corner shall provide at least one customer entrance facing each abutting public street. A corner entrance facing both streets may meet this requirement. In such a case, for purposes of design requirements in this section for facades with customer entrances, the entrance shall be considered to be on both facades.

F. **Optional Standards Menu**

In addition to the mandatory standards of subsection E. above, establishments shall choose three features from the options below.

1. **Location of Parking Lots**

No more than 50 percent of vehicle parking spaces provided shall be located in the front parking area (defined in 21.13).

2. **Multiple Entrances**

The principal building(s) shall have customer entrances on at least two sides of the building that face an abutting street from which access to the site is taken, with at least one of the required entrances facing the street to which the building is closest. A corner entrance shall be counted as an entrance on either façade.

3. **Pedestrian-Friendly Entrance**

At least one customer entrance of the principal building is located within one hundred (100) feet of the property line abutting the street from which the main access to the site is taken.

4. **Building Façade Walkways**

Walkways at least six feet wide (at least 8 feet if abutting a parking lot without wheel stops to prevent vehicle overhang into the walkway) shall be provided along the full length of every building façade that has a customer entrance or abuts a customer parking lot.

1 **5. Upper Level Windows**

2 Elevations facing streets and residentially zoned lots shall provide windows along
3 35% of each upper floor façade. For the purposes of this section only, floors
4 shall be considered 15 foot increments in height, and rooftop mechanical
5 penthouses are exempt.

6 **6. Screening Vegetation**

7 In areas not zoned mixed-use, L4 Screening landscaping shall be provided along
8 one lot line that abuts a public street.

9 **7. Foundation Landscaping**

10 Planting beds at least six (6) feet wide shall be provided along at least 50% of
11 each building elevation that faces public streets and/or parking areas.

12 **8. Heated Walkway Surface**

13 Provide a heated walkway along a minimum of 35% of the length of the building
14 elevation that contains a primary entrance. The walkway shall be a minimum of
15 six feet wide.

16 **21.07.130 EXTERIOR LIGHTING**

17 (Early in 2006, the Illuminating Engineers Society of North America will be releasing a model
18 lighting ordinance, which will be easier to understand and enforce than the current language.
19 New language for this section, based on that model ordinance, will be released as soon as it is
20 available.)

21 **21.07.140 OPERATIONAL STANDARDS**

22 **A. Purpose**

23 The purpose of these operational standards is to prevent land or buildings within the
24 municipality from being used or occupied in any manner so as to create any dangerous,
25 injurious, noxious, or otherwise objectionable condition that would create adverse
26 impacts on the residents, employees, or visitors on the property itself or on nearby
27 properties.

28 **B. Applicability**

29 The provisions of this section 21.07.140 shall apply to all land within the municipality.
30 The director may authorize temporary exemptions from one of more of the standards in
31 this section during construction.

32 **C. Standard**

33 No use may cause excessive noise, vibrations, smoke, dust or other particulate matter,
34 toxic or noxious matter, humidity, heat, or glare at or beyond any lot line of the lot on
35 which it is located. No equipment or process shall be used which creates visual or
36 audible interference in any radio or television receivers off the premises, or causes a
37 fluctuation in line voltage off the premises.

38 The term “excessive” is defined for the purpose of this subsection as to a degree
39 exceeding that generated by uses permitted in the district in their customary manner of
40 operation, or to a degree injurious to the public health, safety, welfare, or convenience.

¹ PRD#2 NOTE: Changes reflect current practice.

² PRD#2 NOTE: The Public/Institutional and Commercial Design Standards have been revised to clarify and strengthen purpose statements, provide more choices for flexibility, be more specific and less discretionary, and respond to public comments.

³ PRD#2 NOTE: The Large Commercial Establishment design standards have been revised to mirror the requirements of the current code. Some requirements have been amended for clarity, and a three additional choices from a menu are now required.

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CHAPTER 21.08: SUBDIVISION STANDARDS

21.08.010 PURPOSE

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. Generally

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 Generally

No subdivision shall be approved unless it complies with all of the following standards:

1. Name of Subdivision

The title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the municipality.

- 1 **2. Compliance with Comprehensive Plan**
2 The design of subdivisions shall be consistent with the appropriate elements of
3 the comprehensive plan.
- 4 **3. Compliance with Other Provisions of this Title**
5 All subdivisions shall comply with all other applicable zoning, design, and
6 development regulations set forth in this title, including but not limited to:
- 7 a. The requirements of the zoning district in which the property is located
8 (see chapter 21.04); and
- 9 b. Applicable development and design standards (see chapter 21.07).
- 10 **B. Phasing Schedule**
- 11 The platting authority may require that a subdivision conform to a phasing schedule
12 based upon the scheduled availability of infrastructure to serve the subdivision.
13 Submittals for the initial phase of a subdivision shall indicate utility easements and
14 transportation connections to adjacent and undeveloped land/areas that are not part of
15 the initial phase yet are under the same ownership.
- 16 **C. Maintenance of Existing Natural Drainage**
- 17 The general lot configuration and layout of proposed rights of way, open space tracts,
18 and development setbacks shall be consistent with naturally occurring drainage features
19 and historical drainage patterns within the subdivision and surrounding areas. Every
20 effort shall be made to mitigate the damming and/or diversion of natural and historical
21 drainageways or watercourses. The subdivision design shall ensure that neighboring
22 parcels, adjacent rights of way, water bodies, wetlands, and existing storm drainage
23 facilities are in no way adversely impacted by new or altered drainage resulting from the
24 development.
- 25 **D. Drainage Design**
- 26 Submittals for new subdivisions shall comply with the following standards:
- 27 1. Any and all waters of the United States, including wetlands, streams, lakes, and
28 marine waters, located either in whole or in part within the proposed development
29 shall be surveyed and mapped.
- 30 2. All pre- and post-development points of drainage entrance and exit to the
31 development, and all site drainage receiving waters shall be clearly identified.
- 32 3. All existing and proposed drainageways affected by the proposed development,
33 natural or constructed, shall be clearly identified.
- 34 4. Plans for proposed development must demonstrate provision for integrated
35 contiguous drainage for all entrance drainage and site drainage, including the
36 drainage from individual lots.
- 37 5. Estimates for watercourse flow rates contributed by groundwater from subdrains,
38 ditching, or natural features that may convey shallow groundwater to the existing
39 and/or proposed drainage network shall be provided.

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3. **Street Alignment**
- 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.
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- 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.
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- c. In areas subject to extreme winds, the minimizing of potential wind damage shall be considered in aligning streets.
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4. **Street Intersections**
- 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. Corner roundings at intersections shall conform to the standards of the department.
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5. **Cul-de-Sacs**
- a. Where topography and traffic circulation permit, the length of a cul-de-sac shall not exceed 900 feet in the RL-1, RL-2, RL-3, RL-4, and TA zoning districts, and 600 feet in all other zoning districts. The platting authority may approve longer cul-de-sacs when necessary to accommodate natural features.
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- b. The length shall be measured from the centerline of intersecting through streets to the radius point of the cul-de-sac bulb.
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- 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.
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6. **Alleys**
- Dead-end alleys shall be prohibited.
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7. **Street Names and Addresses**
- 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. Where a new street extends or

1 continues an existing street, the name of the existing street shall be used
 2 for the new street.

3 **b.** Pursuant to AMC chapter 3.40, the director may promulgate regulations
 4 establishing a uniform street designation terminology. All street names
 5 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 Addresses**

9 **a.** The director shall assign all official street address numbers within the
 10 municipality. A permanent address shall be assigned only for property
 11 that is subject to a plat filed in accordance with law depicting the
 12 dedicated right-of-way serving the property.

13 **b.** Pursuant to AMC chapter 3.40, the director may promulgate regulations
 14 establishing uniform street address numbering technology and
 15 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 or
 18 procedures.

19 **G. Block Arrangement**

20 **1.** Blocks shall have sufficient width to provide for two tiers of lots of depth meeting
 21 the minimum requirements of this title, except where lots back onto a collector or
 22 greater street, natural feature, or subdivision boundary, or where lots face an
 23 approved loop road or cul-de-sac.

24 **2.** Residential blocks in class A improvement areas (as defined in 21.08.050B) shall
 25 not be less than 300 feet nor more than 500 feet long. Residential blocks in
 26 class B improvement areas shall not be less than 300 feet nor more than 1,320
 27 feet long. The platting authority may approve a longer block length when
 28 necessary to accommodate natural features such as steep slopes.

29 **H. Subdivisions on Slopes**

30 **1. Lot Area**
 31 Where all or a portion of a proposed subdivision encompasses land where slopes
 32 exceed 15%, the lot area and lot width minimums in table 21.08-1 shall prevail for
 33 each lot, unless the underlying district minimums are greater.

TABLE 21.08-1: LOT AREA AND WIDTH REQUIRMENTS FOR SLOPE AFFECTED SUBDIVISIONS		
Average Slope of Lot (percent)	Minimum Lot Area or district minimum whichever is greater (square feet)	Minimum Lot Width or district minimum whichever is greater (feet)
Less than 15%	6,000	50
At least 15% but less than 17%	12,200	90
At least 17% but less than 19%	15,200	95
At least 19% but less than 21%	18,100	100
At least 21% but less than 23%	21,100	105

At least 23% but less than 25%	24,100	115
At least 25% but less than 27%	27,000	120
At least 27% but less than 29%	30,000	125
At least 29% but less than 31%	32,900	135
At least 31% but less than 33%	35,900	140
At least 33% but less than 35%	38,800	150
At least 35% but less than 37%	41,800	150
At least 37% but less than 39%	44,800	150
39% or greater	47,700	150

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2. Avalanche Zones

No lot shall be created that is completely in the “red zone” unless it is restricted to non-structural uses. For every residential lot, an adequate building site shall be located outside of the “red zone”.

I. Lot Dimensions

Subject to the lot dimensions and area requirements of chapter 21.06, all lots shall have the minimum dimensions required by this section.

1. The depth of a lot shall be at least 80 feet.
2. The width of a corner lot shall be at least 50 feet.
3. The width of a lot, except for a townhouse lot, shall be at least one-third the depth of the lot.
4. If a lot is to be served by an on-site wastewater disposal system, the lot must have the minimum area required for such a lot under AMC chapter 15.65.
5. Notwithstanding any other provision of this section, the width of the flagpole portion of a flag-shaped lot shall be no less than:
 - a. Thirty feet when both public water and sewer systems are to serve such a residential lot.
 - b. Forty feet when both public water and sewer systems are to serve such a commercial or industrial lot.
 - c. Twenty-four feet when only a public water or a public sewer system is to serve such a lot.
 - d. Twenty-four feet when the lot is located in the RL-1, RL-2, RL-3, RL-4, or TA districts and will not be served by either the public water or the public sewer system.
6. The length of the flag pole portion of the lot shall not exceed 200 feet in the RL-1, RL-2, RL-3, RL-4, or TA districts or 100 feet in all other districts, and all other measurements shall be consistent with other sections of this title.
7. To the extent feasible, side lot lines shall be perpendicular to straight streets and radial to curved streets.

- 1 8. Lots tracted out for open space or for undevelopable areas such as wetlands, are
2 exempt from these dimensional requirements.

3 **J. Lot Frontage and Access**

- 4 1. Except when platted under subsection 21.03.070F., *Platting for Conditional Uses*,
5 when platted under subsection 21.03.060E., *Commercial Tract Plats*, or except
6 for lots tracted out for open space or for undevelopable areas such as wetlands,
7 all lots shall have frontage on a publicly dedicated street.

- 8 2. Unless approved by the director, access to a residential use on a residential lot
9 shall not be from a collector or greater street as designated on the *Official Streets*
10 and *Highways Plan*.

- 11 3. Subdivisions shall be designed to minimize lots with access to residential major
12 streets carrying more than 1,000 average daily trips.

- 13 4. Unless otherwise provided in this title, the total width of driveway entrances to a
14 residential lot from a street shall not exceed 40 percent of the frontage of the lot
15 on the street at the property line and 30 percent at the curb. However, a
16 driveway may always be a minimum of 14 feet wide at the curb, and the
17 maximum width of a driveway at the curb is 20 feet. This provision does not
18 apply to flag lots or townhouse lots.

19 The total width of driveway entrances to a commercial or mixed-use lot from a
20 street shall not exceed 40 percent of the frontage of the lot on the street at the
21 property line, or 34 feet, whichever is more.

- 22 5. The frontage of a lot on a cul-de-sac bulb shall be at least 35 feet, except that the
23 frontage on a cul-de-sac bulb of a lot with a side yard abated under subsection
24 21.06.020A.3., *Construction on Adjoining Lots*, shall be at least 18 feet. This
25 subsection does not apply to flag lots.

- 26 6. There shall be no more than one flag lot facing onto each cul-de-sac bulb.

27 **K. Landscaping**

- 28 1. The platting authority shall consider and require, where appropriate, landscaping
29 and screening under section 21.07.080, *Landscaping, Screening, and Fences* to
30 separate property from incompatible uses or structures, including but not limited
31 to streets designated for collector or greater capacity on the *Official Streets and*
32 *Highways Plan*, railroads, commercial, or industrial uses. The area containing
33 the landscaping shall be shown as an easement or open space area on the plat.
34 The landscaping shall be installed before final plat approval, or its installation
35 shall be guaranteed under section 21.08.060, *Subdivision Agreements*, or by
36 other performance guarantees acceptable to the authority. The landscaping shall
37 be maintained by the property owner or designee.

- 38 2. If a landscaping easement is required, no more than 50 percent of such
39 easement shall coincide with any utility easement, per the requirements of
40 21.07.080G.2.c.

1 **L. Reserve Strips**

2 Privately owned strips may not be reserved to control access to public rights-of-way.

3 **M. Electrical and Telecommunication Utilities**

4 The width and alignment of transmission easements within subdivisions shall conform to
5 the *Utility Corridor Plan*. The platting authority shall preclude structures or uses of land
6 within or beneath areas of electrical or telecommunications ground or aerial easements
7 that are incompatible with electrical distribution or transmission facilities.

8 **N. General Subdivision Standards Are Minimum Standards**

- 9 1. The design standards in this chapter are minimum standards. The platting
10 authority may impose more restrictive standards when it finds they are necessary
11 to conform the design of a proposed subdivision to the approval criteria for
12 subdivisions set forth in this title.
- 13 2. When the platting authority finds that it is not feasible to conform the design of a
14 proposed subdivision to meet the approval criteria for subdivisions set forth in
15 this title, the platting authority may reject a proposed subdivision in its entirety.

16 **21.08.040 DEDICATION**

17 **A. Streets**

- 18 1. Except as provided in section 21.03.070, *Conditional Uses*, and 21.03.080, *Site*
19 *Plan Review*, all street rights-of-way shall be dedicated to the public.
- 20 2. Street right-of-way widths shall conform to the *Official Streets and Highways Plan*
21 (OSHP). These standards are considered to be minimum standards and may be
22 increased in a particular instance, where necessary, to make a proposed street
23 conform to sound traffic engineering standards and principles. When steep
24 slopes or other terrain features dictate, slope easements that exceed normal
25 right-of-way requirements will also be required. Notwithstanding the above, the
26 maximum dedication width that may be required for an arterial or collector street
27 is 70 feet if the entire width of the street is within the subdivision, or 35 feet if the
28 street is on an exterior boundary of the subdivision.
- 29 3. The platting authority may approve the dedication of a half-street only when the
30 other half of the street has been dedicated or when the platting authority
31 reasonably anticipates that the other half of the street will be dedicated. When a
32 subdivision borders a dedicated half street, the platting authority shall require the
33 dedication of the other half of the street, unless it determines that the street
34 would be unnecessary or undesirable.

35 **B. Alleys**

36 The platting authority may require the dedication of alley rights-of-way where it finds that
37 alleys are necessary for service access, off-street loading, or parking. The minimum
38 width of an alley right-of-way shall be 20 feet.

1 **C. Walkways**

2 The platting authority shall require the dedication of pedestrian walkways where it finds
3 that pedestrian walkways are necessary to convenient pedestrian circulation or to protect
4 pedestrians from hazardous traffic. The minimum width of a walkway dedication shall be
5 10 feet. If the walkway is paved, the paving shall be a minimum of four feet and a
6 maximum of six feet wide.

7 **D. Trails**

8 The platting authority shall require the dedication of an easement for a trail designated on
9 adopted municipal plans when it finds that the trail cannot be located in an existing
10 dedicated easement or right-of-way. The platting authority may modify the alignment,
11 width, and scope of trail easements as necessary to integrate trail and subdivision
12 design.

13 **E. Access to Chugach State Park**

14 1. The platting authority shall require the dedication of a public pedestrian
15 easement for a trail designated on adopted municipal plans, and for connectivity
16 with a trail or access point identified in the most current *Chugach State Park*
17 *Access Inventory*, master plan, or trails plan, when it finds that the trail cannot
18 reasonably be located in an existing dedicated public easement or right-of-way.
19 The platting authority may modify the alignment, width, and scope of trail
20 easements as necessary to integrate trail and subdivision designs, so long as the
21 resulting trails are of comparable gradient, directness, and utility, and reflect the
22 general locations and patterns of existing public access routes. An acceptable
23 pedestrian easement shall be a 20 foot wide dedicated public easement centered
24 on an existing, recognized, new, or relocated trail.

25 2. The platting authority shall require the dedication of a vehicular right-of-way for
26 public access to trails and park access points as defined in an adopted plan. An
27 acceptable vehicular right-of-way shall be a public street that is platted,
28 constructed, and dedicated in accordance with relevant provisions of this code.

29 **F. Riparian Protection and Maintenance Easements**

30 1. The platting authority shall require the dedication of riparian maintenance and
31 protection easements where a stream, water body, or wetland traverses or is
32 adjacent to the subdivision.

33 2. The easement shall conform substantially to the line of the watercourse. The
34 width of the easement shall be that which the platting authority finds necessary to
35 provide access to widen, deepen, slope, improve, and maintain the stream, and
36 to protect the stream and adjacent property from soil erosion, flooding, water
37 pollution, and destruction of fish and wildlife habitat. At a minimum, the
38 easement shall be the same as the applicable setback required in the zoning
39 district, as set forth in section 21.07.020B.4., *Buffer/Setback Requirements*.

40 3. Section 21.07.020B., *Stream, Water Body, and Wetland Protection*, sets forth
41 additional restrictions on development and the use of land and structures within
42 the easement and, in some districts, beyond the easement.

- 1 4. In cases where two or more easements coincide, the outer limits of the combined
2 easement shall be measured from the outer edge of the outermost watercourse
3 edge in either direction.
- 4 5. Credit towards other open space dedication or private open space set-aside
5 requirements shall be given for the dedication of riparian protection and
6 maintenance easements at a ratio of one-to-one.
- 7 6. For purposes of this section, maintenance shall include, but not be limited to:
8 placement of riprap, re-vegetation, debris removal, glaciation control, grading and
9 sediment removal, protection of adjacent or downstream land from flooding, soil
10 stabilization, and erosion control. Access for maintenance shall be allowed
11 within the closest 15 feet of the setback to the stream. Appropriate permits may
12 still be required for in-stream or floodplain activities.

13 **G. Reserve Tracts**

14 **1. Sites Designated**

- 15 a. The platting authority:
- 16 i. May require that an area designated as a park, playground, or
17 open space on an officially adopted park plan, or as a school site
18 pursuant to AMC subsection 25.20.055; and
- 19 ii. Shall require that a wetland designated for preservation in the
20 *Wetlands Management Plan*;
- 21 be designated as a reserve tract. The designation shall be supported by
22 a report from the department containing a statement that the municipality
23 intends to purchase the designated area within the period allowed under
24 subsection G.2 below.
- 25 b. Special, natural, or manmade features of historical or community
26 significance in a proposed subdivision which enhance or have unique
27 value to the community may be set aside in a reserve tract for
28 acquisition, or voluntarily dedicated to the public.

29 **2. Time for Acquisition**

- 30 a. Within 24 months of filing of a final plat, or the period of the school site
31 designation provided by AMC subsection 25.20.055B, whichever is
32 earlier, the municipality or any other public or private agency may
33 acquire any parcel designated as reserve tract on the plat, by purchase
34 or as otherwise authorized by law, for the purpose for which the parcel
35 was reserved under subsection G.1. above.
- 36 b. If a reserve tract is not acquired within such time, it shall be released
37 from the reserve tract designation, unless the time for acquisition is
38 extended by the reserve tract's owners, or by another provision of law.
- 39 c. In consideration of the reservation, the municipality shall pay the owners
40 of the reserve tract an amount equal to the municipal real property taxes
41 that accrue on the reserve tract during the period of reservation.

1 **H. Utility Easements**

- 2 1. Public utilities shall be placed in dedicated rights-of-way whenever possible.
- 3 2. In situations where utilities may not be placed within rights-of-way, easements
4 shall be provided for utilities, and shall be centered along or adjacent to lot lines
5 to the greatest extent practicable.
- 6 3. Utility easements shall be sized according to the standards adopted by each
7 utility.
- 8 4. The platting authority may require the dedication of utility easements when a
9 utility company demonstrates a specific need for them or an easement is needed
10 to accommodate the routing included in the *Utility Corridor Plan*.

11 **21.08.050 IMPROVEMENTS**

12 **A. General Requirements**

- 13 1. The subdivider shall construct and install improvements in accordance with this
14 section, the design standards in section 21.08.030, and the current *Design*
15 *Criteria Manual* and *Municipality of Anchorage Standard Specifications*.
- 16 2. The improvement standards in this section are minimum standards. The platting
17 authority may require additional or more extensive improvements when it finds
18 they are necessary to conform a proposed subdivision to the standards of section
19 21.08.030, or the subdivider may provide such additional or more extensive
20 improvements.
- 21 3. All improvements required under this section shall be constructed under a
22 subdivision agreement as provided in section 21.08.060, *Subdivision*
23 *Agreements*. Lots in subdivisions shall not be eligible for building permits until
24 the improvements included in this section have been accepted for warranty by
25 the municipality.
- 26 4. The subdivider shall have construction plans for the improvements required
27 under this section prepared by an engineer registered in the state, in accordance
28 with the requirements of the municipal engineer.

29 **B. Improvement Areas Defined**

30 For the purpose of this section, the municipality is divided into two distinct improvement
31 areas. The class A improvement area includes areas of more dense population and thus
32 requires a more urbanized level of improvements. The class B improvement area
33 includes areas that are less densely populated and thus requires a less urbanized level of
34 improvements. The zoning districts associated with each improvement area are listed in
35 the table below:

TABLE 21.08-2: IMPROVEMENT AREAS DEFINED		
District Type	Class A	Class B
Residential	RS-1 RS-2 RT RM-1 RM-2 RM-3 RM-4	RL-1 RL-2 RL-3 RL-4
Commercial	NC AC CBD OC	RC
Industrial	IC I-1 I-2	
Mixed Use	NMU CMU RMU MMU	
Other Districts	AD M	TA W
AF District DR District PLI District PR District RUC 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 Area

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 21.08-3: 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
Telephone & Electrical Facilities	R	R
Water Supply Facilities	R	
Sanitary Sewer Facilities	R	
Landscaping	R	R

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D. Interior Streets

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 Trips

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 21.08.050E., 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 loops
		24	2	0	25	60	Yes	
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

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				
		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 21.08.050E 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:

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 ¹	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 Streets

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 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.
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.
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, 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 Streets

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

1 subdivider shall improve. Access streets shall be improved in accordance with
 2 table 21.08-5.

3 **2. Peripheral Streets**

4 a. The platting authority may require the improvement of peripheral streets
 5 when it finds that they are necessary for the efficient flow of traffic or for
 6 emergency vehicle access.

7 b. Peripheral streets whose improvement is required under this subsection
 8 shall be improved in accordance with table 21.08-5, provided that
 9 peripheral streets used for access to individual lots shall be improved in
 10 accordance with tables 21.08-4 and 21.08-6.

11 **3. Half Streets**

12 The municipal engineer or the platting authority may require the improvement of
 13 a half street in the urban area to one-half of the street width specified in table
 14 21.08-4, if underground utilities will be installed before street construction.

15 **G. Curbs and Gutters**

16 Where required, the subdivider shall construct curbs and gutters in accordance with the
 17 *Design Criteria Manual* and *Municipality of Anchorage Standard Specifications* (MASS),
 18 or, in the case of a state-maintained road, the current standard specifications of the state
 19 department of transportation and public facilities. Curbs shall be of the American
 20 Association of State Highway and Transportation Officials (AASHTO) vertical type.

21 **H. Sidewalks**

22 1. The placement of sidewalks shall be determined by the transportation and
 23 connectivity standards in section 21.07.060.

24 2. All sidewalks shall be constructed of concrete.

25 3. Sidewalks shall be improved in accordance with table 21.08-9 below:

TABLE 21.08-9: MINIMUM SIDEWALK AND WALKWAY IMPROVEMENTS					
Type of material	Minimum Width (feet)	Separation from curb (50' Right-of-Way)	Separation from curb (60' Right-of-Way)	Right-of-Way (feet)	Remarks
4" PCC	5	0	0	N/A	Attached to curb
4" PCC	5	7	7	N/A	Detached*
1 1/2" AC	5	7	7	N/A	Detached*
4" PCC	5	N/A	N/A	10	Not recommended where peat is surcharged
1 1/2" AC	5	N/A	N/A	10	Paved walkways
Gravel	5	N/A	N/A	10	For Class B improvement areas or nature trails

* Additional information may be required if need demonstrated.

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1 **I. Walkways**
2 Walkways, and trails not part of required trail dedications, shall be improved in
3 accordance with table 21.08-9.

4 **J. Street Lighting**
5 Street lighting apparatus shall meet municipal standards for materials and design and be
6 provided with underground power. The location of the streetlight poles shall be approved
7 by the traffic engineer and shall comply with standards contained in the *Design Criteria*
8 *Manual*.

9 **K. Traffic Control Devices**
10 Traffic and street name signs and traffic signals shall be installed in accordance with the
11 requirements of the traffic engineer and the *Alaska Traffic Manual*, per the requirements
12 of AS 28.01.010.

13 **L. Monuments**
14 Monuments and lot corner markers for determining the boundaries of subdivisions and lot
15 corners shall be set by a professional registered land surveyor licensed by the state of
16 Alaska. Survey monumentation shall conform to such additional standards as the
17 municipal surveyor may establish by regulation under AMC chapter 3.40.

18 **M. Drainage System**
19 A drainage system approved by the municipal engineer, including necessary storm
20 drainage facilities, drain inlets, subdrains, footing drain stub-outs, manholes, culverts,
21 bridges and other appurtenances, shall be installed. The design of the drainage system
22 shall provide for the preservation of designated high-quality wetlands critical to water
23 table levels and wildlife habitat within and surrounding the subdivision, and shall comply
24 with the following standards:

25 1. No surface water drainage from the subdivision shall empty into a sanitary sewer;
26 or directly, without treatment and energy dissipation, into a creek or stream
27 channel.

28 2. The size, design, and construction of drainage structures shall conform to the
29 requirements set forth by the municipal engineer.

30 3. Where a subdivision is traversed by a watercourse, drainage way, channel, or
31 stream, a stormwater or drainage easement shall be provided that substantially
32 conforms with the lines of such watercourse, plus additional width that is
33 adequate and necessary to convey expected storm flows and/or stormwater
34 drainage facilities. Streets paralleling such easement may be required in
35 connection therewith. Lakes, ponds, creeks, and similar areas will be accepted
36 for maintenance by the municipality only if sufficient land is dedicated as a public
37 recreation area or park or if such area constitutes a necessary part of the
38 stormwater drainage control system.

39 4. The municipality shall accept no responsibility to maintain any storm drainage
40 structures, except for those lying within a municipal right-of-way or traversing
41 municipally owned property.

- 1 5. The drainage system shall comply with the standards set forth in section
2 21.07.040, *Drainage, Stormwater Runoff, Erosion Control*.
- 3 6. No more than 20 percent of the pre-development runoff volumes shall be
4 diverted from the original U.S. receiving water unless approved by the municipal
5 engineer.
- 6 7. Unless waived by the municipal engineer, footing drain stub-outs shall be
7 provided for each lot where there is a storm drain system.

8 **N. Telecommunication and Electric Facilities**

- 9 1. All new telecommunication and electric lines shall be installed in accordance with
10 the specifications of the municipality and the utility providing the service.
- 11 2. All new telecommunication and electric utility distribution lines, as defined in
12 chapter 21.13, shall be placed underground:
- 13 a. As required by section 21.07.050, *Utility Distribution Facilities*; and
- 14 b. As required by the platting authority in areas with patterns of
15 development similar to those where section 21.07.050 requires that utility
16 distribution lines be placed underground.

17 **O. Water Supply Facilities**

- 18 1. **Access to Public Water System**
- 19 a. If the platting authority requires that a subdivision be served by a public
20 water system, the subdivider shall install the system in accordance with
21 the requirements of the state department of environmental conservation
22 and the most current edition of the *Design Criteria for Sanitary Sewer*
23 *and Water Improvements* of the municipal water and wastewater utility.
- 24 b. Where connection to public water supply systems is required, such
25 systems shall be dedicated to the municipality for operation and
26 maintenance, thus allowing for the orderly expansion of the municipality,
27 its water systems, and fire protection services that protect the health of
28 the citizens of the municipality.
- 29 2. **No Access to Public Water System**
- 30 a. If the subdivision has no access to a public water system, the platting
31 authority may require the subdivider to install a water system for the
32 common use of the lots in the subdivision. The subdivider shall install
33 the system in accordance with the requirements of the state department
34 of environmental conservation and the specifications of the municipal
35 water and wastewater utility.
- 36 b. If the subdivision has no access to a public water system, and the
37 platting authority finds that a water system for the common use of lots in
38 the subdivision is not feasible and desirable, the subdivider need not
39 install water supply facilities. A well serving an individual lot shall
40 conform to the requirements of municipal on-site water and wastewater
41 program. A common water system serving a portion of the subdivision
42 shall not preclude individual wells for the remaining lots.

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P. Sanitary Sewer Facilities

1. Access to Public Sewer System

a. If the platting authority or provisions of law require that a subdivision be served by a public sewer 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 *Design Criteria for Sanitary Sewer and Water Improvements* of the municipal water and wastewater utility.

b. Where connection to public sanitary sewer systems is required, such systems shall be dedicated to the municipality for operation and maintenance, thus allowing for the orderly expansion of the municipality and its sanitary sewer system, which protects the health of the citizens of the municipality.

2. No Access to Public Sewer System

a. If the subdivision has no access to a public sewer system, the platting authority may require the subdivider to install a sewer system for the common use of lots in the subdivision.

b. If the subdivision has no access to a public sewer system, the subdivider need not install sewer facilities. A sewage disposal system serving an individual lot shall conform to the requirements of municipal on-site water and wastewater program.

Q. Erosion and Sedimentation Control

All grading, excavating, and removal or destruction of natural topsoil, trees, or other natural vegetation shall conform to an erosion and sedimentation control plan prepared by the subdivider and approved by the department of project management and engineering before the work may commence. The plan shall conform to the requirements of section 21.07.040, *Drainage, Stormwater Runoff, Erosion Control*, as well as municipal guidelines and policies contained in *Soil Erosion and Sediment Control Manual*, and any other applicable guidelines and policies approved by the department of project management and engineering.

R. Landscaping

The subdivider shall be responsible for the provision of landscaping required under section 21.07.080, *Landscaping, Screening, and Fences*, and it shall be installed by the subdivider or guaranteed under the provisions of subsection 21.08.060E. or other performance guarantees acceptable to the authority. Landscaping shall be provided on an individual lot basis not later than the issuance of a final certificate of occupancy.

S. Natural Gas Facilities

All new natural gas facilities installed pursuant to this section shall be installed in accordance with the standard specifications of the municipality and the utility providing the service.

21.08.060 SUBDIVISION AGREEMENTS

A. Agreement Required; Application; Contents

1. Agreement Required

Before a final plat for a subdivision where improvements are required under section 21.08.050 is approved or filed, the subdivider shall enter into a subdivision agreement with the municipality in accordance with this section. The municipality reserves the right to refuse to enter into a subdivision agreement with any subdivider who fails to comply with the conditions of an active agreement, or is delinquent in the payment of any account with the municipality.

2. Application

Application for a subdivision agreement shall be made to the department of project management and engineering. The application shall include a copy of the preliminary plat, a tentative schedule of all proposed construction of public improvements and utilities, and an engineer's estimate of the cost of each required public improvement. The engineer's estimate shall be based on the most current average bid tab calculations of the municipality. The municipality may require a showing of the subdivider's financial responsibility.

3. Contents

Except as provided in subsection A.4. below, the subdivision agreement shall include but need not be limited to the following provisions:

- a. A designation of the public improvements required to be constructed.
- b. The construction and inspection requirements of the municipality or utility for which the improvements are constructed.
- c. The time schedule for completing the improvements.
- d. The guaranty required by subsection 21.08.060E.
- e. A schedule for any payments required under this section.
- f. The allocation of costs between the municipality and the subdivider for required public improvements.
- g. The warranty required by subsection 21.08.060G.
- h. The consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the municipality.
- i. A warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement.
- j. Where the subdivision is within the regulatory floodway, a requirement that the subdivider will submit certification of floodproofing, information on the elevation of the lowest habitable floor and information on the elevation to which the structure is floodproofed, for each building or structure to be constructed as part of the subdivision agreement.

1 k. A provision requiring the subdivider to submit plans, specifications,
2 descriptions of work, the limits of the work area, the methods to be
3 employed, a traffic control plan and any other pertinent data and
4 information necessary for the department of public works to evaluate the
5 proposed installation.

6 l. A provision that all work shall be performed pursuant to the *Municipality*
7 *of Anchorage Standard Specifications* (MASS), latest edition.

8 m. A provision that work shall not commence until plans have been
9 approved by the director of public works and notice to proceed is given.

10 **4. Exceptions**
11 If the subdivider elects to complete and obtain acceptance of all required public
12 improvements before the approval or filing of a final plat for the subdivision, the
13 subdivision agreement need not include the time schedule and guarantee
14 provisions specified in items 3.c. and d. above.

15 **B. Approval by Assembly**

16 Approval by the assembly shall be required to enter into those subdivision agreements
17 where municipal participation in the cost of the required public improvements is estimated
18 to be \$30,000.00 or more.

19 **C. Time Limit for Completion of Improvements**

20 1. The improvements required under the terms of the subdivision agreement shall
21 be fully completed and accepted for warranty within two years of the date of
22 execution of the agreement. However, before the expiration of the subdivision
23 agreement, the subdivider may request a time extension from the platting
24 authority under the process outlined in 21.03.060. Following a public hearing,
25 the platting authority may grant subdivision agreement time extensions, up to two
26 years in length, upon a showing of good cause by the developer and provided
27 such extension does not unreasonably impact adjacent properties or the general
28 public. In considering whether an extension should be granted, the platting
29 board shall consider the manner in which safety hazards, drainage problems,
30 sanding, snow removal, grading and other matters will be handled during the
31 extension period and may impose performance conditions on the extension to
32 ensure that such matters are adequately handled. A finding of nonconformance
33 by the department of project management and engineering shall automatically,
34 without any further action by the platting board, result in a cancellation of the
35 extension after 30 days' written notice.

36 2. The total time of any and all such time extensions shall not exceed 60 months for
37 existing subdivision agreements of record as of September 1, 1989, unless
38 further extensions are approved by the assembly. All other agreements may
39 obtain only a two-year extension before being required to be approved by the
40 assembly. All time extensions shall be conditioned to require provision of an
41 adequate performance guarantee when the existing guarantee is inadequate.

42 **D. Payment of Costs of Required Improvements**

43 The cost of any public improvement shall be defined to include the cost of design,
44 engineering, contract administration, inspection, testing, and surveillance as well as all
45 work, labor, and materials furnished for the construction of the improvement. The

subdivision agreement shall provide for the apportionment of the cost of required public improvements between the municipality and the subdivider as follows:

1. Administrative and Recording Costs Relating to Public Improvement Guaranties

The subdivider shall pay 100 percent of all costs incurred in supplying and administering any method of public improvement guaranty provided for in subsection 21.08.060.

2. Inspection, Surveillance, and Testing

The subdivider shall pay 100 percent of all costs relating to any inspection, surveillance, and testing by the municipality, necessary for final acceptance of any required public improvement or during the warranty period. Surveillance shall be performed by the municipality during the course of construction and up to the point of final acceptance of the completed project. Inspection shall be performed by the municipality during the warranty period.

3. Administration of Agreement

The subdivider shall pay 100 percent of all costs of plan review, agreement administration, and attendant costs.

4. Arterial and Collector Streets within Anchorage Roads and Drainage Service Area

Reasonable costs incurred in the construction of a street designated on the *Official Streets and Highways Plan* (OSHP) as a collector, arterial, or greater and within the Anchorage Roads and Drainage Service Area (ARDSA) shall be apportioned as specified in subsections D.4.a. through d. below. For purposes of this subsection, construction costs means only those costs associated with construction, design engineering, project administration and inspection, related bank fees and interest payments, and fair market value of right-of-way dedicated to the street in excess of 60 feet.

a. Interior Collector Streets

If a collector street lies within the subdivision, the municipality shall reimburse the subdivider a sum equal to the reasonable construction cost of building to the standard specified by the platting authority, less the estimated cost of construction in accordance with the residential standard approved by the platting authority under tables 21.08-4 and 21.08-6, provided that:

i. When the subdivision agreement is executed:

(A) The street is in the Anchorage Roads and Drainage Service Area;

(B) The street is programmed for improvement to the designated standard in the six-year capital improvement program; and

(C) Sufficient bond funds or designated state grant funds are available for reimbursement in the capital improvement budget for the current fiscal year; or

ii. When the subdivision is approved:

- 1 (A) The street is in the Anchorage Roads and Drainage
2 Service Area;
- 3 (B) Construction to the designated standard is required by
4 the platting authority; and
- 5 (C) Improvement to the designated standard is programmed
6 in the six-year capital improvement program.

7 If the conditions set forth in subsections 4.a.i. or ii. are not met at
8 the time specified, then the total cost of construction required by
9 the platting authority shall be borne by the subdivider.

10 **b. Interior Arterial Streets**
11 If an interior arterial or greater street is required to be constructed to
12 arterial standards by the platting authority, the municipality shall
13 reimburse the subdivider 100 percent of the reasonable construction cost
14 subject to the availability of bond funds appropriated for that purpose. If
15 the platting authority has not required construction to arterial or greater
16 standards, the subdivider shall construct the street to the standards
17 required under subsection 21.08.050D. and shall bear 100 percent of the
18 construction cost.

19 **c. Peripheral Streets**
20 If the subdivider is required to construct an abutting collector street, the
21 municipality shall reimburse a sum equal to the reasonable construction
22 cost of the standards specified by the platting authority less the
23 estimated cost of construction in accordance with the residential
24 standards under table 21.08-5, subject to the conditions specified in
25 subsection 4.a. above. If a subdivider is required to construct an
26 abutting arterial or greater street to arterial or greater standards, the
27 municipality shall reimburse in a manner and subject to the conditions
28 set forth in subsection b. above. If the subdivider is not required to
29 construct an abutting street to arterial or greater standards, the
30 subdivider shall construct the street to the standards required under
31 subsection 21.08.050F. and shall pay 100 percent of the cost of
32 construction.

33 **d. Access Streets**
34 If the platting authority requires the construction of an access street
35 under the authority of subsection 21.08.050D. that is designated as a
36 collector, arterial, or greater, the municipality shall reimburse a sum
37 equal to the reasonable construction cost of the standard specified by
38 the platting authority less the estimated construction cost in accordance
39 with the residential standards under table 21.08-5, subject to the
40 availability of bond funds appropriated for that purpose. If the platting
41 authority has not required construction to collector or greater standards,
42 the subdivider shall construct the street to the standards required under
43 subsection 21.08.050D. and shall pay 100 percent of the construction
44 costs.

45 **5. Other Streets**
46 Except as provided in subsection D.4., the subdivider shall pay 100 percent of
47 the cost of streets within the boundaries of the subdivision. The subdivider shall

1 additionally pay 100 percent of the cost of all peripheral streets and access roads
2 except as provided in subsection D.4. of this section whose construction may be
3 required by the municipal engineer. The property within subdivisions that is later
4 assessed by the municipality for final improvements to access and peripheral
5 streets shall receive credit for the cost of salvageable improvements to those
6 peripheral and access streets. Nonsalvageable improvements will not receive
7 credit. Credit will be provided only when:

8 a. The municipality approved the award of the contract which included the
9 work for which the credit is to be issued; and

10 b. The subdivider provided the municipality with a sworn notarized
11 statement setting forth the distribution of the costs of salvageable
12 improvements, which he utilized for purposes of establishing lot price, for
13 each lot within his subdivision to which such costs were spread.

14 The credit will be applied as a reduction of assessment to each applicable lot,
15 except that in no case will the amount of credit given to any lot exceed the
16 amount of the assessment to that lot.

17 **6. Curbs, Sidewalks, and Walkways Adjacent to Streets**

18 The subdivider shall pay the cost of constructing curbs, and sidewalks and
19 walkways adjacent to streets, in the same manner as the cost of constructing the
20 streets to which they are adjacent as provided in subsections D.4.and 5.

21 **7. Sidewalks and Walkways not Adjacent to Streets**

22 The subdivider shall pay 100 percent of the cost of constructing all sidewalks and
23 walkways not adjacent to streets.

24 **8. Storm Drains, Inlets, and Manholes**

25 The subdivider shall pay 100 percent of the cost of storm drains, inlets, and
26 manholes necessary to serve the subdivision, provided that, within areas where
27 the municipality provides drainage maintenance, the municipality shall reimburse
28 the subdivider those costs attributable to oversizing required by the municipality.
29 In those areas where the municipality does not maintain drainage facilities, the
30 subdivider shall pay all costs, including those for any required oversizing.

31 **9. Water Improvements**

32 If the subdivision is to receive water service from a public utility, the subdivider
33 shall provide water facilities, including service connections to all lots, with cost
34 participation as provided in the current approved tariff of the utility. If the
35 subdivision is to receive water service from a community water system, the
36 subdivider shall provide water facilities, including service connections to all lots,
37 and pay 100 percent of the cost of those facilities.

38 **10. Sanitary Sewer Improvements**

39 The subdivider shall provide sanitary sewer facilities, including service
40 connections to all lots, with cost participation as provided in the current approved
41 tariff of the municipal sanitary sewer utility.

42 **11. Electrical and Telecommunication Facilities**

43 The subdivider shall provide electrical and telecommunication facilities with cost
44 participation as provided in the current approved tariffs of the applicable utility
45 companies.

1 **12. Deferred Utilities**

2 When paved street or sidewalk improvements are installed prior to placement of
 3 traffic control devices and electrical and telecommunication cable placement, the
 4 subdivider shall, at appropriate crossings as directed by the municipality, provide
 5 any necessary underground conduit consistent with conduit size, type, and
 6 installations standards provided by the utility.

7 **13. Street Lighting**

8 The subdivider shall pay the cost of street lighting apparatus in the same manner
 9 as the cost of constructing the streets to which it is adjacent as provided in
 10 subsections D.4.and 5.

11 **14. Traffic Control Devices**

12 The subdivider shall pay 100 percent of the cost of traffic control devices. Traffic
 13 control devices, except electric-operated traffic signals, shall be installed prior to
 14 any structure being occupied in the subdivision.

15 **15. Landscaping**

16 The subdivider is responsible for all required landscaping. Landscaping shall
 17 meet the standards of section 21.07.080, *Landscaping, Screening, and Fences*.

18 **E. Guarantee of Completion of Improvements Required; Amount; Methods**

19 **1. Guarantee Required**

20 To ensure the installation of required public improvements that are not accepted
 21 at the time the final plat is filed, the subdivision agreement shall require the
 22 subdivider to guarantee the completion of all such improvements by one or more
 23 of the methods specified in this section. The means of a guarantee may be
 24 changed during the guarantee period through a written modification of the
 25 agreement. The amount of the guarantee shall be determined on the basis of the
 26 subdivider's cost estimate. The guarantee shall remain in effect until final
 27 acceptance of the public improvements and the posting of an acceptable security
 28 for the warranty period.

29 **2. Cost Estimate; Overrun Allowance**

30 The engineer's cost estimate shall state the estimated cost of completion for
 31 each required public improvement. Cost estimates for each required public
 32 improvement must be approved by the department of project management and
 33 engineering. For purposes of establishing the amount necessary for the
 34 guarantee of completion of public improvements, a percentage for overrun
 35 allowance shall be added to the total estimated cost of public improvements as
 36 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

37 **3. Methods**

38 The subdivision agreement shall include one or more of the following methods to
 39 guarantee the construction of required public improvements:
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a. Performance Bond

The subdivider may elect to provide a surety bond from a company authorized to do such business in the state. The bond shall be in a form acceptable to the municipal attorney and in an amount equal to the estimated cost of all required public improvements, plus an overrun allowance as provided in subsection E.2. above. The bond shall be payable to the municipality if any required public improvements are not finally accepted in accordance with the provisions of this title, and shall be posted by no person other than the subdivider or a contractor obligated by written contract to the subdivider for construction of all the required public improvements. In the event a contractor posts the bond, the subdivider and the municipality may be dual obligees under mutually agreed terms.

b. Deposit in Escrow

The subdivider may elect to deposit a cash sum equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection E.2. above either with the municipality or in escrow with a responsible financial institution authorized to do such business in the state. In the case of an escrow account, the subdivider shall file with the municipality an escrow agreement that includes the following terms:

- i. Funds of the escrow account shall be held in trust until released by the municipality and may not be used or pledged by the subdivider as security in any matter during that period other than payment for the improvements. The funds may be used for payment of improvements as made, except that the escrow holder shall withhold from disbursement so much of the funds as is estimated as being necessary to complete the construction and installation of such improvements, plus an overrun allowance as provided in E.2. above.
- ii. In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in such account available to the municipality for use in the completion of those improvements.

c. Letter of Credit

The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in the state an irrevocable letter of credit. Such letter shall be filed with the municipality and shall certify the following:

- i. That the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection E.2. above for the completion of all such improvements.
- ii. That in the case of failure on the part of the subdivider to complete any specified improvements within the required time period the creditor shall pay to the municipality immediately and without further action such funds as are necessary to finance the

completion of those improvements up to the limit of credit stated in the letter.

F. Release of Guarantee of Improvements

1. The municipality shall release the obligation for performance guarantees upon the final acceptance of the improvement, together with the posting of adequate security for warranty.
2. The municipality may refuse to release the obligation for any particular public improvement if the subdivider or contractor is in present or imminent default in whole or in part on the completion of any other public improvement or warranty covered by the subdivision agreement.

G. Improvement Warranty

1. The subdivider shall warrant and guarantee that required public improvements constructed under the agreement will remain in good condition and meet operating specifications for two years, commencing with final acceptance of each public improvement when it is completed. Such warranty includes defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, his or her agents or others engaged in work to be performed under the subdivision agreement. The subdivider shall not be responsible for cleaning, snow removal, ditching, grading, dust control, or similar activities during the warranty period. Nothing in this title, however, is intended to waive the requirements of AMC chapter 24.80, pertaining to miscellaneous use provisions.
2. To secure the warranty:
 - a. The guarantee of performance provided for in subsection E. shall remain in effect until the end of the warranty period. If the guarantee is a performance bond posted by a contractor, the bond cannot secure the warranty unless the subdivider and contractor, by written agreement, elected this option at the time the performance bond was posted; or
 - b. The subdivider shall furnish the municipality with a corporate surety bond, cash deposit, or letter of credit in an amount equal to a percent of the total construction costs as set forth in this subsection. This security shall guarantee the payment of any reconstruction or repair costs that may be undertaken due to failures occurring during the warranty period. Responsibility for identifying the necessity of repairs or reconstruction of the improvements shall rest with the municipality.

TABLE 21.08-11: PERCENT TO SECURE WARRANTY

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

1 **H. Correction of Deficiencies Under Warranty**

2 Within 30 days, or a reasonable extension at the sole discretion of the municipal
3 engineer, of notification by the municipality of the need for repair or reconstruction, the
4 subdivider shall correct the deficiencies, satisfactory to the municipality. Such notification
5 shall be made by certified mail. If the subdivider fails to repair or reconstruct the
6 deficiency within the time specified in this section, the municipality will make the repair at
7 the subdivider's sole expense. The municipality may then bill the subdivider for the cost
8 of the repair, or declare the bond or deposit forfeited.

9 **I. Release of Warranty**

10 Inspection will be made by the municipality at the end of the warranty period and prior to
11 the release of guarantees. All deficiencies shall be corrected prior to release of the
12 warranty security. Upon satisfactory correction of all deficiencies, the municipality will
13 release the remaining security.

14 **J. Default**

15 If the subdivider defaults on any obligation to construct required public improvements or
16 the obligation to warrant and repair such improvements, the municipality may demand
17 immediate payment on the performance or warranty guarantee. In the case of a
18 performance bond, deposits in escrow, or letter of credit, the municipality may demand
19 immediate payment of a portion of all sums obligated for the performance or warranty of
20 any improvement. In the case of a deed of trust guarantee method, the municipality may
21 foreclose on the deed of trust and may also retain any sums deposited to obtain a partial
22 release of the deed of trust. All funds received by the municipality shall be used for any
23 construction, repair, or reconstruction necessary to ensure that:

- 24 1. All required public improvements are built to specifications necessary to receive
25 final acceptance; and
- 26 2. The improvements remain in good condition for the completion of the warranty
27 period. The municipality may use guarantee funds for the construction, repair, or
28 maintenance of required public improvements from the date of initial default until
29 three years after the funds have become available to the municipality for such
30 use, except that no use shall be made of the funds later than two years after
31 satisfactory completion and final acceptance of the work. Following either: (1)
32 the final acceptance of all public improvements and posting of the warranty
33 security, or (2) successful completion of the warranty period, or (3) the three-year
34 period provided for in this subsection, the municipality shall pay to the subdivider
35 all guarantee funds which were not used or obligated for the completion of the
36 improvements.

37 **K. Standards May Not Be Altered; Enforcement of Chapter**

38 All provisions of this chapter are mandatory and may not be altered by the subdivision
39 agreement. The obligations contained in this chapter shall be enforceable by methods of
40 enforcement of ordinance as well as contract.

21.08.070 CONSERVATION SUBDIVISIONS

A. Purpose

A conservation subdivision is an alternative type of residential development in which the lots are allowed to be smaller in area or narrower than otherwise required in the zoning district, but in which the overall number of lots does not exceed the maximum number of lots allowed in a conventional subdivision by the zoning district. Conservation subdivisions are intended to create a more compact residential development to preserve and maintain open areas, high value natural lands, and lands unsuitable for development, in excess of what would otherwise be required by this title.

B. Applicability

The conservation subdivision option may be used on any parcel with a minimum of at least 5 acres in any residential district in which detached single-family housing is permitted, provided that the proposal is consistent with the requirements in this section 21.08.070.

C. Conservation Design Process

Conservation subdivisions shall be approved through the procedure set forth in section 21.03.060.

D. Reduction in Minimum Lot Area Allowed

Conservation subdivisions may include one or more lots that do not conform to the minimum lot size or lot width requirements of chapter 21.06, or the lot width to depth ratio of subsection 21.08.030I.3, provided that:

1. The amount of any reduction in minimum lot size shall be used for common open space, pursuant to F. below;
2. There shall be no more than one principal single-family structure per lot;
3. Front and rear setbacks are not less than half the depth required by the underlying zoning district, but side setbacks are not less than the width required by the underlying zoning district;
4. On any lot that is less than the minimum lot size of the underlying zoning district, the principal structure shall have a maximum floor area ratio of not more than 0.5;
5. Street sections shall have vertical curbs;
6. Driveways shall have a maximum width of 14 feet at the curb;
7. Where on-street parking is allowed, a minimum 20 foot separation distance between the curb returns of adjacent driveways shall be provided; and
8. Level 4 Screening landscaping shall be provided along any lot line abutting a residential neighborhood where the average lot size is greater than 150% of the average lot size of the conservation subdivision.

1 **E. Lot Coverage Allowed**

2 The maximum lot coverage requirements for lots in a conservation subdivision, as set
3 forth in chapter 21.06, may be increased by no more than 10 percent.

4 **F. Minimum Open Space**

5 The amount of lot size reduction of each lot shall, in total, be provided as common open
6 space, except that under no circumstances shall the amount of common open space
7 provided be less than 20 percent of the property shown on the subdivision plat. Open
8 space shall be identified using the standards set forth in subsection 21.07.030B.4.,
9 *Private Open Space, Standards*, except that no portion of the land preserved as common
10 open space may be located within the boundaries of an individual lot for residential
11 development, or in a road right-of-way or utility easement, and no portion of the land
12 preserved as common open space may be less than 2,000 square feet or less than 30
13 feet in its smallest dimension.

14 **G. Dedication and Recording**

15 The required common open space shall be preserved from development in perpetuity
16 through the use of a dedication, and shall be conveyed to a property owners' association
17 or other organization with responsibility for maintenance of the open space and the ability
18 to collect assessments or dues for such purpose. The applicant shall submit proof that:

- 19 1. Such deed restriction or easement has been recorded at the district recorder's
20 office; and
- 21 2. The property owners' association or other organization has been established
22 before any building or land use permits for construction in a conservation
23 subdivision shall be issued.

24

¹ 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.

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CHAPTER 21.10: SIGNS¹

21.10.010 PURPOSE

The purpose of this chapter 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, which are subject to the provisions of this chapter. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this chapter 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 chapter.

21.10.020 APPLICATION OF THIS CHAPTER

- A. The regulations contained in this chapter 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, created or maintained in conformance with the standards, criteria, procedures, and other applicable requirements of this chapter.

- 1 **B.** Unless otherwise stated in this chapter, all determinations, findings, and interpretations
2 shall be made by the director or other appropriate municipal officials called upon or
3 designated by the director.
- 4 **C.** The following signs and displays are exempted from this chapter:
- 5 1. Any sign displaying a public notice or warning required by a valid and applicable
6 federal, state, or local law, ordinance, or regulation;
- 7 2. Flags of any nation, government, or non-commercial organization;
- 8 3. Any sign inside a building that is not attached to the window or door and is not
9 legible from a distance of more than three feet beyond the lot on which the sign is
10 located;
- 11 4. Any work of art that does not display a commercial message;
- 12 5. Any religious symbol that does not display a commercial message;
- 13 6. Any traffic control sign, such as "STOP" or "YIELD," located on private property
14 that meets applicable governmental standards pertaining to such signs and does
15 not display a commercial message;
- 16 7. Signs erected by state or local government agencies, or their contractors, to
17 facilitate the construction, maintenance, or operation of transportation facilities;
- 18 8. Product dispensers and trash receptacles;
- 19 9. Holiday and community special event decorations that do not display a
20 commercial message;
- 21 10. Mascots for educational institutions with primarily academic curricula;
- 22 11. Signs on athletic fields and scoreboards intended for on-premises viewing;
- 23 12. Construction signs of up to 32 square feet; and
- 24 13. Temporary signs of six square feet or less in area, except as regulated
25 elsewhere in this chapter.
- 26 **D.** Regulations for nonconforming signs are located in chapter 21.11.

27 **21.10.030 RELATIONSHIP OF THIS CHAPTER TO STATE LAW**

28 No provision of this chapter shall be interpreted as authorizing the erection or maintenance of any
29 sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-
30 traveled way of an interstate, primary or secondary highway, or the erection or maintenance of
31 any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main-traveled
32 way of an interstate, primary or secondary highway with the purpose of the message displayed
33 being read from that travel way, in a manner that would conflict with the provisions of Alaska
34 statutes sections 19.25.075 – 19.25.180.

21.10.040 COMPUTATIONS AND RULES OF MEASUREMENT

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:

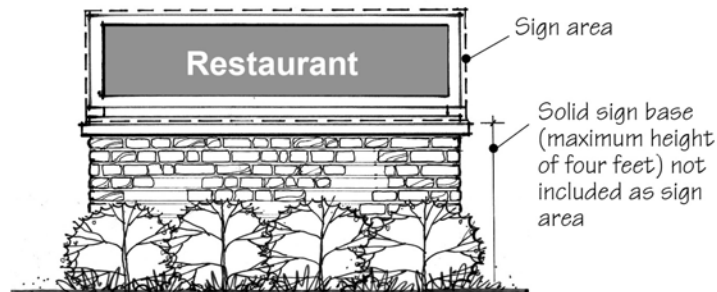
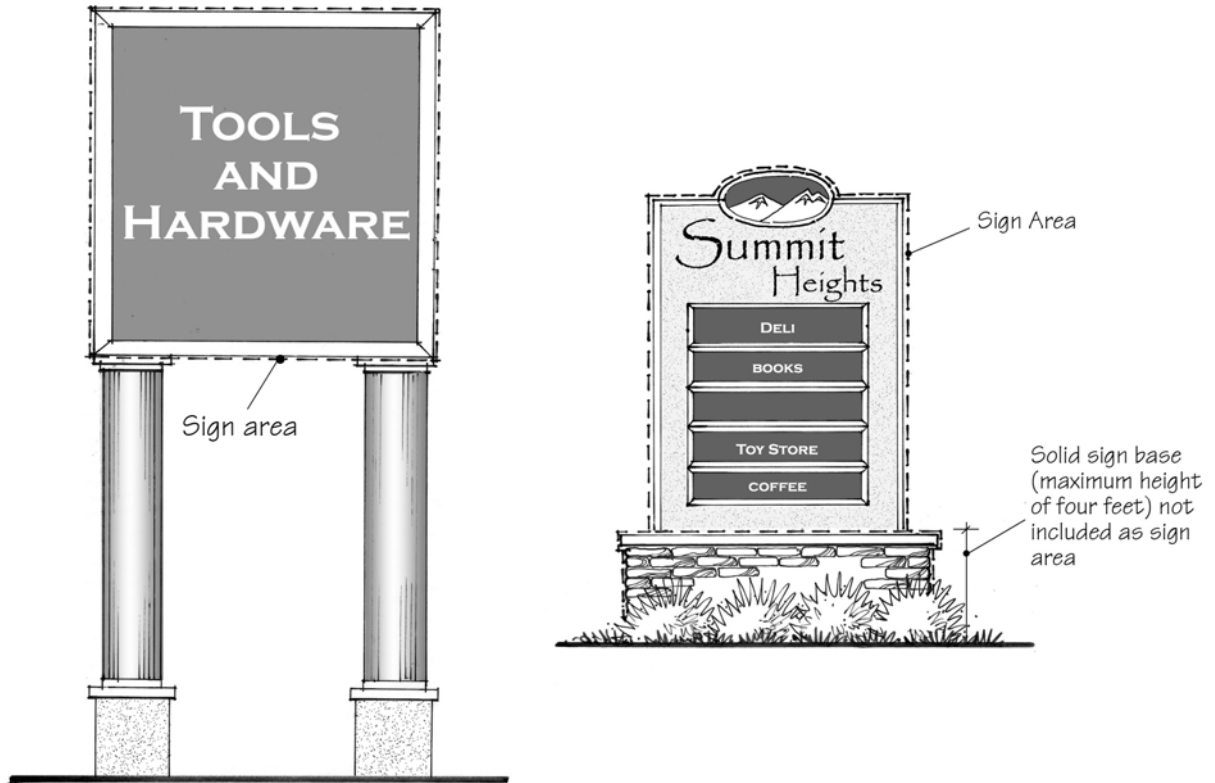
a. One half square foot of sign area shall be exempted for each digit of the street number, up to a maximum of three square feet.

b. The portion of a solid sign base or other sign support, up to a maximum height of four feet that is at least 50 percent screened by landscaping.

c. The air space under a freestanding sign between supporting posts, other air space between a projecting sign and the wall to which it is attached.

All other exemptions to the area of a sign may only be approved by the urban design commission.

- 1 **5.** Except as provided in table 21-10-1 for non-residential uses located within
2 residential districts, the height of a freestanding sign shall be measured from the
3 elevation of the edge of the public right-of-way immediately adjacent to, or
4 nearest the sign structure, to the highest point of the sign, its frame, or decorative
5 features.



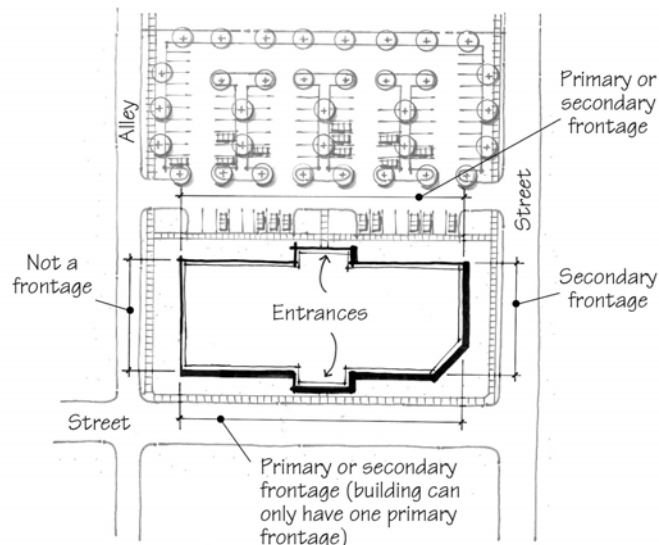
B. Determining Building Frontage and Building Unit

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 Freestanding Signs

For the purposes of determining allowable freestanding sign area, public street frontage is the length of a lot line, measured between two corners of the lot, which abuts the public street along which the sign is to be located. The length of public street frontage along one lot line shall only be used to calculate the allowable freestanding sign size for a sign to be located on that lot line. Lots with more than one public street frontage shall not add these street frontages together to calculate an allowable freestanding sign area. 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.



1 For signs placed at the intersection of two streets, equidistant from two lot lines, the
2 length of either lot line, but not both, may be used to determine the allowable sign size.

3 **D. Determining Sign Setbacks**

4 The required setbacks for the sign shall apply to all elements of the sign including its
5 frame and base.

6 **21.10.050 SIGNS IN RESIDENTIAL DISTRICTS**

7 **A. Applicability**

8 Signs for all residential and nonresidential uses in residential districts shall comply with
9 the standards set forth in this section. In the TA district, the standards in this section
10 apply only to residential parcels.

11 **B. Basic Regulations for Signs in the Residential Districts**

12 Signs for all residential and nonresidential uses in residential districts shall be limited in
13 number, area, height, and setback based on the type of use, as set forth in table 21.10-1.

14 **C. Supplemental Standards for All Changeable Copy Signs**

15 1. Signs for permitted nonresidential uses may have up to 100 percent of the sign
16 area devoted to changeable copy, except as provided in subsections C.2. and
17 C.3. below.

18 2. Electronic changeable copy is prohibited for all building signs and is prohibited
19 for freestanding signs except as provided in subsection 3.

20 3. Electronic changeable copy is permitted for freestanding and building signs on
21 parcels that are nine acres or greater with a minimum of 500 feet of frontage on a
22 street of Class II or greater classification in the official streets and highways plan.
23 Electronic changeable copy cannot be changed more than 12 times per day.
24 Electronic changeable copy freestanding signs are permitted up to a maximum of
25 80 percent of the actual sign area. One electronic changeable copy building sign
26 per 300 linear feet of frontage is permitted up to a maximum of 20 square feet
27 per sign.

28 **D. Multi-Occupant Facilities**

29 When a freestanding sign is permitted on a site that has more than one occupant, it is the
30 property owner's responsibility to determine if the sign area shall be devoted to
31 identification of the building(s), the anchor occupant, all occupants, or some combination
32 thereof.

33 **E. Instructional Signs**

34 Instructional signs that are clearly intended for instructional purposes shall be permitted
35 as needed on a lot in a residential district when the lot is devoted to a multi-family or
36 nonresidential use provided such signs comply with the following:

37 1. The signs are not larger than necessary to serve the intended instructional
38 purpose, but in any event do not exceed six square feet in area;

- 1 2. The number of instructional signs located on the site are the minimum needed to
- 2 serve the intended instructional purpose;

- 3 3. The signs are not located or designed to be legible or serve to attract attention
- 4 beyond the perimeter of the site.

- 5 4. The signs may be placed on the base of a permitted freestanding sign with out
- 6 the area of such instructional sign, or the background, being considered as part
- 7 of or added to the area of the freestanding sign.

TABLE 21.10-1: SIGNS IN THE RESIDENTIAL DISTRICTS

Type	Maximum Number Permitted	Maximum Area Per Sign	Standards for Freestanding Signs	
			Maximum Height	Minimum Setback from ROW
Signs for Each Single Family Dwelling, Two-Family Dwelling, or Townhouses				
Permanent Signs				
Building Signplates	1 per dwelling unit	2 sq. ft. [3]	--	--
Freestanding Signs	1 per building	2 sq. ft. [6]	5 ft.	0
Temporary Signs [1]	2 per dwelling unit	6 sq. ft.	5 ft.	0
Signs for Residential Subdivisions	2 per subdivision entrance	30 sq. ft.	8 ft.	5 ft.
Multi-Family Buildings				
Permanent Signs				
Building Signplates	1 per public entrance to building	2 sq. ft.	--	--
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
Temporary Signs				
Freestanding Signs [1]		6 sq. ft.		
Permitted Nonresidential Uses				
Permanent Signs				
Building Signplates	1 per address	2 sq. ft. [3]	--	--
Primary Building Signs	Not Applicable	½ sq. ft. of sign for every lineal ft. of primary building frontage	--	--
Freestanding Signs	1 per 500 feet of public street frontage	40 sq. ft. [4]	8 ft.[5]	10 ft.
Temporary Signs				
Freestanding Signs [1]	2	6 sq. ft.		
Instructional Signs	Shall be exempt from requirements when in compliance with subsection 21.10.050C.			

TABLE 21.10-1: SIGNS IN THE RESIDENTIAL DISTRICTS				
Type	Maximum Number Permitted	Maximum Area Per Sign	Standards for Freestanding Signs	
			Maximum Height	Minimum Setback from ROW
[1] Temporary signs are also subject to provisions of subsection 21.10.050D.				
[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.				
[5] Sign height is measured from the natural grade at the base of the sign.				
[6] For parcels larger than one acre located within the RS-2, RL-2, RL-3, RL-4, and TA residential zoning districts, one freestanding sign no greater than eight square feet shall be permitted.				

1



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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F. Temporary Signs

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1. For Single Family Dwellings, Two Family Dwellings, or Townhouses

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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.

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2. For Multiple-Family Developments and Nonresidential Uses

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Two temporary freestanding signs that do not exceed six square feet each may be erected for an unspecified time.

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3. Vacant Parcels

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The following signs are permitted for an unspecified period of time:

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a. For a parcel equal to or less than one acre, one temporary sign is permitted up to a maximum of 16 square feet.

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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

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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 (OC), WATERSHED (W), DEVELOPMENT RESERVE (DR), AND PARKS AND RECREATION (PR) DISTRICTS

A. Applicability

Signs in the PLI, OC, W, DR, and PR districts shall conform to the standards set forth in this section.

B. 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, OC, W, DR, 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 21.10.050C.	

[1] See subsection 21.10.040B.
 [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.



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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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 21.10.060A.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.

C. Basic Standards for Permanent Freestanding Signs

1. Maximum Number, Area and Height, Minimum Setback of Permanent Freestanding Signs

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.

2. Sign Area Proportions

For any freestanding sign, the horizontal portion (width) of the face shall not exceed four times the height of the face.

TABLE 21.10-3: FREESTANDING SIGNS STANDARDS IN THE PLI, W, OC, DR, AND PR DISTRICTS	
Maximum Height	15 ft.
Maximum Area	120 sq. ft. for PLI, W, DR, and PR districts; 80 sq. ft. for the OC district

TABLE 21.10-3: FREESTANDING SIGNS STANDARDS IN THE PLI, W, OC, DR, AND PR DISTRICTS	
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.
<p>[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.</p> <p>[2] If the side lot is adjacent to a residential district then the minimum setback from the side lot line is 30 feet.</p>	

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D. Supplemental Standards for Freestanding Signs

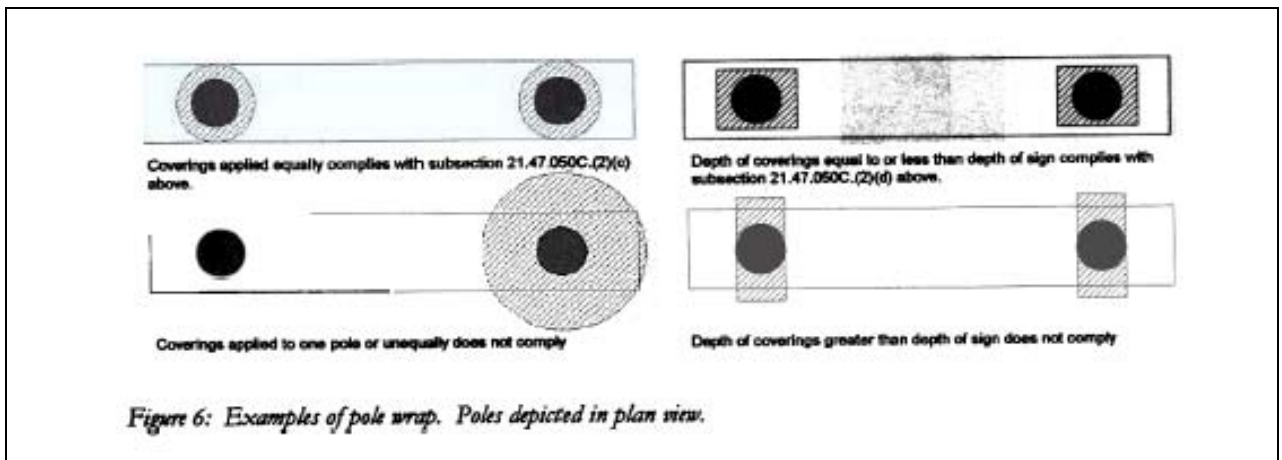
1. Number of Freestanding Signs Allowed

- a. Lots with less than 300 lineal feet of frontage on any one street may have only one freestanding sign per that street frontage.
- b. Lots with 300 or more lineal feet of frontage on any one street may have two freestanding signs per that street 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

- a. Signs that are eight feet or less in height with exposed structural steel support: The structural steel supports shall have a covering that totals at least four times the width of the structural steel at its widest point and is parallel to the sign face.
- b. Signs that are greater than eight feet in height: All structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point.
- c. The width of the covering shall be symmetrical for all supports. (See figure 6)
- d. 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)
- e. In all circumstances, the covering shall extend from four inches above the ground to the base of the sign face.

- f. 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
 - v. Aluminum of less than .063 inches



E. Supplemental Standards For All Changeable Copy Signs

1. Freestanding signs may have up to 30 percent of the actual sign area devoted to changeable copy. Building signs and projecting signs may have up to 30 percent of the actual sign area or 120 square feet, whichever is less, devoted to changeable copy.
2. Changeable copy may only be changed manually, provided, however, if the business or institution has frontage on a street of class II or greater classification, the copy may be changed electronically or mechanically as well as manually.
3. Copy which is changed electronically or mechanically shall not be changed more than one time per 20-second period, however, if the business or institution has frontage on a street of class II or greater classification in the official streets and highways plan, the changeable copy shall not change more than one time per three seconds.

*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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F. Instructional Signs

Signs that comply with the definition of “instructional sign” shall be permitted as needed provided such signs comply with the following:

1. The signs are not larger than necessary to serve the intended instructional purpose;
2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose; and
3. The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site.
4. The signs may be placed on the base of a permitted freestanding sign without the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.

G. Temporary Signs

Temporary signs in the PLI, OC, W, DR, and PR Districts are permitted pursuant to schedule 21.10-4 as set forth below:

TABLE 21.10-4: TEMPORARY SIGNS IN THE PLI, OC, W, DR, 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 [1]
Lighting	Not permitted.
Motion	Animation or flashing is prohibited
Maximum Height (Freestanding)	Same as permanent signs
Setbacks	Same as permanent signs
[1] For temporary signs involving the sale, rent, or lease of the property on which the sign is located, the time limit is unlimited.	

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H. Display of Commercial Flags

In the PLI, W, OC, DR, and PR Districts, 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.

I. Unified Sign Plan

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 21.10-3, 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 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 COMMERCIAL, MIXED-USE, INDUSTRIAL, MARINE (M) AND AIRPORT DEVELOPMENT (AD) DISTRICTS

A. Applicability

Signs in the commercial, mixed-use, and industrial districts, as well as the Marine (M) and Airport Development (AD) districts shall conform to the standards set forth in this section. Non-residential parcels in the TA district shall also conform to the standards set forth in this section.

B. 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 21.10.070A.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 21.10.070A 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 THE COMMERCIAL, MIXED-USE, AND INDUSTRIAL DISTRICTS, MARINE (M) AND AIRPORT DEVELOPMENT (AD) DISTRICTS

Sign Type	Maximum Permitted	Number	Base Area Permitted on a Single Building Frontage [2]
Signplate	1/address		2 square feet

TABLE 21.10-5: BUILDING SIGNS IN THE COMMERCIAL, MIXED-USE, AND INDUSTRIAL DISTRICTS, MARINE (M) AND AIRPORT DEVELOPMENT (AD) DISTRICTS

Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage [2]
Building Sign on Primary Frontage [3]		<ul style="list-style-type: none"> 1.2 sq. ft. per linear ft. of primary frontage in the CBD, CMU, RMU, and MMU Districts. 2 sq. ft. per linear 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 linear ft. of secondary frontage
Building Sign on Door of Rear Entrance		2 sq. ft. per each door
Instructional Sign	Shall be exempt from regulations when in compliance with subsection 21.10.070D	

[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.

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C. 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.

D. Supplemental Standards for Freestanding Signs

1. Number of Freestanding Signs Allowed

a. Lots with less than 300 linear feet of frontage on any one street may have only one freestanding sign per that street frontage.

TABLE 21.10-6: FREESTANDING SIGN REGULATIONS

	NC and NMU	TA (Commercial and Industrial parcels)	CBD-1, CBD-2, CBD-3, CMU, RMU, and MMU	AC, IC, I-1, I-2, M, and AD
Maximum Height	12 ft.	12 ft.	8 ft.	25 ft.
Maximum Area	80 sq. ft.	80 sq. ft.	64 sq. ft.	0.7 sq. ft. per 1 lineal foot of frontage [3]
Number/Frontage	See subsection 21.10.070C			

TABLE 21.10-6: FREESTANDING SIGN REGULATIONS

	NC and NMU	TA (Commercial and Industrial parcels)	CBD-1, CBD-2, CBD-3, CMU, RMU, and MMU	AC, IC, I-1, I-2, M, and AD
Separation	150 ft.			
Minimum Setback from R.O.W.	0 ft.	10 ft.	0 ft.	0 ft.
Minimum Setback from side lot line [2]	10 ft.	10 ft.	10 ft.	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 line is adjacent to a residential district then the minimum setback from the side lot line is 30 feet. [3] For street frontages exceeding 285 lineal feet, the maximum allowable sign area shall not exceed 200 square feet. Lots with less than 100 lineal feet of frontage are allowed a sign area of up to 70 square feet.				

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- 3 **b.** Lots with 300 or more lineal feet of frontage on any one street may have two freestanding signs per that street frontage.
- 4
- 5 **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.
- 6
- 7
- 8 **2. Wrapping Structural Steel Supports**
- 9 **a.** Signs that are eight feet or less in height with exposed structural steel support: The structural steel supports shall have a covering that totals at least four times the width of the structural steel at its widest point and is parallel to the sign face.
- 10
- 11
- 12
- 13 **b.** Signs that are greater than eight feet in height but less than 15 feet in height: All structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point and are parallel to the sign face.
- 14
- 15
- 16
- 17 **c.** Signs 15 feet or greater in height that have a single structural steel support: The structural steel support shall have a covering that totals at least 25 percent of the width of the sign at its widest point and is parallel to the sign face.
- 18
- 19
- 20
- 21 **d.** Signs 15 feet or greater in height that have more than one structural steel support: The structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point.
- 22
- 23
- 24
- 25 **e.** The width of the covering shall be symmetrical for all supports. (See figure 9)
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- f. 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 9)

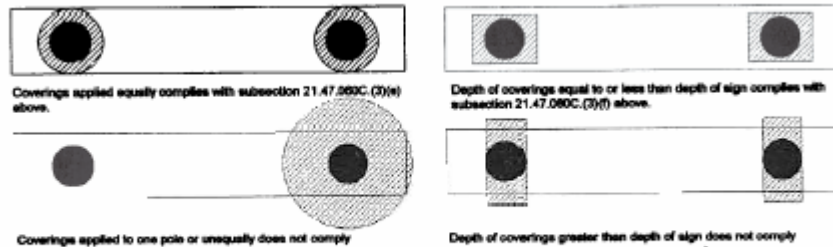


Figure 9: Examples of pole wrap. Poles depicted in plan view.

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- g. In all circumstances, the covering shall extend from four inches above the ground to the base of the sign face.
- h. 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;
 - 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

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- 3. **Multi-Occupant Facilities**
When a freestanding sign is constructed on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area

1 shall be devoted to identification of the building(s), the anchor occupant, all
2 occupants, or some combination thereof.

3 **D. Supplemental Standards for All Changeable Copy Signs**

4 1. Freestanding signs may have up to 30 percent of the actual sign area devoted to
5 changeable copy. Building signs and projecting signs may have up to 30 percent
6 of the actual sign area or up to 150 square feet, whichever is less, devoted to
7 changeable copy.

8 2. Copy which is changed electronically or mechanically shall not be changed more
9 than one time per three-second period.

10 **E. Instructional Signs**

11 Signs that comply with the definition of "instructional sign" shall be permitted as needed
12 provided such signs comply with the following:

13 4. The signs are not larger than necessary to serve the intended instructional
14 purpose;

15 5. The number of instructional signs located on the site are the minimum needed to
16 serve the intended instructional purpose; and

17 6. The signs are not located or designed to be legible or serve to attract attention
18 beyond the perimeter of the site.

19 7. The signs may be placed on the base of a permitted freestanding sign without
20 the area of such instructional sign, or the background, being considered as part
21 of or added to the area of the freestanding sign.

22 **F. Unified Sign Plan**

23 Multiple contiguous lots and/or tracts may be considered as a single site for the purposes
24 of determining the size, number, and placement of freestanding signs permitted pursuant
25 to this section. Solely for the purposes of this section:

26 1. The number and area of the freestanding signs permitted, pursuant to table
27 21.10-6, 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 has
30 been issued, the sign rights or limitations shall be recorded with the state district
31 recorder's office as a deed restriction.

32 3. Revocation of a unified sign plan must be approved by all participants in the plan;
33 all signs on the affected properties must be in compliance with this code before
34 the plan can be revoked.

35 4. This subsection shall not be interpreted as authorizing the erection or
36 maintenance of any sign or display within 660 feet of the nearest edge of the
37 right-of-way and visible from the main-traveled way of an interstate, primary or
38 secondary highway, or the erection or maintenance of any sign or display beyond
39 660 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.

G. Display of Commercial Flags

In a commercial or industrial 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.

H. 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 [1]
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
[1] For temporary signs involving the sale, rent, or lease of the property in which the sign is located, the time limit is unlimited.	

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.

- 1 **D.** Portable signs.
- 2 **E.** Flashing, moving, animated, coursing, blinker, racer-type, intermittent, rotating, moving or
3 revolving signs and/or devices, whirligig devices, inflatable signs and tethered balloons,
4 pennants, ribbons, streamers, spinners, and other similar types of attention-getting
5 devices except for changeable copy signs when in compliance with the applicable
6 regulations in this chapter.
- 7 **F.** Signs in the AF district except for warning signs and identification placards required in
8 subsection 21.05.040K.5.

9 **21.10.090 SUPPLEMENTAL SIGN STANDARDS**

- 10 **A.** **Illumination of Permanent and Temporary Signs**
- 11 Permanent and temporary signs shall be permitted to be illuminated in compliance with
12 the following:
- 13 1. Signs shall not include animated, flashing, moving or intermittent illumination
14 except that the messages may change no more frequently than the rates
15 specified in subsections 21.10.050B., 21.10.060D., and 21.10.070D.
- 16 2. Temporary signs shall not be internally illuminated. Any external illumination of
17 these signs shall be permitted only in commercial and industrial zones.
- 18 3. All internally illuminated building or free-standing signs with the exception of
19 neon-lighted signs with exposed neon tubes shall comply with the following:
- 20 **a.** Except as provided in subsection 21.10.090A.3.c. below, the sign shall
21 be constructed with either: an opaque background and translucent letters
22 and symbols; or, a translucent darker colored background with a lighter
23 contrasting color for the letters and symbols. Registered trademarks and
24 logos are exempt from this provision.
- 25 **b.** No internal lighting shall include exposed incandescent or fluorescent
26 bulbs.
- 27 **c.** A changeable copy sign with dark colored letters or symbols on a lighter
28 contrasting translucent background may be internally illuminated if the
29 internally illuminated area of the sign does not exceed 20 square feet.
- 30 **d.** During daylight hours between sunrise and sunset, luminance shall be
31 no greater than 5,000 candelas per square meter for LED signs. At all
32 other times, LED luminance shall be no greater than 800 candelas per
33 square meter.
- 34 4. Freestanding signs more than 15 feet high shall only be internally illuminated.
35 Signs less than or equal to 15 feet in height may be either internally or externally
36 illuminated.
- 37 5. The external illumination of freestanding signs shall comply with the following:
- 38 **a.** Any external lighting of signs that have a height of between eight feet
39 and 15 feet must be from the top of the sign and directed downward;

- 1 **b.** The lighting of signs that have a height of eight feet or less may be
2 illuminated from the top of the sign or from the ground.
- 3 **6.** Externally illuminated building signs may only be illuminated from the top of the
4 sign.
- 5 **7.** Light sources for externally illuminated signs must be shielded and directed so
6 that the light shines on the sign and that the light source is not visible beyond the
7 property line.
- 8 **8.** Freestanding signs accessory to a single-family dwelling, two-family, or
9 townhouse use in a residential district shall not be illuminated.
- 10 **9.** Signs on a building or parcel in a residential district that has multi-family uses
11 shall not be internally illuminated.
- 12 **10.** For signs on permitted non-residential uses in residential districts the illumination
13 may be from external sources or by internal illumination of the letters and logos
14 only; internal illumination of the background portion of the sign is prohibited.
- 15 **11.** If a registered trademark or logo is not in compliance with the illumination
16 requirements of this section, then such area of non-compliance shall be limited to
17 a maximum of 30 percent of the allowable sign area.

18 **B. Preservation of Sight Lines**

19 For the purpose of assuring that drivers and pedestrians have adequate visibility at the
20 intersection of a roadway, street, driveway, trail, or alley, no sign or portion of a sign
21 between a height of two and one-half feet and eight feet shall conflict with the American
22 Association of State Highway and Transportation Officials (AASHTO) sight distance
23 triangle specifications. (See also subsection 21.06.020A.8.)

24 **C. Construction Standards**

- 25 **1.** The construction, erection, safety, and maintenance of signs shall comply with
26 the adopted building code as amended.
- 27 **2.** Signs shall be structurally sound and located so as to pose no threat to
28 pedestrian or vehicular traffic.
- 29 **3.** Permanent signs shall be fabricated on and of materials that are of good quality
30 and good durability.
- 31 **4.** Electric signs and all permanent signs involving structural requirements of the
32 building code shall be installed, repaired, altered, and serviced only by a
33 contractor licensed to perform such tasks.
- 34 **5.** No sign shall be erected so as to obstruct any window, door, fire escape,
35 balcony, platform, stairway, ladder, vent, or other means of ingress and egress of
36 any building.
- 37 **6.** No sign shall be attached to a utility pole, tree, trash receptacle, bench, or other
38 structure not intended or approved as a sign support.

- 1 7. Temporary signs shall be durable and weather-resistant and fastened or
2 anchored sufficiently, whether attached to the building or positioned in the
3 ground.
- 4 8. No sign regulated by any of the provisions of this section shall be erected in the
5 right-of-way, in proximity to railroad crossings, or at the intersection of any streets
6 in such a manner as to obstruct free and clear vision; or at any location where, by
7 reason of the position, shape, or color, it may interfere with, obstruct the view of,
8 or be confused with, any authorized traffic sign signal or device; or which makes
9 use of the words "STOP," "LOOK," "DANGER", or any other word, phrase,
10 symbol or character in such a manner as to interfere with, mislead, or confuse
11 traffic.
- 12 9. In the event there is a conflict between the provisions of this section and the
13 provisions of any applicable building codes, the provisions of the applicable
14 building code shall govern.

15 **D. Maintenance**

16 All signs shall be maintained in accordance with the following:

- 17 1. The property owner, occupant, or other person responsible for the sign shall
18 maintain the sign in a condition fit for the intended use and he or she shall have a
19 continuing obligation to comply with all building code requirements.
- 20 2. If the director finds that any sign is unsafe, insecure, a menace to the public,
21 notice shall be given in writing by the director to the owner. The owner of the
22 business shall, within 48 hours of such notification, correct such unsafe condition
23 or remove the sign. If the correction has not been made within the 48 hours, the
24 sign may be removed or altered by the municipality to comply with these
25 regulations at the expense of the owner or occupant of the property upon which
26 the sign is located. The director may cause any sign, which, in the municipality's
27 opinion, creates a danger to persons or property to be removed immediately and
28 without notice.
- 29 3. Whenever any sign, either conforming or nonconforming to these regulations, is
30 required to be removed for the purpose of repair, refurbishing, or repainting, the
31 same may be done without a permit or any payment of fees provided that all of
32 the following conditions are met:
- 33 a. There shall be no enlargement or increase in any of the dimensions of
34 the sign or its structure.
- 35 b. The sign shall be accessory to a legally permitted, conditional or
36 nonconforming use.
- 37 4. The director may order any sign to be repaired whenever needed to keep the
38 sign in a safe condition. All supports, guys, braces, and anchors for such signs
39 shall be maintained in a safe condition.
- 40 5. The sign face of any permanent sign which advertises a business that has not
41 been conducted on the premises for 180 consecutive days or fails to serve the
42 purposes for which it was intended, or evidences a lack of maintenance, shall be
43 removed by the owner, agent, or person having the beneficial use of the building,

1 structure or land upon which such sign is located, within 30 days after written
 2 notice by the director and the sign area shall be replaced by a neutral, single
 3 background color panel or similar cover. If the sign is comprised of individually
 4 raised letters then the letters shall be removed. Upon failure to comply with such
 5 notice within the time specified in such order, the director is hereby authorized to
 6 cause removal of such sign, and any expense incident thereto shall be paid by
 7 the owner of the property on which such sign is located.

8 **21.10.100 PROCEDURES FOR OBTAINING AN ADMINISTRATIVE VARIANCE FOR SIGNS**

- 9 **A.** The director may grant an administrative variance from the height restrictions and/or
 10 setback requirements for freestanding signs, provided:
- 11 1. Special topographic circumstances exist that would result in a material
 12 impairment of visibility of a conforming sign from the adjacent roadway;
 - 13 2. There is no reasonable conforming alternative to the variance;
 - 14 3. Any setback variance does not result in an encroachment into a public right-of-
 15 way; and,
 - 16 4. A fee has been received.
- 17 **B.** The director shall make written findings and conclusions for each variance request.
- 18 **C.** If the request for an administrative variance is denied, the applicant may apply for a
 19 variance under section 21.10.110.

20 **21.10.110 VARIANCES**

21 The urban design commission shall hear and decide on any request for a variance to the
 22 regulations in this section 21.10 including:

- 23 **A.** The maximum sign area, the maximum sign height, the location of the sign, and the
 24 number of signs on the parcel. In evaluating the request for a variance to the maximum
 25 sign height the urban design commission may consider whether there are special
 26 topographic circumstances that would result in a material impairment of visibility of the
 27 sign from the adjacent roadway which significantly diminishes the owner's or user's ability
 28 to continue to communicate adequately and effectively with the public through the use of
 29 the sign.
- 30 **B.** The portion of the sign structure that should be exempt from being considered part of the
 31 sign area if such exemption has not been granted by the director pursuant to subsection
 32 21.10.040A.4.

33

¹ NOTE: This draft includes amendments to the sign regulations passed by the Assembly on June 14, 2005. As in the previous draft, note that sign definitions are located in chapter 21.13, *Definitions*, and administrative provisions are located in section 21.03.130, *Sign Permits*.

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1 **CHAPTER 21.12: ENFORCEMENT**

2 **21.12.010 GENERAL PROVISIONS**

3 **A. Purpose**

4 This chapter establishes procedures through which the municipality seeks to ensure
5 compliance with the provisions of this title and obtain corrections for violations of this title.
6 The chapter also sets forth the remedies and penalties that apply to violations of this title.
7 The provisions of this chapter are intended to encourage the voluntary correction of
8 violations, where possible.

9 **B. Compliance Required**

10 No person shall develop or use any land, building, or structure within the municipality in
11 violation of this title, regulations authorized under this title, or the terms and conditions of
12 entitlements issued under this title.

13 **C. Entitlements**

14 No entitlement may be issued under this title unless all structures and uses of land and
15 structures permitted under the entitlement conform to this title, the regulations
16 promulgated under this title, and the terms and conditions of the other entitlements
17 issued under this title that apply to the use or structure. An entitlement issued in violation
18 of this section is void.

19 **D. Continuation of Prior Enforcement Actions**

20 Nothing in this title shall prohibit the continuation of previous enforcement actions
21 undertaken by the municipality pursuant to previous regulations.

22 **E. Continuing Violations**

23 Each day that a violation occurs or remains uncorrected shall constitute a separate and
24 distinct violation of this title.

25 **21.12.020 RESPONSIBILITY FOR ENFORCEMENT AND INSPECTIONS**

26 **A. Primary Responsibility**

27 **1. Public Enforcement Actions**

28 Except as otherwise provided, the director shall have primary responsibility for
29 public enforcement actions (see section 21.12.050) to enforce the provisions of
30 this title.

31 **2. Private Enforcement Actions**

32 Except as otherwise provided, the administrative hearings officer shall have
33 primary responsibility for private enforcement actions (see section 21.12.060) to
34 enforce the provisions of this title.

35 **B. Inspections**

36 **1.** Subject to subsection B.3. below, at any reasonable time, the director may, upon
37 presentation of proper identification, enter upon and inspect any land, structure,
38 or premises where he or she has reasonable cause to believe there exists a

- 1 violation of this title, or enter upon such a building or premises to perform a duty
2 of the director under this title.
- 3 2. At any reasonable time, the director may, upon presentation of proper
4 identification, enter upon and inspect any land or structure where any entitlement
5 has been applied for or issued. The purpose of such inspection shall be to verify
6 conformity with the application or entitlement. See also subsection 21.03.020D.
- 7 3. Where the Constitution of the United States or of the state so requires, the
8 director shall obtain an administrative search warrant authorizing an inspection
9 and exhibit the warrant to the person in charge of the premises before conducting
10 the inspection. The director or representative shall apply to the trial courts of the
11 state to obtain a warrant, stating in the application the name and address of the
12 premises to be inspected, the authority to conduct the inspection, the nature and
13 extent of the inspection, and the facts and circumstances justifying the
14 inspection. Warrants issued under this section shall be returned within ten days.

15 **21.12.030 VIOLATIONS**

16 Each of the following activities shall constitute a violation of this title:

17 **A. Activity Inconsistent with Title**

18 Any erection, construction, reconstruction, remodeling, alteration, maintenance,
19 expansion, movement, or use of any building, structure, or sign, or development or
20 subdivision of any land, in contravention of any provision of this title or any regulation
21 promulgated under this title.

22 **B. Activity Inconsistent with Entitlement**

23 Any development, use, construction, remodeling, or other activity of any nature in any
24 way inconsistent with the terms or conditions of any entitlement required to engage in
25 such activity, whether issued under or required by this title.

26 **C. Illustrative Examples**

27 Examples of activities inconsistent with this title or with an entitlement issued under this
28 title include, but are not limited to, the following:

- 29 1. Excavation, grading, cutting, clearing, or other land disturbance activity without
30 obtaining all necessary approvals required by this title or other applicable
31 regulations;
- 32 2. Damage to or removal of vegetation inconsistent with this title and all other
33 applicable regulations;
- 34 3. Creation, expansion, replacement, or change of a nonconformity inconsistent
35 with this title and all other applicable regulations;
- 36 4. Reduction or diminishment of lot area, setbacks, vegetative buffers, or open
37 space below the minimum requirements set forth in this title and all other
38 applicable regulations;
- 39 5. Increasing the density or intensity of any use of any land or structure except in
40 accordance with the requirements of this title and all other applicable regulations;

- 1 has the authority to issue a stop-work order for the specific part of the
2 work that is in violation or presents the hazard.
- 3 **b.** With or without revoking permits, the director may issue an order to stop
4 work on any property on which there is an uncorrected violation of either
5 a provision of this title or a provision of an entitlement or other form of
6 authorization issued under this title.
- 7 **c.** The stop-work order shall be in writing directed to the person doing the
8 work if known, and a copy mailed to the owner of record of the property,
9 and shall specify the provisions of this title or other law allegedly in
10 violation. After any such order has been posted, no work shall proceed
11 on any building, other structure, or tract of land covered by such order,
12 except to correct such violation or comply with the order.
- 13 **d.** The stop-work order may be issued at the same time as the enforcement
14 order (see subsection 21.12.050B., *Non-Emergency Matters*, below), or
15 subsequent to such notice. The stop-work order may also specify a
16 shorter time for correction of the violation than the time period specified
17 in the enforcement order. The stop-work order shall also indicate that
18 failure to comply with the order may subject the violator to civil and/or
19 criminal liability as penalty for the violation(s).
- 20 **e.** Once conditions for resumption of the work have been met, the director
21 shall rescind the stop-work order and shall notify the owner in writing of
22 the rescission.
- 23 **f.** The owner of any property affected by a stop-work order, or his or her
24 representative, may request that the director reconsider such stop-work
25 order. The request shall be in writing and shall state the grounds for
26 reconsideration. The director shall issue written findings and either
27 confirm or rescind the stop-work order within 7 days of receiving the
28 request for reconsideration. The stop-work order shall remain in effect
29 until the director either confirms or rescinds the stop-work order. Per
30 table 21.02-1, decisions of the director may be appealed to the zoning
31 board of examiners and appeals.
- 32 **4. Civil Penalties**
33 In addition to other remedies provided in AMC section 1.45.010 or other sections
34 of this title, violation of this title may be punishable through imposition of a civil
35 penalty as set forth in AMC section 14.60.030, or, if no penalty is set forth in
36 AMC section 14.60.030, a civil fine of \$300.00 for each violation.
- 37 **5. Restoration of Disturbed Areas**
38 The director may require a violator who is regulated under this title and who
39 failed to retain sediment generated by a land-disturbing activity to restore the
40 waters and lands affected by the failure so as to minimize the detrimental effects
41 of the resulting pollution by sedimentation. This authority is in addition to any
42 other civil or criminal penalty or injunctive relief authorized under this title or
43 applicable law.
- 44 **6. Injunctive Relief**
45 The director may seek injunctive relief or other appropriate relief in superior court
46 or other court of competent jurisdiction against any person who fails to comply

1 with any provision of this title or any requirement or condition imposed pursuant
2 to this title. In any court proceedings in which the municipality seeks a
3 preliminary injunction, it shall be presumed that a violation of this title is a real,
4 immediate, and irreparable injury to the public; that the public will be irreparably
5 injured by the continuation of the violation unless the violation is enjoined; and
6 that there is no plain and adequate remedy at law for the subject title violation.

7 **7. Abatement**

8 The municipality may abate the violation pursuant to this subsection.

9 **a.** Before action is taken to abate a violation, a final warning notice shall be
10 posted on the property and served personally or by certified mail with
11 return receipt requested to the owner of record of the property.

12 **b.** Unless this notice is appealed, pursuant to subsection 21.03.200B., to
13 the zoning board of examiners and appeals within ten days of the posting
14 of the final warning, the director shall proceed to abate the violation.

15 **c.** The director shall keep an account of the cost, including incidental
16 expenses, incurred by the municipality in the abatement of any violation.
17 The director shall forward a bill for collection to the violator and owner of
18 record of the property specifying the nature and costs of the work
19 performed. For purposes of this section, the term "incidental expenses"
20 shall include but not be limited to the actual expenses and costs to the
21 municipality in the preparation of the notices, specifications and
22 contracts, work inspection, and interest from the date of completion at
23 the rate prescribed by law for delinquent real property taxes.

24 **d.** The responsibility for payment of the charges for abatement as set forth
25 in this section shall rest solely upon the owners of the property upon
26 which the abatement occurred. Such charges become a lien upon the
27 real property upon which the violation was located. When charges for
28 abatement remain unpaid after 30 days from billing, the director shall
29 record a claim of lien at the district recorder's office. The lien shall be
30 subordinate to all existing special assessment liens previously imposed
31 upon the same property and shall be paramount to all other liens except
32 for state or municipal property taxes, with which it shall be upon a parity.
33 The lien shall continue until the charges and all interest due and payable
34 thereon are paid.

35 **e.** The lien created under this section may be enforced as provided in AS
36 34.35.005--34.35.045. The enforcement of the lien is a cumulative
37 remedy and does not bar the collection of the charges for abatement or
38 costs and attorney fees through a personal action.

39 **B. Remedies Cumulative**

40 The remedies provided for violations of this title shall be cumulative and in addition to any
41 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 21.12.050A., the director may issue an enforcement order pursuant to this section. The director may order:

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

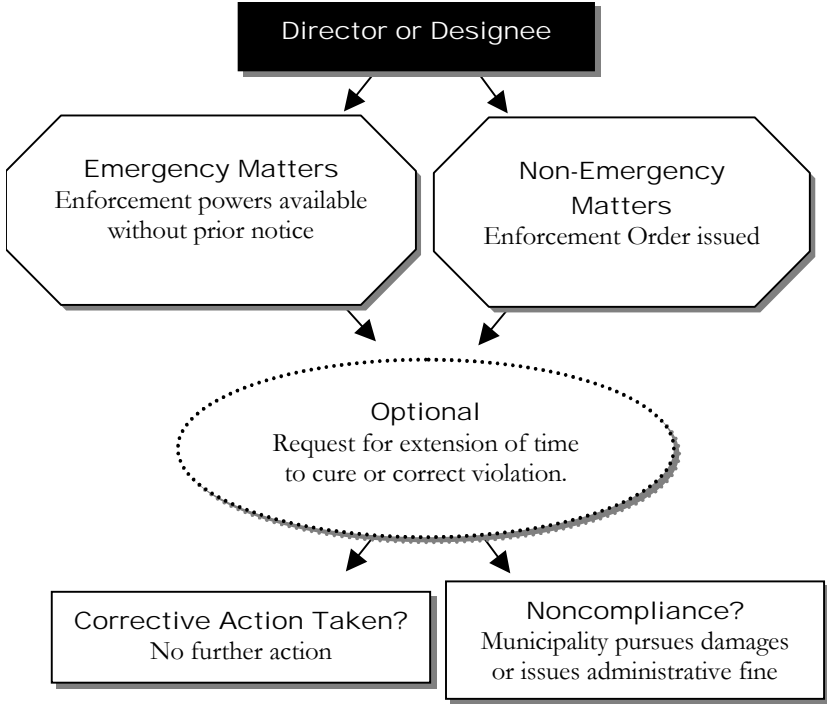
vi. Any other action necessary to prevent, abate, or discontinue a violation of this title.

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.

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

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violator can be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs.



Public Enforcement Actions

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- d. An enforcement order issued under subsection 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.

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- 2. **Extension of Time to Cure or Correct Violation**
 Upon receipt of a written request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the director may grant not more than two extensions of time of not more than six months each in which the alleged violator may cure or correct the violation before the director pursues any of the forms of relief or penalties listed in section 21.12.040, *Remedies and Penalties*. Such extension of time shall not be granted unless the alleged violator or the property owner can demonstrate to the director that the violation cannot be cured or corrected as specified in the enforcement order.

1 **3. Corrective Action Taken**

2 If the violation is cured or corrected within the time period specified in the
3 enforcement order, or within the extension of time granted, then the municipality
4 shall take no further action against the violator.

5 **4. Options Upon Noncompliance**

6 Whenever a written enforcement order has become final, as specified in
7 subsection B.1.d. above, and the violation continues to exist, the director may:

8 a. Pursue any of the forms of relief under section 21.12.040, *Remedies and*
9 *Penalties*; or

10 b. Assess an administrative fine, not exceeding \$250.00 per day, for failure
11 to comply with a final enforcement order.

12 **21.12.060 PROCEDURES FOR PRIVATE ENFORCEMENT ACTIONS**

13 **A. Purpose and Intent**

14 The private enforcement action process set forth in this section is offered as an
15 alternative to the public enforcement action process set forth in section 21.12.050,
16 *Procedures for Public Enforcement Actions*. It provides a way for private individuals or
17 community councils to charge that a violation of this or another title has occurred, and to
18 present their case directly to the administrative hearings officer for consideration and
19 resolution.

20 **B. Authorization**

21 In addition to other remedies available under this code, any person aggrieved by a
22 violation of this title, AMC section 15.20.020.A. with regard to public nuisances listed in
23 AMC section 15.20.020.B., or AMC sections 25.70.040 and 25.70.045 relating to
24 activities on public grounds, may initiate a private enforcement action before the
25 administrative hearings officer as provided by title 14. For purposes of actions brought
26 under this section 21.12.060, the term "person aggrieved" means any person who lives,
27 owns, or lawfully occupies property within the municipality, or the duly appointed
28 representative of any community council with jurisdiction in the area of the alleged
29 violation.

30 **C. Limitations**

31 The private enforcement action procedure may not be used to address code violations
32 that are under concurrent consideration by the director through the public enforcement
33 action procedure under section 21.12.050.

34 **D. Procedure**

35 Private enforcement actions shall follow the following procedure:

36 **1. Filing of Complaint**

37 A private enforcement action is commenced upon filing of a written complaint to
38 the director by a person aggrieved by a violation described in subsection
39 21.12.060B. The complaint must include the following information:

40 a. The street address of the property involved or legal description if no
41 street address has been assigned;

- 1 **b.** The owner of record for the property;
- 2 **c.** The occupants of the property (if known);
- 3 **d.** The name of the persons alleged to have violated the code (if known);
- 4 **e.** The provision of the code alleged to be violated;
- 5 **f.** The facts upon which the complaint is based;
- 6 **g.** A request that the complaint be prosecuted as a private enforcement
7 action;
- 8 **h.** The name and address of the complainant;
- 9 **i.** An explanation of how the complainant qualifies as a “person aggrieved”;
10 and
- 11 **j.** A notarized statement that all information in the complaint is true and
12 correct to the best of the complainant’s knowledge.

13 **2. Service or Return of Complaint**

14 Within ten days after filing of a complaint, the director shall:

- 15 **a.** Serve notice of the complaint upon the violator(s) named in person or by
16 certified mail; or
- 17 **b.** Return the complaint to the complainant with an explanation as to why
18 the complaint does not conform to this section; or
- 19 **c.** Return the complaint to the complainant with an explanation that
20 information available to the director at the time of review demonstrates
21 that there is no reasonable basis for the complaint.

22 Appeals of the director’s decision may be made to the zoning board of examiners
23 and appeals (see section 21.03.200, *Appeals*).

24 **3. Notice of Hearing and Hearing Date**

25 After serving notice of a complaint on all alleged violators, the director shall
26 forward the complaint to the administrative hearings officer who shall schedule a
27 hearing pursuant to AMC section 14.30.050.

28 **4. Opportunity to Cure**

29 The alleged violator may, at any time before a hearing is conducted under this
30 section, serve on the complainant and the director an answer and any supporting
31 documentation as appropriate. Upon request of the alleged violator and
32 concurrence of the complainant filed at least 48 hours prior to the scheduled
33 hearing, the complaint shall be dismissed and the hearing vacated, with no costs
34 assessed.

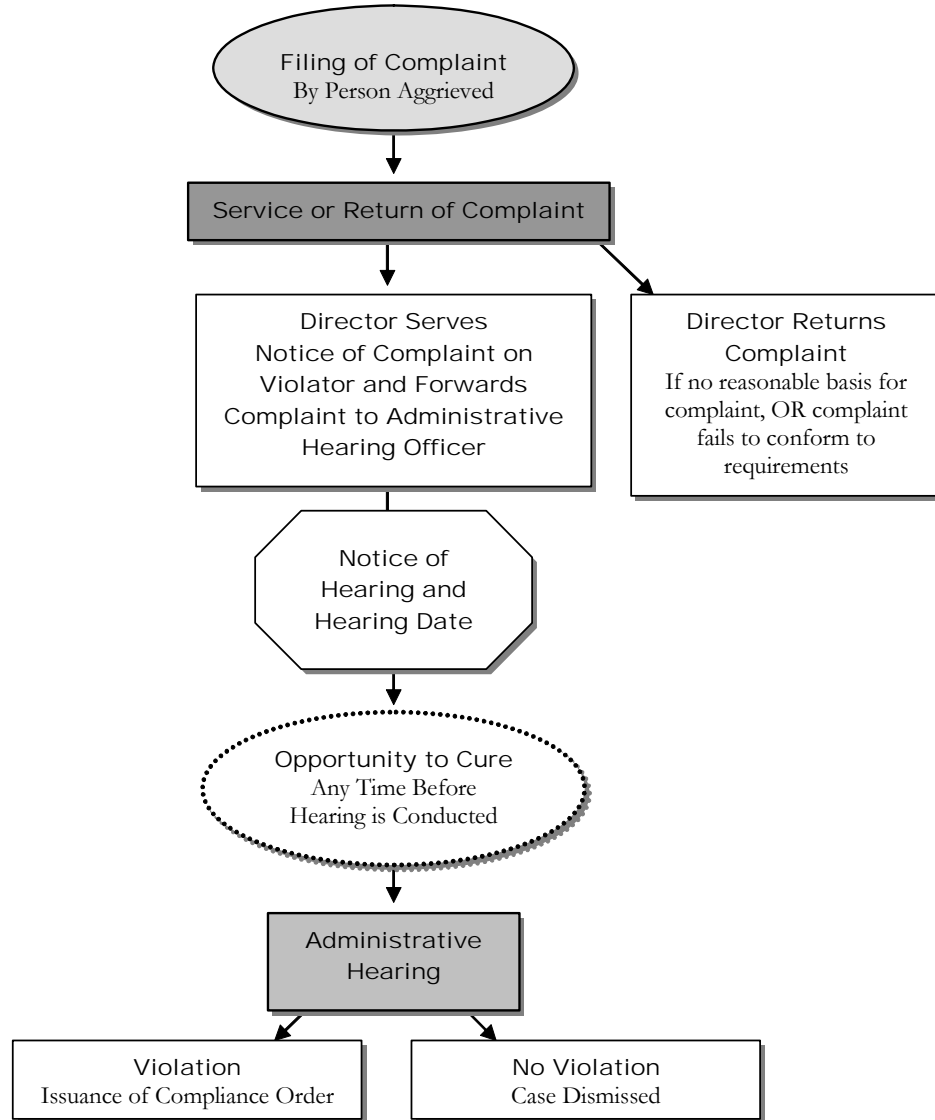
35 **5. Conduct of Hearing**

36 Hearings shall be conducted under the provisions of AMC section 14.30.060.

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6. Responsibility of Complainant

In actions brought under this section, the complainant bears the burden of proof and must prove the existence of the violation claimed by the preponderance of the evidence.



Private Enforcement Actions

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7. Issuance of Compliance Order

After the hearing and upon finding that a violation exists, the administrative hearings officer shall issue a compliance order as provided by AMC subsection 14.50.010A to each violator and set a reasonable time for compliance. In all cases where a violation has been found to exist, the violator shall be ordered to pay the reasonable costs, not to exceed \$1,000.00, incurred by the municipality in hearing the matter.

1 **8. Service of Decisions**
2 A final decision of the administrative hearings officer and the compliance order
3 issued under subsection 21.12.060D.7. shall be served per AMC subsection
4 14.30.110B.

5 **9. Appeals; Collection of Fines**
6 Final decisions issued under this section may be appealed to the superior court
7 pursuant to AMC chapter 14.40. Fines imposed under this section shall be
8 collected as provided by AMC sections 14.50.030 and 14.50.040.

9 **E. Civil Fine**
10 The administrative hearings officer shall also order payment of a civil fine as provided in
11 AMC subsection 14.50.010.C.

12 **F. Payment of Costs by Complainant**
13 After the hearing and upon a finding that a complaint under this section was brought or
14 maintained frivolously or in bad faith, the administrative hearings officer may order the
15 complaining party to pay actual costs incurred by the alleged violator in an amount no
16 greater than \$1,000.00 plus the reasonable costs, not to exceed \$1,000.00, incurred by
17 the municipality in hearing the matter.

18 **G. Commencement of Action in Superior Court to Enforce Compliance Order**
19 Any person may commence an action in superior court to enforce a compliance order of
20 the administrative hearings officer issued under this subsection.

21 **H. Failure to Obey Compliance Order**
22 Upon written request to the municipal attorney by any person who has brought a private
23 enforcement action under this section that a compliance order issued by the
24 administrative hearings officer has not been obeyed, that more than 30 days have
25 passed since the date ordered by the hearings officer for compliance, and that no action
26 has been brought in court to enforce that order, the department of law shall initiate and
27 pursue action to enforce that order using all available remedies and penalties authorized
28 in section 21.12.040, *Remedies and Penalties*.

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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 in
5 this title, pursuant to this section. Any person may request an interpretation of any term
6 by submitting a written request to the director, who shall respond in writing within 30
7 days. The director's interpretation shall be binding on all officers and departments of the
8 municipality.

9 **B. Record of Interpretations**

10 The director shall maintain a file of all interpretations made pursuant to this subsection.

11 **C. Appeal**

12 Any person may appeal an interpretation by the director regarding a term used in this title
13 to the zoning board of examiners and appeals in accordance with section 21.03.210B.

14 **21.13.020 RULES OF CONSTRUCTION AND INTERPRETATION**

15 The following rules shall apply for construing or interpreting the terms and provisions of this chapter.

16 **A. Meanings and Intent**

17 All provisions, terms, phrases, and expressions contained in this chapter shall be
18 construed according to the general purposes set forth in section 21.01.030 and the
19 specific purpose statements set forth throughout this chapter. When, in a specific section
20 of this chapter, a different meaning is given for a term defined for general purposes in this
21 chapter 21.13, the specific section's meaning and application of the term shall control.

22 **B. Headings, Illustrations, and Text**

23 In the event of a conflict or inconsistency between the text of this chapter and any
24 heading, caption, figure, illustration, table, or map, the text shall control.

25 **C. Lists and Examples**

26 Unless otherwise specifically indicated, lists of items or examples that use terms such as
27 "for example," "including," and "such as," or similar language are intended to provide
28 examples and are not exhaustive lists of all possibilities.

29 **D. Computation of Time**

30 The time in which an act is to be done shall be computed by excluding the first day and
31 including the last day. If a deadline or required date of action falls on a Saturday,
32 Sunday, or holiday observed by the municipality, the deadline or required date of action
33 shall be the next day that is not a Saturday, Sunday, or holiday observed by the
34 municipality. References to days are calendar days unless otherwise stated.

35 **E. References to Other Regulations/Publications**

36 Whenever reference is made to a resolution, ordinance, statute, regulation, or document,
37 it shall be construed as a reference to the most recent edition of such regulation,

1 resolution, ordinance, statute, regulation, or document, unless otherwise specifically
2 stated.

3 **F. Delegation of Authority**

4 Any act authorized by this chapter to be carried out by a specific official of the
5 municipality may be carried out by a designee of such official.

6 **G. Technical and Non-Technical Terms**

7 Words and phrases shall be construed according to the common and approved usage of
8 the language, but technical words and phrases that have acquired a peculiar and
9 appropriate meaning in law or practice shall be construed and understood according to
10 such meaning.

11 **H. Public Officials and Agencies**

12 All public officials, bodies, and agencies to which references are made are those of the
13 municipality, unless otherwise indicated.

14 **I. Mandatory and Discretionary Terms**

15 The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or
16 duty to comply with the particular provision. The words “may” and “should” are
17 permissive in nature.

18 **J. Conjunctions**

19 Unless the context clearly suggests the contrary, conjunctions shall be interpreted as
20 follows:

21 a. “And” indicates that all connected items, conditions, provisions or events
22 apply; and

23 b. “Or” indicates that one or more of the connected items, conditions,
24 provisions or events apply.

25 **K. Tenses, Plurals, and Gender**

26 Words used in the present tense include the future tense. Words used in the singular
27 number include the plural number and the plural number includes the singular number,
28 unless the context of the particular usage clearly indicates otherwise. Words used in the
29 masculine gender include the feminine gender, and vice versa.

30 **L. Measurement of Distances For Separation of Land Uses**

31 Except where stated otherwise, whenever this title requires measurement of distance
32 between use types, development sites, or lots, such measurement shall be made from
33 the nearest property line of the first reference point to the property line of the second
34 reference point.

35 **21.13.030 DEFINITIONS²**

36 When used in this title, the following words and terms shall have the meaning set forth in this
37 section, unless other provisions of this title specifically indicate otherwise.

-
- 1 **Abutting**
2 Adjoining or bordering.
3
- 4 **Abutting Lots**
5 Two lots abut when they share a common lot line.
- 6 **Access**
7 A way or means of approach to provide vehicular or pedestrian physical entrance to a property.
- 8 **Accessibility**
9 The extent to which a property is easily accessed or approached.
10
- 11 **Adjacent**
12 Near or close to, but not necessarily touching or bordering.
13
- 14 **Adjacent Lots**
15 Two lots are adjacent where they have a common lot line or where they are separated only by an alley or
16 a street right-of-way.
- 17 **Airport Elevation**
18 The highest point of an airport's usable landing area, measured in feet above mean sea level.
- 19 **Alaska Water Quality Standards**
20 Those standards set forth in title 18, chapter 70, of the Alaska Administrative Code.
- 21 **Alley**
22 A permanent service right-of-way providing a secondary means of access to abutting properties.
- 23 **AMC**
24 Anchorage Municipal Code.
- 25 **Amortization**
26 A process where a legal nonconforming use, characteristic of use, structure, lot, or sign is required to be
27 brought into compliance with the requirements of this title over a period of time with sufficient length to
28 allow the owner of the legal nonconformity to realize any reasonable investment-backed expectations
29 regarding the legal nonconformity.
- 30 **Anchorage Metropolitan Area Transportation Solutions (AMATS)**
31 The transportation planning process for the municipality.
- 32 **Antenna or Antenna Array**
33 Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in
34 communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio
35 frequencies (excluding radar signals), amplitude modulation arrays, wireless telecommunications signals,
36 or other communications signals.
- 37 **Approach, Transitional, Horizontal, and Conical**
38 Surfaces or zones that are airspace zones defined as set forth in FAR part 77, subpart C, paragraph
39 77.25.
- 40 **Architectural Feature (as used in chapter 21.10, Signs)**
41 Any construction attendant to, but not an integral part of the sign, which may consist of landscape,
42 building, or structural forms that enhance the site in general; also, graphic stripes and other architectural
43 painting techniques applied to a structure that serves a functional purpose, or when the stripes or other

1 painting techniques are applied to a building provided such treatment does not include lettering, logos or
2 pictures.

3 **Architectural Feature (as used in chapter 21.07, *Development and Design Standards*)**

4 A part, portion, or projection that contributes to the aesthetic quality of a building or structure, exclusive of
5 signs, that is not necessary for the structural integrity of the building structure or to make the building or
6 structure habitable.

7 **Architectural Bay**

8 A spatial division of a wall, usually repeated at intervals as part of a series, marked off by vertical
9 supports of a structure.

10 **Area, Building**

11 The total of areas taken on a horizontal plane at the main grade level of the principal building and all
12 accessory buildings or structures exclusive of steps.

13 **Area Lighting**

14 Light fixtures located on public or private property that are designed to light spaces. Area lighting does
15 not include façade or landscape lighting.

16 **Assembly**

17 The assembly of the municipality.

18 **Assisted Living**

19 Has the same meaning as set forth in Alaska statutes chapter 47.33.

20 **Average**

21 The equaling of an arithmetic mean. As used in section 21.07.080, *Landscaping, Screening, and Fences*,
22 this shall be interpreted to mean the plantings may be grouped together in such a way as the designer
23 may choose so long as the total number of plants meets the standard.

24 **Average Slope**

25 Average slope is calculated by the following formula:

26
$$S = (I \times L \times 0.0023) / A$$

27 Where:

28 S = Average slope of lot or tract in percent.

29 I = Contour interval (20 feet or less).

30 L = Sum of the length of all contours on lot or tract in feet.

31 A = Area of the lot or tract in acres.

32 **Base Flood (100-Year)**

33 The flood having a one percent chance of being equaled or exceeded in any given year.

34 **Billboard**

35 A sign structure advertising an establishment, merchandise, event, service or entertainment that is not
36 sold, produced, manufactured or furnished at the property on which the sign is located. Any other
37 outdoor advertising prohibited by the provisions of Alaska statutes sections 19.25.075 – 19.25.180 shall
38 also be considered billboards.

-
- 1 **Block**
2 A block is defined by an area of land bounded by streets, or a combination of streets, railroad utility
3 corridor, shorelines of waterways, or municipal boundary lines.
- 4 **Block Length**
5 The distance between intersections of through streets, such distance being measured along the longest
6 street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.
- 7 **Board of Adjustment**
8 The board of adjustment of the municipality.
- 9 **Board of Examiners and Appeals**
10 The zoning board of examiners and appeals of the municipality.
- 11 **Bollard-Style Lighting**
12 Lighting consisting of short posts that incorporate a lighting element.
- 13 **Brightness**
14 The human perception of luminance. See **Luminance** and **Candela**.
- 15 **Buffer, Perimeter**
16 A unit of land and any plants and structures (i.e., walls, fences) thereon that is used to separate land uses
17 from each other.
- 18 **Building**
19 Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any
20 kind.
- 21 **Building, Accessory**
22 A building or structure that is on the same lot as, and of a nature customarily incidental and subordinate
23 to, a principal building or structure, and the use of which is clearly incidental and subordinate to that of the
24 principal building or structure.
- 25 **Building Envelope**
26 The three-dimensional space within which a structure is permitted to be built on a lot and which is defined
27 by regulations governing setbacks, maximum height and bulk; by other regulations; or any combination
28 thereof.
- 29 **Building, Front Line of**
30 The line of that part of the building nearest the front property line of the lot.
- 31 **Building, Principal**
32 A structure in which is conducted the main use of the lot on which the structure is situated.
- 33 **Building Permit**
34 See **Permit, Building**.
- 35 **Building Wall (as used in chapter 21.10, *Signs*)**
36 Any vertical surface of a building or structure (other than a pitched roof) that is integral to and could
37 reasonably be constructed as part of the architecture of the building when a sign(s) is not being
38 contemplated. Examples of building walls include but are not limited to: awnings, canopies, marquees,
39 the vertical portion of gable roofs, parapets, mechanical penthouses, etc.

- 1 **Business**
2 An enterprise that for consideration will provide for the sale or the rental of any article, substance, or
3 commodity, including but not limited to business services and personal services.
- 4 **Caliper**
5 The diameter of a tree six inches above the ground.
- 6 **Camper**
7 A portable structure mounted on a truck or truck chassis or a converted hearse, bus, station wagon or
8 panel truck designed for use as a temporary travel dwelling.
- 9 **Candela**
10 A unit measuring luminous intensity of a lighting source. An ordinary candle has a luminous intensity of
11 one candela. See **Luminance**.
- 12 **Canopy**
13 A permanent architectural element projecting out from a building façade over a sidewalk or walkway. A
14 canopy shall be at least five feet in horizontal width, and no less than eight feet and no more than 15 feet
15 above grade.
- 16 **Cartway**
17 The paved area of a street between the curbs, including travel lanes and parking areas, but not including
18 shoulders, curbs, sidewalks, or swales. If curbs are lacking and parking is restricted to shoulders, the
19 cartway is defined as the travelway (exclusive of shoulders).
- 20 **CATV**
21 A utility that operates non-broadcast facilities that distribute to subscribers the signals of one or more
22 television broadcast stations.
- 23 **Certificate to Plat**
24 A certificate prepared by a title company authorized by the laws of the state to write the title, showing the
25 names of all persons having any record title interest in the land to be platted, together with the nature of
26 their respective interests therein.
- 27 **Certificate of Occupancy**
28 A certificate of zoning compliance issued by the municipality allowing the occupancy or use of a building
29 in the building safety service area, and certifying that the structure or use has been constructed or will be
30 used in compliance with all applicable municipal codes and ordinances.
- 31 **Certificate of Zoning Compliance**
32 A document issued by the municipality indicating that a structure or use meets the applicable zoning
33 requirements at the time of issuance.
- 34 **Civil Penalty**
35 A fine levied by the municipality for a violation of this title.

-
- 1 **Clearing**
2 The removal of woody plants over six inches above the ground, without disturbing the vegetative mat,
3 using any method.
4
- 5 **Collocation**
6 The location of antennae on existing structures, including but not limited to towers occupied by another
7 provider, buildings, water towers, utility substations, utility poles, and church steeples.
8
- 9 **Color Rendering Index (of a light source) (CRI)**
10 A measure of the degree of color shift that objects undergo when illuminated by the light source as
11 compared with those same objects when illuminated by a reference source of comparable color
12 temperature.
- 13 **Combination**
14 The elimination of interior lot lines in a subdivision that does not involve the vacation of dedicated streets,
15 easements, or public areas.
- 16 **Commercial**
17 An enterprise involved in the production, processing, or merchandising of a commodity for, usually, but
18 not necessarily, a profit.
19
- 20 **Commercial Development**
21 A planned commercial center designed specifically for commercial use.
- 22 **Commercial Tract Site Plan**
23 A map of a commercial tract depicting building footprints, parking areas, landscaping, driveway access
24 points to the property, site drainage and any fragment lots to be contained within the commercial tract.
- 25 **Common Areas and Facilities**
26 Those areas of a subdivision, building, planned unit development or condominium, including the property
27 upon which it is located, that are for the common use and enjoyment of the owners and occupants of the
28 subdivision, building, planned unit development or condominium. The areas may include the land, roofs,
29 main walls, elevators, staircases, lobbies, halls, parking space, open space, and communal facilities.
30 Common areas are shared by all tenants and are distinguished from space designated for private use.
- 31 **Common Wall**
32 A wall extending from the footing of a building to the roof along a side lot line between two lots on which
33 the building is located.
- 34 **Community Council**
35 Nonprofit, voluntary, self-governing associations composed of residents, property owners, business
36 owners, and representatives from nonprofit associations and other entities located within geographical
37 areas designated as districts by the assembly. Residents, for the purpose of this chapter, are defined as
38 residents, property owners, and representatives from nonprofit associations and other entities located
39 within geographical areas designated as districts by the assembly.
- 40 **Comprehensive Plan**
41 The collection of long-range municipal planning documents and maps that serves as the official policy
42 guide for the long-range physical, social, and economic development of the municipality, including the
43 provision of its public infrastructure and services. The comprehensive plan is comprised of a series of
44 distinct plans adopted by the assembly as elements of the comprehensive plan, that each deal with
45 separate aspects of community planning. The term "comprehensive plan" as used in this title refers to
46 any or all of these long-range plans that taken together constitute the comprehensive plan for the
47 municipality.

- 1 **Comprehensive Plan Amendment, Cosmetic**
2 An amendment that affects the appearance, style, wording, or presentation of the comprehensive plan,
3 but does not alter its meaning, interpretation, or recommendations. Examples of cosmetic amendments
4 include, but are not limited to: revising map or document style, format, or layout to enhance clarity;
5 revising map or text content to accurately reflect additions to municipal facilities or revisions to adjoining
6 jurisdictions' adopted plans; adding explanatory text or labels; and correcting spelling or grammar.
- 7 **Comprehensive Plan Amendment, Substantive**
8 An amendment that affects the intent of the comprehensive plan. Examples of substantive amendments
9 include, but are not limited to: revising text to address a new policy direction or the addition of a new
10 zoning district.
- 11 **Comprehensive Plan Map**
12 An element of the Anchorage Comprehensive Plan, comprised of one or more land use plan maps,
13 residential intensity maps, and other maps, as well as supporting text and tables. The comprehensive
14 plan map provides a geographically explicit statement of the adopted plan's policies for future land use
15 and growth. It designates the ultimate future location, density, and general character of land uses in the
16 community. It also serves as a guide for the official zoning map.
- 17
18 **Construction**
19 Design, engineering, contract administration, work, labor, and materials furnished for an improvement.
- 20 **CRI**
21 See **Color Rendering Index**.
- 22 **Critical Root Zone**
23 The area beneath a tree's crown, within the tree's drip line, or one foot distance from the trunk for each
24 one inch in diameter, whichever is greater. The critical root zone is the portion of the root system that is
25 the minimum necessary to maintain the vitality or stability of the tree.
- 26 **DBH (as used in section 21.07.020, *Natural Resource Protection*)**
27 "Diameter at breast height," or diameter of a tree at four and one-half feet off the ground.
- 28 **Daylight Plane**
29 An inclined plane, beginning at a stated height above grade at a property or setback line, and extending
30 into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of
31 structures at any specific point on the site where the daylight plane is more restrictive than the height limit
32 or the minimum setback applicable at such point on the site.
- 33
34 **Decision-Making Body**
35 The person, board, or commission with the authority to approve, modify, or deny an entitlement
36 application, as stated in section 21.02.020 and elsewhere in this title.
- 37
38 **Dedication**
39 The devotion of land to a public use by the owner manifesting the intention that it shall be accepted and
40 used presently or in the future for such public purpose. A dedication by the owner under the terms of this
41 subsection is a conveyance of an interest in property, which shall be deemed to include the warranties of
42 title listed in AS 34.15.030. The dedication of streets, alleys, sidewalks, or public open space shall
43 convey a fee interest in the area dedicated. The dedication of all other public rights-of-way, including
44 utility rights-of-way, shall be deemed to create an easement in gross to perform the indicated function in
45 the area depicted.
- 46 **Defined Bank**
47 The usual boundaries, not the flood boundaries, of a stream channel.

1 **Density, Gross**

2 The number of dwelling units per acre in any residential development.
3

4 **Density, Net**

5 The total number of dwelling units on a particular tract or parcel of land, not taking into account portions of
6 the tract or parcel that contain rights-of-way for streets, lakes, other water bodies, wetlands falling under
7 the regulatory jurisdiction of the U.S. Army Corps of Engineers, or other areas restricted from developed
8 by this title.

9 **Department**

10 Unless otherwise indicated in the text of this code, the planning department of the municipality.

11 **Depth**

12 When viewed from the front of an object or a three-dimensional space, the measurement from a forward
13 plane to a rearward plane.
14

15 **Developer**

16 That person or entity improving or developing land, who may or may not be the owner of the property.

17 **Development**

18 The initiation, construction, change, or enlargement of any use or structure, the disturbance of land, or the
19 division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- 20 • Construction or enlargement of a building or structure;
- 21 • Change in the type of use of a building, structure, or land;
- 22 • Material increase in the intensity of use of land, such as an increase in the number of businesses,
23 offices, manufacturing establishments, or dwelling units located in a building or structure or on the
24 land;
- 25 • Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on
26 a parcel of land;
- 27 • Demolition of a structure or the removal of vegetation from a parcel of land;
- 28 • Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- 29 • Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other
30 body of water or alteration of any wetland; and
- 31 • Any land-disturbing activity that adds to or changes the amount of impervious or partially impervious
32 cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

33 **Disability (or Handicap)**

34 Has the same meaning as "disability," pursuant to the Americans with Disabilities Act of 1990, as
35 amended, 42 U.S.C. 126.

36 **Director**

37 Unless otherwise indicated in the text of this code, the director of the planning department or designee.

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- 1 **Double-Frontage Lot**
2 See **Lot, Double-Frontage**
3
- 4 **Dwelling**
5 A building or portion of a building designed or used exclusively as the living quarters for one family.
- 6 **Easement**
7 An interest in land owned by another that entitles the easement holder to a specified limited use or
8 enjoyment.
- 9 **Elevation, Building**
10 A geometrical projection of a structure on a vertical picture plane parallel to one of its sides, drawn to
11 scale.
12
- 13 **Encroachment**
14 The projection or intrusion of a building, structure, or other land-disturbing activity into an area where
15 such projections or intrusions are typically prohibited.
- 16 **Engineer**
17 A registered professional civil engineer authorized to practice engineering in the state of Alaska.
- 18 **Entitlement**
19 Any permit or approval granted under this title, including, but not limited to zoning map amendments,
20 conditional use permits, preliminary or final plat approval, site plan approval, and variances. For
21 purposes of administering and enforcing this title, the term also includes building and land use permits.
- 22 **Entrance, Primary**
23 A principal entry through which people, including customers, residents, or members of the public enter a
24 building. For any commercial or institutional establishment which serves the visiting public, a primary
25 entrance is open to the public during all business hours and directly accesses lobby, reception, retail, or
26 other interior areas designed to receive the public. Fire exits, service doors, and employee entrances are
27 not primary entrances. A building or establishment may have more than one primary entrance.
28
- 29 **Erosion**
30 The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
- 31 **Erosion Control**
32 A measure, structure, or device that controls the soil material within the land area under responsible
33 control of the person conducting a land-disturbing activity.
- 34 **Existing Vegetation**
35 Vegetation that predates a development application by at least two years.
- 36
37 **Ex Parte Contact**
38 A communication involving a municipal official and a member of the public or a municipal consultant
39 regarding a pending quasi-judicial matter or appeal, such that the municipal official may be exposed to
40 only one perspective or part of the evidence with regard to a quasi-judicial matter pending before the
41 commission or board on which the municipal official serves. Ex parte communications occur at other than
42 a public meeting of the commission or board on which the municipal official serves at which the quasi-
43 judicial matter discussed has been publicly noticed.

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- 1 **Extent Reasonably Feasible**
2 Under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the
3 costs of compliance clearly outweigh the potential benefits to the public, or would unreasonably burden
4 the proposed project, and reasonable steps have been undertaken to minimize any potential harm or
5 adverse impacts resulting from noncompliance with the regulation.
- 6 **Façade, Building**
7 A vertical plane of a structure.
8
- 9 **Family**
10 One or more persons occupying premises and living as a single housekeeping unit, as distinguished from
11 a group occupying a roominghouse, club, fraternity house or hotel.
- 12 **FAR**
13 See **Floor Area Ratio**.
14
- 15 **Feature, Architectural**
16 See **Architectural Feature**.
- 17 **Fence**
18 An artificially constructed barrier which is erected to enclose, screen, buffer, enhance or separate areas.
19
- 20 **Fence, Open**
21 A fence constructed with openings between materials used in its construction, such that three-fourths
22 (75%) or more of a visual image or light source may be seen through the fence.
- 23 **Fence, Semi-Open**
24 A fence constructed with openings between materials used in its construction, such that less than 75% of
25 a visual image or light source may be seen through the fence.
- 26 **Fence, Screening (Opaque)**
27 A fence, including any gates, constructed of solid material, wood or masonry, through which no visual
28 images or light sources may be seen.
- 29 **Final Acceptance**
30 Acceptance by the municipality, at the completion of construction, of a public improvement, constructed
31 under terms of a subdivision agreement.
- 32 **Flag**
33 Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a
34 government, political subdivision, corporate or commercial entity, or institution. A corporate or
35 commercial, or institutional flag may only display the name, trademark, or logo of the business or
36 institution on the parcel and such flag may not be used for other business or advertising purposes.
- 37 **Flag Lot**
38 See **Lot, Flag**.
39
- 40 **Flood and Flooding**
41 A general and temporary condition of partial or complete inundation of normally dry land areas from:
42 • The overflow of inland or tidal waters.
43 • The unusual or rapid accumulation or runoff of surface waters from any source.

- 1 • Mudslides that are proximately caused or precipitated by accumulations of water on or under the
2 ground.
- 3 • The collapse or subsidence of land along the shore of a lake or other body of water as a result of
4 erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or
5 suddenly caused by an unusually high water level in a natural body of water, accompanied by a
6 severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tide surge,
7 or by some similarly unusual or unforeseeable event which results in flooding as defined in this
8 subsection.

9 **Flood Insurance Rate Map (FIRM)**

10 The official map on which the Federal Insurance Administration has delineated both areas of special flood
11 hazards and the risk premium zones applicable to the community.

12 **Flood Insurance Study**

13 The official report provided by the Federal Insurance Administration that includes flood profiles, the flood
14 boundary/floodway map, and the water surface elevation of the base flood.

15 **Flood Hazard Area**

16 Land adjacent to a watercourse that includes the streambed, floodway, flood fringe, and the floodplain.

17 **Floodplain**

18 That area of land adjoining the channel of a river, stream or other similar body of water which may be
19 inundated by a flood that can reasonably be expected to occur. The floodplain, shall include all the land
20 within the limits of the 100-year flood, and the floodway within it if such floodway is delineated.

21 **Floodproofing**

22 Any combination of structural and nonstructural additions, changes or adjustments to structures which
23 reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities,
24 structures and their contents.

25 **Floodway, Regulatory**

26 The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to
27 discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
28 The boundaries of this area shall be established on the basis of the maps and reports adopted by section
29 21.04.070.E, *Flood Hazard Overlay District*.

30 **Floodway Fringe**

31 That area of land lying between the outer limit of the regulatory floodway and the outer limit of the base
32 flood elevation. The boundaries of this area shall be established on the basis of the maps and reports
33 adopted by section 21.04.070.E, *Flood Hazard Overlay District*.

34 **Floor Area Ratio (FAR)**

35 The maximum gross floor area of all buildings on a lot or parcel, divided by the area of the lot or parcel.
36 (A floor area ratio of 2.0 provides for 23,000 gross square feet of building area on a lot with an area of
37 11,500 square feet.)

38 **Footcandle**

39 A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and
40 originally defined with reference to a standardized candle burning at one foot from a given surface.

41 **Fragment Lot**

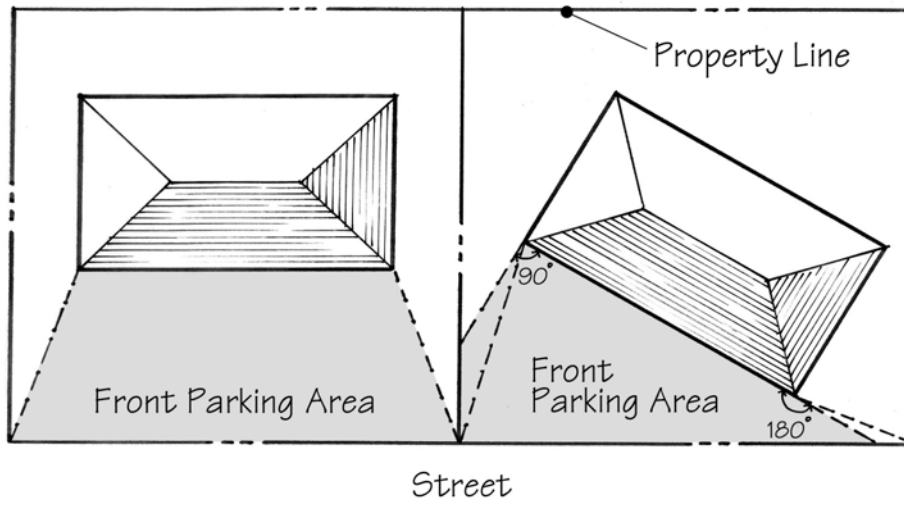
42 A division of a commercial tract for purposes of facilitating construction or financing of a commercial
43 development requiring multiple phases of construction. The term "fragment lot" does not include

1 properties outside of the boundaries of an approved commercial tract. Fragment lots may be described in
2 metes and bounds descriptions.

3 **Front Parking Area**

4 The portion of a site's parking areas that are between the façade of the principal building and an abutting
5 street. The front parking area shall be determined by drawing a line from the front corners of the building
6 to the nearest property corners. If any such line, when connected to the plane of the front façade of the
7 building, creates an angle that is greater than 180 degrees, then the line shall be adjusted to create an
8 angle of 180 degrees. If any such line, when connected to the plane of the front façade of the building,
9 creates an angle that is less than 90 degrees, then the line shall be adjusted to create an angle of 90
10 degrees when connected to the plane of the front façade of the building. The front parking area includes
11 all parking spaces that fall at least halfway into the boundaries of the front parking area, and all parking
12 spaces associated with any pad sites located within the front parking area boundaries.

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36 **Full Cutoff**
37 See Luminaire, Full Cutoff

38 **Full Membership**
39 The total number of seats on a board or commission.
40

41 **Geotechnical Advisory Commission**
42 The geotechnical advisory commission of the municipality.

43 **Glare**
44 Light that makes it uncomfortable or difficult to see, causing a loss of visual performance.

45 **Grade (Adjacent Ground Elevation)**
46 The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area
47 between the building and the property line, or, when the property line is more than five feet from the
48 building, between the building and a line five feet from the building.

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- 1 **Greenbelt**
2 A linear open space established along either a natural corridor, such as a riverfront, stream valley, or
3 ridge line, or over land along a railroad utility corridor converted to recreational use, a canal, a scenic
4 road, or other route.
- 5 **Grid**
6 The 100-scale grid designation as established by the municipality.
- 7 **Gross Area**
8 The total site area, excluding bodies of water, to be included within a proposed development as indicated
9 on a site plan.
- 10 **Gross Floor Area**
11 The total horizontal area of all of the floors of a building, measured from exterior to exterior, including
12 interior balconies, mezzanines, stairwells, elevator shafts and ventilation shafts, etc.
- 13 **Ground Cover**
14 Grasses or other low-growing plants and landscaping.
- 15 **Grubbing**
16 Removal by any method of stumps, roots, and vegetative matter from the ground surface after clearing,
17 exposing bare soil.
- 18
19 **Guest**
20 Any person hiring or occupying a room for living or sleeping purposes.
- 21 **Guestroom**
22 A room intended or designed to be used for sleeping purposes.
- 23 **Health Authority Certificate**
24 A written confirmation signed by an engineer and the department of health and human services certifying
25 that the on-site sewer and water system serving a single-family dwelling is functional and complies with all
26 state and local regulations and codes.
- 27 **Height (as used in section 21.04.070.C., Airport Height Overlay District)**
28 For the purpose of the airport height map, the distance above mean sea level, unless otherwise specified.
- 29 **Height**
30 When viewed from the front of an object or a three-dimensional space, the measurement from a
31 horizontal plane to another horizontal plane.
- 32
33 **Height, Building**
34 The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or
35 to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof.
- 36 **Hospital**
37 Has the same meaning as set forth in Alaska Statutes chapter 18.20.
- 38 **Illuminance**
39 The measure of light intensity striking a surface, measured in footcandles.
- 40 **Impervious Surface**
41 An area of ground that, by reason of its physical characteristics or the characteristics of materials
42 covering it, does not absorb rain or surface water. All parking areas, driveways, roads, sidewalks and

1 walkways, whether paved or not, and any areas covered by buildings or structures, concrete, asphalt,
2 brick, stone, wood, ceramic tile or metal, shall be considered to be impervious surfaces.

3 **Improvement Areas**

4 Portions of the municipality divided up into geographic areas for the purposes of determining public
5 improvement requirements.

6 **Improvements**

7 Any construction incident to servicing or furnishing facilities for a subdivision, such as grading, street
8 surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary
9 sewers, storm sewers, culverts, bridges, utilities, waterways, lakes, bays and other appropriate items with
10 an appurtenant construction.

11 **Industrial**

12 An activity including manufacturing, processing, warehousing, storage, distribution, shipping and other
13 related uses.

14 **Industrial Development**

15 A planned industrial area designed specifically for industrial use.

16 **Information, Piece of**

17 A word, whole number, telephone number, price, logo, picture, exclamation point, or similar separately
18 identifiable unit on a sign.

19 **Joint Trench**

20 A trench excavated for the underground placement of utility distribution lines owned or operated by two or
21 more utilities.

22 **Junk**

23 Any worn-out, wrecked, scrapped, partially or fully dismantled, discarded tangible material, or
24 combination of materials or items, including junk vehicles as defined in section 15.20.010. Also included
25 are machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot,
26 without further alteration and reconditioning, be used for their original purpose.

27 **Land-Disturbing Activity**

28 Any use of the land by any person for any activity that results in a change in the natural cover or
29 topography and that may cause or contribute to sedimentation. Within watershed management areas,
30 land-disturbing activity shall include the clear cutting of trees unless specifically exempted by this title.

31 **Landowner**

32 Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors,
33 assigns, and agent or personal representative of the owner. The person shown on the records at the
34 Anchorage recording district shall be presumed to be the person in control of the property.

35 **Landscaping**

36 Trees, shrubs, ground covers, and related improvements, including furniture and other facilities intended
37 to enhance public activity spaces both within and outside the affected development. This definition shall
38 include spaces of varying degrees of enclosure from interior spaces to transitional spaces and outdoor
39 spaces.

40 **Landscaping Maintenance**

41 Includes but is not limited to appropriate watering, pruning, weeding, insecticide spraying, fertilizing, plant
42 replacement and other necessary functions as required to keep all plant materials in a vigorous healthy
43 growing condition.

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- 1 **Legal Access**
2 Having legal access means being contiguous to a roadway as described in AMC section 9.04.010.
- 3 **Legal Nonconforming Status**
4 A state or condition where a documented nonconforming use, structure, lot, or sign, characteristic of use
5 is allowed to remain and be maintained pursuant to chapter 21.11.
- 6 **Light Emitting Diode (LED)**
7 A semiconductor device that emits visible light when an electric current passes through it.
- 8 **Light Trespass**
9 Spill light that because of quantitative, directional, or spectral content causes annoyance, discomfort, or
10 loss of visual performance and visibility.
- 11 **Lighting, Temporary**
12 Lighting installed with temporary wiring and operated for less than 60 days in any calendar year.
- 13 **Loading Space, Off-Street**
14 A space located on premises for pickup and delivery at the premises.
- 15 **Lot**
16 A parcel of land shown as an individual unit on the most recent plat of record. The term "lot" includes
17 "plot," "parcel," or "tract."
- 18 **Lot Area**
19 The amount of horizontal land area contained inside the lot lines of a lot or site.
- 20 **Lot Coverage**
21 That percentage of the total lot area covered by buildings, except as provided in subsection
22 21.06.020B.2., *Structures Not Considered in Measuring Lot Coverage*.
- 23 **Lot, Corner**
24 A lot located at the intersection of two or more streets. A lot abutting on a curved street shall be
25 considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost
26 point of the lot meet at an interior angle of less than 135 degrees.
- 27 **Lot, Depth of**
28 The mean horizontal distance between the front and rear property lines of a lot, measured in the general
29 direction of its side property lines between the midpoint of such lines, except that such measurement shall
30 not extend outside the lot lines of the lot being measured.
- 31 **Lot, Flag**
32 An irregularly shaped lot in which the buildable section typically has no street frontage, but has an arm
33 that provides street access, called the "flag pole." The width of the arm does not meet the minimum lot
34 width standards in the zoning district in which it is located.
- 35 **Lot, Front**
36 The front of a lot shall be construed to be the portion nearest the street.
- 37 **Lot Frontage**
38 All property abutting the right-of-way of a dedicated street, private street, or road easement, measured
39 along the right-of-way between side lot lines of a lot. In no case shall the line along an alley be
40 considered as lot frontage.

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- 1 **Lot, Interior**
2 A lot other than a corner lot, with frontage only on one street.
- 3 **Lot Line**
4 The fixed boundaries or property lines of a lot described by survey located on a plat filed for record.
- 5 **Lot Line, Front**
6 That boundary of a lot measured along the edge of the right-of-way of a dedicated street, private street or
7 road easement that abuts that line. In the case of a corner lot, all lines that meet this description are front
8 lot lines.
- 9 **Lot Line, Rear**
10 That boundary of a lot that is most parallel to the front lot line and does not intersect the front lot line.
- 11 **Lot Line, Side**
12 That boundary of a lot that is neither a front or rear lot line.
- 13 **Lot, Nonconforming**
14 A lot that met all legal requirements when it was platted or otherwise recorded but that does not comply
15 with the minimum lot area or minimum lot dimensions of this title, or a subsequent amendment hereto, for
16 the zoning district in which it is located.
- 17 **Lot of Record**
18 A lot that is recorded by the district recorder's office.
- 19 **Lot, Double-Frontage**
20 A lot other than a corner lot with frontage on more than one street.
- 21 **Lot, Townhouse**
22 A lot subdivided for the purposes of accommodating townhouse-style attached single-family residential
23 dwelling units.
- 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 extend to the side
27 property lines and shall not extend beyond the lot lines of the lot being measured. Flag-shaped lot width
28 shall be measured at the midpoint of the lot excluding the flagpole area of the lot.
- 29 **Lowest Floor**
30 The lowest floor of the lowest enclosed area, including basement or crawl space. An unfinished or flood
31 resistant enclosure, usable solely for parking of vehicles, building access or storage, in any area other
32 than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built
33 so as 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, Cutoff**
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 Cutoff**
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 Cutoff**
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 Cutoff**
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 **Luminance**
18 The luminous intensity (photometric brightness) of a light source or reflecting surface, measured in
19 candelas per square meter.
- 20 **M.A.S.S.**
21 An abbreviation for the "Municipality of Anchorage Standard Specifications," which is a manual that
22 identifies the approved common construction practices associated with subdivision development and
23 public works projects.
- 24 **Maintenance Easement**
25 An easement appurtenant to a lot or parcel permitting entry upon another lot or parcel for the purpose of
26 maintaining, repairing or reconstructing a structure on the former lot or parcel.
- 27 **Manufactured Home**
28 A transportable, factory-built dwelling unit constructed entirely in a controlled factory environment, built to
29 the federal Manufactured Home Construction and Safety Standards (aka HUD code).
30
- 31 **Manufactured Home Community**
32 A parcel, or contiguous parcels, of land divided into two or more mobile home or manufactured home lots
33 for rent or sale.
- 34 **Mean Sea Level**
35 The average height of the sea for all states of the tide. Datum is Greater Anchorage Area Borough, Post
36 Quake, U.S. Geodetic Survey of 1972.
- 37 **Maximum Extent Feasible**
38 That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or
39 minimize potential harm or adverse impacts have been undertaken.
- 40 **Minor Amendment**
41 An amendment to an approved permit or other form of approval granted under this title that involves a
42 relatively smaller amount of change from the original approval. Specific rules for granting minor
43 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 **Municipality**
11 The municipality of Anchorage.
12
- 13 **New Structures (as used in section 21.04.070.E., FHO: Flood Hazard Overlay District)**
14 Structures for which the start of construction commenced on or after September 25, 1979. The start of
15 construction means the first placement of a permanent foundation and appropriate structural framing.
- 16 **Nonconforming Use**
17 A use that was valid when brought into existence but by subsequent regulation becomes no longer
18 conforming.
- 19 **Nonconformity**
20 Any legally approved structure, lot, sign, characteristic of use, or use of land that no longer conforms with
21 the requirements of this title.
- 22 **Nursing Facility**
23 Has the same meaning as set forth in Alaska Statutes chapter 18.20.
- 24 **Obstruction**
25 Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification,
26 bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across
27 or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or
28 change the direction of the flow of water, either in itself or by catching or collecting debris carried by such
29 water, or that is placed where the flow of water might carry the material downstream to the damage of life
30 or property.
- 31 **On-Site Remediation**
32 Removal of volatile and semi-volatile contaminants from soils, sediments, slurries and filter cakes within
33 300 feet of the location where the material was originally contaminated.
- 34 **Open Space, Common**
35 Open space for the common use and enjoyment of the owners and occupants of the subdivision, building,
36 planned unit development or condominium. Common means shared by all tenants and is distinguished
37 from space designated for private use.
- 38 **Open Space, Usable**
39 Open space within a proposed development site, excluding areas devoted to roadways and parking. The
40 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 pursuant to the municipal code and the state building code
23 authorizing the erection, construction, reconstruction, restoration, alteration, enlargement, conversion,
24 remodeling, demolition, moving, or repair of a building or structure within the building safety service area.
- 25 **Permit, Land Use**
26 An official document issued by the municipality pursuant to this title required for the erection, construction,
27 establishment, moving, alteration, enlargement, repair, placement, or conversion of any building,
28 structure, or land in any district established under this title.
- 29 **Permit, Sign**
30 An official document issued by the municipality pursuant to this title required for the construction,
31 installation, maintenance, and operation of signs within the municipality.
- 32 **Permit, Special Flood Hazard**
33 An official document issued by the municipality pursuant to this title for uses, structures, or activities listed
34 in the floodplain regulations.
- 35 **Person**
36 Any individual, lessee, firm, partnership, association, joint venture, corporation, or agent of the
37 aforementioned groups, or the state of Alaska or any agency or political subdivision thereof.
- 38 **Physical Access**
39 Having physical access means being adjacent to a road suitable for travel by passenger automobiles that
40 is connected to the publicly dedicated and improved transportation network of the municipality.
- 41 **Pillow**
42 A sleeping accommodation for one person.

- 1 **Plan, Landscaping**
2 A plan, drawn to scale, showing dimensions and details of the portion of a site devoted to planting
3 materials and their maintenance.
- 4 **Plan, Master**
5 The maps, illustrations, and supporting text associated with a planned development which conveys the
6 allowable uses, densities, non-residential intensities, and arrangement of uses within the boundaries of
7 the planned development along with any associated conditions, phasing schedules, and other
8 agreements.
- 9 **Plan, Plot**
10 A map identifying the outer extents of a single unit or parcel of land that can be referenced to a recorded
11 plat or map.
- 12 **Plan, Site**
13 A plan depicting the proposed development of a property, in terms of the location, scale, and
14 configuration of buildings, uses, and other features containing all the information required by this title. A
15 site plan may include but is not limited to lot lines, adjacent lots and streets, building sites, reserved open
16 space, buildings, interior vehicular and pedestrian access, parking lot design (calculations and layout),
17 signage, lighting and screening devices, existing and proposed landscaping, topography, drainage, and,
18 depending on requirements, floor plans, building elevations and locations of proposed utility services and
19 lines, and any other information that reasonably may be required in order that an informed decision can
20 be made by the approving authority.
- 21 **Plan, Subdivision**
22 A proposed plan of development to establish a subdivision that contains all information such as lot lines,
23 streets, easements, and other features required by this title.
- 24 **Planning Commission**
25 The planning and zoning commission of the municipality.
- 26 **Plat**
27 A map document prepared by a registered surveyor representing a tract of land showing the boundaries
28 and location of individual properties, streets, and other related items for identifying property.
- 29 **Plat, Final**
30 A map of a subdivision of land made up in final form ready for approval and recording.
- 31 **Plat, Preliminary**
32 A map showing the salient features of a proposed subdivision of land submitted to the platting authority
33 for purposes of preliminary consideration and approval.
- 34 **Platting Authority**
35 The municipal platting board, or any other board so designated by the assembly.
- 36 **Platting Officer**
37 A member of the planning department who has been assigned primary responsibilities for reviewing plats
38 and making recommendations to the platting authority, and who has been so designated by the director of
39 the planning department.
- 40 **Plot**
41 See **Lot**.

1 **Pre-Application Conference**

2 A meeting between an applicant and the municipal staff intended to familiarize both parties with
3 conceptual plans or proposals presented by the applicant.

4 **Prisoner**

5 The same meaning as defined in AS 33.30.901 as to state prisoners, and includes persons convicted of a
6 felony described in AS 11.41, *Offenses Against the Person*, in Alaska or of an offense with the same or
7 substantially similar elements in another jurisdiction until they have successfully completed all conditions
8 of parole and probation and are no longer under the supervision of the court, the Alaska department of
9 corrections, another state or municipal agency, or contractor to those entities. The term "prisoner" also
10 includes federal offenders in the custody, control or under the care of supervision of the United States
11 attorney general or the bureau of prisons.

12 **Private Enforcement Action**

13 A process by which a private individual, homeowner's association, or community council can request that
14 the administrative hearings officer hear and investigate charges that another person or owner of land has
15 violated the requirements of this title.

16 **Profession**

17 An occupation, such as law, medicine, or engineering, which requires considerable training and
18 specialized study.

19 **Property Line**

20 A demarcation limit of a lot dividing it from right-of-way, or other lots or parcels of land.

21 **Public Enforcement Action**

22 An action brought by the municipality against owners or users of land for violating the provisions of this
23 title.

24 **Public Facility**

25 Any buildings and structures (including streets and highways) owned or leased by a government agency
26 not exempt by law from municipal land use regulation

27 **Public Facility Project**

28 The construction or significant alteration of a public facility.

29 **Public Open Space**

30 Land dedicated or reserved for the use by the public, including but not limited to parks, greenbelts,
31 recreation areas, and school sites.

32 **Public Use Easement**

33 A right of use over portion(s) of real property granted by a property owner for specific present or future
34 uses of land by the public, or governmental entity, that is reserved, conveyed, or dedicated through the
35 recording of a plat, deed, or easement document.

36
37 **Public Utility**

38 Any person or organization subject to regulation under AS 42.05.

39 **Publicly Accessible**

40 Open to the general public during regular business hours.

41

42 **Record of Survey Map**

43 A map prepared by a professional land surveyor that reestablishes survey controls, boundaries, locations
44 of improvements, or the alignment of right-of-ways for recording

- 1 **Recreational Vehicle**
2 A vehicular type unit primarily designed as temporary living quarters for travel, camping, recreational or
3 vacation usage, which either has its own motive power or is mounted on or drawn by another vehicle.
4 The basic entities are travel trailer, camping trailer, pickup truck camper, fifth-wheel and motor home.
- 5 **Redevelopment**
6 The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of
7 land from which previous improvements have been removed.
- 8 **Reflectance**
9 The fraction of solar radiation reflected by a material.
- 10
11 **Regulatory Floodway**
12 See **Floodway, Regulatory**.
- 13 **Reinforcement**
14 Repair, replacement, or addition of a crossarm, guy, pole, stub, or conductor for a utility distribution
15 facility.
- 16 **Relocation**
17 A change in alignment of more than six spans.
- 18 **Reserve Strips**
19 Narrow strips of privately-owned land adjacent and parallel to a street.
- 20 **Residential**
21 Activity involving the occupation of buildings for living, cooking, sleeping, and recreation.
- 22 **Residential Subdivision**
23 A subdivision, or that part of a subdivision, that is within an RS-1, RS-2, RT, RM-1, RM-2, RM-3, RM-4,
24 RL-1, RL-2, RL-3, RL-4, or TA zoning district.
- 25 **Rezoning (Map Amendments)**
26 An amendment to the map and/or text of this title to effect a change in the boundaries of any zoning
27 district or the zone classification of any parcel of land in the municipality.
- 28 **Right-of-Way**
29 Streets, avenues, ways, boulevards, drives, circles, courts, alleys, sidewalks, walkways, trails, and other
30 such areas granted or dedicated for the use of the public for the placement of utilities and/or for the
31 passage of vehicles and/or pedestrians, including the space above and beneath such areas.
- 32 **Runway**
33 A defined area on land or water prepared for use for landing and takeoff of aircraft.
- 34 **Salvageable Improvements**
35 As used in section 21.08.080, *Subdivision Agreements*, and describes those portions of street
36 improvements constructed within a dedicated right-of-way that are usable as a part of the finally
37 constructed street. Salvageable improvements include such items of work as clearing and grubbing,
38 removal of unsuitable material and placement of classified backfill, but do not include temporary surfacing
39 and other work that would not be usable or beneficial to final street construction. This definition applies
40 only to those streets that are not, during their initial construction, improved to the final paved standard of
41 the municipality.

1 **Screening Structure**

2 A decorative fence four feet to six feet high.

3 **Secondary Building**

4 A building detached from a principal building located on the same lot and customarily incidental and
5 subordinate to the principal building or use.

6 **Setback**

7 The minimum distance required between any building or structure and a street right-of-way or lot line, or
8 from some other feature or object from which a separation distance is required.

9 **Setback, Front**

10 A setback that extends across the full frontage of a lot or tract on a public or private street. The front
11 setback is defined by the front lot line.

12 **Setback, Rear**

13 A setback that extends across the full rear of a lot or tract. The rear setback is defined by the rear lot
14 line. Corner lots, double-frontage lots, and three-sided lots do not have rear setbacks.

15 **Setback, Side**

16 Any setback that is not a front or rear setback. Generally, side setbacks extend from the inner boundary
17 of the front setback (or from the front property line of the lot or tract where no front setback is required) to
18 the inner boundary of the rear setback (or to the rear property line of the lot or tract where no rear setback
19 is required.) For corner and double-frontage lots, setbacks remaining after front setbacks have been
20 established shall be considered side setbacks.

21 **Service Canopy**

22 A permanent roofed shelter such as fuel station pump island canopies and bank drive-through canopies.
23 A point of service canopy is a canopy under which a business provides some service to a customer, such
24 as food service, a bank transaction, or the like.

25 **Service Connection**

26 Conductors transmitting utility service from a utility distribution line to a customer's riser or service
27 entrance.

28 **Shrub**

29 A woody perennial plant having more than one main stem at the ground, usually attaining a height of less
30 than 15 feet.

31 **Sidewalk**

32 An improved right-of-way for pedestrian circulation that is part of the street right-of-way.

33 **Sight Distance Triangle**

34 Refers to the roadway area visible to the driver. The required length is the distance necessary to allow
35 safe vehicular egress from a street, driveway, or alley to a street.

36 **Sign**

37 Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors,
38 or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to,
39 or to announce or promote, an object, product, place, activity, person, institution, organization, or
40 business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs,
41 colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an
42 announcement, direction, or advertisement.

-
- 1 **Sign, Animated**
2 A sign that contains animation or animated effects, changeable copy, flashing, or moving parts.
- 3 **Sign, Banner**
4 A sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a
5 building or other structure at one or more edges.
- 6 **Sign, Building**
7 Any sign attached to any part of a building and including wall, awning, canopy, and projecting signs. A
8 wall sign is a building sign that is parallel to and does not extend from the wall more than 12 inches.
- 9 **Sign, Changeable Copy**
10 A portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure,
11 framing, or background allowing the letters, characters or graphics to be modified from time to time
12 manually or by electronic or mechanical devices, such as a bulletin board or electronic message board.
13 Changeable copy signs may not be used to display commercial messages relating to products or services
14 that are not offered on the property.
- 15 **Sign, Construction**
16 A temporary sign identifying a project or facility during the time of construction. Such signs typically
17 include the name of an architect, engineer, and/or contractor for a building or project located on the
18 parcel.
- 19 **Sign, Converted**
20 A sign that was temporary or portable that was subsequently affixed to the ground or a building so as to
21 become permanent.
- 22 **Sign, Entrance or Exit**
23 A sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.
- 24 **Sign, Freestanding**
25 A sign supported from the ground and not attached to any building. A freestanding sign may be
26 supported by one or more poles or a solid base. Pole signs are considered freestanding signs.
- 27 **Sign, Historic**
28 Any sign that has been designated as historic by the urban design commission.
- 29 **Sign, Ideological or Political**
30 Any temporary sign displaying or advocating an idea, opinion, or position on any social, cultural, religious,
31 or political issue and containing no commercial message.
- 32 **Sign, Illuminated**
33 Any sign which is partially or entirely illuminated internally or externally so as to make the sign more
34 visible.
- 35 **Sign, Inflatable**
36 Any inflatable shape or figure designed or used to attract attention to a business event or location.
37 Inflatable promotional devices shall be considered to be temporary signs under the terms of this chapter
38 and, where applicable, subject to the regulations thereof.
- 39 **Sign, Instructional**
40 A sign that has a purpose secondary to the use on the lot and that is intended to instruct employees,
41 customers, or users as to matters of public safety or necessity such as specific parking requirements, the
42 location or regulations pertaining to specific activities on the site or in the building, and including a sign

1 erected by a public authority, utility, public service organization, or private industry that is intended to
2 control traffic; direct, identify or inform the public; or provide needed public service as determined by the
3 rules and regulations of governmental agencies or through public policy.

4 **Sign, Nonconforming**

5 A sign which was legally erected, but which is no longer in compliance with the requirements of this title.

6 **Sign, Off-Premises**

7 See *Billboard*.

8 **Sign Plate**

9 A building sign which does not exceed two square feet indicating the street number, the name of the
10 person, business, profession or activity occupying the lot, building, or part thereof; or other information
11 pertaining to the use on the lot.

12 **Sign, Portable**

13 Any sign that is not permanently attached to the ground or other permanent structure, or a sign designed
14 to be transported on wheels, skids, a bench, runners, brackets, or has a frame to which wheels, skids,
15 runners, brackets, or similar mechanical devices can be attached to or support the sign. A portable sign
16 also includes inflatable devices and mobile signs such as parked trailers or vehicles, which include signs
17 which are visible from the public right-of-way unless such vehicle is used in the normal day-to-day
18 operations of the business.

19 **Sign, Pole**

20 A sign that is mounted on a freestanding pole or poles, or other support structure that is visible.

21 **Sign, Projecting**

22 A sign that is attached to a building wall and extending perpendicular to (or approximately perpendicular
23 to) the building wall and 12 inches or more beyond the face of the wall.

24 **Sign, Roof**

25 A sign, or any portion thereof, erected, constructed, painted, placed, or projecting upon or extending
26 above the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall
27 or any other structural element of the building.

28 **Sign, Temporary**

29 A sign that is designed to be used only temporarily and is not intended to be permanently attached to a
30 building, structure or permanently installed in the ground. These include, but are not limited to, political
31 signs, special event signs, and for sale or leasing signs. Mobile and portable signs are temporary signs.
32 Temporary signs may be displayed as window signs.

33 **Sign, Traffic**

34 A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian
35 movement.

36 **Sign, Window**

37 A sign that is applied or attached to a window or door, or a sign located near a window within a building
38 for the purpose of being visible to and read from the outside of the building except for signs that are not
39 legible from a distance of more than three feet beyond the building in which such sign is located.

1 **Signature Tree**
2 See **Tree, Signature**

3
4 **Site Condominium**
5 [RESERVED]

6 **Site Plan**
7 See **Plan, Site**.

8 **Site Plan Review**
9 The process whereby the reviewing authority reviews the site plans and maps of a developer to ensure
10 that they meet the stated purposes and standards of the zone, provide for the necessary public facilities
11 such as roads and schools, and protect and preserve topographic features and adjacent properties
12 through appropriate siting of structures and landscaping.

13 **Site Selection**
14 The process by which the municipality shall review and decide the selection of a site for specified public
15 facilities.

16 **Slope**
17 The vertical elevation of a land area divided by the horizontal distance, expressed as a percentage.

18 **Solar Access**
19 The availability of, or access to, unobstructed direct sunlight.

20
21 **Solar Orientation**
22 A south facing orientation of a property line, street frontage, right-of-way, fence, building wall, or window
23 surface where the line, frontage, wall, or window faces within 30 degrees of south. This orientation of a
24 surface in relation to the path of the sun may be used to maximize the amount of sunlight and heat gained
25 from solar radiation.

26
27 **Space**
28 As used in section 21.05.030, *Manufactured Home Community*, a defined land area in a manufactured
29 home community on which a mobile home or manufactured home may be placed and which is described
30 by boundary lines measured in terms of:

31 • Its depth expressed as a mean distance between the front and rear of the space, measured in the
32 general direction of the side space lines.

33 • Its width expressed as a mean distance between the side lines of the space, measured in the general
34 direction of the front and rear space lines.

35 **Space, Reverse-Frontage**
36 As used in section 21.05.030, *Manufactured Home Community*, a space which abuts a local street on one
37 side and a street of Class I or greater classification on the opposite side.

38
39 **Special Hazard Area**
40 An area having special flood, mudslide, or flood-related erosion hazards.

41 **Special Limitation**
42 A provision adopted by ordinance which restricts the permitted principal uses and structures otherwise
43 allowed in a zoning district or which requires compliance with design standards not otherwise required by
44 zoning district regulations or other sections of this title.

1 **Start of Construction**

2 Includes substantial improvement, and means the date the building permit was issued, provided the
3 actual start of construction, repair, reconstruction, placement or other improvement was within 180 days
4 of the permit date. The actual start means either the first placement of permanent construction of a
5 structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of
6 columns or any work beyond the stage of excavation; or the placement of a manufactured home on a
7 foundation. Permanent construction does not include land preparation, such as clearing, grading and
8 filling; nor does it include the installation of streets or walkways; nor does it include excavation for a
9 basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the
10 installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling
11 units or not part of the main structure.

12 **Station**

13 As used in connection with a drive-in bank, a location which is adequate to accommodate a single vehicle
14 at any one time for the purpose of allowing occupants of that vehicle to receive automated or personal
15 service from a financial institution while remaining in the vehicle.

16 **Steep Slope**

17 A slope that is 20 percent or greater.

18 **Stormwater**

19 Surface water runoff originating from surface water, rain, snowmelt, wash waters, street wash, subsurface
20 drainage, or other drainage but excludes wastewater as defined in AMC title 15.

21 **Story**

22 That portion of a building between any floor and the next floor above, except that the topmost story shall
23 be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor
24 level directly above a basement, cellar, or unused floorspace is more than six feet above grade for more
25 than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement,
26 cellar, or unused floorspace shall be considered a story.

27 **Stream**

28 Any natural conveyance of water flowing in a definite course or channel and possessing a bed and banks.
29 This includes any reaches of natural streams that have been modified or channeled that still convey
30 flows. A natural stream conveys more flow than can be attributed to a single snowmelt or rainfall event.

31 **Stream Bed**

32 That portion of a stream utilized for water flow during nonflood periods, normally extending from the
33 thalweg (low point) to each bank.

34 **Street**

35 A right-of-way improved for vehicular and pedestrian travel permanently open to general use that affords
36 the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway
37 and any other similar public thoroughfare, except an alley.

38 **Street, Access**

39 A street constructed to provide physical access to a subdivision.

40 **Street, Arterial**

41 Higher order streets with controlled access that are intended for through or regional traffic moving
42 between urban centers and not intended for local or residential neighborhood traffic. These streets have
43 multiple travel lanes, provide access to regional travelways, and carry high volumes of traffic.

-
- 1 **Street, Collector**
2 Streets that penetrate various land use classifications to provide both land access and mobility within
3 neighborhoods and commercial areas. Their primary function is traffic service, collecting traffic from
4 intersecting streets and funneling it to major thoroughfares. A major collector roadway/street has limited
5 direct access from individual lots/parcels. A minor collector roadway/street allows direct access of
6 individual lots/parcels.
- 7 **Street, Cul-de-Sac**
8 A street having only one outlet, with provision for a turnaround at its termination, and which is not
9 intended to be extended or continued to serve future subdivisions or adjacent land.
- 10 **Street, Dead End**
11 A right-of-way that terminates without a cul-de-sac or a temporary turnaround and the terminus of which
12 has the same width as the width of the right-of-way.
- 13 **Street, Frontage**
14 A street adjacent to an arterial or higher order street that is intended to serve lots adjacent to the arterial.
- 15 **Street, Half**
16 A portion of a right of way, including the street pavement that is directly adjacent to a lot's frontage as
17 measured from the ultimate street centerline.
- 18 **Street, Interior**
19 A street contained entirely within the boundaries of a subdivision.
- 20 **Street, Loop**
21 A street that originates and terminates at intersections with the same street.
- 22 **Street, Peripheral**
23 A street parallel to the boundary of a subdivision and whose right-of-way abuts that boundary.
- 24 **Street, Local**
25 An interior street in a subdivision designed and intended to serve local areas. Local streets feed traffic
26 into collector and arterial street systems.
- 27 **Street, Stub**
28 A dead-end interior street provided for eventual extension onto unplatted land.
- 29 **Structure**
30 Anything that is constructed or erected and located on or under the ground, or attached to something
31 fixed to the ground, including a walled and roofed building, and/or a gas or liquid storage tank that is
32 principally above ground.
- 33 **Subdivider**
34 A person, firm, association, partnership, corporation, governmental unit, or combination of any of these
35 that may hold any recorded or equitable ownership interest in land being subdivided. The terms shall
36 also include all heirs, assigns, or successors in interest, or representatives of the subdivider, owner,
37 proprietor, or developer.
- 38 **Subdivision**
39 The division of a tract or parcel of land into two or more lots, sites or other divisions for the purpose,
40 whether immediate or future, of sale, lease or building development, including any resubdivision, and,
41 when appropriate to the context, the process of subdividing or the land subdivided.

1 **Subdivision Agreement**

2 A document which is approved by the department of project management and engineering which
3 specifies the tentative location, construction schedule, and estimated costs of public improvements to be
4 constructed as part of subdivision development.

5 **Subdivision, Minor**

6 The division of a tract or parcel of land into no more than three tracts or eight lots, which can be approved
7 administratively.

8 **Submission Date with Platting Authority**

9 That date when the planning department accepts a fee for the submission of a plat.

10 **Survey, As-Built**

11 A plan showing the true and actual location and nature of buildings, structures, plant materials, utility
12 easements, and other features or improvements that have been installed on or off the property pursuant
13 to a site and/or subdivision plan approved under this title, to be used to determine compliance with the
14 requirements of this title.

15 **Surveyor**

16 A land surveyor who is registered in the state.

17 **Substantial Improvement**

18 Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent
19 of the market value of the structure either:

- 20
- Before the improvement or repair is started; or
 - If the structure has been damaged and is being restored, before the damage occurred. For the
21 purposes of this definition, substantial improvement is considered to occur when the first
22 alteration of any wall, ceiling, floor or other structural part of the building commences, whether or
23 not that alteration affects the external dimensions of the structure. The term does not, however,
24 include either:
25
 - 26 1. Any project for improvement of a structure to comply with existing state or local health,
27 sanitary or safety code specifications which are solely necessary to ensure safe living
28 conditions; or
 - 29 2. Any alteration of a structure listed on the National Register of Historic Places or a state
30 inventory of historic places.

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 **Take Action**

36 To approve, approve with conditions, deny, refer to another body, or postpone a decision on an
37 application for entitlement.

38 **Target Area**

39 An area designated under section 21.08.070 as a location in which overhead distribution lines are to be
40 placed underground as provided in this chapter.
41

-
- 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 **Topographic Map**
4 A map showing the landform by the use of contour lines.
- 5 **Tower, Amateur Radio**
6 An antenna and structure of any type used exclusively by a licensed amateur operator which is part of
7 federally licensed amateur radio station for radio communication for the purpose of self-training,
8 intercommunication, and technical investigations carried out by amateurs solely with a personal aim and
9 without pecuniary interest.
- 10
11 **Tower, Community Interest**
12 Any structure principally designed to support an antenna(e) where the height of the structure (not
13 including any building height, if installed on top of a building) exceeds 100 feet, measured to the top of
14 any antennae.
- 15
16 **Tower, Local Interest**
17 Any structure principally designed to support antennae and not meeting the definition of a community
18 interest tower.
- 19
20 **Tower Site**
21 A lot, tract, or aggregate of abutting lots or tracts that has been planned and coordinated for development
22 with separate community interest towers and/or local interest towers in any combination, including
23 subordinate and related equipment and buildings in accordance with the applicable zoning district.
- 24
25 **Townhouse Unit**
26 One of three or more attached dwelling units where each unit is on its own lot.
- 27
28 **Tract**
29 A unit, or contiguous units, of land under single ownership.
- 30
31 **Traffic Control Device**
32 Includes all physical, mechanical and electrical equipment that directs, channelizes, commands or
33 controls traffic movement. These devices include but are not limited to signs (including street name
34 signs), channelization, signals, and striping.
- 35
36 **Trail**
37 A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized transport.
- 38
39 **Trailer**
40 Has the same meaning as set forth in AMC title 9.
- 41
42 **Travel Trailer**
43 A motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor
44 vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and
45 vacation uses, identified by a model number, serial number and vehicle registration number, equipped
46 with limited water storage and other self-contained living facilities.
- 47
48 **Tree**
49 A woody perennial plant having a single main stem.
- 50
51 **Tree, Deciduous**
52 A tree that loses its leaves annually.

- 1 **Tree, Evergreen**
2 A tree that retains its leaves.
- 3 **Tree Retention Area**
4 An area in which measures have been taken to protect existing trees from damage or loss during
5 construction and development.
- 6 **Tree, Signature**
7 A tree that, at four and one-half feet above the ground, is greater than 12 inches in diameter and is
8 healthy; or a tree that has significant historical or cultural value.
9
- 10 **Tributary**
11 Any branch, fork, or channel that flows into and connects to a stream and also meets the basic definition
12 of a stream.
- 13 **Unified Sign Plan**
14 [RESERVED]
- 15 **Urban Design Commission**
16 The urban design commission of the municipality.
- 17 **Usable Open Space**
18 See **Open Space, Usable**.
- 19 **Use, Accessory**
20 As applied to a use, building, or structure, customarily subordinate or incidental to and located on the
21 same lot with a principal use, building, or structure.
- 22 **Use, Conditional**
23 A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use
24 permit and subject to the limitations and conditions specified therein.
- 25 **Use, Principal**
26 Any main activity permitted by this title.
- 27 **Use, Temporary**
28 Those land uses and structures that are needed or are in place for only short periods of time.
- 29 **Use District**
30 See **Zoning District**.
- 31 **Utility**
32 A public utility as defined in Alaska Statutes title 42.
- 33 **Utility Distribution Line**
34 All or any part of a conductor and supports owned or operated by a utility and used:
- 35 • To transmit no more than 69 kilovolts of energy; or
- 36 • To transmit messages, impressions, pictures, or signals by means of electricity or
37 electromagnetic waves; between a distribution substation or central office and the lot line of a
38 customer's premises, excluding auxiliary equipment such as aboveground transformers,
39 switching devices, pad-mounted distribution facilities, and CATV power supplies.

1 **Vacation**

2 The act of making legally void any right-of-way, easement, public area, or other public interest.

3 **Variance**

4 A grant of relief from the requirements, or a relaxation of the strict application of the terms of this chapter
5 that permits construction in a manner that would otherwise be prohibited by this chapter. This definition
6 shall not be construed to permit a use in any district which use is prohibited therein.

7 **Verification of Nonconforming Status**

8 A document issued by the municipality confirming the legal nonconforming status of a use, structure, or
9 characteristic of use.

10 **Violator**

11 A violator of this title is a person who:

- 12 • Occupies, maintains, alters, constructs, or establishes a structure, or use of land or a structure, in
13 violation of this title;
- 14 • Owns, controls, or has the right to control land or a structure where a structure, or use of land or a
15 structure, is occupied, maintained, altered, constructed, or established in violation of this title; or
- 16 • As principal or agent, violates this title under section 21.12.030, *Violations*.

17 **Walkway**

18 A right-of-way, dedicated to public use, which crosses within a block to facilitate pedestrian access to
19 adjacent streets and properties.

20 **Wall**

21 The vertical exterior surface of a building or structure.

22 **Warranty Period**

23 The period for which a subdivider's warranty remains in effect under section 21.08.080.

24 **Water Body**

25 A pond, lake, or other natural or artificial collection of water, whether permanent or temporary, not
26 including wetlands or watercourses.

27 **Watercourse**

28 A channel in which a flow of water occurs with some degree of regularity. Watercourses may be either
29 natural or artificial and may occur either on the surface or underground.

30 **Water-Dependent**

31 Any use or activity whose primary purpose requires direct access to a water body, or which can be carried
32 out on, in or adjacent to a water body only. The activity or use would not be possible if located away from
33 water sites or without direct water access.

34 **Water-Related**

35 Any use or activity which is not directly dependent upon access to a water body, but which provides
36 goods or services that are directly associated with water dependence or provide direct physical or visual
37 public access or use of the municipal waterfront, and which, if not located adjacent to a water body, would
38 result in a public loss of quality in goods or services offered or public access to the waterfront.

39 **Width**

1 When viewed from the front of an object or a three-dimensional space, the measurement from a vertical
2 plane to another vertical plane.

3

4 **Window, Providing Visual Access**

5 Windows that allow views into working areas, lobbies, entrances, sales areas, other public areas, or
6 indoor merchandise displays or art. The window is transparent enough to permit the view of activities
7 within a building from nearby streets and sidewalks, and so that objects beyond or behind the window can
8 be distinctly seen. Display cases less than three feet deep and/or attached to the outside wall are not
9 windows providing visual access.

10 **Zoning Board of Examiners and Appeals**

11 The zoning board of examiners and appeals of the municipality.

12 **Zoning District**

13 A specifically delineated area or district within which uniform standards govern the use, placement,
14 spacing, size, and form of land and buildings.

15 **Zoning Map**

16 The map or maps that are a part of this title and that delineate the boundaries of all mapped zoning
17 districts within the physical boundaries of the municipality.

18

¹ 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.