

1 **CHAPTER 21.04: ZONING DISTRICTS**

2 **21.04.010 GENERAL PROVISIONS**

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

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

8 **1. Purpose**
 9 The municipality is divided into zoning districts in order to achieve the goals, objectives
 10 and purposes of the Comprehensive plan and this title established in chapter 21.01,
 11 which include implementation of the comprehensive plan, and [PARTICULARLY] its land
 12 use plan map [AND OTHER RELEVANT ELEMENTS OF THIS PLAN].

Comment [EBM1]: Disagree--Don't see the need for the changes to this section.

13 **2. Zoning Districts Established**
 14 The following zoning districts are established:

15 a. The NMU District will be either an overlay with B-1A and B-1B or a permitted use
 16 in this district; the RMU will be either an overlay in B-3 or a permitted use in this
 17 district.

Comment [EBM2]: This sentence makes no sense. How can a district be a permitted use? When he writes "this district" at the end of the sentence, what district is he referring to?

**TABLE 21.04-1:
ZONING DISTRICTS ESTABLISHED**

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

Comment [EBM3]: Staff does not agree with deleting this district. See major issues list.

Comment [EBM4]: Staff does not agree with deleting this district. See major issues list.

Comment [EBM5]: Within the Anchorage Bowl, there are 8 lots zoned B-1B (out of over 67,000). B-1B offers nothing particularly special and should be deleted. See major issues list.

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

Comment [EBM6]: Staff supports retaining the mixed-use districts. See major issues list.

Comment [EBM7]: Disagree--Staff supports retaining the Airport district.

1
 2
 3. **Zoning Map**
 3 The zoning [USE] districts are shown on the official zoning map (see section 21.01.050).
 4 Procedures for amending the zoning map are in section 21.03.160, *Rezoning (Zoning*
 5 *Map Amendments)*.

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

14 **21.04.020 RESIDENTIAL DISTRICTS**

15 **A. General Purpose/Intent**
 16 The residential zoning districts established in this section generally are intended to:

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

Comment [EBM8]: Disagree--As consistently mentioned, the code must be consistent with the comprehensive plan.

- 1 2. Designate areas for residential living that offer a broad range of lot sizes, dwelling types,
2 densities, and housing choices, and that offer a range of living environments;
- 3 3. Conserve residential lands for housing by limiting conversion of the residential land ~~base~~
4 to non-residential uses, and by encouraging residential development to occur at or near
5 zoned densities ~~and at locations and densities in the adopted comprehensive plan;~~
- 6 4. Allow for a variety of housing types that meet the diverse economic and social needs of
7 residents;
- 8 5. ~~Where appropriate, Protect-protect~~ the scale and character and unique appeal of existing
9 residential neighborhoods and of community areas generally;
- 10 6. ~~Provide light, air, privacy, and open space for each residential dwelling, and p~~Protect
11 residents from the harmful effects of excessive noise, ~~excessive~~ glare and light pollution,
12 traffic congestion, and other significant adverse effects;
- 13 7. Protect residential areas from commercial and industrial hazards such as fires,
14 explosions, and toxic fumes and substances;
- 15 8. Where appropriate, minimize the location of residences in high natural hazard areas, and
16 mitigate the risk in those areas where development may be allowed;
- 17 9. ~~Facilitate the provision of~~Allow for appropriate public and institutional services and
18 facilities, such as schools, parks and recreation uses, religious assembly, utility
19 substations, and telecommunications and transportation infrastructure, which are needed
20 to accommodate ~~the~~ densities ~~recommended in the comprehensive plan~~provided for in
21 ~~this code;~~ while maintaining the residential character of the district;
- 22 10. Protect stream corridors, wetlands, and other important natural resources from the
23 adverse impacts of residential development; and
- 24 11. Designate areas for residential living that support neighborhood identity and economic
25 vitality and thus give predictability to residential settings and encourage investments and
26 enhancements.

Comment [EBM9]: Disagree--With the deletion of this phrase and the deletions in #1, there is no longer any description of the basis of zoning decisions. How is it decided where residential zoning should go? And which residential zoning districts should go where?

Comment [EBM10]: Disagree-- These are important reasons for zoning and setbacks.

Comment [EBM11]: Disagree-- Referencing the comprehensive plan is appropriate as it governs these decisions.

27 **B. R-1: Single-Family Residential District**

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

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

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

Comment [EBM12]: Disagree--This gives wiggle room for when an R-1A area is developed without infrastructure and services.

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

- 40 1. **Purpose**
41 The R-2A district is intended primarily for single- and two-family residential areas with
42 gross densities between five and seven dwelling units per acre. The minimum lot size is

1 ~~slightly~~ larger than the R-2D district. These areas ~~generally~~ are intended to have well-
2 developed infrastructure, and municipal services ~~generally~~ are intended to be provided.

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

4 **1. Purpose**

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

9 ~~**F.R-2F: Mixed Residential District 1**~~

10 ~~**1. Purpose**~~

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

21 ~~**2. District Specific Standards**~~

22 ~~**a.** Multifamily buildings shall contain no more than four dwelling units.~~

23 ~~**b.** In order to create compatible neighborhoods and retain a predominantly single-family~~
24 ~~environment, buildings with three or four dwelling units shall maintain detached~~
25 ~~single-family style architectural features by complying with the single-family~~
26 ~~design standards in subsections 21.07.110E. and F. [100E.2.b.], with the~~
27 ~~following adjustments:~~

28 ~~**i.** Notwithstanding subsection 21.07.110F.3.b. [100E.2.b.iii.], each residence need~~
29 ~~not have its own entrance. However, common entrances shall meet the~~
30 ~~requirements of the subsection.~~

31 ~~**c.** Buildings with three or four dwelling units shall also comply with the multifamily design~~
32 ~~standards in subsection 21.07.110C. [100G.], except that any primary entrance~~
33 ~~servicing just one individual dwelling unit is exempt from subsection 21.07.110C.7.~~
34 ~~Primary Entrance Treatment [100G.9., ENTRANCE FEATURE CHOICES].~~

35 ~~**d.** No more than 40 percent of the land area between any street facing building elevation~~
36 ~~and the street lot line may be paved or used for vehicle driveway or parking.~~

37 ~~**G.F. R-2M: Mixed Residential District 2**~~

38 **1. Purpose**

39 The R-2M district is intended primarily for residential areas that allow for a variety of
40 single-family, two-family, and multifamily dwellings, with gross densities between eight
41 and 15 dwelling units per acre. The R-2M district provides residential neighborhoods with
42 a greater diversity of housing by allowing a mix of both detached and a variety of
43 attached dwelling types in close proximity to each other, rather than separated into
44 different ~~use-zoning~~ districts. The R-2M district is to be located in established or
45 redeveloping residential neighborhoods. The design of new development, such as

Comment [EBM13]: We tried to give each district a distinct name. If this is to be deleted, it needs to be deleted consistently.

building scale and setbacks, parking facility size and location, and yard landscaping, should be complementary to the existing neighborhood and mix of dwelling types.

2. District-Specific Standards

~~a. Multifamily buildings shall contain no more than eight dwelling units.~~

Comment [EBM14]: Disagree--This is an important (and existing) district specific standard that should be mentioned here and not just in chapter 21.06.

~~b. On lots where more than one principal structure is allowed (see table 21.06-1), the development of more than one principal structure on a lot requires an administrative site plan review.~~

~~c. No more than 40 percent of the land area between any street facing building elevation and the street lot line may be paved or used for vehicle driveway or parking.~~

Comment [EBM15]: Disagree--This provision prevents the streetscape from becoming a parking lot, and from having the streetscape be rows of cars backing into the street.

H.G. R-3: Multifamily Residential District 4

1. Purpose

The R-3 district is a multifamily residential district with gross densities between 15 and 40 dwelling units per acre, ~~provided, however, that housing allowed in the R-1, R-1a and R-2DA, R-2D are also a permitted use.~~ It is intended primarily for multifamily and townhouse dwellings characterized by low-rise multistory buildings. It allows a higher percentage of lot coverage than the R-2M zone, while also maintaining the residential living environment with landscaping, private/common open spaces, and other amenities for residents. This district provides greater housing opportunities and efficient use of residential land near commercial, community activity centers, town centers, and areas well served by transit.

Comment [EBM16]: Disagree--This amendment is inappropriate, even if its intent is to be carried forward. This is not the location to mention uses allowed in other districts—the tables in chapter 5 are where this information is appropriate. This is a purpose statement, and as Coffey specifically added language in 21.01.030 to remind us, purpose statements shall include no required provisions but are intended to provide context.

H.H. R-4: Multifamily Residential District 2

1. Purpose

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

Additionally, allowing single family housing in the R-3 is not consistent the comp plan's direction to provide density in appropriate locations and use land efficiently.

Comment [EBM17]: Disagree—what is the point of deleting this? The employment centers are identified in 2020. Also, "...services near the...employment..." sounds really awkward.

Comment [EBM18]: Disagree—see major issues list

2. District-Specific Standards

a. Mixed Use Development Standards

~~Mixed use developments in the R-4 district shall comply with the mixed-use district standards in subsection 21.04.050D.~~

Comment [EBM19]: Disagree—see major issues list.

a.b. Allowed Commercial Uses

The commercial uses listed below are ~~allowed through the approval process shown in table 21.05-1 permitted,~~ but shall only be developed in conjunction with multifamily or mixed use dwellings, and are limited to ~~five percent of the gross floor area of the development on a site, or 1,500 square feet, whichever is less~~ the percentages of the gross floor area set out in subsection (C) below:-

- i. Fitness and recreational sports centers which need not be located on the ground floor in all circumstances;
- ii. Restaurants with alcohol service limited to that permitted under a restaurant/eating place license as defined in Alaska statutes, Title 4. All other alcohol sales are prohibited;
- iii. Convenience stores without alcohol sales;
- iv. Grocery or food stores;
- v. Coffee shops serving limited food items;
- vi. Beauty and personal care salons;
- vii. Child care centers

Comment [EBM20]: No longer a listed use in chapter 5.

Comment [EBM21]: Not a listed use in chapter 5.

Comment [EBM22]: These are not listed uses in chapter 5

b.c. Alcohol Sales Prohibited

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

c.d. Floor Area Ratio (FAR)

The maximum floor area ratio (FAR) in the R-4 district is 1.0, but may be increased through the bonus provisions in subsection 21.04.020J.2.c. below. Non-residential uses allowed in the R-4 district shall be mixed with residential according to the provisions that follow. (The uses "parks and open space," "community gardens," "utility substations," "telecommunications towers," "parking lot, principal use," and "parking structure, principal use" are exempt from the mixed-use requirement.)

- (A)** If residential uses occupy at least 90 percent of the gross floor area depicted on a site plan, no review beyond that required by table 21.05-1 is required.
- (B)** An administrative site plan review is required for non-residential uses proposed to occupy greater than 10 and less than or equal to 20 percent of the gross floor area of the development as depicted on a site plan.
- (C)** A major site plan review is required for non-residential uses proposed to occupy greater than 20 and less than or equal to 49 percent of the gross floor area of the development as depicted on a site plan.
- (D)** Major site plan reviews shall meet the following criteria. This shall be in addition to the general site plan approval criteria (21.03.180E.) and conditional use approval criteria (21.03.080C.).
 - (1)** The development shall result in a net increase in dwelling units over pre-development density, or shall be at least 20 dwelling units per acre, whichever is greater.
 - (2)** Stipulations may be imposed relating to building design, traffic, privacy, floor area restrictions, restrictions against commercial above the ground floor, and other conditions

Comment [EBM23]: Disagree—this change makes 49% commercial in the R-4 a by-right entitlement, subject only to a review of the design. The department recommends a conditional use for this much commercial.

Comment [EBM24]: Wrong cross reference

necessary to maintain a residential character and compatibility with adjacent residential districts.

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

Comment [EBM25]: This should not be under the criteria for major site plan review, as it will be assumed this only applies when there is a major site plan review—needs to be a separate section that applies to all R-4 development.

d.c. Building Height Increase

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

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

ii. The ground floor of the building shall be residential or other permitted non-parking use, for at least 25 feet of depth facing the street for the full length of the street facing building elevation, except for vehicle entrances and exits. Where the site has two or more frontages, the standard shall be met on two frontages;

iii. The height increase shall adhere to the height transitions provisions of subsection 21.06.030D.8[7].; and

Comment [EBM26]: The referenced regulation/section has been deleted.

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

d. Floor Area Ratio (FAR) Incentives for the R-4

The maximum floor area ratio (FAR) within the R-4 district is 2.0 FAR, but may be increased up to a maximum total FAR of 4.0 FAR in the R-4 district through the following bonus provisions subject to section 21.06.030C. These incentives provide for an incremental increase in the floor area of a development in exchange for incremental increases in any of the following special features deemed of benefit to the community. Increases in the FAR may be achieved through the use of one or more of the following:

Comment [EBM27]: Disagree—see major issues list.

i. Bonus for Open Space

One square foot of additional floor area is allowed per square foot of additional open space area. This space shall meet the standards of 21.07.030D and be in addition to any open space required by section 21.07.030. The floor area bonus increases to two square feet for open space that meets the standards for high quality spaces in 21.07.030D.6.

ii. Bonus for Below Grade Parking

Two square feet of additional floor area is allowed per gross square foot of covered below grade parking floor area, up to a maximum increase of 1.0 FAR. The floor area bonus increases to three square feet on the second parking level below grade.

iii. Bonus for Affordable Housing

Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.110I., *Affordable Housing*.

iv. Bonus for Sidewalk/Walkway Widening

One square foot of additional floor is allowed per square foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.

v. Bonus for Upper Level Setbacks/Step Backs for Sunlight Access

A floor area bonus equal to one-third of the sum of step back areas on each upper floor where the step back is at least 16 feet from the face of the building at the floor immediately below, such that the floor's existence does not increase the amount of shadowing on surrounding residences, private open spaces, sidewalks, schools, or parks on March/September 21, from 9:00 a.m. to 3:00 p.m. solar time.

vi. Bonus for Ambient Daylight for Residences

A floor area bonus equal to 10 percent of the lot area (0.10 FAR) but not to exceed 4,000 square feet is allowed for preservation of daylight for all dwellings in the development and facing the development, using the standards of 21.07.100C.8.g. To receive credit, the building shall not exceed a daylight plane rising up over the building at an angle of five feet of run for every three feet of rise, and starting from a height of 5 feet above finished grade at the foundation of surrounding residential buildings.

Comment [EBM28]: Wrong cross reference

vii. Bonus for Pedestrian-Interactive Use

Three square feet of additional floor area is allowed per each square foot of ground-floor space which is to be occupied by a pedestrian-active use that meets the standards of 21.07.060F.16.

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

Comment [EBM29]: Disagree—see major issues list.

~~1. Purpose~~

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

~~2. District-Specific Standards~~

~~a. Mixed-Use Development Standards~~

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

~~b. Maintaining Residential Character~~

1 Development shall be primarily residential. The following standards and
2 exceptions apply:

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

8 ~~(A) If residential uses occupy at least 90 percent of the gross floor area~~
9 ~~depicted on a site plan, no review beyond that required by table~~
10 ~~21.05-1 is required.~~

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

15 ~~(C) A conditional use permit is required for non-residential uses proposed~~
16 ~~to occupy greater than 20 and less than or equal to 40 percent of~~
17 ~~the gross floor area of the development as depicted on a site~~
18 ~~plan.~~

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

23 ~~(1) The development shall result in a net increase in dwelling~~
24 ~~units over pre-development density, or shall be at least~~
25 ~~20 dwelling units per acre, whichever is greater. The~~
26 ~~total gross floor area of household living uses shall be~~
27 ~~equal to or greater than any prior residential~~
28 ~~development.~~

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

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

38 iii. ~~Ground floor building facades facing and within 100 feet of public streets,~~
39 ~~primary circulation drives, or primary pedestrian walkways shall meet the~~
40 ~~following window standards on those facades:~~

41 ~~(A) Non-residential uses: At least 50 percent of the length and 25~~
42 ~~percent of the area of ground-level walls shall be windows~~
43 ~~providing visual access to the interior of the building.~~

44 ~~(B) Residential uses: At least 25 percent of the length and 12 percent of~~
45 ~~the area of ground-level walls shall be windows.~~

~~(C)All uses: Blank walls shall not exceed 30 feet in length.~~

~~iv.All commercial uses shall be conducted entirely within a completely enclosed building except for parking and loading facilities and outdoor restaurant seating. Outdoor storage of goods accessory to a commercial use is prohibited.~~

~~c.Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts⁸~~

~~The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR, but may be increased up to a maximum total FAR of 2.0 in the R-4 district and 3.0 in the R-4A district through the following bonus provisions, subject to section 21.06.030. These incentives provide for an incremental increase in the floor area of a development in exchange for incremental increases in any of the following special features deemed of benefit to the community. Increases in the FAR may be achieved through the use of one or more of the following:~~

~~i.Open Space Bonus~~

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

~~ii.Below Grade Parking Bonus~~

~~Two square feet of additional floor area is allowed per gross square foot of covered below grade parking floor area, up to a maximum increase of 1.0 FAR.~~

~~iii.Affordable Housing Bonus~~

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

~~iv.Bonus for Sidewalk/Walkway Widening~~

~~Five square feet of additional floor area is allowed per linear foot of primary pedestrian walkway.~~

~~d.Building Height Increase~~

~~Buildings in the R-4A district may exceed the maximum height established in table 21.06-1, up to a maximum total height of 90 feet, subject to all of the following conditions. These conditions encourage slender towers with condensed floor plates, light and air at the pedestrian level, and active uses on the ground floor facing the street, AND OTHER FEATURES):~~

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

~~ii.The ground floor of the building shall be residential or other permitted non-parking use for at least 25 feet of depth facing the street for the full length of the building, except for vehicle entrances and exits. Where the site has two or more frontages, the standard shall be met on two frontages;~~

~~iii.All floor area provided by the height increase shall be for residential uses.~~

⁸ See Amendment #10.

~~iv. The height increase shall adhere to the height transitions of subsection 21.06.030D.8(7);~~

~~v. The height increase shall adhere to the applicable design standards for tall buildings in subsection 21.07.130C.110; and~~

~~vi. Unless a major site plan review or a conditional use is required by other parts of this section, all developments requesting the height increase shall be subject to administrative site plan review.~~

3. District Location Requirement

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

K.I. R-5: Low Density Residential District

1. Purpose

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

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

1. Purpose

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

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

1. Purpose

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

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

1. Purpose

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

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

1. Purpose

The R-9 district is intended primarily for single- and two-family large lot residential areas with gross densities less than one dwelling unit per two acres, where public sewer and water are unlikely to be provided or where topographic or other natural conditions are such that higher-density development would be unfeasible. Where public facilities may be provided in the distant future, the regulations are intended to ensure that development

during the interim period does not exceed geological and hydrological capacities for safe and healthful maintenance of human habitation.

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

1. Purpose

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

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

2. District-Specific Standards

a. Lot and Site Requirements

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

TABLE 21.04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage of All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01--30.00	5.00	300	5	10
20.01--25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20
Average slope is calculated by the following formula: $S = \frac{I * L}{A} * 0.0023$ Where;				

TABLE 21.04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage of All Buildings (percent)	Coverage Impervious Surfaces (percent)
S = Average slope of lot or tract in percent				
I = Contour interval (20 feet or less)				
L = Sum of length of all contours on lot or tract in feet				
A = Area of the lot or tract in acres				

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

21.04.030 COMMERCIAL DISTRICTS

A. General Purpose/Intent of Commercial Districts

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

1. Provide appropriately located areas ~~consistent with the comprehensive plan~~ that provide a full range of retail and service establishments and convenience and office ~~uses needed by the municipality serving the community~~, and protect such uses from the adverse effects of incompatible uses;
2. Provide adequate area to meet the needs of future commercial development;
3. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage further geographic expansion of commercial areas ~~not designated in the comprehensive plan into residential districts except for the residential mixed use districts~~;
4. ~~Minimize-Reduce~~ vehicle miles traveled and promote alternative transportation choices through the concentration of commercial areas ~~as designated in the comprehensive plan~~;
5. Promote the location of higher intensity commercial uses and traffic into those areas of the municipality that are best developed for traffic and access;
6. Strengthen the municipality's economic base and provide employment opportunities;
7. Provide for commercial land uses that meet the needs of and attract regional and statewide populations, in addition to local residents;
8. Allow and encourage residential development in conjunction with commercial development in order to provide more housing choices and more efficient use of land ~~through the use of the mixed use overlay districts~~;
9. ~~Minimize-Constrain~~ land use impacts of commercial development on adjacent residential districts;
10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of commercial development; and

Comment [EBM30]: Disagree--Consistency with comp plan is required by law.

Comment [EBM31]: Disagree--Additional word(s) needed to make sense.

Comment [EBM32]: Disagree--The comp plan must be the guide for where districts are located. Otherwise it is at the whim of the Assembly and there is no planning.

Comment [EBM33]: Disagree--Why is this change necessary?

Comment [EBM34]: Disagree--Consistency with comp plan is required by law.

Comment [EBM35]: Disagree--No other mention of these in code. Thus they are not used and shouldn't be mentioned in the purpose statement.

Comment [EBM36]: Disagree--Why would one not want to MINIMIZE land use impacts on adjacent residential? "Constrain" can mean "force" or "compel" which just don't work as well in this sentence.

11. Provide sites for public and semi-public uses such as utilities and telecommunications infrastructure needed to complement commercial development.

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

1. Purpose

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

Comment [EBM37]: Disagree—see major issues list.

2. District-Specific Standards

a. Ground-Floor

At least ~~80-75%~~ percent of the street-facing building elevation at the ground level shall be a non-residential use ~~occupying a space at least 25 feet deep from the street façade of the building.~~

b. Prohibitions

i. Drive-throughs are allowed only on those lots with frontage on and access to an arterial street.

ii. Outdoor storage is prohibited in the B-1A district.

iii. Nonresidential development that does not have access from a street of collector class or greater on the *Official Streets and Highways Plan* shall not be open to the public between 10:00 p.m. and 7:00 a.m.

c. Gross Floor Area Limitations

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

Comment [EBM38]: Wrong cross reference

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

Comment [EBM39]: Disagree—these uses are comparatively large and could be in the middle of a neighborhood—the neighborhood should be noticed and have an opportunity for public input. Neighborhood input can help a development move through the process faster and more smoothly.

iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of grocery or food stores is 20,000 square feet without any review beyond that required by table 21.05-2, ~~provided that the overall site has a floor area ratio of at least 0.35.~~

3. District Location Requirements

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

a. The minimum contiguous area for a B-1A district shall be 20,000 square feet.

b. The maximum contiguous area for a B-1A district shall be ~~2.0 acres~~ 100,000 square feet.

Comment [EBM40]: 2 acre max is current code. What is the rationale for increasing this?

~~e. The subject property shall be in an established neighborhood commercial area or an area designated in the comprehensive plan for neighborhood-scale commercial.~~

Comment [EBM41]: Disagree—this is important—otherwise there is no guidance as to where these districts should be located, and we will have abrogated our planning responsibilities.

Comment [EBM42]: Disagree with retaining this district—see major issues list.

C. B-1B Community Business District

1. Purpose

The B-1B district is intended for consumer-oriented business uses which serve the needs of the surrounding community. The district is intended for small, compact sites at or near the intersection of streets designated for collector (industrial-commercial), arterial or greater capacity on the official streets and highways plan.

2. District-Specific Standards

a. Ground-Floor

At least 75% percent of the street-facing building elevation at the ground level shall be a non-residential use.

b. Prohibitions

i. Drive-throughs are allowed only on those lots with frontage on and access to an arterial street.

ii. Outdoor storage is prohibited in the B-1A district.

iii. Nonresidential development that does not have access from a street of collector class or greater on the Official Streets and Highways Plan shall not be open to the public between 10:00 p.m. and 7:00 a.m.

c. Gross Floor Area Limitations

i. The gross floor area of each allowed non-residential use is limited to 10,000 square feet per use, without any review beyond that required by table 21.05-2.

Comment [EBM43]: Wrong cross reference

ii. Gross floor area of allowed non-residential uses between 5,001 and 20,000 square feet may be requested through an administrative site plan review.

iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of grocery or food stores is 30,000 square feet without any review beyond that required by table 21.05-2.

Comment [EBM44]: Wrong cross reference

3. District Location Requirements

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

b. The minimum contiguous area for a B-1B district shall be 40,000 square feet.

c. The maximum contiguous area for a B-1B district shall be 200,000 square feet.

4. Mixed-Use Development Standards

Mixed use development in the B-1A and B-1B districts shall comply with the following standards

a. **Maximum Building Size.** The gross floor area of each mixed use building constructed after [effective date] in the shall be no greater than 45,000 square feet, except that buildings which contain a grocery or food store of at least 45,000 square feet, may have a gross floor area of up to 85,000 square feet. Buildings

1 | or structures existing before [effective date] shall not be enlarged to a gross floor
2 | area over these limits.

3 | **C.D. B-3: General Business and Commercial District**

4 | **1. Purpose**

5 | The B-3 district is intended primarily for uses that provide all types of commercial goods
6 | and services to residents of the community in areas that are dependent on automobile
7 | access and exposed to heavy automobile traffic. These commercial uses are intended to
8 | be located on arterials and to be provided with adequate public services and
9 | facilities. They are subject to the public view and should provide an attractive
10 | appearance with landscaping, sufficient parking, and controlled traffic movement.
11 | Environmental impacts should be minimized. Abutting residential areas should be
12 | protected from potentially negative impacts associated with commercial activity. While B-
13 | 3 district areas shall continue to meet the need for auto-related and other auto-oriented
14 | uses, it is the municipality's intent that the B-3 district also shall provide for safe and
15 | convenient personal mobility in other forms. Planning and design shall accommodate
16 | pedestrians and bicyclists.

Comment [EBM45]: Disagree—not consistent with comp plan and Title 21 rewrite guiding concepts.

17 | **2. District Location Requirements**

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

24 | **3. Mixed-Use Development Standards**

25 | **a. Applicability**

26 | All mixed use development in the B-3 district shall comply with the appropriate
27 | development standards in chapter 21.07, and also the standards in this
28 | subsection 21.04.050G. When the standards of this subsection and sections
29 | 21.07.110 and 21.07.120 are in conflict, the standards of this subsection shall
30 | control.

Comment [EBM46]: Disagree—see major issues list.

Comment [EBM47]: Wrong cross reference

31 | **b. Purpose**

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

37 | **4. Reduced Parking Ratios**

38 | Mixed use developments in the B-3 district have reduced minimum parking
39 | requirements as provided in section 21.07.090, *Off-Street Parking and Loading*.

40 | **5. Building Placement and Orientation**

41 | **a. Purpose**

42 | Buildings should be built and oriented to the street, lining sidewalks and public
43 | spaces with frequent shops, entrances, windows with interior views, and
44 | articulated ground-level facades. Comfortable, human-scale transition spaces
45 | such as entrance areas, patios, or café seating may be placed between the
46 | building and public sidewalk, as long as the building remains close, accessible,

1 and inviting from the sidewalk. Building entrances should be emphasized and
2 clearly visible so that patrons can easily find them.

3 **b. Building Placement and Street Setbacks**

4 In order to be closer to the sidewalk and to have a stronger interface with the
5 street, buildings shall comply with the maximum setbacks established in
6 21.06.020, Tables of Dimensional Standards.

7 **c. Building Entrances**

8 **i.** Buildings located at or within the maximum setback line shall have at
9 least one primary entrance located within 20 feet of the maximum
10 setback line.

11 **ii.** Buildings not located at the maximum setback line shall have at least
12 one primary entrance located within 20 feet of a public right-of-way, a
13 circulation aisle with adjoining walkway, or a primary pedestrian
14 walkway.

15 **d. Sidewalks and Walkways**

16 Sidewalks and walkways extending along public streets, primary circulation
17 drives, or commercial building storefronts shall have an unobstructed clear width
18 of at least six feet.

19 **D.E. RO: Residential Office District**

20 **1. Purpose**

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

27 **2. District-Specific Standards**

28 **a. Limitations on Retail Uses**

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

Comment [EBM48]: Wrong cross reference

Comment [EBM49]: No such category

37 **b. Limitations on Visitor Accommodations**

38 Any uses categorized by this code as "visitor accommodations" and allowed by
39 table 21.05-2 shall comply with the multifamily residential design standards set
40 forth in subsection[S] 21.07.110C. [100.G. AND H.]

Comment [EBM50]: Wrong cross reference

41 **3. District Location Requirements**

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

44 **a.** New RO zones shall be located in areas intended principally for low-intensity
45 office uses, or in locations where the development buffers residential

neighborhoods from heavy volumes of traffic or more intense commercial retail activity.

b. Where a new or enlarged RO district is adjacent to existing residentially zoned areas, ~~L3 landscaping shall be required on adjacent property lines, adequate area shall be provided for buffering or other site design requirements necessary to achieve compatibility.~~

Comment [EBM51]: Numbered landscaping levels were deleted.

~~c. The RO district shall not be located in or expand into areas that are designated residential in the comprehensive plan.~~

Comment [EBM52]: Disagree—residential areas need to be protected, and the comp plan is appropriate guidance for where districts should be located.

E.F. MC: Marine Commercial District

1. Purpose

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

Comment [EBM53]: Disagree—the comp plan is appropriate to guide district locations.

2. District-Specific Standards

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

Comment [EBM54]: Wrong cross reference

21.04.040 DOWNTOWN DISTRICTS

A. DT-1: Downtown Core

B. DT-2: Downtown Mixed-Use

C. DT-3: Downtown Mixed-Use Residential

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

21.04.050 MIXED-USE DISTRICTS

A. General Purpose/Intent of Mixed-Use Districts

~~The mixed-use districts are intended to provide for and encourage development and redevelopment of a mix of residential and nonresidential uses within close proximity to each other within areas so designated in the comprehensive plan. A key feature of all the mixed-use districts is a pedestrian and bicycle friendly network of streets and sidewalks connecting the nonresidential uses, residential neighborhoods, and transit facilities. The mixed-use districts specifically are intended to:~~

Comment [EBM55]: Disagree with deleting mixed-use districts. See major issues list.

~~1. Concentrate higher-density residential development and commercial and office employment efficiently in and around major employment centers, town centers, and other centers of community activity designated in the comprehensive plan;~~

~~2. Encourage mixed-use and higher-density redevelopment, conversion, and reuse of aging and underutilized areas, and increase the efficient use of available land in the municipality;~~

~~3. Provide a transportation network (road, bicycle, pedestrian) designed to provide the opportunity for direct access to adjacent areas, in lieu of entering and exiting through arterials and/or collector streets;~~

~~4. Create compact, pedestrian-oriented environments that are safe, convenient, and attractive for transit and pedestrian use and access;~~

~~5. Concentrate a variety of commercial retail/services and public facilities that serve the surrounding community;~~

~~6. Encourage the appearance and function of development in mixed-use areas to be complementary to surrounding residential areas designated in the comprehensive plan;~~

~~7. Promote physical development in mixed-use areas that provides pedestrian scale and interest through articulation, detail elements, and windows at the ground floor level; and~~

~~8. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of mixed-use development.~~

B. NMU: Neighborhood Mixed-Use District

1. Purpose

The NMU district is intended for neighborhood retail service centers at a larger scale than allowed by the B-1A district. NMU centers are intended to be generally between two and 15 acres in size, and are primarily applied to existing commercial areas to encourage mixed-use housing opportunities, compact redevelopment, and mixed-use urban design. The emphasis of the district is on commercial uses that primarily serve the daily needs of nearby neighborhoods (e.g., small to medium size grocery/convenience store, drug store, religious assembly, service station) located in close proximity to one another. This district typically serves more neighborhoods and can provide a greater collection of commercial services at a larger scale than does the B-1A district. Multifamily residential and limited office uses also are allowed. Siting and architectural design and scale of structures in this district should limit adverse impacts on nearby residential areas. The NMU district may be used for designated neighborhood centers, commercial corridors, and transit-supportive development corridors, and may also be used for the "neighborhood commercial centers" identified in the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

2. District-Specific Standards

a. Mixed-Use Development Standards

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

b. Maximum Building Size

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

3. District Location Requirements

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

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

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

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

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

C. CMU: Community Mixed-Use District

1. Purpose

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

2. Relationship to Town Centers

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

3. District-Specific Standards

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

4. District Location Requirements

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

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

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

D. RMU: Regional Mixed-Use District

1. Purpose

~~The RMU district is intended primarily for regional scale commercial activity centers that may have long-term potential to develop at greater intensities or as mixed-use urban environments. The area is typically defined by conglomerations of medium-to-large scale commercial uses, located near intersections of major arterial streets and/or freeways, serving a metropolitan region-scale trade area. The market area is larger and less oriented to one certain part of town than in the CMU district. Shopping malls and/or large~~

1 retail establishments typically anchor the center. Supporting uses include low-medium
2 rise offices, hotels, transit hubs, entertainment, and residential uses that provide potential
3 for the area to grow into a more physically integrated and mixed-use center. The RMU
4 district is appropriate for regional commercial centers such as the Dimond Center area,
5 and permits land-intensive and/or auto-oriented uses such as automobile dealerships that
6 may not be appropriate for more compact mixed-use zones.

7 **2.Relationship to Town Centers**

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

14 **3.District-Specific Standards**

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

17 **4.District Location Requirement**

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

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

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

23 [RESERVED]

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

25 [RESERVED]

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

27 **1.Applicability**

28 All development in the NMU, CMU, RMU, MT-1, and MT-2 districts shall comply with the
29 appropriate development standards in chapter 21.07, and also the standards in this
30 subsection 21.04.050G. All development in the R-4A district shall comply with the
31 standards in the subsection 21.04.050G., with the exception of subsection G.2. When
32 the standards of this subsection and sections 21.07.110[100] and 21.07.120[110] are in
33 conflict, the standards of this subsection shall control.

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

35 **a.Purpose**

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

41 **b.Floor Area Ratio (FAR) Incentives⁹**

42 Floor area ratio (FAR) incentives are offered to encourage residential
43 development and other features of benefit to the public in mixed-use areas. The

⁹ See Amendment #13.

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

6 ***i.Housing Bonus***

7 Two square feet of additional floor area is allowed per gross square foot
8 of ~~dwelling~~ ~~[HOUSING]~~ unit floor area, up to a maximum increase of 0.5
9 FAR.

10 ***ii.Open Space Bonus***

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

14 ***iii.Below Grade Parking Bonus***

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

17 ***iv.Affordable Housing Bonus***

18 Three square feet of additional floor area is allowed per square foot of
19 affordable housing unit floor area, up to a maximum increase of 0.5 FAR.
20 The affordable housing units shall be consistent with the standards of
21 21.07. ~~110~~ ~~[100H]~~. *Standards for Affordable Housing.*

22 ***v.Bonus for Sidewalk/Walkway Widening***

23 Five square feet of additional floor area is allowed per linear foot of
24 primary pedestrian walkway.

25 **3.Reduced Parking Ratios**

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

28 **4.Building Placement and Orientation**

29 ***a.Purpose***

30 Buildings ~~[FRONTAGES]~~ should be built and oriented to the street, lining
31 sidewalks and public spaces with frequent shops, entrances, windows with
32 interior views, and articulated ground-level façades. Comfortable, human-scale
33 transition spaces such as entrance areas, patios, or café seating may be placed
34 between the building and public sidewalk, as long as the building remains close,
35 accessible, and inviting from the sidewalk. Building entrances should be
36 emphasized and clearly visible so that patrons can easily find them.

37 ***b.Building Placement and Street Setbacks***

38 In order to be closer to the sidewalk and to have a stronger interface with the
39 street, buildings shall comply with the maximum setbacks established in
40 21.06.020, *Tables of Dimensional Standards.*

41 ***c.Building Entrances***

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

44 ***ii.*** Buildings not located at the maximum setback line shall have at least one
45 primary entrance located within 20 feet of a public right-of-way, a

~~PRIMARY circulation aisle with adjoining walkway [DRIVE], or a primary pedestrian walkway.~~

5. Sidewalks and Walkways

~~Sidewalks and walkways extending along public streets, primary circulation drives, or commercial building storefronts shall have an unobstructed clear width of at least six feet.~~

21.04.06021.04.050 INDUSTRIAL DISTRICTS

A. General Purpose/Intent

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

- 1. Create suitable environments for various types of industrial ~~and commercial~~ uses;
- ~~2. Reserve appropriately located areas for industrial purposes, and limit non-industrial uses that may erode the supply of industrial lands;~~
- ~~3.2.~~ Provide adequate space to meet the needs of future industrial development, including off-street parking and loading;
- ~~4.3.~~ Strengthen and diversify the municipality's economic ~~industrial~~ base and provide employment opportunities;
- ~~5.4.~~ Minimize land use impacts of industrial ~~and commercial~~ development ~~in these zones~~ on abutting non-industrial ~~and non-commercial~~ districts; and
- ~~6.5.~~ Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of industrial ~~and commercial~~ development.

Comment [EBM56]: Staff disagrees that commercial uses should be totally allowed in industrial districts. See major issues list.

Comment [EBM57]: Disagree--This is a very important purpose and implements the comprehensive plan.

Comment [EBM58]: Disagree—this is the industrial district section. These districts should be used to strengthen our industrial economy.

B. I-1: Light Industrial District

1. Purpose

The I-1 district is intended primarily for public and private light manufacturing, processing, ~~fabrication service, storage facilities, wholesale, and distribution operations, utility installations as well as commercial uses that are permitted in the B-3 district including, but not limited to offices, business/industrial parks, large and small retail and wholesale sales, nurseries, commercial and industrial services, laboratories, motor vehicle display and storage lots, lumberyards, motor freight terminals, warehouses, storage facilities, along with limited commercial uses that support and/or are compatible with industrial uses. Office industrial parks and single commodity bulk retail sales and building supply stores and services are allowed. This district is applied in areas designated as industrial/commercial by the comprehensive plan.~~

Comment [EBM59]: Disagree—not only does the department disagree with allowing unlimited commercial in the industrial zones (see major issues list), but the inclusion of this language in the purpose statement opens the door to confusion. Are all the B-3 uses allowed? Or does the table in 21.05 say what uses are allowed? As purpose statements are not allowed to have regulatory content, it must be the latter, but we will surely have to argue this with applicants.

C. I-2: Heavy Industrial District

1. Purpose

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

Comment [EBM60]: Many use examples are not related to use types defined in code, thus creating confusion.

Comment [EBM61]: Disagree—this goes against the comp plan. See major issues list.

Not appropriate to put regulatory language in a purpose statement, as Mr. Coffey noted at the beginning of chapter 1.

D. MI: Marine Industrial District

1. Purpose

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

2. District-Specific Standards

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

Comment [EBM62]: Wrong cross reference

21.04.07021.04.060 OTHER DISTRICTS

A. A: Airport District

[RESERVED]

B. AF: Antenna Farm District

1. Purpose

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

2. District-Specific Standards

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

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

C. DR: Development Reserve District

1. Purpose

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

D. PCD: Planned Community Development District

1. Purpose

The planned community development district (PCD) is intended to accommodate large-scale acreage for residential, commercial, industrial, or other land use developments and activities, including combinations of uses. It allows for flexibility under controlled conditions not possible with the other defined districts. The flexibility permitted must demonstrate that the final development will be compatible with the intents and purposes of this ~~the Title~~ and the goals and policies of the comprehensive plan, and do not compromise public health, safety, and welfare. A PCD should include design features to ensure that the PCD is integrated with the surrounding neighborhood through features

1 such as transition densities, external boundary buffering, and pedestrian and street
2 connectivity, where the ~~planning-Planning~~ and ~~zoning-Zoning commission-Commission~~
3 makes the specific finding that street connectivity is necessary to support traffic
4 projections or necessary for emergency responders. The PCD district is limited to
5 unified, comprehensive planned developments which are of substantial public benefit,
6 consistent with the holding capacity of the land, and conform with and enhance the
7 policies of the comprehensive plan.

8 **2. Application**

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

Comment [EBM63]: Wrong cross reference

10 **3. Record-Keeping**

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

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

14 **1. Purpose**

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

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

18 **1. Purpose**

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

21 **2. District-Specific Standards**

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

Comment [EBM64]: Numbered landscaping levels were deleted.

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

25 **1. Purpose**

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

36 **2. District-Specific Standards**

37 **a. Permitted Uses**

38 **i.** Residential and accessory uses and structures that conform to the
39 *Turnagain Arm Comprehensive [AREA] Plan*.

40 **ii.** Commercial structures under 4,000 square feet in gross building area in
41 areas designated "Turnagain mixed use [COMMERCIAL]" in the
42 *Turnagain Arm Comprehensive [AREA] Plan*.

43 **iii.** Non-structural commercial uses occupying an area of 14,400 square feet
44 or less in areas designated "Turnagain mixed use [COMMERCIAL]" in
45 the *Turnagain Comprehensive [AREA] Area Plan*.

1 iv. Industrial uses and structures in areas designated "industrial" in the
2 Turnagain Arm **Comprehensive [AREA] Plan**.

3 v. Institutional uses and structures under 4,000 square feet in gross
4 building area **in areas designated "community facility" in [THAT**
5 **CONFORM TO]** the Turnagain Arm **Comprehensive [AREA] Plan**.

6 **vi. Traditional homestead uses and activities in areas designated "rural**
7 **homestead" in the Turnagain Arm Comprehensive Plan.**

8 **vii. Only one principal structure is allowed per lot, unless a conditional use**
9 **approval is obtained for additional principal structures.**

Comment [EBM65]: As the sentence is about conditional uses, it should be placed in the conditional use section (b) and not the permitted use section.

10 **b. Conditional Uses**

11 Any use or structure that does not meet the requirements for a permitted use
12 above, may be allowed through the issuance of a conditional use **approval**
13 **[PERMIT]** subject to the requirements of section 21.03.080, *Conditional Uses*,
14 and the following additional approval criteria:

15 i. Conforms to the goals and policies of the Turnagain Arm **Comprehensive**
16 **[AREA] Plan**;

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

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

20 **H. WS: Watershed District**

21 **1. Purpose**

22 The **WS** district is intended to preserve and protect the potable water reserves available
23 to the municipality in the Chugach range. The major responsibility in the management of
24 watershed areas is the control of factors that may contaminate or pollute the water.
25 Agricultural, residential, commercial, industrial, or other urban land uses are incompatible
26 with the concept of watershed conservation. All uses of land within the watershed district
27 permitted by **table 21.05-2** shall be subject to the provisions of section 21.07.040,
28 *Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges*.

Comment [EBM66]: Wrong cross reference

29 **21.04.08021.04.070 OVERLAY ZONING DISTRICTS**

30 **A. General Purpose/Intent**

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

36 1. Airport height overlay district; and

37 2. Flood hazard overlay district.

B. Creation, Alteration, or Elimination of Overlay Districts

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

Comment [EBM67]: Wrong cross reference

C. AHO: Airport Height Overlay District

1. Purpose

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

2. Specific Airport Height Maps Adopted

The following airport height zone maps are adopted and thus the referenced areas are located within the airport height overlay district:

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

3. Establishment or Modification

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

Comment [EBM68]: Wrong cross reference

- a. The owner or manager of any airport may prepare an airport height map in accordance with the provisions of this subsection and the stipulations of FAR part 77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25. The owner or manager of a governmentally operated airport shall prepare and maintain an airport height map in accordance with FAR part 77, subpart C, paragraph 77.25. The map shall be filed with the department.
- b. The map shall be to scale and shall accurately reference the following:
 - i. Existing subdivisions.
 - ii. Current zoning districts.
 - iii. Major reference points in the vicinity of the airstrip or airport.
 - iv. Existing topography, if available.
 - v. The airport elevation that shall be the official elevation of the airport or airstrip upon approval of the map.
- c. The map required by paragraph a. above, shall accurately depict airspace zones as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical increments. Before submission to the Department the map shall be certified by the Federal Aviation Administration that it depicts the requirements of FAR part

1 77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in
2 any way from the requirements of the FAR, each such deviation shall be
3 indicated in writing on the map and shall be accompanied by a letter of
4 nonobjection by the Federal Aviation Administration. Any such deviation is
5 subject to approval of the department.

- 6 d. Before submission to the department any optional map depicting airspace zones
7 provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must
8 be certified by the Federal Aviation Administration indicating that it accurately
9 depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or
10 77.23(A)(3).

11 **4. Additional Height Limitations in Airport Height Overlay District**

12 Notwithstanding the height limitations in section 21.06.020, *Dimensional Standards*
13 *Tables*, and in section 21.09.060B., *Dimensional Standards Tables (Girdwood)*, all
14 development within the airport height overlay district shall comply with the following
15 height limitations:

- 16 a. No structure shall be constructed or maintained so that it exceeds the greater of:
17
18 i. Thirty-five feet above ground elevation; or
19 ii. The maximum height permitted under FAR part 77, subpart C, as
20 depicted on any airport height zone map adopted under section
21 21.04.080.C., *Airport Height Overlay District*.
22
23 b. Any structure within three nautical miles of an airport reference point established
24 by federal regulation, the height of which exceeds the level of that reference point
25 by more than 200 feet, shall present to the building official the results of an
26 airspace determination conducted by the Federal Aviation Administration
27 pursuant to its regulations.
28
29 c. The height restrictions of this district do not apply to buildings for which building
30 or land use permits were issued prior to June 17, 1986.
31
32 d. Vegetation shall not be affected by the height limitation of this section.

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

34 **1. Purpose and Intent**

35 The purpose of the flood hazard overlay district is to promote the public health, safety,
36 and general welfare, and to minimize loss due to flood. The provisions of this section are
37 intended to be an addition to all other land use regulations and to:
38

- 39 a. Restrict or prohibit uses and structures that are dangerous to health, safety, or
40 property in time of flood, or that cause increased flood heights or velocities;
41
42 b. Require that uses vulnerable to floods, including public facilities that serve such
43 uses, be provided with flood protection or flood proofing at the time of initial
44 construction;
45
46 c. Minimize the need for rescue and relief efforts associated with flooding and
47 generally undertaken at the expense of the general public;
48
49 d. Minimize prolonged business interruptions;

- 1 e. Minimize damages to public facilities and utilities such as water and gas mains,
2 electric, telephone and sewer lines, streets and bridges located in areas of flood
3 hazard;
- 4 f. Help maintain a stable tax base by providing for the sound use and development
5 of areas of flood hazard so as to minimize future flood blight areas;
- 6 g. Ensure that potential buyers are notified that property is in an area of flood
7 hazard; and
- 8 h. Ensure that those who occupy the areas of flood hazard assume responsibility
9 for their actions.

10 **2. Notice**
11 Property owners affected by changes to the boundaries of the flood hazard area or by
12 changes in the base flood elevations shall be noticed by mail.

13 **3. Interpretation of Section; Disclaimer of Liability**
14 **a.** In the interpretation and application of this section, all provisions shall be:
15 **i.** Considered as minimum requirements;
16 **ii.** Liberally construed in favor of the governing body; and
17 **iii.** Deemed neither to limit nor repeal any other powers granted under state
18 statutes.
19 **b.** The degree of flood protection required by this section is considered reasonable
20 for regulatory purposes and is based on scientific and engineering
21 considerations. Larger floods can and will occur on rare occasions. Flood
22 heights may be increased by manmade or natural causes. This section does not
23 imply that land outside the areas of flood hazard or uses permitted within such
24 area will be free from flooding or flood damages. This section shall not create
25 liability on the part of the municipality, any officer or employee thereof, or the
26 Federal Insurance Administration for any flood damages that result from reliance
27 on this section or any administrative decision lawfully made thereunder.

28 **4. Creation of Flood Hazard Overlay District; Official Flood Hazard Reports and Maps**
29 **a. Creation of District; Adoption of Reports and Maps**
30 There is hereby created a flood hazard overlay district. This district shall be
31 defined in its territorial extent by the following reports and maps:
32 **i.** Flood insurance study for the municipality of Anchorage, prepared by the
33 Federal Insurance Administration, Federal Emergency Management
34 Agency (FEMA).
35 **ii.** Flood insurance rate map (FIRM) prepared by the Federal Insurance
36 Administration, FEMA, including the current digital flood insurance rate
37 map (DFIRM) prepared by the Federal Insurance Administration.
38 **iii.** Flood boundary and floodway map, prepared by the Federal Insurance
39 Administration, FEMA, including the current digital flood boundary and
40 floodway map prepared by the Federal Insurance Administration.

1 **iv.** Flood hazard boundary map (FHB), prepared by the Federal Insurance
2 Administration, FEMA, including the current digital flood hazard boundary
3 map (DFHBM) prepared by the Federal Insurance Administration.

4 The current editions of each of the maps and reports listed in this subsection are
5 made a part of this section. Subsequent maps and reports prepared by the
6 Federal Insurance Administration or the municipality delineating the flood hazard
7 overlay district, floodway and floodplain areas within the municipality shall
8 become part of this chapter upon publication. A copy of the reports and maps
9 cited in this subsection shall be on file in the department. Definitions of terms
10 appearing on the maps and reports appear in 41 CFR 19.09.1.

11 **b. Flood Hazard Areas**

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

13 **i.** Areas within the limit of the boundary of the base flood;

14 **ii.** Areas within the highest extreme tide;

15 **iii.** Areas covered in flood hazard studies prepared for the **public works**
16 **[PROJECT MANAGEMENT AND ENGINEERING]** department that
17 supplement the information prepared by FEMA; and

18 **iv.** The stream setback area defined in subsection 21.07.020B.4.

19 **c. Review of Maps**

20 As necessitated by FEMA or the municipal engineer, the flood hazard district
21 maps will be reviewed. The review may be conducted by the municipality, the
22 U.S. corps of engineers, or the Federal Insurance Administration, and any new
23 map panels or restudies affecting the boundaries of the flood hazard district,
24 floodway, or floodway fringe area shall then be submitted to the **planning**
25 **Planning** and **zoning-Zoning commission-Commission** for a recommendation and
26 assembly for final adoption as part of this chapter.

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

28 The boundaries of the flood hazard areas established by this chapter shall be
29 determined from the cited maps and reports. Where interpretation is needed as
30 to the exact location of the boundaries, the **public works** **[PROJECT**
31 **MANAGEMENT AND ENGINEERING]** department, upon advice from the U.S.
32 corps of engineers or FEMA, shall make the necessary interpretation.

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

34 **a. Applicability**

35 The regulations within this section shall apply to all areas of the flood hazard
36 overlay district.

37 **b. Prohibited Development**

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

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

c. Standards for Issuance of Building or Land Use Permit

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

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

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

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

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

(B) All public utilities and facilities such as sewer, gas, electrical and water systems are to be located and constructed to minimize or eliminate flood damage;

(C) Adequate drainage, as required by the *Design Criteria Manual* (current approved edition), is provided to reduce exposure to flood hazards. The actions of one project shall not adversely impact the receiving waters and the rights of other property owners, as measured by increased flood peaks, flood stage, flood erosion, and sedimentation through storm waters or drainage systems; and

(D) Base flood elevation data has been provided for subdivision proposals and other proposed development that contains at least 50 lots or five acres, whichever is fewer.

iv. Construction within floodplains shall require that new and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems.

v. Construction within floodplains shall require that:

(A) New and replacement sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and

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

1 d. ***Storage of Materials or Equipment in the Floodplain***

2 The storage or processing of equipment or materials that are buoyant,
3 flammable, explosive or injurious to safety, or which would cause a violation of
4 state water quality standards upon contact with water, are prohibited in the
5 floodplain.

6 **6. Regulations Applicable to Subdistricts**

7 a. ***Floodway Area***

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

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

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

15 iii. The following structures and activities are permitted only by flood hazard
16 permit including certification by a registered professional engineer
17 demonstrating that such encroachments shall not result in any increase
18 in flood levels during the occurrence of the base flood discharge or result
19 in violation of the state water quality standards: excavation of sand,
20 gravel and other natural resources, railroad and tramway tracks, streets,
21 bridges, utility installations and pipelines, storage yards for equipment
22 and materials, commercial farming, and land reclamation.

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

27 b. ***Floodway Fringe Area***

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

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

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

34 iii. The following uses, structures and activities are permitted only by flood
35 hazard permit: any use permitted by flood hazard permit as set forth in
36 subsection a. of this section, and all other uses, structures and activities
37 which are in accordance with all other land use regulations provided they
38 are adequately floodproofed as set forth in subsection D.8. below, *Flood*
39 *Hazard Permit*.

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

43 **7. Construction Requirements**

44 a. ***Generally***

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

4 *i.* The lowest floor, including basement or crawl space, of residential
5 structures shall be elevated to at least one foot above the base flood
6 level. Within the structure, attendant utility and sanitary facilities shall be
7 elevated to at least one foot above the base flood or completely
8 floodproofed.

9 *ii.* The lowest floor, including basement, of nonresidential structures shall
10 be elevated to at least one foot above the base flood level, unless the
11 structure, with all utility and sanitary facilities, is designed so that below
12 base flood level the structure is watertight with walls substantially
13 impermeable to the passage of water and so that it is capable of resisting
14 hydrostatic and hydrodynamic loads and effects of buoyancy.

15 *iii.* All fully enclosed areas below the lowest floor that are usable solely for
16 parking, building access, or storage in an area other than a basement or
17 crawlspace shall have a minimum of two openings having a total net
18 area of not less than one square inch for every square foot of enclosed
19 area according to FEMA specifications. The bottom of all openings shall
20 be no higher than one foot above grade. Openings may be equipped
21 with screens, louvers or other coverings or devices provided that they
22 permit the automatic entry and exit of floodwaters.

23 *iv.* Where floodproofing is utilized a registered professional engineer or
24 architect shall certify that the floodproofing methods are adequate.

25 *v.* For new manufactured home parks and manufactured home
26 subdivisions; for expansions to existing manufactured home parks and
27 manufactured home subdivisions; for existing manufactured home parks
28 and manufactured home subdivisions where the repair, reconstruction or
29 improvement of the streets, utilities and pads equals or exceeds 50
30 percent of value of the streets, utilities and pads before the repair,
31 reconstruction or improvement has commenced; and for manufactured
32 homes not placed in a manufactured home park or manufactured home
33 subdivision, require that the repair, and on all property not within a
34 manufactured home park or subdivision stands or lots are elevated on
35 compacted fill or on pilings so that:

36 **(A)** The lowest floor of each manufactured home must be at least
37 one foot above the base flood level.

38 **(B)** Adequate surface drainage and access for a hauler must be
39 provided.

40 **(C)** For manufactured homes placed on pilings, pilings must be
41 stable and no more than ten feet apart and reinforced if more
42 than six feet above the ground level.

43 **(D)** Lots must be large enough to permit steps.

44 *vi.* All manufactured homes to be placed or substantially improved shall be
45 elevated on a permanent foundation such that the lowest floor of the

1 manufactured home is at least one foot above the base flood elevation,
2 and be securely anchored to an adequately anchored foundation system.

- 3 **vii.** All manufactured homes must likewise be anchored to prevent flotation,
4 collapse or lateral movement, and shall be installed using methods and
5 practices that minimize flood damage. Anchoring methods may include
6 but are not limited to use of over-the-top or frame ties to ground anchors.

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

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

- 14 **i.** New construction and substantial improvements of residential structures
15 within AO zones shall have the lowest floor, including basement or crawl
16 space, elevated above the highest adjacent grade of the building site, to
17 at least one foot above the depth number specified on the flood
18 insurance rate map (at least two feet if no depth number is specified).

- 19 **ii.** New construction and substantial improvements of nonresidential
20 structures within AO zones shall either:

21 **(A)** Have the lowest floor, including basement, elevated above the
22 highest adjacent grade of the building site, to at least one foot
23 above the depth number specified on the flood insurance rate
24 map (at least two feet if no depth number is specified); or

25 **(B)** Together with attendant utility and sanitary facilities, be
26 completely floodproofed to or above that level so that any space
27 below that level is watertight with walls substantially
28 impermeable to the passage of water and with structural
29 components having the capability of resisting hydrostatic and
30 hydrodynamic loads and effects of buoyancy. If this method is
31 used, compliance shall be certified by a registered professional
32 engineer or architect.

- 33 **iii.** Adequate drainage paths are required around structures on slopes to
34 guide floodwaters around and away from proposed structures.

35 **8. Flood Hazard Permit**

36 **a. Required**

37 No person shall engage in development within the flood hazard overlay district
38 unless a flood hazard permit is first issued, pursuant to section 21.03.090, *Flood*
39 *Hazard Permits*.

40 **b. Conditions**

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

- 45 **i.** The finished surface of the first or main floor shall be at least one foot
46 above the level of the regulatory flood protection elevation.

- 1 *ii.* Structures or uses below the level of the regulatory flood shall be
2 restricted to those not involving habitual human habitation, such as
3 working space, living space, sleeping space, etc.
- 4 *iii.* The anchorage shall be suitable to resist flotation and lateral movement.
- 5 *iv.* For all construction and substantial improvements, fully enclosed areas
6 below the lowest floor that are subject to flooding shall be designed to
7 automatically equalize hydrostatic flood forces on exterior walls by
8 allowing for the entry and exits of floodwaters. Designs for meeting this
9 requirement must either be certified by a registered professional
10 engineer or architect or must meet or exceed the following minimum
11 criteria: A minimum of two openings having a total net area of not less
12 than one square inch for every square foot of enclosed area subject to
13 flooding shall be provided to FEMA specifications. The bottom of all
14 openings shall be no higher than one foot above grade. Openings may
15 be equipped with screens, louvers or other coverings or devices provided
16 that they permit the automatic entry and exits of floodwaters.
- 17 *v.* All areas below the level of the regulatory flood protection levels shall be
18 coated with paint, membranes, or mortars substantially impermeable to
19 the passage of water.
- 20 *vi.* Water supply and waste treatment systems must prevent infiltration of
21 water.
- 22 *vii.* All interior drains must be connected to the sanitary sewer system.

23 **9. Nonconforming Uses**

24 A structure or the use of a structure or premises located within the flood hazard overlay
25 district that was lawful before the original passage of applicable regulations, but that is
26 not in conformity of the provisions of such regulations, may be continued subject to the
27 following conditions:

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

38 **10. Duties of the Director of the Public Works [PROJECT MANAGEMENT AND
39 ENGINEERING DEPARTMENT]**

- 40 *a.* The director of the public works [PROJECT MANAGEMENT AND
41 ENGINEERING] department shall grant or deny development permit applications
42 in accordance with the provisions of this chapter, except that the platting board is
43 directed and authorized to consider this chapter in relation to any matter brought
44 before that board.

1 **b.** The director of the public works [PROJECT MANAGEMENT AND
2 ENGINEERING] department shall maintain all records required by the Federal
3 Insurance Administration and shall file an annual report with the federal
4 insurance administrator.

5 **c.** Additional duties and responsibilities of the director of the public works
6 [PROJECT MANAGEMENT AND ENGINEERING] department are as follows:

7 **i. Permit Review**

8 The director of the public works [PROJECT MANAGEMENT AND
9 ENGINEERING] department shall:

10 **(A)** Review all flood hazard permits to determine that the permit
11 requirements of this chapter have been satisfied.

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

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

19 **ii. Use of Other Base Flood Data**

20 When base flood elevation data have not been provided in accordance
21 with subsection D.3. above, the director of the public works [PROJECT
22 MANAGEMENT AND ENGINEERING] department shall obtain, review
23 and reasonably utilize any base flood elevation data available from a
24 federal, state or other source in order to administer subsections D.6.
25 through D.9. above.

26 **iii. Information to be Obtained and Maintained**

27 The director of the public works [PROJECT MANAGEMENT AND
28 ENGINEERING] department shall:

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

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

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

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

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

40 **iv. Duties Regarding Alteration of Watercourses**

41 The director of the public works [PROJECT MANAGEMENT AND
42 ENGINEERING] department shall:

1 (A) Notify adjacent communities and the state coordinating agency
2 prior to any alteration or relocation of a watercourse and submit
3 evidence of such notification to the Federal Insurance
4 Administration.

5 (B) Require that maintenance is provided within the altered or
6 relocated portion of the watercourse so that the flood-carrying
7 capacity is not diminished.

8 v. **Interpretation of FIRM Boundaries**

9 The director of the public works [PROJECT MANAGEMENT AND
10 ENGINEERING] department shall make interpretations, where needed,
11 as to exact location of the boundaries of the areas of flood hazard, for
12 example, where there appears to be a conflict between a mapped
13 boundary and actual field conditions. The person contesting the location
14 of the boundary shall be given a reasonable opportunity to appeal the
15 interpretation as provided in subsection D.11. below.

16 11. **Appeal Procedure**

17 Appeals alleging error by the director of the public works [PROJECT MANAGEMENT
18 AND ENGINEERING] department charged with the enforcement or interpretation of this
19 chapter may be taken to the zoning board of examiners and appeals in accordance with
20 the provisions of section 21.03.050, *Appeals*.

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

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

25 i. The danger that materials may be swept onto other lands to the injury of
26 others;

27 ii. The danger to life and property due to flooding or erosion 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 to the
31 community;

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

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

35 vii. The compatibility of the proposed use with existing and anticipated
36 development;

37 viii. The relationship of the proposed use to the comprehensive plan and
38 floodplain management program for that area;

39 ix. The safety of access to the property in time of flood for ordinary and
40 emergency vehicles;

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3
- 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 **public works** [PROJECT MANAGEMENT AND ENGINEERING] department shall maintain the records of all variance and appeal actions and report any variances to the Federal Insurance Administration upon request.
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- e. Conditions for variances are as follows:
- i. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the national register of historic places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
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27
- 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:
- (A) A showing of good and sufficient cause;
- (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
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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.
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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

The abbreviations in the tables indicate the type of review process required for a use within a zoning district. District-specific standards in chapter 21.04, use-specific standards in chapter 21.05, or design and development standards in chapter 21.07 may require a higher level of review than indicated in the tables under specific circumstances. For example, many commercial uses are allowed by right ("P" for permitted use) in various zoning districts as indicated in the tables, but are required to be approved by major site plan review if the gross floor area of the use is over the size threshold for a large commercial establishment. That threshold and requirement for a higher level of review are found in subsection 21.07.130A[120].

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 21.03.180[190]B., *Administrative Site Plan Review*. The site plan review process is intended to determine compliance with the development standards of this Title, not to review the appropriateness of the use itself.

Comment [EBM69]: Wrong cross reference

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 21.03.180[190]C., *Major Site Plan Review*. The site plan review process is intended to determine compliance with the development standards of this Title, not to review the appropriateness of the use itself.

Comment [EBM70]: Wrong cross reference

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 21.03.080, *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.

6. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

7. **Definitions and Use-Specific Standards**

Each use listed in tables 21.05-1 and 21.05-2 is defined in this chapter. 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 identifies the code location of the definition and any use-specific standards. Any [THESE] standards apply in all districts unless otherwise specified.

B. **Table Organization**

In tables 21.05-1 and 21.05-2, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

C. **Unlisted Uses**

When application is made for a use type that is not specifically listed in tables 21.05-1 and 21.05-2, the procedure in section 21.03.220[230], *Use Classification Requests*, shall be followed.

Comment [EBM71]: Wrong cross reference

D. **Use for Other Purposes Prohibited**

Approval of a use listed in tables 21.05-1 and 21.05-2, and, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in the tables and approved under the appropriate process or approved through section C. above, is prohibited.

[Mr. Coffey combined tables 21.05-1 and 21.05-2 into one table—I have not done that here to show the changes, as that would be very time consuming. All use types were capitalized by him and he put use category names in ALL CAPS. Also in the second table, I put the B-1B district, which Mr. Coffey added back to the code, in the DT-1 column, just to avoid time consuming table restructuring. This should not imply that Mr. Coffey deleted the DT-1. He didn't.]

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	R-1	R-1A	R-2A	R-2D	R-2F	R2-M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
RESIDENTIAL USES																	
Household Living	Dwelling, mixed-use								P	P							21.05.030A.1.
	Dwelling, multifamily					S	P / S	P	P	P							21.05.030A.2.
	Dwelling, single-family attached			P	P	P	P	P	P								21.05.030A.3.
	Dwelling, single-family detached	P	P	P	P	P	P				P	P	P	P	P	P	21.05.030A.4.
	Dwelling, townhouse					S	S	SP	SP	S							21.05.030A.5.
	Dwelling, two-family			P	P	P	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		C						21.05.030A.8.
Group Living	Assisted living facility (3-8 residents)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.030B.1.
	Assisted living facility (9 or more residents)	C	C	C	C	P	P	P	P	P	P	C	C				21.05.030B.1.
	Habilitative care facility	C	C	C	C	C	C	C	C	C	C	C	C				21.05.030B.3.
	Roominghouse					C	C	P	P	P	C	C	C	C	C		21.05.030B.4.
	Transitional living facility							P	P	P							21.05.030B.5.
PUBLIC / INSTITUTIONAL USES																	
Adult Care	Adult care facility (3 to 8 persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040A.1
	Adult care (9 or more persons)	C	C	C	C	C	C	C	C	C	C						21.05.040A.
Child Care	Child care center (9 or more children)	C	C	C	C	C	S	S	S	S	S	S	S	S	S	S	21.05.040B.1.
	Child care home (up to 8 children)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040B.2.
Community Service	Community center							S	S	S	S						21.05.040C.5.
	Community Garden				P		P	P	P								21.05.040C.6
	Library	P	P	P	P		P	P	P		P						21.05.040C.9

Comment [EBM72]: Disagree--In order to use land most efficiently and grow as directed by the comp plan, R-3 should be used for multifamily housing and single family should not be an allowed use in the R-3.

Comment [EBM73]: Disagree--Townhouse uses have been built recently with many poor examples. Staff recommends an admin site plan review for this use, and as developers become more accustomed to the design standards and any kinks get worked out, in the future this could be changed to a permitted use.

Comment [EBM74]: Allowed in current code by CU.

Comment [EBM75]: Disagree with combining two sizes of adult care and making them permitted in all residential zones. Large adult care facilities will not necessarily be designed to fit well into certain residential areas, and a conditional use is appropriate for those.

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	R-1	R-1A	R-2A	R-2D	R-2F	R2-M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
	Neighborhood recreation center	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040C.116-
	Park and Open Space, public or private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040C.12
	Religious assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040C.7-13
Cultural Facility	Library	P	P	P	P	P	P	P	P	P	P						21.05.040D.3-
Educational Facility	Boarding school							M	M	M							21.05.040D.1E.4-
	College or university								M	M							21.05.040D.2E.2-
	Elementary, or middle, or high school	M	M	M	M	M	M	M	M	M	M	M	M				21.05.040D.3E.3-
	High school	M	M	M	M	M	M	M	M	M	M	M	M				21.05.040E.4-
	Instructional services	E	E	E	E	E	E	E	E	P	E	E	E	E	E		21.05.040E.5-
Health Care Facility	Health services									P							21.05.040F.1-
	Nursing facility							C	C								21.05.040E.2F.3-
Parks and Open Area	Community garden					P	P	P	P	P							21.05.040G.1-
	Park and open space, public or private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040G.2-
Public Safety Facility	Community or police substation					P	P	P	P	P							21.05.040F.1H.4-
	Fire Station	M	M	M	M		M	M	M		M	M	M	M	M	M	21.05.040E.3
Transportation Facility	Airstrip, private	C	C	C	C	E	C				C	C	C				21.05.040I.2-
Utility Facility	Utility substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040H.2J.2-
Telecommunication Facilities	Type 1, 2, 3, or 4 tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040I.1K-
	Type 2 tower																21.05.040K-
	Type 3 tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040K-
	Type 4 tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040K-
COMMERCIAL USES																	

Comment [EBM76]: Disagree with allowing college or university uses in high density residential districts.

Comment [EBM78]: If a school is appropriate in most other med-density residential districts, why not the R-5?

Comment [EBM77]: Uses are not combined in the definition section. Combining them in the table is inconsistent with the organizational structure and can make a use more difficult to find.

Comment [EBM79]: This use is defined later in the chapter.

Comment [EBM80]: This use is defined later in the chapter

Comment [EBM81]: Disagree--It is unacceptable for any type of tower to need no more than a building permit to go in any neighborhood. Towers have always been very controversial and this does not address public concerns. Changes were proposed to the whole telecommunications section, but due to industry concerns, we agreed with them to make no changes from current code at this time, and to revisit the whole section after the rewrite was adopted. See major issues list.

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS

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P = Permitted Use S = Administrative Site Plan Review
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Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R-2F	R2-M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
Agricultural Uses	Commercial horticulture	C	C	C	C	G	C				C	C	C	C	C		21.05.050A.1.
Animal Sales, Service & Care	Commercial Kennel, commercial													C	C		21.05.050B.2.
	Large domestic animal facility, principal use										C	C	C	C	C		21.05.050B.3.
	Retail and pet services									P							21.05.050B.4.
	Veterinary clinic									P		C	C	C	C		21.05.050B.5.
Assembly Entertainment and Recreation	Club, lodge, meeting hall							C	S	S							21.05.050C.12-21.05.020A.
Entertainment and Recreation	Fitness and recreational sports center								S	P							21.05.050D.3.
	General outdoor recreation, commercial															C	21.05.050C.3D.4.
	Golf Course															C	21.05.050C.4
	Skiing facility, alpine															C	21.05.050C.8D-10.
Food and Beverage Service	Food & Beverage kiosk								P								21.05.050D.2 21.05.020A.
	Restaurant								S P	P							21.05.050D.4E-3. 21.05.020A.
Office	Financial institution									P							21.05.050F.2.
	General Office, business or professional								P	P							21.05.050E.1F.3
	Medical Office								P								21.05.050E.2
	Governmental Office								P								21.05.050E.3
	Research Laboratory								P								21.05.050E.4
Personal Services	General personal services									P							21.05.050G.3.
Retail Sales	Convenience store							G	S	P							21.05.050H.3.
	General retail								P	P							21.05.050F.1H.6. 21.05.020A.

Comment [EBM82]: It is inappropriate as well as impractical to locate a golf course in alpine areas on sloped land in environmentally sensitive areas.

Comment [EBM83]: Disagree—conflicts with the purpose of a residential district, changes the character.

Comment [EBM84]: Disagree—should have a review to ensure compatibility with neighboring residential.

Comment [EBM85]: Disagree—all these office uses in R-4 conflicts with comp plan policies to preserve housing areas, and to direct these sorts of uses into the major employment centers and mixed use/redevelopment areas.

Comment [EBM86]: These office uses are inappropriate for the R-4 district, which is a residential district.

Comment [EBM87]: Inappropriate for R-4.

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.

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Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R-2F	R2-M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards	
	Grecery or food store								☐	☐							21.05.050H.7-21.05.020A	
Vehicles and Equipment	Parking lot, principal use							C	C	☐	C						21.05.050F.31.4.	
	Parking structure, principal use							C	C	☐	C						21.05.050F.41.5.	
Visitor Accommodations	Camper park							C	C								21.05.050G.11.4.	
	Hotel/Motel/Extended-stay/Inn lodgings								☐	☐							21.05.050G.21.2-21.05.020A	
	Hostel					☐	C	S	S	☐							21.05.050G.31.3.	
	Hotel/motel								☐	☐							21.05.050J.4.	
	Inn									☐							21.05.050J.5-21.05.020A.	
	Recreational and vacation camp											C		C	C	C		21.05.050G.41.6.
INDUSTRIAL USES																		
Manufacturing and Production	Natural resource extraction, organic and inorganic	C	C	C	C	☐	C	C	☐		C	C	C	C	C	☐		21.05.060B.53.
Waste and Salvage	Land reclamation	S / C	S / C	S / C	S / C	S / ☐	S / C	S / C	S / ☐	S / ☐	S / C	S / C	S / C	S / C	S / C	S / C		21.05.060E.45.
	Snow disposal site	C	C	C	C	☐	C	C	☐		C	C	C					20.05.060E.69.

Comment [EBM88]: Disagree—currently allowed in R-4 as a conditional use, and will lead to needed residential land being used for commercial purposes.

Comment [EBM89]: Disagree--Natural resource extraction is not allowed in the R-10 today, and is inappropriate for the environmentally sensitive alpine/slope district. Problematic issues include stream headwaters, increased erosion potential, increased subsidence/landslide potential, downstream water quality issues

Comment [EBM90]: Why use our high density housing district for low-efficiency snow storage?

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 A and TA districts, see section 21.04.050. This table shows only those uses allowed in the non-residential districts. All other uses not shown are prohibited.																					
Use Category	Use Type	COMMERCIAL AND MIXED-USE											INDUSTRIAL			OTHER					Definitions and Use-Specific Standards
		B-1A	B-3	DT-1B-1B	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	
RESIDENTIAL USES																					
Household Living	Dwelling, mixed-use	P	P	P			P	C	P	P	P										21.05.030A.1.
	Dwelling, multifamily	P	P	P			P		P	P	P										21.05.030A.2.
	Dwelling, single-family detached																P				21.05.030A.4.
	Dwelling, townhouse		S				S		S	S	S										21.05.030A.5.
Group Living	Assisted living facility (3-8 residents)						P		P	P	P										21.05.030B.1.
	Assisted living facility (9 or more residents)		P				P		P	P	P										21.05.030B.1.
	Correctional community residential center		C						C	C	C		C						C		21.05.030B.2.
	Habilitative care facility		C				C												C		21.05.030B.3.
	Roominghouse	P	P	P			P		S	S	S										21.05.030B.4.
	Transitional living facility		P																C		21.05.030B.5.

Comment [EBM91]: Apartments over marine related businesses could be very popular.

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PUBLIC / INSTITUTIONAL USES																							
Adult Care	Adult care facility	P	P	P			P		P	P	P			P						P		21.05.040A.1	
Child Care	Child care center	P	P	P			P		P	P	P			P						P		21.05.040B.1.	
	Child care home	P	P	P			P		P	P	P									P		21.05.040B.2.	
Community Service	Aquarium		M					M						M	M	M			M	M		21.05.040C.1	
	Botanical Gardens																		S	S		21.05.040C.2	
	Cemetery, or mausoleum																			P		21.05.040C.3	
	Civic/Convention Center	P	P	P										P	P	P			M	P		21.05.040C.4 21.05.020A	
	Community center	S	S	S			S		S	S	S								C	S		21.05.040C.5	
	Community Garden																		P	P		21.05.040C.6	
	Crematorium		P											P	P						C		21.05.040C.7
	Government administration and civic buildings	P/S M	P/S M				P/S M	C	P/S M	P/S M	P/S M						C			M	P/S M		21.05.040C.4
	Homeless and transient shelter																				C		21.05.040C.8
Library	S/M	S/M	S/M			S/M							S/M	S/M						S/M		21.05.040C.9	

Comment [EBM92]: Disagree with the additional of so many commercial uses in the I-1 and I-2—see major issues list.

Comment [EBM93]: Needs to be separated by a comma at least

Comment [EBM94]: Disagree—not appropriate for neighborhood commercial areas. Such a large and important facility should not be by-right in any district. Should not be allowed in parks.

Comment [EBM95]: Disagree—not appropriate for neighborhood commercial areas. Facilities such as Spenard Rec and Fairview Rec draw users from more than just the local neighborhood, so these will not be small scale enough to fit into B-1A areas.

Comment [EBM96]: Disagree—staff deleted the S/M because nowhere in code did it explain when the review process is S (admin site plan review) and when it is M (major site plan review). The department recommends M, to be consistent with having a public review of public facilities (as most libraries are public).

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	Museum or Cultural Center	S/M	S/M	S/M			S/M						S/M	S/M						S/M		21.05.040C.10
	Neighborhood recreation center	SP	P	P			P		S	S			S	S						S		21.05.040C.11 6.
	Park and Open Space, public or private	S	S	S			S						S	S	S	S	S	S	S	S		21.05.040C.12
	Religious assembly	P	P	P			P		P	P			P	P						P		21.05.040C.13 7.
Cultural Facility	Aquarium						M			M					M				M	M		21.05.040D.1.
	Botanical gardens																		S	S		21.05.040D.2.
	Library	S/M M	S/M M				S/M M		S/M M	S/M M	S/M M									S/M M	S/M M	21.05.040D.3.
	Museum or cultural center						S/M M		S/M M	S/M M									S/M M	S/M M		21.05.040D.4.
	Zoo																		C	C		21.05.040C.14 D.5.
Educational Facility	Boarding school		P				P			M	M			P						M		21.05.040E.04 OD.1.
	College or university		MP				P	M		M	M			P						M		21.05.040E.04 OD.2.
	Elementary, Middle, or High school		M				M		M	M	M									M		21.05.040E.04 OD.3.
	High school or middle school		M				M			M	M									M		21.05.040E.4.
	Instructional services		P				P		P	P	P									C		21.05.040E.5.

Comment [EBM97]: Disagree—nowhere in code is it explained when there should be an S review, and when an M. Also an inappropriate use for neighborhood commercial areas.

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	Vocational or trade school		C					C		C	C			P	P	C					M		21.05.040E.6.	
Health Care Facility	Health services	P	P					S	S	S											C		21.05.040F.1.	
	Hospital/Health care facility		PM					PM	S	S	S			M							C	M	21.05.040E.1F.2.	
	Nursing facility		P					CP		S	S											P	21.05.040E.2F.3.	
Parks and Open Area	Community garden																				P	P	21.05.040G.1.	
	Park and open space, public or private	S	S					S	S	S	S			S	S	S	S	S	S	S	S	S	21.05.040G.2.	
Public Safety Facility	Community or police substation	P	P	P				P	P	P	P			P	P							P		21.05.040FH.1.
	Correctional institution																					C		21.05.040FH.2.
	Fire station	M	M	M				M	M	M	M			M	M	M						M		21.05.040FH.3.
	Public safety facility		C											P								C		21.05.040FH.4.
Transportation Facility	Airport																					C		21.05.040G.1.1.
	Airstrip, private																					C		21.05.040I.2.
	Heliport		C											C	C							C		21.05.040G.2I.3.
	Rail yard													P	P	P								21.05.040G.3I.4.

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	Railroad freight terminal		P					P						P	P	P							21.05.040G.4-5.	
	Railroad passenger terminal		P					P		M	M			P	P	P					M		21.05.040G.5-6.	
	Transit center		S					S	S	S	S			S	S	S					S		21.05.040G.6-7.	
Utility Facility	Utility facility													C	P	P					C	C	21.05.040H.1	
	Utility substation	S	S	S			S	S	S	S	S			P	P	P	S	S			S	S	21.05.040H.2	
Telecommunication Facilities	Type 1, 2, 3 or 4 tower	P	P	P			P	P	P	P				P	P	P	P	P	S	S	S	P	21.05.040I.1K.	
	Type 2 tower	C	P				C	P	P	P				P	P	P	S	C	S	S	S		21.05.040K.	
	Type 3 tower	P	P				P	P	P	P				P	P	P	P	P	S	S	S	P	21.05.040K.	
	Type 4 tower	P	P				P	P	P	P				P	P	P	P	P	P	P	P	P		21.05.040K.
COMMERCIAL USES																								
Agricultural Uses	Commercial horticulture		P							P	P			P	P						C		21.05.050A.1.	
Animal Sales, Service & Care	Animal shelter		SP											P	P						[S] S/ M		21.05.050B.1.	
	Commercial Kennel; commercial		P						P	C	C			P	P								21.05.050B.2.	

Comment [EBM98]: Disagree—where is the direction about which approval process to use?

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	Large domestic animal facility, principal use		C											P	CP				C	C		21.05.050B.3.
	Retail and pet services	P	P						P	P	P			C								21.05.050B.4.
	Veterinary clinic	P	P				P		P	P	P			P								21.05.050B.5.
Assembly	Civic / convention center																			C		21.05.050C.1. 21.05.020A.
Entertainment and recreation	Club / lodge / meeting hall	P	P	P			P			P	P			P	P						S	21.05.050C.12 21.05.020A.
Entertainment and recreation	Amusement establishment		P							P	P			P						C		21.05.050D.1. 21.05.020A.
Entertainment and recreation cont.	Entertainment facility, major		CP								C			CP	P				CP	CP		21.05.050C.D.2. 21.05.020A.
	Fitness and recreational sports center	P	P				P		P	P	P										S	21.05.050D.3.
	General outdoor Commercial recreation, commercial		P								S			P	P				M	C		21.05.050C.3 D.4.
	Golf course																		C	C		21.05.050C.4 D.5.
	Motorized sports facility													C	C				C	C		21.05.050C.5 D.6. 21.05.020A.
	Movie theater		MP							S	S			P	P							21.05.050C.6 D.7. 21.05.020A.

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	Nightclub		P						P	P			P									21.05.050D.8-21.05.020A.
	Shooting range, outdoor																	C	C			21.05.050C.7D.9.
	Skiing facility, alpine																	C	C			21.05.050C.8D.10.
	Theater company or dinner theater/Performing Arts		CP						S	S			P	P								21.05.050C.9D.14. 21.05.020A.
Food and Beverage Service	Bar		PC					PC	P	P	P		PC	C							P	21.05.050DE.1. 21.05.020A.
	Food and beverage kiosk	P	P	P			P	P	S	S			P	P	P				P	P		21.05.050DE.2. 21.05.020A.
	Night Club		P										P									21.05.050D.3
	Restaurant	P	P	P			P	P	P	P			P	P					P	P		21.05.050D.4E.3. 21.05.020A.
Office	Broadcasting facility		P				G		G	P			P								P	24.05.050F.1.
	Financial institution	P	P				P		P	P												24.05.050F.2.
	General Office, business or professional	P	P	P			P	P	P	P			P	P							P	21.05.050E.1F.3.
	Medical Office	P	P	P			P						P	P							P	21.05.050E.2
	Governmental Office	P	P	P			P						P	P							P	21.05.050E.3

Comment [EBM99]: Disagree—a bar should not have to go through a conditional use process as well as the special permit for alcohol process.

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Personal Services, Repair, and Rental	Research Laboratory		P				P	P						P	P	P					S		21.05.050E.4
	Business service establishment		P				P		P	P				P									21.05.050G.1.
	Funeral services		P				P			S	S												21.05.050G.2.
	General personal services	P	P				P		P	P	P												21.05.050G.3.
	Small equipment rental		P					P		P	P			P									21.05.050G.4.
Retail Sales	Auction house		P											P	P								21.05.050H.1.
	Building materials store		P								M			P	C								21.05.050H.2.
	Convenience store	P	P						P	P	P												21.05.050H.3. 21.05.020A.
	Farmers market		P							P	P										P		21.05.050H.4.
	Fueling station	C	P					C	C	S	S			P	P	P							21.05.050H.5. 21.05.020A.
	General retail	P	P	P				P	P	P	P			P	P						C		21.05.050F.1 H.6.
	Grocery or food store	P	P						S	S	S												21.05.050H.7. 21.05.020A.
Liquor store	Liquor store	P	C	C					P	P	P			C	C								21.05.050F.2 H.8. 21.05.020A.
	Pawnshop		P							P	P												21.05.050H.9.

Comment [EBM100]: Disagree—general retail is an inappropriate use in the PLI.

Comment [EBM101]: Disagree—the store should not have to get a conditional use along with a special permit for alcohol.

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Vehicles and Equipment	Aircraft and marine vessel sales		P					P					P	P	P							21.05.050I.4.
	Parking lot or structure (50+ spaces)	C	P	C			C	C		M	M		P	P						C		21.05.050F.3I.2- or I.3.
	Parking lot or structure (less than 50 spaces)	C	P	C			C	C		S	S		P	P						PC		21.05.050F.4I.2- or I.3.
	Aircraft, Marine, Vehicles Sales/Rentals		P						P				P	P	P							21.05.050F.5
	Vehicle parts and supplies		P							P	P		P									21.05.050I.4.
	Vehicle large, sales and rental		P								S		P									21.05.050I.5.
	Vehicle small, sales and rental		P						C		S		P									21.05.050I.6.
	Vehicle service and repair, major		P										P	P								21.05.050I.7.
	Vehicle service and repair, minor	C	P						C	S	P		P	P								21.05.050I.8.
Visitor Accommodations	Camper park		CS										P	P						C		21.05.050J05 OG.1.
	Hotel/Motel/Extended-stay/Inn lodgings		P				S			P	P		P	P								21.05.050J05 OG.2.
	Hostel		P				S			P	P											21.05.050J05 OG.3.
	Hotel/motel		P				M			S	S											21.05.050J.4. 21.05.020A.

Comment [EBM102]: Disagree—the city should be able to provide a camper park on city land, if appropriate.

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	Inn		P				S		P	P	P												21.05.060J.5-21.05.020A.
	Recreational and vacation camp		P															C		C			21.05.050G.4J.6.
INDUSTRIAL USES																							
Industrial Service	Data processing facility		P				P			P			P	C						P			21.05.060A.1.
	Dry-cleaning establishment		P						P	P			P	P									21.05.060A.2.
	General industrial service												P	P	P								21.05.060A.13
	Governmental Service												P	P						C			21.05.060A.4.
	Heavy equipment sales and rental												P	P	P								21.05.060A.25
	Research laboratory		P					P			C			P	P	P					S		
Manufacturing and Production	Commercial Food Production		C							C			P	P						P			21.05.060B.1.
	Cottage crafts	P	P						P	P	P		P										21.05.060B.2.
	General Manufacturing and Production												P	P	P								21.05.060B.1
	Manufacturing, heavy												C	P	CP								21.05.060B.23
	Manufacturing, light							C					P	P	C								21.05.060B.4.

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	Natural resource extraction, organic and inorganic	C	C	C			C	C	C	C			C	C	C	C	C	C	C		21.05.060B.35
	Natural resource extraction, placer mining													C					C	C	21.05.060B.6.
Marine Facility	Aquaculture							C						C	P				C		21.05.060C.1.
	Facility for combined marine and general construction							P					P	P	P						21.05.060C.12
	Marine operations							P						P	P						21.05.060C.3.
	Marine wholesaling							P						P	P						21.05.060C.4.
	General Marine Industrial							P					P	P	P						21.05.060C.2
Warehouse and Storage	Bulk storage of hazardous materials												C	C	C						21.05.060D.1.
	General Outdoor Storage												P	P	P						21.05.060D.2
	Impound yard												P	P					C		21.05.060D.2.
	Motor freight terminal												P	P	P						21.05.060D.3.
	Self-storage facility		P	S									P	P							21.05.060D.4.
	Storage yard							P					P	P	P						21.05.060D.5.

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	Warehouse		S					S						P	P	P						C	21.05.060D.56	
	Wholesale establishment		P					P						P	P	P							21.05.060D.67	
	Light-Warehouse		P					P						P	P	P							21.05.060D.7	
Waste and Salvage	Composting facility														P							C	21.05.060E.1.	
	Hazardous Waste Treatment Facility														C								21.05.060E.2	
	Incinerator or thermal desorption unit														C							C	21.05.060E.3.	
	Junkyard or salvage yard														C								21.05.060E.4.	
	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.5.
	Landfill														C							C	21.05.060E.6.	
	Recycling Drop-Off	P	P	P					P	P	P			P	P							P	21.05.060E.7.	
	Snow disposal site		C/M											S	S	S						C	C	21.05.060E.8.
Solid waste transfer facility													C	P								C	21.05.060E.9.	

Comment [EBM103]: Disagree—the city used to have a composting facility, and may have again.

Comment [EBM104]: Disagree—hospitals in PLI have these.

Comment [EBM105]: Disagree—it is inappropriate to store snow (from off-site) in our parks.

⁸ [Uses with structures with a gross floor area over 20,000 square feet require a major site plan review through subsection 21.07.130A... Large Commercial Establishments.](#)

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 special land use permit for alcohol review process in section 21.03.040[050], ~~Alcohol—Special Land Use Permit [FOR ALCOHOL]~~. That process shall apply to any such use regardless of whether it is listed in table[S] 21.05-1, ~~table [OR] 21.05-2, or chapter 21.09~~ 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 special land use permit for alcohol process and the separate process referenced in table[S] 21.05-1, ~~table [OR] 21.05-2, or chapter 21.09~~. A cross-reference to this section 21.05.020A. in table[S] 21.05-1, ~~table [OR] 21.05-2, or chapter 21.09~~ is not required for the operator of a use to request approval under section 21.03.040[050].

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 table[S] 21.05-1, ~~table [OR] 21.05-2, or chapter 21.09~~ 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 table[S] 21.05-1, ~~table [OR] 21.05-2, or chapter 21.09~~ and also to comply with the standards of this subsection 21.05.020B.

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; an 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 B.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 or instructional service serving any combination of grades kindergarten through 12;
- 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 [AREA] Plan;
- f. A community center;

Comment [EBM106]: No longer exists as a use in the table.

- 1 g. A neighborhood recreation center;
- 2 h. Child care centers; or
- 3 i. Public libraries.

4 **3. Compliance with State Standards**

5 Where the state has provided specific standards for determining an enterprise's
6 permissible location, the state's means of measurement shall apply. Such enterprises
7 shall also comply with subsection B.2. above if the enterprise engages in other activities
8 not regulated by the state for which AMC title 8 prohibits the presence of minors or
9 unaccompanied minors on the premises.

10 **4. Administrative Permit Required**

11 An administrative permit **is required and** shall be on display in a prominent place. This
12 permit shall certify that the enterprise is in compliance with subsection B.2. or **B.3.** of this
13 section, as applicable. This permit shall be obtained from the director, pursuant to
14 section 21.03.030, *Administrative Permits*. This permit shall remain valid so long as the
15 enterprise remains in continuous operation at that location and does not physically
16 expand. In addition, a permit granted under subsection B.3. shall remain valid so long as
17 the enterprise does not engage in an activity for which a permit is required under
18 subsection B.2.

19 **5. Premises Without Permit**

20 An enterprise not in possession of a permit must immediately cease all activities for
21 which a permit pursuant to this section is required.

22 **21.05.030 RESIDENTIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

23 This section defines the general residential use categories and specific residential use types listed in
24 tables 21.05-1 ~~and 21.05-2~~. This section also contains use-specific standards that apply to specific use
25 types. The use-specific standards apply regardless of whether the use type is permitted as a matter of
26 right, or subject to a site plan or conditional use review process.

27 **A. Household Living**

28 This category is characterized by residential occupancy of a dwelling unit by a "household," which
29 is defined in chapter 21.14. Tenancy is arranged on a month-to-month or longer basis. Common
30 accessory uses include recreational activities, raising of pets, gardens, personal storage
31 buildings, hobbies, and parking of the occupants' vehicles. Specific use types include:

32 **1. Dwelling, Mixed-Use**

33 **a. Definition**

34 A dwelling that is located on the same lot or in the same building as a non-
35 residential use, in a single environment in which both residential and non-
36 residential amenities are provided.

37 **b. Use-Specific Standards**

38 The residential portion of a mixed-use building or development shall comply with
39 section 21.07. ~~110C~~ ~~100G~~, *Standards for Multifamily Residential*. The
40 nonresidential portion of a mixed-use building or development shall comply with
41 the public/institutional and commercial design standards in section
42 21.07. ~~120~~ ~~110~~ and/or the large commercial establishment standards of
43 21.07. ~~130A~~ ~~120~~. In case of overlap and/or conflict, the more stringent standard
44 shall control.

45 **2. Dwelling, Multifamily**

Comment [EBM107]: Disagree— not sure if the purpose of this amendment is to try to align Title 21 and Title 23 (some building code requirements switch starting with four units), but this change has ramifications throughout title 21.

- 1 a. **Definition**
2 A residential building or multiple residential buildings comprising ~~three-four~~ or
3 more dwelling units on one lot. The definition includes the terms “apartment” or
4 “apartment building.”
- 5 b. **Use-Specific Standards**
6 i. Multifamily developments that consist of ~~three-four~~ or more units in one
7 building shall comply with section 21.07.~~110C~~[100G]., *Standards for*
8 *Multifamily Residential*, except as provided in subsection b.iii. below.
- 9 ii. Dwellings with single-family style and two-family style construction in
10 multifamily developments shall comply with ~~the residential design~~
11 ~~standards in subsections~~ 21.07.~~110E. and F.~~[100E., *STANDARDS FOR*
12 *SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLINGS.*]
- 13 iii. Dwellings with townhouse style construction in multifamily developments
14 shall comply with section 21.07.~~110D~~[100F]., *Standards for Townhouse*
15 *Residential.*
- 16 3. **Dwelling, Single-Family Attached**
17 a. **Definition**
18 One dwelling unit in a building on its own lot, with one or more walls abutting the
19 wall or walls of one other single-family dwelling unit on an adjacent lot.
- 20 b. **Use-Specific Standards**
21 i. *Residential design standards*
22 Single-family attached dwellings shall comply with the applicable
23 residential design standards in section 21.07.~~110~~[100], *Residential*
24 *Design Standards.*
- 25 ii. *Common Party Wall Agreement*
26 A common party wall agreement shall be recorded. The agreement shall
27 provide for maintenance of the structure and other improvements in good
28 condition, and for maintenance of the uniformity and common
29 appearance of the exterior of all structures and landscaping.
- 30 iii. *Access; No Vertical Stacking*
31 Each unit shall have its own access to the outside, and no unit may be
32 located over another unit in whole or in part.
- 33 iv. *Side Setback Requirement*
34 Detached accessory structures shall comply with the side setback
35 requirement of the underlying zoning district on the common lot line
36 between attached residential units.
- 37 4. **Dwelling, Single-Family Detached**
38 a. **Definition**
39 One detached building on its own lot, erected on a permanent foundation,
40 designed for long-term human habitation exclusively by one household, having
41 complete living facilities, and constituting one dwelling unit.
- 42 b. **Use-Specific Standard[S]**
43 Single-family detached dwellings shall comply with the applicable residential
44 design standards in section 21.07.~~110~~[100], *Residential Design Standards.*

- 1 **5. Dwelling, Townhouse**
2 **a. Definition**
3 A [ATTACHED] building containing ~~three~~ four or more single-family dwelling units
4 erected in a single row, with each unit on its own lot and having its own separate
5 entrance.
- 6 **b. Use-Specific Standards**
7 **i. Residential Design Standards**
8 Townhouse dwellings shall comply with the applicable residential design
9 standards in section 21.07. ~~110~~ 100, *Residential Design Standards*.
- 10 **ii. Common Party Wall Agreement**
11 A common party wall agreement shall be recorded. The agreement shall
12 provide for maintenance of the structure and other improvements in good
13 condition, and for maintenance of the uniformity and common
14 appearance of the exterior of all structures and landscaping.
- 15 **iii. Access; No Vertical Stacking**
16 Each unit shall have its own access to the outside, and no unit may be
17 located over another unit in whole or in part.
- 18 **iv. Side Setback Requirement**
19 Detached accessory structures shall comply with the side setback
20 requirement of the underlying zoning district on the common lot line
21 between attached residential units.
- 22 **6. Dwelling, ~~Two or Three~~ Family**
23 **a. Definition**
24 One detached building on one lot designed for and constituting two ~~or three~~
25 dwelling units. The definition includes the terms “duplex-” and the “triplex”.
- 26 **b. Use-Specific Standard[S]**
27 Two- and three family dwellings shall comply with the applicable residential
28 design standards in section 21.07. ~~110~~ 100, *Residential Design Standards*.
- 29 **7. Dwelling, Mobile Home**
30 **a. Definition**
31 A transportable, factory-built dwelling unit designed and intended to be used as a
32 year-round dwelling, and built prior to the enactment of the Federal Manufactured
33 Home Construction and Safety Standards Act of 1976.
- 34 **b. Use-Specific Standard[S]**
35 Only one mobile home is allowed per lot in the R-5 district, unless the lot is within
36 a manufactured home community. A mobile home shall be placed on a
37 permanent foundation unless it is located within a manufactured home
38 community.
- 39 **8. Manufactured Home Community (MHC)**
40 **a. Definition**
41 Any parcel or adjacent parcels of land in the same ownership that are ~~is~~ utilized
42 for occupancy by more than two mobile homes or manufactured homes. This
43 term shall not be construed to mean tourist facilities for parking of travel trailers
44 or campers, which are classified under “camper park.”
- 45 **b. Use-Specific Standards**

Comment [EBM108]: Disagree--

Comment [EBM109]: Disagree—
how do these changes mesh with the
use tables, where the use-type
names were not changed to be
consistent with this? How do we
indicate that a duplex is allowed in
certain zones but not a triplex?

All MHCs within the municipality shall be constructed, operated, and maintained in accordance with the general standards listed below.

i. Compliance with Applicable Regulations

MHCs shall be constructed, operated, and maintained in conformance with all applicable state statutes and regulations and local ordinances; provided, however, that the provisions of chapter 21.12, *Nonconformities*, of this ~~title~~ Title shall not be applied to prohibit the removal and replacement of a mobile home or manufactured home on a space within a MHC subject to that chapter.

ii. Responsibility for Compliance

Complete responsibility for standards established by this subsection and for construction within a MHC shall rest with the owner of such community.

iii. Minimum Site Size

MHCs shall be on sites of at least two acres.

iv. Maximum Site Density

Gross density for MHCs shall not exceed eight units per acre.

v. Impermanent Foundations

No mobile homes and manufactured homes within an MHC shall be placed on a permanent foundation.

vi. Mobile Home or Manufactured Home Spaces

(A) Occupancy

No mobile home or manufactured home space shall contain more than one manufactured home, mobile home or duplex mobile home or manufactured home. No other dwelling unit shall occupy a mobile home or manufactured home space.

(B) Minimum Size

In manufactured home communities created after [effective date], all single mobile home or manufactured home spaces shall have a minimum of 3,500 square feet of land area and all duplex mobile home or manufactured home space shall have a minimum of 5,000 square feet of land area.

(C) Mobile Home or Manufactured Home Separation

(1) No part of any mobile home, manufactured home, accessory building, or its addition shall be placed closer than 15 feet from any other mobile home, manufactured home, or its addition, or no closer than ten feet if that mobile home, manufactured home, accessory building, or its addition being placed meets NFPA 501A and HUD #24 CFR 328O standards.

(2) The requirements of sections 21.06.030 C[A].2., *Projections into Required Setbacks* and 21.05.070, *Accessory Uses and Structures*, shall not apply to MHCs. All mobile homes, manufactured homes, and accessory structures shall be placed at least five feet from the front space line. Steps shall not be considered

in determining the separations required by this subsection.

- (D) *Access*
Each mobile home or manufactured home space shall have direct access to an internal street. Direct access to exterior public streets is prohibited.

vii. ***Streets and Drainage Facilities***

All streets within an MHC shall comply with the following standards:

- (A) *Street Surface*
All streets shall be surfaced with all-weather materials, such as asphalt or concrete, to a minimum surface width of 33 feet.

- (B) *Right-of-Way Width*
Any street that services 100 spaces or more shall be classified as a major street. Major streets shall have a minimum right-of-way width of 50 feet. All other streets shall have a minimum right-of-way width of 40 feet. Streets are not required to be dedicated as public rights-of-way.

- (C) *Cul-De-Sac Streets*
No street shall dead end except for cul-de-sac streets that are no more than 650 feet in length and have a minimum turning radius of 50 feet at the termination point of the cul-de-sac.

- (D) *Intersections*
No street shall extend more than 650 feet in length between street intersections. Intersecting streets shall cross at 90-degree angles from an alignment point 100 feet from the point of intersection. No street intersection shall be closer than 130 feet to any other street intersection.

- (E) *Street Frontage*
Double-frontage spaces are prohibited, except that reverse-frontage spaces may back against streets bordering the MHC.

- (F) *Street Layout*
Streets shall be laid out so that their use by through traffic will be discouraged.

- (G) *Street Grades*
Street grades shall not exceed six percent. Street grades within 100 feet of intersections shall not exceed four percent.

- (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.

- (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. Signs approved by the traffic department shall be provided at crossing locations.

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.

ix. Landscaping

(A) L3 buffer landscaping shall be planted along each boundary of the MHC, except for vehicular and pedestrian ingress and egress points. Where two MHCs share a common lot line, the L3 buffer landscaping shall be split, with seven and one half feet (of the total 15 foot requirement) on each lot. Along MHC lot lines abutting a dedicated park, the landscaping requirement shall be halved.

Comment [EBM110]: Landscaping levels were deleted.

Comment [EBM111]: Landscaping levels were deleted.

(B) All areas not devoted to mobile home or manufactured home spaces, structures, drives, walks, off-street parking facilities, or other required landscaping shall be planted with site enhancement landscaping.

x. Additions to Mobile Homes or Manufactured Homes; Accessory Buildings

(A) Generally

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.

(B) Height

The height of accessory buildings is limited to that of the underlying zoning district. In the case of districts where the height is unrestricted, the maximum height of accessory structures shall be 12 feet. The height of additions to mobile homes or manufactured homes is limited to that of the underlying zoning district. The use of any area created above the original roof line of the mobile home or manufactured home as living space is prohibited.

(C) 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.

xi. Refuse Collection

A MHC operator shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and maintained in accordance with all municipal health regulations and shall be designed to bar animals from access to refuse. Refuse shall be removed from refuse

1 collection sites at least once a week. Refuse facilities shall be screened
2 pursuant to section 21.07.080 **G[H]**, *Screening*.

3 **xii. Fuel Tanks**

4 Fuel oil supply tanks shall be placed in compliance with applicable
5 building and fire codes. Liquefied gas containers shall be securely
6 anchored to a permanent and stable holding structure or adequately
7 secured to a mobile home or manufactured home.

8 **xiii. Campers and Travel Trailers**

9 Occupied campers and travel trailers are not subject to paragraphs
10 8.b.vi., *Mobile Home or Manufactured Home Spaces*, and 8.b.viii., *Water*
11 *and Sewage Systems*, of this subsection. Any permitted spaces
12 intended for occupied campers and travel trailers shall be placed in an
13 area segregated from permanent mobile home or manufactured home
14 spaces. Any area within a MHC that is occupied by campers and travel
15 trailers shall be served by a service building containing public toilet
16 facilities and water supply.

17 **xiv. Animals in MHCs**

18 Outdoor keeping of animals other than dogs in MHCs shall be regulated
19 by subsection 21.05.070D.14., except that "spaces" within MHCs shall
20 be considered "lots" for the purposes of applying subsection
21 21.05.070D.14.

22 **xv. Convenience Establishments in MHCs**

23 Convenience establishments of a commercial nature, including stores,
24 coin-operated laundry, beauty shops and barbershops, may be permitted
25 in MHCs subject to the following restrictions. Such establishments and
26 the parking **lot [AREA]** primarily related to their operations shall not
27 occupy more than ten percent of the area of the community, shall be
28 subordinate to the residential use and character of the park, shall be
29 located, designed and intended to serve frequent trade or service needs
30 of persons residing in the community, and shall present no visible
31 evidence of their commercial character from any portion of any district
32 outside the community. Such convenience areas shall be considered
33 accessory uses to the principal use of mobile homes or manufactured
34 homes, may be permitted without a zoning change, and shall be
35 discontinued if the MHC is discontinued.

36 **xvi. Sites in Flood Hazard Area**

37 The following requirements shall apply to all MHCs, any portion of which
38 are within a flood hazard area:

39 **(A)** Over-the-top ties shall be provided at each of the four corners of
40 the mobile home or manufactured home and two ties per side at
41 intermediate locations. Mobile homes more than 50 feet long
42 shall require one additional tie per side.

43 **(B)** Frame ties shall be provided at each corner of the frame, and
44 five ties per side at intermediate points. Mobile homes or
45 manufactured homes more than 50 feet long shall require four
46 additional ties per side.

- 1 (C) All components of the anchorage system shall be capable of
2 carrying a force of 4,800 pounds.
- 3 (D) Any additions to the mobile home or manufactured home shall
4 be similarly anchored.
- 5 (E) All applications for a conditional use for a MHC shall include an
6 evacuation plan indicating alternate vehicular access and escape
7 routes during times of flooding.
- 8 **xvii. Sites in Floodplain**
9 No mobile homes or manufactured homes shall be placed within the
10 regulatory floodplain, except that MHCs existing before September 25,
11 1979, shall be permitted to place mobile homes or manufactured homes
12 within existing unit spaces.
- 13 **xviii. Nonconforming MHCs**
14 (A) Those MHCs situated within the boundaries of the former City of
15 Anchorage which existed prior to August 30, 1977, are not
16 subject to paragraphs 8.b.vi., *Mobile Home or Manufactured*
17 *Home Spaces*, and 8.b.vii., *Streets And Drainage Facilities*, of
18 this subsection, provided that such communities meet the
19 standards set forth in the former City of Anchorage Municipal
20 Code sections 6.60.010 through 6.60.110.
- 21 (B) Those MHCs situated in any area of the municipality other than
22 that described in paragraph i. above, which existed prior to 1966,
23 are not subject to the requirements of paragraphs 8.b.vi., *Mobile*
24 *Home or Manufactured Home Spaces*, 8.b.vii., *Streets and*
25 *Drainage Facilities*, and 8.b.x., *Additions to Mobile Homes or*
26 *Manufactured Homes; Accessory Buildings*, of this subsection,
27 within the area and to the extent that it was constructed,
28 operated or maintained prior to that date.
- 29 (C) Any MHC exempt from certain requirements of this subsection
30 21.05.030A.8., *Manufactured Home Community*, as provided in
31 paragraphs xviii.(A) and (B) above, shall conform to all
32 provisions of this subsection 21.05.030A.8. within any area first
33 constructed, operated, or maintained after the specified date or
34 within any area that is substantially altered, remodeled,
35 reconstructed, or rebuilt after that date.

36 **B. Group Living**

37 This category is characterized by residential occupancy of a structure by a group of people who
38 do not meet the definition of "Household Living." ~~The size of the group may be larger than a~~
39 ~~family.~~ Generally, structures have a common eating area for residents. The residents may
40 receive care, training, or treatment, and caregivers may or may not also reside at the site.
41 Accessory uses commonly include recreational facilities and vehicle parking for occupants and
42 staff. Specific use types include:

Comment [EBM112]: Disagree—
this offers clarity. Why delete?

43 **1. Assisted Living Facility**

44 **a. Definition**

45 A facility that provides housing and ancillary care services on a residential basis
46 to three or more adults, and adolescents in appropriate cases as allowed by
47 exception. A small assisted living facility is defined as a group of three to eight

1 residents. A large assisted living facility is defined as a group of nine or more
2 residents.

3 **b. Use-Specific Standards for Small Assisted Living Facilities**

4 **i. Housekeeping Unit**

5 A small assisted living facility serving ~~five-eight~~ or fewer residents shall
6 be considered a single housekeeping unit.

Comment [EBM113]: Disagree—
see comment below.

7 **ii. Administrative Variance Needed**

8 In ~~the R-1, R-1A, R-2A, and R-2D~~all zones, a small assisted living facility
9 serving ~~five-eight~~ or fewer residents is permitted by right. An
10 administrative variance pursuant to section 21.03.240[250]J. is required
11 to serve six to eight residents.

Comment [EBM114]: Wrong cross
reference.

12 **c. Use-Specific Standards for Large Assisted Living Facilities**

13 Large assisted living facilities shall comply with the use-specific standards set
14 forth for "adult care facilities with ~~nine~~ [9] or more persons" below.

Comment [EBM115]: This now
contradicts itself. It says 8 people are
permitted by right, but 6-8 people
need an administrative variance.
Huh?

15 **2. Correctional Community Residential Center**

16 **a. Definition**

17 A community residential facility, other than a correctional institution, for the short-
18 term or temporary detention of people in transition from a correctional institution,
19 performing restitution, or undergoing rehabilitation and/or recovery from a legal
20 infirmity. This does not include people who pose a threat or danger to the public
21 for violent or sexual misconduct or who are imprisoned or physically confined
22 under guard or 24-hour physical supervision.

This is from current code an was
changed around 2005 after a great
deal of work with the assisted living
community. Please don't make
changes!

23 **b. Use-Specific Standards**

24 **i. Standards for Centers Established After January 1, 1995**

25 The following standards apply to all correctional community residential
26 centers established after January 1, 1995:

27 **(A)** No new correctional community residential center may be
28 located within 1,250 feet of an existing center, a public park, or a
29 school or instruction service serving any combination of grades
30 kindergarten through 12, unless the ~~planning-Planning~~ and
31 ~~zoning-Zoning commission-Commission~~ determines that a
32 reduction in separation distance is warranted based upon the
33 program proposed and any other circumstances the commission
34 deems appropriate. If the commission reduces the separation
35 distance, it shall adopt findings of the facts upon which such
36 reduction is based.

37 **(B)** Program occupancy limits shall be as determined by the state
38 department of corrections.

39 **(C)** Maximum resident occupancy at a center shall be determined by
40 requiring a minimum of 150 square feet of building area per
41 resident. This measurement shall be calculated by including all
42 bedroom, kitchen, bathroom, living, recreation, and other areas
43 within the facility intended for common use by the residents.

44 **(D)** Each center shall have a minimum of 50 square feet of outdoor
45 recreation area per maximum resident occupancy.

- 1 (E) Centers that house felons are only permitted by conditional use
2 in the I-1 and PLI districts. Centers allowed in other districts may
3 only house residents convicted of misdemeanors.
- 4 (F) No additional correctional community residential centers may be
5 located in the DT zoning districts or in a B-3 zoning district in the
6 area bounded on the north by Ship Creek, on the south by
7 Chester Creek, on the east by Orca Street extended, and on the
8 west by Cook Inlet.
- 9 (G) CCRCs shall not house sex offenders.

10 ii. **Existing Centers Established Under Quasi-Institutional House**
11 **Provisions**

12 The three correctional community residential centers that were
13 established under the quasi-institutional house provisions of ~~title Title~~ 16
14 and ~~title Title~~ 21 of this code and that existed as of January 1, 1995, may
15 continue to operate under the terms of their existing conditional use
16 permits and at the occupancy level permitted as of that date. No other
17 beds may be added to these centers.

18 3. **Habilitative Care Facility**

19 a. **Definition**

20 A residential facility, other than a correctional center or transitional living facility,
21 the principal use or goal of which is to serve as a place for persons seeking
22 rehabilitation or recovery from any physical, mental, or emotional infirmity, or any
23 combination thereof, in a family setting as part of a group rehabilitation and/or
24 recovery program utilizing counseling, self-help, or other treatment or assistance,
25 including, but not limited to, substance abuse rehabilitation. Such care for
26 persons age 18 and under, who are under the jurisdiction of the state division of
27 juvenile justice, shall be considered habilitative care, and not a correctional
28 community residential center.

29 4. **Roominghouse**

30 a. **Definition**

31 Any dwelling or establishment in which four or more guestrooms are available for
32 compensation that is paid on a daily, weekly, or monthly basis. A roominghouse
33 may offer dining services only to its tenants and their guests. This definition does
34 not include bed-and-breakfast establishments, which are classified in this ~~title~~
35 ~~Title~~ as an accessory use under section 21.05.070, or a hostel, which is
36 classified as a "visitor accommodation" under section 21.05.050.

37 b. **Use-Specific Standards**

38 i. **Administrative Permit**

39 Roominghouses shall require an administrative permit issued in
40 accordance with section 21.03.030. An application for a roominghouse
41 shall not be complete unless it is accompanied by proof of a current
42 business license, health inspection for 25 occupants or more, a
43 certificate of on-site systems approval (for on-site systems only), and a
44 site plan and building floor plans meeting the requirements of this
45 ~~title Title~~.

46 ii. **General Standards**

47 (A) In residential zones, the design standards for multi-family
48 residential buildings shall apply.

Comment [EBM116]: Landscaping levels were deleted.

- 1 (B) L2 visual enhancement landscaping is required when abutting
2 residential lots in a residential zone.
- 3 (C) In the R-2F, R-2M, R-5, R-6, R-7, R-8, and R-9 zoning districts,
4 the number of guestrooms shall be limited to eight guestrooms or
5 12 pillows.
- 6 (D) Cooking facilities are prohibited in guestrooms.
- 7 (E) The roominghouse shall be limited to a single structure, and only
8 one roominghouse shall be allowed per lot.
- 9 (F) Public ingress and egress to the roominghouse shall be limited
10 to one primary entrance; guestroom entrances shall be from a
11 shared interior hall rather than individual exterior doors.
- 12 (G) In residential zones, the owner or operator of the roominghouse
13 shall reside on site.

14 5. Transitional Living Facility

15 a. Definition

16 A facility providing temporary housing with services to assist homeless persons
17 and families and persons with special needs to prepare for and obtain permanent
18 housing within twenty-four months. The facility provides 24-hour a day, seven
19 days a week programmatic assistance[,] or services[,] for self-sufficiency skills to
20 its tenants, and may provide services such as, but not limited to, on-site
21 assistance in learning independent living skills (shopping, cooking, financial
22 budgeting, preparing for job interviews, preparing resumes, and similar skills),
23 and referral to off-site education and employment resources (GED completion,
24 job training, computer training, employment services, and the like) to assist the
25 tenants in becoming financially self-sustaining.

26 21.05.040 PUBLIC/INSTITUTIONALCOMMUNITY USES: DEFINITIONS AND USE-SPECIFIC
27 STANDARDS

28 This section defines the general public/institutional use categories and specific public/institutional use
29 types listed in tables 21.05-1 and 21.05-2. This section also contains use-specific standards that apply to
30 specific use types. The use-specific standards apply regardless of whether the use type is permitted as a
31 matter of right, subject to an administrative or major site plan review process, or subject to the conditional
32 use process.

33 A. Adult Care

34 1. Definition

35 A non-residential facility providing assistance with activities of daily living as described in
36 AS 47.33.990(1) for three or more adults or a combination of three or more adults and
37 adolescents.

38 2. Use-Specific Standards for Adult Care Facilities with One through Eight Persons

39 a. These facilities are intended to be minor commercial activities, shall not detract
40 from the principal use allowed in the district, and shall not place an undue burden
41 on any private or public infrastructure greater than anticipated from a permitted
42 development.

43 b. In all residential districts [AND IN THE R-O AND B-1A DISTRICTS,] these
44 facilities shall be located only in a single family detached structure, excluding

1 detached condominium units. These facilities shall be prohibited if the only direct
2 street access is from a private street.

3 c. Usable Outdoor Space
4 Adult care centers shall provide usable outdoor space as required in AMC
5 16.55.450

Comment [EBM117]: Not parallel construction to have titles for c. and d.

6 d. Continuing Conditional Uses
7 e. These standards shall not apply to any use continuing as a lawful conditional
8 use on April 18, 2006.

Comment [EBM118]: AMC 16.55.450 is about Child Care and Educational Facilities—there is no mention of Adult Care or any outdoor space requirements for adult care.

9 3. Use-Specific Standards for Adult Care Facilities with Nine or More Persons (also
10 apply to “Large Assisted Living Facilities” and “Nursing Facility”)

11 a. **Access**
12 The site shall provide for direct access from a street constructed to class A
13 improvement area standards.

14 b. **Minimum Lot Size**
15 i. Unless otherwise authorized by the planning and zoning commission, the
16 minimum lot size for a nursing facilities/facility shall be:

Comment [EBM119]: Why is this amendment necessary?

- 17 (A) Six to 10 beds: 15,000 square feet.
- 18 (B) Eleven or more beds: 20,000 square feet.

19 ii. The minimum lot size for adult care facilities with nine or more persons,
20 and for large assisted living facilities shall be:

- 21 (A) Nine to 16 beds: the minimum lot size of the underlying district.
- 22 (B) Seventeen or more beds: 20,000 square feet.

23 c. ~~Vegetated Open Space~~ Usable Outdoor Space
24 A minimum of 15 percent (25 percent in the RO district) of the lot shall remain as
25 a planted open area, landscaped area, or natural vegetation area, to exclude
26 buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the decision-
27 making body determines that retention of less than 15 percent (25 percent in the
28 RO district) allows for sufficient buffering of adjacent uses. Adult care centers
29 shall provide usable outdoor space as required in AMC 16.55.450

Comment [EBM120]: AMC 16.55.450 is about Child Care and Educational Facilities—there is no mention of Adult Care or any outdoor space requirements for adult care. Keep the provisionally-adopted section. Vegetated open space requirement is intended to help the center fit better into residential neighborhoods, where they are often located.

30 d. **Parking and Setbacks**
31 In residential zoning districts, no parking or loading areas shall be placed in any
32 setback, except in approved driveways.

33 e. **Adjacent Residential**
34 A facility in a non-residential district that is adjacent to a residential use or district
35 shall provide L3 buffer landscaping along the lot line dividing the two.

36 f. **Ambulance and Delivery Areas**
37 Ambulance and delivery areas shall be screened from adjacent residential areas
38 by L3 buffer landscaping or a fence no less than six feet high.

39 g. Snow Storage
40 Snow storage space adjacent to surface parking lots and pathways shall be
41 identified on the site plan. In residential districts, to facilitate snow removal, snow
42 storage areas equal to at least 15 percent of the total area of the site used for

Comment [EBM121]: Disagree with this deletion of a current code requirement.

~~parking, access drives, walkways, and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have positive drainage away from structures and pavements. Except for facilities in single-family or two-family structures, storage of snow is not allowed in the front setback. Storage of snow may be in 50 percent of the side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, temporary snow storage areas shall be shown on the site plan.~~

h.g. Continuing Conditional Uses

These standards shall not apply to any use continuing as a lawful conditional use on April 18, 2006.

4. Additional Standards for Conditional Uses (also apply to “Nursing Facility” and “Large Assisted Living Facility”)

a. Use-Specific Standards Apply

These uses shall meet the use-specific standards above in addition to any requirements imposed by a conditional use approval.

b. ~~Vegetated Open Space~~ Usable Outdoor Space

~~A minimum of 25 percent of the lot shall remain as open area, to include landscaping or natural vegetation. The open area shall not include buildings, driveways, parking lots [AREAS], sidewalks, or similar structures, unless the planning and zoning commission determines retention of less than 25 percent of the lot as open area allows for sufficient buffering of adjacent uses. Adult care centers shall provide usable outdoor space as required in AMC 16.55.450~~

c. Factors for Consideration

When a conditional use permit is required for these uses, the following factors shall be considered, as well as the approval criteria for conditional uses in subsection 21.03.080C.

i. The extent to which the facility and the applicant seek to protect and preserve the primarily residential character of the district. Factors may include traffic patterns, on-street parking patterns, the control exercised by the provider to mitigate environmental disturbance associated with ingress and egress of facility staff at shift change, and any other measures taken by the provider to ensure commercial aspects of the facility do not detract from its residential purpose (if applicable) and the primarily residential character of the district.

ii. Economic hardship on the intended occupants of the facility if the conditional use is denied. Cost and availability of other housing alternatives, including whether a shortage of other facilities exists, may be addressed in preparation and review of the application.

iii. Whether the requested facility and the applicant are implementing accident prevention and safety measures specific to the needs of the residents, including but not limited to safety measures in state law and regulation, and in municipal fire code adopted under ~~title-Title~~ 23.

iv. Whether the conditional use advances housing opportunities for disabled individuals in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.

Comment [EBM122]: Deleted from this section below.

Comment [EBM123]: AMC 16.55.450 is about Child Care and Educational Facilities—there is no mention of Adult Care or any outdoor space requirements for adult care.

v. ~~Adjacent Residential~~

~~L2 visual enhancement landscaping shall be provided along each lot line that abuts a lot within a residential district. A child care center in a nonresidential district, that is adjacent to a residential use or district, shall provide L3 buffer landscaping along the adjacent lot line.~~

Comment [EBM126]: Disagree—as there is no limit on the number of children allowed at a child care center, this is important to give neighboring property owners a small buffer.

vi. ~~Snow Storage~~

~~In residential districts, snow storage areas equal to at least 15 percent of the total area of the site used for parking, drives, walkways, and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Snow storage is not allowed in front setbacks except in association with single-family or two-family structures. Snow storage is allowed in 50 percent of side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, temporary snow storage areas shall be shown on the site plan.~~

vii.iii. ~~Continuing Conditional Uses~~

~~This section shall not apply to any use continuing as a lawful conditional use on February 28, 2006.~~

c. ~~Additional Standards for Conditional Uses~~

i. ~~Use-Specific Standards Apply~~

~~These uses shall meet the use-specific standards above in addition to any requirements imposed by a conditional use approval.~~

Comment [EBM127]: Disagree—these are allowed by conditional use the R-1, R-1A, R-2A, and R-2D, and need this section to help them fit in with existing neighborhoods.

ii. ~~Additional Standards~~

~~Additional restrictions as to the size of the use, hours of operation, or other restrictions necessary to ensure compatibility with the neighborhood and minimize offside impacts, may be imposed by the planning and zoning commission.~~

iii. ~~Vegetated Open Space~~

~~A minimum of 25 percent of the lot shall remain as open area, to include landscaping or natural vegetation. The open area shall not include buildings, driveways, parking lots [AREAS], sidewalks, or similar structures, unless the planning and zoning commission determines retention of less than 25 percent of the lot as open area allows for sufficient buffering of adjacent uses.~~

2. Child Care Home

a. Definition

Child care home has the same meaning as set forth in AMC chapter 16.55 and may care for up to eight children. Operation of a child care home is not a home occupation pursuant to subsection 21.05.070D.11. This use includes pre-schools that are not associated or co-located with an elementary, middle, or high school.

b. Use-Specific Standards

i. Minor Commercial Activity

Licensed child care homes are intended to be minor commercial activities, shall not detract from the principal use allowed in the district,

and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

ii. Usable Outdoor Space

Licensed child care homes shall provide usable outdoor space as required by section 16.55.450.

iii. Continuing Conditional Uses

This section shall not apply to any use continuing as a lawful conditional use on February 28, 2006.

C. Community Service

This category includes uses of a public, non-profit, or charitable nature providing a local services to people of the community. ~~Generally, such uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. The use may provide special counseling, education, or training.~~ Accessory uses may include ~~but are not limited to~~ offices, meeting, food preparation, parking, [HEALTH,] therapy areas, ~~and~~ athletic facilities, ~~clubhouses, playgrounds, maintenance facilities, and caretaker's quarters.~~ Specific use types include:

Comment [EBM128]: Disagree—this type of descriptive language will help with use classification requests, and helps the public understand the intent of the code.

1. Aquarium

a. Definition

An establishment where collections of living aquatic organisms are kept and exhibited.

2. Botanical Gardens

a. Definition

A facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, native and/or ornamental plants.

4.3. Cemetery or Mausoleum

a. Definition

A graveyard, burial ground, mausoleum, or other place of interment, entombment, or sepulture of one of more human bodies or remains. Crematoria are not permitted unless specifically allowed under this ~~title-Title~~ as a separate principal use.

b. Use-Specific Standards

i. Burial of Human Remains in Other Areas Prohibited

Human remains, other than cremated remains, may not be buried, entombed, or interred, above or below ground, except in an approved cemetery.

ii. Platting of Burial Plots

Burial plots shall be platted in accordance with section 21.03.200[210]D., ~~Abbreviated Plat Procedure.~~

Comment [EBM129]: Wrong cross reference

iii. Density of Burial Plots

Notwithstanding the minimum lot area for any zoning district, there shall be no more than 1,500 burial plots per gross acre.

iv. Interment Below Groundwater Table Prohibited

No burial plots shall be established where interment would occur below the groundwater table.

- v. **Traffic Access**
A cemetery or mausoleum shall have direct access to a street designated as a collector or greater capacity.
- vi. **Dimensional Standards**
Notwithstanding the general dimensional standards in chapter 21.06, the following standards shall apply to all cemeteries and mausoleums.
 - (A) *Minimum Site Area*
Five acres.
 - (B) *Minimum Setbacks*
 - (1) Front setback: 10 feet.
 - (2) Side setback: 10 feet.
 - (3) Rear setback: 10 feet.
 - (C) *Maximum Height of Structures*
35 feet.
- vii. **Setbacks**
Graves and burial plots shall not be allowed within setback areas.
- viii. **Parking, Driveways, and Streets**
Parking shall be provided according to section 21.07.090, *Off-Street Parking and Loading*, except that the traffic engineer may authorize a pavement surface of gravel for drives and streets that provide direct access to graves and burial plots. Internal driveways and streets providing direct access to a public right-of-way or connecting to principal structures shall be paved with asphalt or concrete.

4. **Civic/Convention Center**

a. **Definition**

An establishment owned or operated by a corporation, association, or persons for social, educational, or recreational purpose, to which membership may be required for participation.

Comment [EBM130]: Doesn't sound like a convention center to me.

b. **Use Specific Standards**

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

2.5. **Community Center**

a. **Definition**

A facility that is intended primarily to serve the meeting, cultural, social services, administrative, athletic, or entertainment needs of the community as a whole, operated by the government or as a non-profit facility, and generally open to the public.

b. **Use-Specific Standards (also apply to "Religious Assembly")**

i. **Applicability**

The standards of this subsection shall apply to all community centers and religious assemblies within a residential zoning district.

ii. **Minimum Lot Area and Width**

Notwithstanding ~~any smaller minimum lot area required by tables 21.06-1 and 21.06-2,~~ [THE GENERAL DIMENSIONAL STANDARDS OF CHAPTER 21.06.] community centers and religious assemblies subject to this subsection shall have a minimum lot area of 14,000 square feet and a minimum lot width of 100 feet.

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 collector or greater on the Official Streets and Highways Plan. All ingress and egress traffic shall be directly onto such street.

iv. Buffering Standards

~~L3 buffer landscaping is required along all property lines where the community center or religious assembly site abuts a residential use in a residential zone.~~

Comment [EBM131]: Disagree—it is important to buffer residential neighbors from what can be very large developments.

v. Vegetated Open Space

~~In residential and PLI zoning districts a minimum of 25 percent of the lot area shall remain as planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the decision-making body determines that retention of less than 25 percent allows for sufficient buffering of adjacent uses.~~

Comment [EBM132]: Disagree—this provision is important to ensure the development fits in with the characteristics of a residential neighborhood, which includes a great deal of vegetated open space.

vi. Parking and Setbacks

~~In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.~~

3.6. Crematorium

a. Definition

A furnace or establishment for the cremation of corpses, human and animal. A crematorium is never an accessory use.

b. Use-Specific Standards

- i. 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.
- ii. Crematoria shall be located at least 200 feet from any residential use or zoning district.

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.~~

b. Use-Specific Standards

~~iii. Unless otherwise indicated in table 21.05-2.g, government administration and civic buildings or additions to existing government administration and civic buildings shall have the following review process:~~

~~(A) Construction of less than 7,000 square feet is permitted.~~

~~(B) Construction of 7,000 to 25,000 square feet is subject to an administrative site plan review.~~

~~(C) Construction over 25,000 square feet is subject to a major site plan review.~~

~~(D) Lease of existing space is permitted.~~

~~iv. The priority location for major federal, state, and municipal administrative offices and civic buildings is in the central business district. Satellite government offices and civic functions are intended to be located in other regional centers, mixed-use centers, or town centers designated in the comprehensive plan. When a government administrative and civic building use is proposed at another location, approval is contingent on a finding by the planning and zoning commission, using the approval criteria of a public facility site selection process (21.03.140), that locating the major use in the central business district or a satellite use in a designated center would not be feasible or would not serve the public interest.~~

5.7. Homeless and Transient Shelter

a. Definition

A facility designed to provide minimum necessities of life, including overnight accommodation, 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, and 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.

8. Library

a. Definition

A facility for the use of literary, musical, artistic, and/or reference materials.

9. 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.

6.10. Neighborhood Recreation Center

a. Definition

A facility providing recreation/pool facilities and/or meeting rooms, and typically oriented to the recreational needs of the residents of a particular ~~subdivision or housing project~~ neighborhood.

11. Park and Open Space, Public or Private

a. Definition

An area that is predominately open space, reserved for and designed to be used principally for active and/or passive recreation, and/or to serve ecological and aesthetic functions; any area designated as park by the assembly.

b. Use-Specific Standards in the Anchorage Bowl

Comment [EBM133]: Disagree—this use is intended to be something like the Bayshore Club House or the shared building at Mt. Vernon Commons—it is oriented towards a subdivision or housing project. Neighborhood rec centers, like Spenard Rec, are under the use Community Center.

1 i. Any master plan created for a municipal park shall be reviewed and
2 approved as follows:

3 (A) For all park master plan proposals, the parks and recreation
4 commission shall hold a public meeting, which shall include the
5 opportunity for oral public comments.

6 (B) Master plans for parks classified by the *Anchorage Bowl Park,*
7 *Natural Resource, and Recreation Facility Plan* as natural
8 resource use area (over 30 acres), special use area, or
9 community use area shall be approved by the Planning and
10 Zoning Commission.

11 (C) Master plans for parks classified by the *Anchorage Bowl Park,*
12 *Natural Resource, and Recreation Facility Plan* as natural
13 resource use area (30 acres or fewer) or neighborhood use area
14 shall be approved administratively by the director.

15 ii. All development projects in municipal shall be reviewed and approved as
16 follows:

17 (A) For all development projects in municipal parks, the parks and
18 recreation commission shall hold a public meeting, which shall
19 include the opportunity for oral public comments.

20 (B) All development projects costing more than \$250,000 and in
21 parks classified by the *Anchorage Bowl Park, Natural Resource,*
22 *and Recreation Facility Plan* as natural resource use area (over
23 30 acres), special use area, or community use area shall be
24 approved by major site plan review in accordance with
25 21.03.180C.

26 (C) All development projects costing \$250,000 or less and all
27 development projects in parks classified by the *Anchorage Bowl*
28 *Park, Natural Resource, and Recreation Facility Plan* as natural
29 resource use area (30 acres or fewer) or neighborhood use area
30 shall be approved by administrative site plan review in
31 accordance with 21.03.180B. Trails that are reviewed under
32 section 21.03.190, *Street and Trail Review*, are exempt from this
33 administrative site plan review.

34 iii. All development projects in parks with approved master plans shall be
35 consistent with the approved master plan.

36 **c. Use-Specific Standards in Chugiak-Eagle River-Eklutna**

37 i. Any master plan created for a municipal park shall be reviewed and
38 approved as follows:

39 (A) For all park master plan proposals, the Eagle River-Chugiak
40 parks and recreation board of supervisors shall hold a public
41 meeting, which shall include the opportunity for oral public
42 comments.

1 (B) Master plans for parks classified by the Anchorage Park,
 2 Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-
 3 Chugiak-Eklutna" as Community, Large Urban, or Regional
 4 Parks shall be approved by the Planning and Zoning
 5 Commission.

6 (C) Master plans for parks classified by the Anchorage Park,
 7 Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-
 8 Chugiak-Eklutna" as playlots, mini parks, vest pocket parks, or
 9 neighborhood parks shall be approved administratively by the
 10 director.

11 ii. All development projects in municipal parks shall be reviewed and
 12 approved as follows:

13 (A) For all development projects in municipal parks, the Eagle River-
 14 Chugiak parks and recreation board of supervisors shall hold a
 15 public meeting, which shall include the opportunity for oral public
 16 comments.

17 (B) All development projects costing more than \$250,000 and in
 18 parks classified by the Anchorage Park, Greenbelt and
 19 Recreation Facility Plan Volume 2: "Eagle River-Chugiak-
 20 Eklutna" as Community, Large Urban, or Regional Parks shall be
 21 approved by major site plan review in accordance with
 22 21.03.180C.

23 (C) All development projects costing \$250,000 or less, and all
 24 development projects in parks classified by the Anchorage Park,
 25 Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-
 26 Chugiak-Eklutna" as playlots, mini parks, vest pocket parks, or
 27 neighborhood parks shall be approved by administrative site plan
 28 review in accordance with 21.03.180B. Trails that are reviewed
 29 under 21.03.190, Street and Trail Review, are exempt from this
 30 administrative site plan review.

31 iii. All development projects in parks with approved master plans shall be
 32 consistent with the approved master plan.

33 **d. Use-Specific Standards in Turnagain Arm**

34 i. All master plans, and any development projects costing more than
 35 \$250,000 in municipal parks identified in the Anchorage Park, Greenbelt
 36 and Recreation Facility Plan Volume 3: "Turnagain Arm" shall be
 37 approved by major site plan review in accordance with 21.03.180C.

38 ii. All development projects costing \$250,000 or less in municipal parks
 39 identified in the Anchorage Park, Greenbelt and Recreation Facility Plan
 40 Volume 3: "Turnagain Arm" shall be approved by administrative site plan
 41 review in accordance with subsection 21.03.180B.

42 **e. Director's Discretion**

43 i. Notwithstanding the various requirements above, the director shall
 44 require a park master plan or development project that would normally
 45 require a park master plan or development project that would normally
 46 require a park master plan or development project that would normally
 47 require a park master plan or development project that would normally
 48 require a park master plan or development project that would normally

be approved administratively, to be approved by the appropriate commission if, in his or her judgment:

(A) The plan or project is likely to generate significant public interest;

(B) The project is a significant deviation from an approved master plan;

(C) The project will have a significant impact on neighboring uses; or

(D) The plan or project significantly increases the intensity of development of the park.

ii. Notwithstanding the various requirements above, the director may require a park master plan or development project that would normally be approved by a commission, to be approved administratively, if, in his or her judgment the project has minimal impacts on the existing situation, despite reaching the monetary threshold.

f. General Provisions

i. For the purposes of this subsection only, the term "development project" does not include the following unless the total project cost is over \$250,000:

(A) Vegetation removal for public safety, natural resource protection and enhancement (such as invasive species removal and reforestation), ecosystem health, and/or general routine maintenance;

(B) Stream maintenance;

(C) Structure/equipment maintenance;

(D) Replacement of existing facilities;

(E) Upgrading equipment/facilities in such a manner that doesn't change the nature or intended use of the equipment/facility and doesn't increase its footprint.

ii. All park master plans and all development projects in parks in the municipality, regardless of the required approval process of this section, shall be posted on the municipal website.

7.12. Religious Assembly

a. Definition

A building or structure, or group of buildings or structures, intended primarily for the conducting of organized religious services. Accessory uses may include, but are not limited to, parsonages, meeting rooms, and child care provided for persons while they are attending religious functions. Schools associated with religious assemblies are not an accessory use.

b. Use-Specific Standards

i. Standards

Religious assembly uses shall comply with the use-specific standards set forth above under "community center."

ii. **Columbaria**

Columbaria, which are structures having recesses in the walls to receive urns containing ashes of the dead, or columbarium walls, are permitted accessory uses with religious assemblies.

iii. **Maximum Height**

Except for those elements **excepted** [EXEMPTED] in subsection 21.06.030D.6[5], a religious assembly may not exceed the height permitted in the zoning district in which it is located. However, in districts where the maximum height is less than 40 feet, the maximum height for a religious assembly may increase to 40 feet, so long as the building is setback from any point on the property line at least twice the maximum actual height.

13. Zoo

a. Definition

An area, building, or structures that contain wild animals on exhibition for viewing by the public.

D.Cultural Facility

~~This category includes public or nonprofit facilities open to the public that display or preserve objects of interest or provide facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking, offices, storage areas, and gift shops. Specific use types include:~~

1.Aquarium

a.Definition

~~An establishment where collections of living aquatic organisms are kept and exhibited.~~

2.Botanical Gardens

a.Definition

~~A facility for the demonstration and observation of the cultivation of 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.D. 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 may include play areas, meeting areas, cafeterias, recreational and sport facilities, auditoriums, parking, and before- or after-school day care. Accessory uses at colleges **may** 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 Standard[S]

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.

b. Use-Specific Standard[S]

In accordance with section 21.03.110, colleges or universities with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-2-1 for projects developed under the auspices of the approved institutional master plan.

3. Elementary or Middle School**a. Definition**

A public, private, parochial, or charter school offering academic instruction during the majority of the days of the week for students typically between the kindergarten and eighth grade levels, but not higher than the ninth grade. This classification includes the terms "junior high school" and "intermediate school." Pre-schools that are associated and co-located with elementary, middle, or high schools are considered to be part of the elementary, middle, or high school. Pre-schools without such association and co-location are categorized in this ~~title~~-Title as "child care facility."

b. Use-Specific Standards (also apply to "Boarding School" 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. Site Size

Except where established site size criteria are approved by local or state governmental authority, minimum lot size in residential districts for

- 1 schools with capacity of 100 or more students shall be one acre per 100
2 students.
- 3 **iii. Setbacks**
- 4 (A) In residential districts, setbacks for schools with capacity for 25
5 or more students shall be as follows:
- 6 (1) The front setback of the underlying district shall apply.
- 7 (2) Any structure or portion of structure equal to or less than
8 15 feet high and equal to or less than 50 feet in length
9 shall be set back at least 15 feet from any side or rear lot
10 line. Any portion of such structure longer than 50 feet in
11 length shall be set back at least 20 feet from any side or
12 rear lot line.
- 13 (3) Any structure or portion of structure that is greater than
14 15 feet in height shall be set back at least 25 feet from
15 any side or rear lot line.
- 16 (B) In nonresidential districts, the setbacks of the underlying district
17 shall apply.
- 18 **iv. Outdoor Play Space for Elementary and Middle Schools**
- 19 (A) Elementary and middle schools with capacity for 50 or more
20 students, where students remain for more than four consecutive
21 hours, shall provide two square feet of outdoor open space play
22 area for every one square foot of total combined classroom
23 space.
- 24 (B) The minimum dimension of any required outdoor open space
25 play area is 20 feet.
- 26 (C) If the school is in close proximity to a park with usable open
27 space, the park may count as the required outdoor open space
28 play area. The decision-making body shall determine whether
29 the nearby park is appropriate in terms of play space and
30 access, using the following conditions as a guide:
- 31 (1) The park is between an eighth and a quarter mile from
32 the school.
- 33 (2) The school and park are not separated by a street of
34 arterial classification or greater on the Official Streets
35 and Highways Plan.
- 36 **v. Vehicle and Pedestrian Access**
- 37 (A) In all residential districts, all middle and high schools, and
38 schools without an Anchorage school district attendance
39 boundary shall have at least 100 feet of frontage on a collector or
40 greater classification street, if such schools have capacity of 100
41 or more students.
- 42 (B) In all districts, all schools with capacity for 100 or more students
43 shall provide adequate on-site student pick-up and drop-off area
44 to the satisfaction of the decision-making body.

1 (C) Paved pedestrian walkways and trails, exclusive of driveways,
2 shall be provided between the principal buildings and each
3 abutting public right-of-way or trail.

4 vi. **Temporary Structures for School Expansion Space (Relocatables)**
5 Temporary structures serving as expansion space for schools are
6 allowed in all districts in which schools are allowed, subject to the
7 following standards:

8 (A) Temporary structures shall not be placed in traffic circulation
9 routes, in required parking, or in required landscaping areas.

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 (C) The decision-making body may grant relief from these standards
14 on a case-by-case basis.

Comment [EBM134]: Disagree—
this is not a standard and thus
shouldn't be a subsection of vi., but
rather part of the main text of vi.

15 vii. **Landscaping**
16 L2 visual enhancement landscaping is required along all property lines
17 where the school site abuts a residential use in a residential zone.

Comment [EBM135]: Landscaping
levels were deleted.

18 4. **High School**

19 a. **Definition**
20 A public, private, parochial, or charter school offering academic instruction for
21 students typically in the ninth through twelfth grades, but may include lower
22 grades.

23 b. **Use-Specific Standards**
24 High schools shall comply with the applicable use-specific standards set forth for
25 "elementary or middle school" above.

26 5. **Instructional Services**

27 a. **Definition**
28 A specialized instructional establishment that provides on-site training of
29 business, artistic, or commercial skills. Examples include, but are not limited to,
30 driving schools for personal vehicles, fine arts schools, dance, music, and
31 computer instructional services. This use does not include establishments that
32 teach skills that prepare students for jobs in a trade (e.g., carpentry), which are
33 classified under "vocational or trade schools."

34 6. **Vocational or Trade School**

35 a. **Definition**
36 A secondary or higher education facility teaching skills that prepare students for
37 jobs in a trade to be pursued as an occupation, such as carpentry, welding,
38 heavy equipment operation, piloting boats or aircraft, repair and service of
39 appliances, motor vehicles, boats, aircraft, light or heavy equipment,
40 [ACCOUNTING, DATA PROCESSING] and computer repair. Incidental
41 instructional services in conjunction with another primary use shall not be
42 considered a vocational or trade school.

43 b. **Use-Specific Standard**
44 This use [INCLUDES BUSINESS SCHOOLS BUT] excludes establishments
45 providing training in an activity that is not otherwise permitted in the zoning
46 district.

F.E. Health Care Facility

This category includes uses that provide medical or surgical care to patients. Accessory uses may include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing for staff or trainees. Specific uses types include:

1. Health Services

a. Definition

Establishments primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other licensed medical practitioners, medical and dental laboratories, outpatient care and outpatient care facilities, dispensaries, home health care agencies, and blood banks.

b. Use-Specific Standard[S]

Applicable health service establishments shall comply with the medical facility accessible parking requirements; see subsection 21.07.090J.4.

2. Hospital/Health Care Facility

a. Definition

A facility or institution, whether public or private, principally engaged in providing inpatient services for medical, surgical, or psychiatric care, and the treatment and housing of persons under the care of doctors and nurses. Examples include general or specialty hospitals, but exclude habilitative care facilities, assisted living facilities, and nursing facilities. Training, rehabilitation services, and health services may be permitted as accessory uses, if integral to the facility's function. Other accessory uses may include pharmacies and central services facilities, such as kitchens and laboratories which serve the health care facility. [ARE PERMITTED ACCESSORY USES TO A HOSPITAL/HEALTH CARE FACILITY.]

b. Use-Specific Standards

i. Minimum Lot Size

Unless otherwise authorized by the ~~planning-Planning~~ and ~~zoning-Zoning~~ ~~commission~~Commission, the minimum lot size for a hospital/health care facility shall be as follows:

- (A) Six to 10 beds: 21,780 square feet.
- (B) Eleven to 20 beds: 43,560 square feet.
- (C) Every 10 beds (or fraction thereof) over 20 beds: 21,780 square feet.

ii. Vegetated Open Space

A minimum of ~~45-5~~ percent of the lot shall remain as a planted open area, landscaped area, natural vegetation area, or usable yard, to exclude buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the director determines that retention of less than ~~45-5~~ percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

iii. Landscaping Buffer

~~L3-L2 buffer site enhancement~~ landscaping shall be provided along all lot lines adjacent to a residential use or district.

iv. Institutional Master Plan

Comment [EBM136]: Disagree—studies show that hospital patients heal faster when they can see green spaces outside their window. Having sufficient vegetated open space is also important for the neighboring property owners. In all likelihood, the setbacks will accommodate the 15% requirement.

Comment [EBM137]: Landscaping levels were deleted.

In accordance with section 21.03.110, hospitals with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-2 for projects developed under the auspices of the approved institutional master plan.

Comment [EBM138]: Wrong table reference.

v. Accessible Parking

Hospital/health care facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

3. Nursing Facility

a. Definition

A facility providing housing and nursing care for aged or chronically or incurably ill persons who are unable to function independently or with only limited assistance.

b. Use-Specific Standards

i. Nursing facilities allowed by right or by site plan review shall comply with the use-specific standards set forth for "adult care facilities with nine or more persons" above. ~~Facilities allowed by conditional use shall comply with the additional standards for conditional uses set forth in "adult care facilities" above.~~

Comment [EBM139]: Disagree— what is wrong with those standards?

~~ii. Nursing facilities shall be subject to the multi-family building development and design standards in section 21.07.110C(100).~~

Comment [EBM140]: Disagree— these are people's homes and should meet the same standards as other residential facilities.

iii.ii. Nursing facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

G. Parks and Open Areas

~~This category includes uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Such lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include:~~

1. Community Garden

a. Definition

~~A private or public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one individual or family, for personal use and not for commercial gain.~~

2. Park and Open Space, Public or Private

a. Definition

~~[RESERVED]~~

H.F. Public Safety Facility

This category includes buildings, storage areas, and other facilities for the public safety operations of local, state, or federal government. Accessory uses may include maintenance, storage, fueling facilities, satellite offices, holding cells, and parking lots [AREAS]. Specific use [S] types include:

1. Community or Police Substation

a. Definition

1 A subsidiary community services or police station providing public services
2 primarily intended for the immediate geographic area in which the station is
3 located.

4 **b. Use-Specific Standard[S]**

5 In residential districts, community or police substations shall be no larger than
6 3,500 square feet in gross floor area, and shall be architecturally compatible with
7 the surrounding residential neighborhood in terms of building and roofing design
8 and materials and lot placement.

9 **2. Correctional Institution**

10 **a. Definition**

11 A facility, other than a correctional community residential center, providing for the
12 imprisonment or physical confinement of prisoners under guard or 24-hour
13 physical supervision, such as prisons, prison farms, jails, reformatories,
14 penitentiaries, houses of detention, detention centers, honor camps, and similar
15 facilities.

16 **b. Use-Specific Standards**

17 **i. Traffic Access**

18 A site more than one-half acre in size shall provide for direct access from
19 a street of collector or greater capacity.

20 **ii. Screening or Buffering**

21 The ~~planning-Planning~~ and ~~zoning-Zoning commission-Commission~~ may
22 require fencing and landscaping.

23 **3. Fire Station**

24 **a. Definition**

25 A station housing fire and rescue personnel including indoor and outdoor space
26 for administrative offices, storage of equipment, and associated vehicles and
27 servicing facilities.

28 **4. Public Safety Facility**

29 **a. Definition**

30 A facility operated by a government agency for the purpose of providing public
31 safety and emergency services, training for public safety and emergency
32 personnel, and related administrative and support services. Examples include,
33 but are not limited to, a police station, an emergency operations center, or a fire
34 or police training center.

35 **I.G. Transportation Facility**

36 This category includes facilities that receive and discharge passengers and freight. Accessory
37 uses may include freight handling areas, concessions, offices, parking and maintenance, and
38 fueling facilities. Specific use types include:

39 **1. Airport**

40 **a. Definition**

41 A publicly owned area of land or water that is used or intended for use for the
42 landing and take-off of aircraft, and includes its buildings and facilities, if any.

43 **2. Airstrip, Private**

44 **a. Definition**

45 Privately owned land or water maintained as a runway for fixed-wing aircraft.

1 **b. Use-Specific Standard**
2 Private airstrips are allowed conditionally in residential districts only if approach
3 and noise buffer areas are provided.

4 **3. Heliport**

5 **a. Definition**

6 An area designed to be used for the landing or takeoff of helicopters, which may
7 include all necessary passenger and cargo facilities, fueling, and emergency
8 service facilities.

9 **b. Use Specific Standards**

10 **i.** Heliports are not accessory uses unless they are accessory to an airport
11 or hospital. A heliport associated with a principal use other than an
12 airport shall be considered an additional principal use on the property
13 and shall meet these use-specific standards.

14 **ii.** Applications for heliports shall be accompanied by a determination letter
15 from the Federal Aviation Administration.

16 **iii.** In addition to the conditional use approval criteria at subsection
17 21.03.080C., the Planning and Zoning Commission shall consider the
18 following issues when reviewing a conditional use application for a
19 heliport, in order to minimize impacts of a heliport on nearby uses:

20 **(A)** Proximity to residential zoning districts, schools, and parks

21 **(B)** Arrival and departure, as established by the FAA.

22 **(C)** Hours of operation and projected number of takeoffs and
23 landings.

24 **4. Rail Yard**

25 **a. Definition**

26 Lands reserved for typical railroad activities including, but not limited to, repair,
27 maintenance, and servicing of rolling stock and railroad support equipment;
28 fueling; inventory of equipment, tools, parts, and supplies in support of railroad
29 activities; loading/unloading and transfer of freight; switching and classifying rail
30 cars in support of train operations and intermodal activities; storage of rail cars
31 and equipment supporting railroad activities; and crew operations, training, and
32 other administrative support functions in support of railroad activities.

33 **5. Railroad Freight Terminal**

34 **a. Definition**

35 A rail facility for the loading and unloading of goods, merchandise, substances,
36 materials, and commodities.

37 **6. Railroad Passenger Terminal**

38 **a. Definition**

39 A railroad facility for the boarding of passengers, but not including freight terminal
40 operations. Accessory uses may include ticketing sales and offices, restaurants,
41 and stores.

42 **7. Transit Center**

43 **a. Definition**

Comment [EBM141]: Disagree with this addition—hospitals are often located close to residential areas, so that must be taken into account during approval of this use.

Any premises, located at the confluence of multiple established routes (of the same or different types of transit), for the loading and unloading of passengers on public transit. Accessory uses may include ticket purchase facilities, food and beverage kiosks, and convenience stores.

J.H. Utility Facility

This category includes [BOTH] major utilities, which are infrastructure services providing regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided. Services may be publicly or privately provided. Accessory uses may include parking and control, monitoring, or data transmission equipment. Specific uses types include:

1. Utility Facility

a. Definition

A service of a regional nature that normally entails the construction of new buildings or structures, and that typically has employees at the site. Examples include water works, water or sewage treatment plants, power or heating plants, or steam generating plants.

2. Utility Substation

a. Definition

A service that is necessary to support development within the immediate vicinity, and is typically not staffed. Examples include, but are not limited to, electric transformer stations; gas regulator stations; water reservoirs; telephone exchange facilities; and water and sewage collection or pumping stations.

b. Use-Specific Standard[S]

The facility shall be designed and constructed to ensure visual and aesthetic compatibility with the surrounding neighborhood. Compatibility may be achieved either by using similar architectural design and materials as building(s) in the surrounding neighborhood, or by screening the facility with L3 buffer landscaping.

K.I. Telecommunication Facilities

Telecommunication facilities transmit signals between or among points using electromagnetic waves. The facilities may include towers, antennas, buildings, transformers, transmitters, receivers, equipment cabinets, and parking lots [AREAS].

1. Definitions

a. Type 1 Tower

A freestanding vertical support structure of cylindrical, conical, or rectangular cross section constructed of composite, wood, concrete, or metal employed primarily for the purpose of supporting an antenna array and commonly called a monopole.

b. Type 2 Tower

A freestanding vertical support structure of open frame skeletal design employed primarily for the purpose of supporting an antenna array and commonly called a lattice tower. This tower type includes lateral arrays.

c. Type 3 Tower

A guyed vertical support structure of open frame, skeletal design, or solid pole design employed primarily for the purpose of supporting an antenna array and commonly called a guyed tower.

d. Type 4 Tower

1 A support structure, such as an existing building, steeple, spire, or utility pole that
2 is not a type 1, 2, or 3 and is used for supporting a disguised, camouflaged, or
3 hidden antenna array so that its principal or secondary function as an antenna
4 and antenna support structure is imperceptible to an uneducated eye. The
5 antennas are mounted on the support structure so that they are located and
6 designed to minimize visual and aesthetic impacts to surrounding land uses and
7 structures and shall, to the greatest extent practical, blend into the existing
8 environment. This definition shall include any antenna or antenna array
9 complying with the objective of definition whether it is mounted on tower structure
10 or not.

11 **2. Use-Specific Standards**

12 **a. Setbacks**

13 **i.** The minimum distance from any lot line to the vertical axis of the tower
14 structure shall be as follows:

15 **(A)** Types 1: equal to or greater than the setbacks of the underlying
16 zoning district.

17 **(B)** Type 2: equal to or greater than the distance measured from
18 grade to the first taper transition.

19 **(C)** Type 3: equal to or greater than the distance measured from the
20 tower structure axis to the outermost guy wire anchor. The guy
21 wire levels and anchor radius must match manufacturer's criteria
22 for the proposed application.

23 **(D)** Type 4: none.

24 **ii.** That portion of guy wire anchor structure that is above grade shall be set
25 back from any property line in accordance with the following:

26 **(A)** Guy wire with a nominal diameter of 0.25 inches or less--25 feet,
27 provided the setback may be reduced to 0 feet if the anchor
28 structure is enclosed within a sight obscuring fence.

29 **(B)** Guy wire with a nominal diameter greater than 0.25 inches but
30 less than 0.625 inches--25 feet, provided the setback may be
31 reduced to five feet if the anchor structure is enclosed within a
32 sight obscuring fence.

33 **(C)** Guy wire with a nominal diameter equal to or greater than 0.625
34 inches--25 feet.

35 **b. Minimum Separation Distance From Protected Land Uses**

36 **i.** The minimum separation distance between the base of the tower and
37 any principal structure on PLI or residentially-zoned land, or any school
38 or licensed child care center, shall be two times the allowable tower
39 height.

40 **ii.** After giving due consideration to the comments of the applicant, the
41 property owner, and the local community council, the director may
42 reduce or eliminate the minimum separation distance set forth in the
43 paragraph b.i. above.

44 **c. Tower Structure Height**

- 1 i. Height for a tower structure directly fixed to the ground shall be
2 determined by measurement from grade to the highest point on the tower
3 structure, including any installed antennas and lighting and supporting
4 structures.
- 5 ii. Height for a tower structure not directly affixed to the ground shall be
6 determined by measurement from the grade of the building to the highest
7 point on the tower structure, including any installed antennas and lighting
8 and supporting structures. At no time shall the height of a tower installed
9 on a building as measured from grade to the highest point on the tower
10 structure as set forth above exceed the height of the building multiplied
11 by two or the base height, whichever is greater. Tower structures shall
12 not exceed the height limits set forth in subsection 21.04.060C. of this
13 ~~title-Title~~ nor interfere with Federal Aviation Administration Regulations
14 on airport approaches.
- 15 iii. Base height shall be as set forth below:
- 16 (A) Residential districts--65 feet
- 17 (B) Commercial and Mixed-Use districts--130 feet
- 18 (C) Industrial districts--150 feet
- 19 (D) AF district--200 feet
- 20 (E) All other districts--100 feet
- 21 iv. Co-location shall grant an additional 15 feet above the base height for
22 each qualifying antenna to a maximum of 30 feet of additional height.
23 Increases in tower structure height by operation of this paragraph shall
24 not reclassify a tower structure from a local interest tower to a community
25 interest tower.
- 26 d. **Residential Zoning Districts, RO District, and AF District**
- 27 i. *In all residential districts and in the RO district, type 1 and 3 towers,*
28 *antennas without tower structures, and type 4 tower structures and*
29 *antennas are permitted as a secondary and subordinate use with a*
30 *permitted nonresidential use.*
- 31 ii. In the R-3, R-4, R-4A, R-5, and RO districts, type 1 and 3 towers,
32 antennas without tower structures, and type 4 tower structures are also
33 permitted as a secondary and subordinate use with a residential use of
34 six dwelling units or more.
- 35 iii. In the AF district, three towers per lot are permitted. More than three
36 towers per lot require conditional use approval.
- 37 e. **Notice of Site Selection and Site Plan Review**
- 38 i. **B-1A and Watershed Zoning Districts**
- 39 (A) Prior to issuance of a building or land use permit for a type 1, 2,
40 and 3 tower structures within B-1A and W zoning districts,
41 property owners of residential-zoned land within 500 feet of the
42 selected tower site and the local community council shall be
43 notified in writing of the issuance of a building or land use permit.

1 The effective date of the permit shall be no earlier than 30 days
2 after the date of mailing of the notification.

3 (B) A decision to issue a building or land use permit is final unless
4 appealed within the 30 day notice period to the ~~planning~~
5 ~~Planning and zoning-Zoning commission~~Commission. An appeal
6 may be filed by the applicant or by a petition of at least one-third
7 of the owners (excluding rights-of-way) of the privately owned
8 land within 500 feet of the outer boundary of the tower site. In
9 the event of appeal, the ~~planning-Planning and zoning-Zoning~~
10 ~~commission-Commission~~ shall hold a public hearing at its next
11 available meeting and apply the standards of this section. An
12 appeal from a decision of the ~~planning-Planning and zoning~~
13 ~~Zoning commission-Commission~~ may be brought in accordance
14 with section 21.03.050A.

15 ii. **PLI and Residential Districts**

16 All type 1, 2, and 3 tower structures within a residential district, as
17 allowed by table 21.05-1, or PLI district shall be subject to a site plan
18 review as set forth in this section, except when a conditional use permit
19 is required.

20 iii. **Other Zoning Districts**

21 All zoning districts not referenced in e.i. or e.ii. above are exempt from
22 the notification requirements, the minimum separation distances from
23 protected land uses, and the site plan review requirements set forth in
24 this chapter.

25 f. **Co-location**

26 i. The co-location tower structure, pole, monopole or any other similar
27 facility, must be designed to accommodate no less than the following
28 communications equipment: 12 antennas with a flat plate wind
29 loading of not less than four square feet per antenna; a standard
30 mounting structure, stand off arms, platform or other similar structure
31 that is sufficient to hold the antennas; cable ports at the base and
32 antenna levels of the tower structure; and, sufficient room within or
33 on the tower structure for 12 runs of 7/8" coaxial cable from the base
34 of the tower structure to the antennas.

35 ii. Applicants for co-location shall provide proof in a form found
36 acceptable to the municipal attorney that more than one service
37 provider is using the co-location facility.

38 iii. All community and local interest towers shall, for a reasonable
39 compensation, be made available for use by as many other licensed
40 carriers as can be technically co-located thereon when the use will
41 not result in substantial injury to the owner, or in substantial
42 detriment to the service to the customers of the owners. All licensed
43 carriers shall cooperate with each other in co-locating additional
44 facilities upon such towers. All licensed carriers shall exercise good
45 faith in co-locating with other licensed carriers and in the sharing of
46 towers, including the sharing of technical information to evaluate the
47 feasibility of co-location.

48 g. **General Standards**

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- i. Installation**
All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission (FCC) as meeting the current American National Standards Institute (ANSI) standard for non-ionizing electromagnetic radiation (NIER).
 - ii. Tower Lighting**
Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.
 - iii. Tower Color**
The tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.
 - iv. Notice and Interference**
An operator proposing to install or modify an antenna shall provide notice to all property owners within 500 feet of the date of activation of the new or modified antenna. Within 90 days of activation the antenna, the operator shall resolve all reported occurrences of interference.
 - v. 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:

 - (A) The name and address of the tower structure owner;
 - (B) The name and address of the tower structure manager, if different from the owner;
 - (C) The date of erection of the tower structure; and
 - (D) The owner's name and address of each antenna on the tower structure.
 - h. Administrative Permit Required**
An administrative permit shall be obtained from the director. The application shall identify the antenna(s) on the tower, the legal description of the site, its zoning and its street address, if any. This permit shall certify that, when granted, the antenna, or tower structure was in compliance with this section. This permit shall remain valid so long as that antenna or tower structure remains in continuous operation or is revoked according to this [titleTitle](#).
 - i. Administrative Permit Revocation**

 - i.** Unless cured, an administrative tower permit shall be revoked after notice and the opportunity to cure, for any of the following:

 - (A) Construction, maintenance, and/or operation of a tower at an unauthorized location;

- 1 (B) Construction or operation of a tower in violation of any of the
2 terms and conditions of this chapter or the conditions attached to
3 the permit;
- 4 (C) Material misrepresentation by or on behalf of an applicant or
5 permittee in any application or written statement upon which the
6 administrative official substantially relies in making the decision
7 to grant, review, or amend any permit pursuant to this section
8 and which materially changes the application of the standards of
9 approval of the permit;
- 10 (D) Abandonment of a tower as set forth in this section; or
- 11 (E) Failure to relocate or remove facilities as required in this section.
- 12 ii. After having a tower permit revoked, no tower shall be re-permitted for
13 that property or by that tower owner on any property within the
14 municipality for a period of one year except through a conditional use
15 permit. This subsection shall apply only with respect to community and
16 local interest tower revocations pursuant to this ~~title-Title~~ after the
17 effective date of this ordinance.
- 18 j. **Annual Inventory**
19 By January 31 of each year, each tower owner who is regulated by this section
20 shall provide the municipality with an inventory of all additions and deletions of
21 said provider's existing towers or approved sites for such facilities that are within
22 the municipality or within one mile of the border thereof as of December 31 of the
23 previous year. The first inventory from each provider shall be a comprehensive
24 current list of their existing towers and approved sites.
- 25 k. **Time Period for Construction**
26 Construction of a tower shall commence within one year from the date of the
27 permit's approval, with opportunity for a six-month extension. If not used within
28 one year, or within the extension period, the permit shall become null and void.
- 29 l. **Administrative Site Plan Review**
30 i. **Applicability**
31 When an administrative site plan is required by tables 21.05-1 or 21.05-
32 2, this subsection shall apply. A site plan review is required of all such
33 towers since they have aesthetic and visual impacts on their neighbors,
34 and the public interest is best served by allowing these neighbors and
35 the public at large a chance to comment on and provide input concerning
36 the location and design of these towers. All such towers shall conform to
37 the requirements of this section and to the requirements of the zoning
38 district in which the tower is located.
- 39 ii. **General**
40 (A) In approving a site plan, the director may impose conditions to
41 the extent that he or she concludes are necessary to minimize
42 any adverse effect of the proposed tower structure, including all
43 associated structures and landscaping, on adjoining properties.
- 44 (B) Any information of an engineering nature that the applicant
45 submits, whether civil, mechanical, or electrical, shall be certified
46 by a licensed professional engineer.

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- iii. **Submittal Information**
Applicants for an administrative site plan review for a tower structure shall submit the information required in the [user's guideUsers' Guide](#).
 - iv. **Public Participation Process**
Notwithstanding table 21.03-1, at least 35 days before acting on a tower site plan application under this section, the director shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the municipality for the expense of advertising and mailing such notice. The applicant shall also post the property with a notice pursuant to subsection 21.03.020H.5. Following notice of the site plan, the community council has 35 days from the date of the letter to respond.
 - v. **Approval Period**
The director shall take action on the site plan within 50 days of the site plan application submittal. Upon action, the applicant will mail to all addressees on the original notice list, the written action of the director. The applicant shall document their public process including a list of who was notified, with what, and when as part of their permit application process.
 - vi. **Factors Considered In Granting Site Plan Approval For Tower Structures**
In addition to the general standards for site plan approval at subsection 21.03.180[190]E., the director shall also consider the factors for conditional uses for tower structures in subsection p.iii. below.
 - vii. **Appeals**
Notwithstanding section 21.03.050, a decision of the director under the authority set forth in this subsection is final unless appealed within 15 days to the [planning—Planning](#) and [zoning—Zoning commissionCommission](#). An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the tower site. In the event of appeal, the [planning—Planning](#) and [zoning—Zoning commissionCommission](#) shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the [planning—Planning](#) and [zoning—Zoning commissionCommission](#) may be brought in Superior Court.
 - m. **Qualification of Type 4 Tower Structure and Antenna**
Each type 4 tower structure and antenna shall be qualified as meeting the design standard by the [planning—Planning](#) and [zoning—Zoning commissionCommission](#). A proponent of a type 4 tower structure and antenna design shall provide the commission with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the commission to find the design standard is satisfied. At completion of the construction of the first tower structure and antenna under a newly qualified design, it shall be reviewed by the commission

1 to confirm the installation complies with the design standards. If the installation
2 fails to comply, subsequent tower structure and antenna design and installation
3 shall be amended or redesigned as directed by the commission.

4 n. **Community Interest and Local Interest Towers**

5 Community interest and local interest towers as a permitted principal use shall be
6 subject to the following:

7 i. **Parking**

8 Off-street parking space is not required, however if it is provided, parking
9 spaces may be shared with other principal uses on the site. The parking
10 spaces shall be paved with concrete or asphalt compound or shall be
11 covered with a layer of crushed rock of no more than one inch in
12 diameter to a minimum depth of three inches. Parking space illumination
13 shall be provided only to extent that the area is illuminated when the
14 parking space is in use. The illumination shall be the lowest possible
15 intensity level to provide parking space lighting for safe working
16 conditions.

17 ii. **Security**

18 The tower structure and support structures shall be secured to prevent
19 unauthorized access.

20 iii. **Separation Distance**

21 If any community interest tower on a site exceeds 200 feet in height, the
22 tower site shall be separated from any other principal or conditional use
23 community interest or local interest tower site with tower(s) exceeding
24 200 feet in height by at least 5,280 feet (one mile)-

25 o. **Abandonment**

26 Any antenna or tower structure that is not operated for a continuous period of 12
27 months shall be considered abandoned, and the owner of such antenna or tower
28 structure shall remove the same within 180 days of receipt of notice from the
29 director notifying the owner of such abandonment. Failure to remove an
30 abandoned antenna or tower structure within said 180 days shall be grounds for
31 the municipality to remove the tower structure or antenna at the owner's
32 expense. If there are two or more users of a single tower structure, then this
33 provision shall not become effective until all users cease using the tower
34 structure.

35 p. **Conditional Use Standards**

36 i. **General and Applicability of Conditional Use Requirement**

37 The following provisions shall govern the issuance of conditional use
38 permits for tower structures or antennas by the ~~planning-Planning and~~
39 ~~zoning-Zoning commission~~Commission:

40 (A) If the community interest or local interest tower or antenna fails
41 to meet the conditions of subsections 2.a. through 2.c and/or 2.e.
42 through 2.o. above, then a conditional use permit shall be
43 required for the construction of a tower structure or the
44 placement of an antenna.

45 (B) Applications for conditional use permits under this section shall
46 be subject to the conditional use procedures and general
47 standards, except as modified in this section.

1 (C) In granting a conditional use permit, the ~~planning-Planning~~ and
2 ~~zoning-Zoning commission-Commission~~ may impose conditions
3 to the extent the commission concludes such conditions are
4 necessary to minimize any adverse effect of the proposed tower
5 structure or antenna on adjoining properties.

6 (D) Any information of an engineering nature that the applicant
7 submits, whether civil, mechanical, or electrical, shall be certified
8 by a licensed professional engineer.

9 **ii. Submittal Information**
10 Applicants for conditional use for a tower structure shall submit the
11 information required in the ~~user's guide~~Users' Guide and a non-
12 refundable fee to reimburse the municipality for the costs of reviewing
13 the application.

14 **iii. Factors Considered in Granting Conditional Use Permits for**
15 **Antennas and Tower Structures-;**
16 In addition to the general standards for a conditional use in subsection
17 21.03.080C., the ~~planning-Planning~~ and ~~zoning-Zoning commission~~
18 ~~Commission~~ shall consider the following factors in determining whether
19 to issue a conditional use permit, although the commission may waive or
20 reduce the burden on the applicant of one or more of these criteria if the
21 commission concludes that the goals of this ordinance are better served
22 thereby:

23 (A) Height of the proposed tower structure;

24 (B) Proximity of the tower structure to residential structures and
25 residential district boundaries;

26 (C) Nature of uses on adjacent and nearby properties;

27 (D) Surrounding topography;

28 (E) Surrounding tree coverage and foliage;

29 (F) Design of the tower structure, with particular reference to design
30 characteristics that have the effect of reducing or eliminating
31 visual obtrusiveness;

32 (G) Proposed ingress and egress; and

33 (H) Availability of suitable existing tower structures, other structures,
34 or alternative technologies not requiring the use of tower
35 structures or structures.

36 **iv. Availability of Suitable Existing Tower Structures, Other Structures,**
37 **or Alternative Technology**

38 No new tower structure shall be permitted unless the applicant
39 demonstrates to the reasonable satisfaction of the ~~planning-Planning~~ and
40 ~~zoning-Zoning commission-Commission~~ that no existing tower structure,
41 structure, or alternative technology that does not require the use of tower
42 structures, or alternative technology can accommodate or replace the
43 applicant's proposed antenna. An applicant shall submit any additional
44 information requested by the ~~planning-Planning~~ and ~~zoning-Zoning~~

1 | ~~commission~~ Commission related to the availability of suitable existing
2 | tower structures, other structures, or alternative technology. Evidence
3 | submitted to demonstrate that no existing tower structure, structure, or
4 | alternative technology can accommodate the applicant's proposed
5 | antenna will consist of the following:

6 | (A) No existing tower structures or structures are located within the
7 | geographic area which meet applicant's engineering
8 | requirements.

9 | (B) Existing tower structures or structures are not of sufficient height
10 | to meet applicant's engineering requirements.

11 | (C) Existing tower structures or structures do not have sufficient
12 | structural strength to support applicant's proposed antenna and
13 | related equipment.

14 | (D) The applicant's proposed antenna would cause electromagnetic
15 | interference with the antenna on the existing tower structures or
16 | structures, or the antenna on the existing tower structures or
17 | structures would cause interference with the applicant's
18 | proposed antenna.

19 | (E) The fees, costs, or contractual provisions required by the owner
20 | in order to share an existing tower structure or structure or to
21 | adapt an existing tower structure or structure for sharing are
22 | unreasonable. Costs exceeding new tower structure
23 | development are presumed to be unreasonable.

24 | (F) The applicant demonstrates that there are other limiting factors
25 | that render existing tower structures and structures unsuitable.

26 | (G) The applicant demonstrates that an alternative technology that
27 | does not require the use of tower structures or structures, such
28 | as a cable microcell network using multiple low-powered
29 | transmitters/receivers attached to a wireline system, is
30 | unsuitable. Costs of alternative technology that exceed new
31 | tower structure or antenna development shall not be presumed
32 | to render the technology unsuitable.

33 | v.g. ~~Standards for m~~Modifications to community interest and local interest
34 | towers allowed as a conditional use are as follows:

35 | ~~Standards for modifications to community interest and local interest~~
36 | ~~towers allowed as a conditional use are as follows:~~

Comment [EBM142]: Why are these changes necessary?

37 | i. Repairs Modifications

38 | (A) and maintenance to the tower structure may be performed
39 | consistent with subsection 21.12.040F.

40 | (B) The replacement, repair or addition of antennas, dishes and
41 | other transmitting or receiving devices to a tower shall not be
42 | considered a modification of final approval as set forth in
43 | subsection 21.03.080D. and shall be considered a use
44 | contemplated within the original approved or de facto conditional
45 | use where the replacement, repair, or addition of antennas,
46 | dishes, and other transmitting or receiving devices:

- (1) Will serve the same user or successor entity under the original conditional use;
- (2) Will serve the same general purpose as was served under the original conditional use;
- (3) Is consistent with the original conditional use.

g.r. Amateur Radio Stations And Receive Only Antennas

- i. Amateur radio stations are exempt from the location, tower type, and height limitations contained in this ~~title~~ Title provided:
 - (A) The antenna and tower structure are part of a federally-licensed amateur radio station; and
 - (B) In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.
- ii. The following are exempt from this ~~title~~ Title:
 - (A) Installation and use of antenna(s) for use by a dwelling unit occupant for personal, home occupation, or utility telemetry purposes, or by an electric or gas utility on an existing power pole or cabinet to monitor or control equipment thereon; and
 - (B) Noncommercial receive only antennas.
- iii. Notwithstanding the above, 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.
- iv. Any antenna or tower structure erected under this subsection 2.n. shall not exceed the height limits set forth in subsection 21.04.080C. nor interfere with Federal Aviation Administration 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-Table 21.05-1 and 21.05-2~~. The uses may either be commercial or have impacts common to commercial uses. 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 producing or keeping plants on a commercial basis. Accessory uses may include dwellings for proprietors and employees, barns, storage, and sales of products produced on-site. Specific use types include:

1. **Commercial Horticulture**
 - a. **Definition**

1 An establishment engaged in the growth and sale of vegetables, produce, fruit
2 crops, vines, shrubs, trees (including Christmas trees), sod, and nursery plants,
3 conducted within or outside an enclosed building. This use includes, but is not
4 limited to, crop farms, orchards, groves, tree plantations, commercial
5 greenhouses, nurseries, and a temporary stand for the sale of products grown on
6 the premises.

7 **B. Animal Sales, Service, and Care Uses**

8 This category includes uses that involve the selling, boarding, training, or care of animals on a
9 commercial basis. Accessory uses may include confinement facilities for animals, parking, and
10 storage areas. Specific use types include:

11 **1. Animal Shelter**

12 **a. Definition**

13 A facility used to house or contain stray, homeless, abandoned, or unwanted
14 animals and that is owned, operated, or maintained by a public or nonprofit
15 organization devoted to the welfare, protection, and humane treatment of
16 animals. This term shall not include residences where animals are fostered while
17 awaiting adoption.

18 **b. Use-Specific Standards (also apply to "Retail and Pet Services", "Kennel,**
19 **Commercial", and "Veterinary Clinic")**

20 **i. General Standards when Use is within 100 Feet of a Residential or**
21 **Mixed-Use District**

22 All facilities, including all treatment rooms, cages, pens, kennels, and
23 training rooms, shall be maintained within a completely enclosed
24 building. Areas for the care of large animals that are associated with
25 veterinary clinics are exempt from this requirement, but shall meet the
26 setback standards of subsection 21.05.050B.3.b.iv.

27 **ii. Standards When Use is Not within 100 Feet of a Residential or**
28 **Mixed-Use District**

29 Outdoor runs shall be located on site and shall be screened from the
30 view of all adjacent streets and properties by fencing or vegetation.

31 **iii. Waste Management**

32 Waste shall be managed in accordance with AMC section 15.20.020.

33 **2. Kennel, Commercial**

34 **a. Definition**

35 A commercial establishment where small domestic animals, such as dogs and
36 cats, are boarded. **This use includes animal daycare.**

37 **b. Use-Specific Standard[S]**

38 Commercial kennels shall comply with the use-specific standards above for
39 "animal shelter."

40 **3. Large Domestic Animal Facility, Principal Use**

41 **a. Definition**

42 An establishment for keeping, harboring, riding, boarding, stabling, training,
43 exercising, breeding, or related use of four or more large domestic animals, and
44 the associated structure(s) such as a paddock or stable. Includes riding stable
45 facilities for the care and exercise of horses and related equestrian activities.
46 Such establishment may be a commercial establishment or may be in

1 conjunction with a residence but exceed the incidental and subordinate nature of
2 an accessory use.

3 **b. Use-Specific Standards**

4 **i. Access**

5 Traffic access shall be from a street constructed to standards found by
6 the traffic engineer to be appropriate to the intensity of the use proposed.

7 **ii. Lot Coverage**

8 Lot coverage shall be that of the underlying zoning district except that the
9 ~~planning-Planning~~ and ~~zoning-Zoning commission-Commission~~ may
10 allow up to 10 percent additional lot coverage above the maximum
11 allowed in the district.

12 **iii. Adjacent Lots**

13 Adjacent lots may be used in square footage calculations for site size
14 only. If the adjacent lots are not under single ownership, the lot owners
15 shall submit a recorded joint usage agreement for review and approval
16 by the director. In such cases, setback requirements shall not apply to
17 the common interior lot lines and a primary use need not be located on
18 the adjacent lot.

19 **iv. Setbacks**

20 Notwithstanding the setbacks of the underlying zoning district, covered
21 structures associated with a large domestic animal facility, such as a
22 stable or barn, shall be set back at least 25 feet from any abutting lot
23 line, not including interior lot lines between lots in common ownership.
24 Uncovered enclosures shall meet one of the following setback options:

- 25 (A) Seventy-five feet from residences existing on February 28, 2006,
26 not including any residence in common ownership with the large
27 domestic animal facility; or
28 (B) Ten feet from any abutting lot line, not including interior lot lines
29 between lots in common ownership, if the separation area is
30 vegetated with L3 buffer landscaping.

31 **v. Fences**

32 Barbed wire shall not be used for fencing of any large domestic animal
33 facilities.

34 **vi. Other Requirements**

35 Large domestic animal facilities shall:

- 36 (A) Meet the requirements of AMC chapter 15.20 regarding animal
37 waste, AMC subsection 15.55.060B. concerning separation
38 requirements from water supply wells, and section 21.07.020
39 concerning stream protection setbacks;
40 (B) Obtain an animal control facility license;
41 (C) Obtain certification of compliance with a state of Alaska,
42 Anchorage soil and water conservation district conservation plan,
43 or obtain a letter from the district showing demonstrated intent to
44 come into compliance with a conservation plan within one year;
45 and

(D) Comply with licensing and other laws concerning the keeping of animals as set forth in AMC ~~titles~~ Titles 15, 17, and 21.

vii. Additional Conditions

The ~~planning~~ Planning and ~~zoning~~ Zoning commission ~~Commission~~ may impose additional conditions upon a conditional use permit that are found necessary to protect any person or neighboring use from unsanitary conditions or unreasonable noise or odors, or to protect the public health and safety.

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.~~

b. Use-Specific Standard[S]

~~Retail and pet services shall comply with the use-specific standards above for "animal shelter."~~

5. Veterinary Clinic

a. Definition

~~An establishment for the medical care and treatment of animals by a licensed veterinarian.~~

b. Use-Specific Standard[S]

~~Veterinary clinics shall comply with the use-specific standards above for "animal shelter."~~

C. Assembly

~~This use includes buildings and facilities owned or operated by associations, corporations, governments, or other persons for social, educational, or recreational purposes. Facilities are primarily for members and their guests, or members of the public paying a fee. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities. Specific use types include:~~

1. Civic/Convention Center

a. Definition

~~An establishment designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, and entertainment functions. Accessory uses may include temporary outdoor displays, parking, and food and beverage preparation and service for on-site consumption.~~

b. Use-Specific Standard

~~Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.~~

2. Club/Lodge/Meeting Hall

a. Definition

~~An establishment owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, to which membership may be required for participation.~~

b. Use-Specific Standard

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

D.C. Entertainment and Recreation

This category includes uses that provide continuous recreation or entertainment activities, outdoors or indoors. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

1. Amusement Establishment/Club/Lodge/Meeting Hall

a. Definition

~~An establishment offering entertainment, game playing, or similar amusements to the public within a fully enclosed building. This shall include without limitation arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, water parks, miniature golf courses, and indoor shooting ranges.~~ An establishment owned or operated by a corporation, association, or persons for a social, education, or recreational purpose, to which membership may be required for participation.

b. Use-Specific Standard

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

2. Entertainment Facility, Major

a. Definition

Major entertainment facilities uses are designed to accommodate activities that generally draw 501 persons or more to specific events or shows. Activities are generally of a spectator nature. Examples include amphitheatres, performing arts centers, stadiums, sports arenas, coliseums, auditoriums, and fairgrounds. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

b. Use-Specific Standard

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

~~**3. Fitness and Recreational Sports Center**~~

~~**a. Definition**~~

~~A facility primarily featuring equipment for exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, yoga, and other kinds of sports and fitness facilities.~~

4.3. General Outdoor Recreation, Commercial

a. Definition

Developed recreational uses such as amusement parks, miniature golf courses, dog mushing tracks, golf driving ranges, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.

b. Use-Specific Standard

L3 buffer landscaping shall be provided wherever this use is adjacent to a residential district.

5.4. Golf Course

a. Definition

1 A tract of land laid out with a course having nine or more holes for playing the
2 game of golf, including any accessory clubhouse, driving range, office,
3 restaurant, concession stand, picnic tables, pro shop, maintenance building,
4 restrooms, or similar accessory uses or structures. This term shall not include
5 housing or miniature golf courses as a principal or accessory use, nor shall it
6 include driving ranges that are not accessory to a golf course.

7 **6.5. Motorized Sports Facility**

8 **a. Definition**

9 A facility for the racing of motorcycles, snow machines, race cars, or other
10 motorized vehicles.

11 **b. Use-Specific Standards**

12 **i. Special Land Use Permit for Alcohol**

13 Any use that involves the retail sale of alcohol is subject to the special
14 land use permit for alcohol process; see section 21.05.020A.

15 **ii. Hours of Operation**

16 The maximum hours of operation shall be from 8:00 a.m. to 10:00 p.m.
17 Monday through Saturday, and from 12:00 p.m. to 10:00 p.m. on
18 Sunday.

19 **iii. Additional Site Plan Requirements**

20 In all districts, as part of the site plan application, the applicant shall
21 comply with the following requirements:

22 **(A)** If the projected or actual noise level exceeds the standards set at
23 AMC section 15.70.080A., a noise analysis shall be prepared
24 identifying noise mitigation measures.

25 **(B)** The applicant shall prepare an operation plan to monitor and
26 enforce:

27 **(1)** Prohibition on consumption of alcoholic beverage on the
28 premises; and

29 **(2)** Mandatory transportation of racing machines to the site.

30 **(C)** The applicant shall submit a dust and litter control plan and
31 describe the methods to be used to collect trash on the site.

32 **(D)** The applicant shall identify one or more individuals who shall be
33 responsible for enforcement of the noise, operation, and dust
34 and litter control plans developed pursuant to this subsection.

35 **iv. Dimensional Standards**

36 Notwithstanding the general dimensional standards of chapter 21.06:

37 **(A)** The ~~planning—Planning~~ and ~~zoning—Zoning commission~~
38 ~~Commission~~ may designate minimum setback areas around the
39 perimeter of the site as it deems necessary to minimize glare
40 and noise impact on adjacent uses, to separate incompatible
41 uses, and to restrict casual access to the site.

42 **(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.~~

Comment [EBM143]: Disagree—this current code requirement should be retained.

~~(C)(B)~~ Public sanitation facilities (restrooms) shall be provided on-site and operated in a manner consistent with AMC section 15.20.020.

vi. **I-1 District Standard[S]**
Motorized sports facilities are conditionally allowed in the I-1 district on parcels with a minimum of ~~20-5~~ acres. ~~The maximum engine size allowed is 250 cc's for wheeled vehicles and 550 cc's for snow machines.~~

7.6. Movie Theater

a. **Definition**
An indoor theater for showing motion pictures.

8. Nightclub

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. ~~Discotheques, nightclubs, bars, lounges, dance halls, bistros, teen clubs, 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 3:00 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. Nightclubs may be licensed or unlicensed. Unlicensed nightclubs do not offer or sell to patrons either alcoholic beverages, as defined by AS 04.21.080, or adult entertainment, as defined by AMC section 10.40.050.~~

b. Use-Specific Standards for Licensed Nightclubs

i. All facilities adjacent to a residential district shall be maintained within a completely enclosed building, and shall be sufficiently insulated so that the standards of AMC section 15.70.080A are met.

ii. Licensed nightclubs are subject to the special land use permit for alcohol process to allow the retail sale of alcohol; see section 21.05.020A.

c. Use-Specific Standards for Unlicensed Nightclubs

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 school or instructional service serving any combination of grades kindergarten through 12;~~

~~(B) Property zoned residential; or~~

~~(C) A zoned property designated as residential in the Turnagain Arm Comprehensive [AREA] 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 21.03.030, Administrative Permits. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand.~~

9.7. Shooting Range, Outdoor

a. Definition

An establishment engaged in the use of land for discharging of firearms for target practice, skeet, and trap shooting.

b. Use-Specific Standards

i. Intent

The intent of the following standards for shooting ranges is primarily safety and buffering for adjacent neighborhoods.

ii. Setbacks

All shooting areas shall be set back a minimum distance of 100 feet from any public right-of-way. Buildings located behind the firing line are allowed to be located to the normal zone setback.

iii. Site Size

The minimum site size shall be 20 acres.

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.

v. On-Site Uses

An accessory retail store, snack shop, ammunition storage, and short-term rental of firearms and equipment for use only on the premises are permitted. Sale of alcoholic beverages is prohibited.

vi. Noise Impact Analysis

A noise impact analysis with a noise map based on the types of firing and layout of the range shall be submitted as part of the conditional use application.

10.8. 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: ski and snowboard runs and trails; ski lifts and tows, including towers and structures, related to skiing and snowboarding patrons; snow-making equipment/facilities; ski patrol facilities; ski area administrative and ticketing offices; special events directly associated with ski areas such as ski races, snowboard races, snow machine races, bicycle races, and concerts; alpine slide; nordic ski trails and facilities; tubing hills; ski and equipment rental facilities and ski instruction facilities; ice skating rinks; ski bridges; and supporting accessory structures.

Ski Facility, Alpine shall not mean such uses as lodges, hotels, dwelling units, restaurants, retail shops, outdoor carts and vending areas, clinics, day care centers, offices, and high impact recreational uses such as go carts, golf courses and driving ranges, paint ball games, rifle ranges, waterslides, and stables.

11.9. Theater Company or Dinner Theater Performing Arts

a. Definition

An establishment for ~~live dramatic, operatic, or dance presentations open to the public, without membership requirements, whose seating capacity does not exceed 500 seats and seating area does not exceed 3,000 square feet, or any area for the rehearsal of such live performances~~ the performing arts, open to the public, without membership requirements. These establishments may also provide food and beverages for consumption on the premises.

b. Use-Specific Standard

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

E.D. Food and Beverage Services

This category includes businesses that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

1. Nightclub

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. Discotheques, nightclubs, bars, lounges, dance halls, bistros, teen clubs, 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 3:00 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. Nightclubs may be licensed or unlicensed. Unlicensed nightclubs do not offer or sell to patrons either alcoholic beverages, as defined by AS 04.21.080, or adult entertainment, as defined by AMC section 10.40.050.

b. Use-Specific Standards for Licensed Nightclubs

i. All facilities adjacent to a residential district shall be maintained within a completely enclosed building, and shall be meet the standards of AMC section 15.70.080A.

ii. Licensed nightclubs are subject to the special land use permit for alcohol process to allow the retail sale of alcohol; see section 21.05.020A.

c. Use-Specific Standards for Unlicensed Nightclubs

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 school or instructional service serving any combination of grades kindergarten through 12;

(B) Property zoned residential; or

(C) TA-zoned property designated as residential in the *Turnagain Arm Comprehensive [AREA] 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 21.03.030, *Administrative Permits*. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand.

1.2. Bar

a. Definition

An establishment that prepares and retails alcoholic beverages for consumption on the premises. These establishments may also manufacture malt beverages and provide limited food services.

b. Use-Specific Standard

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

2.3. Food and Beverage Kiosk

a. Definition

An establishment in a freestanding building, trailer, or vehicle on an impermanent foundation that sells coffee or other beverages and food from a window to

1 customers who are either pedestrians or seated in their automobiles, for
2 consumption off the premises, and that provides no indoor seating.

3 **b. Use-Specific Standards**

4 Kiosks in all districts shall comply with the following standards:

5 ~~i. ANY Food and beverage kiosks [WITH DRIVE-THROUGH SERVICE] shall~~
6 ~~comply with the "drive-through service" accessory use standards in~~
7 ~~subsection 21.05.070D.6[7].~~

Comment [EBM144]: Disagree—these are the most common drive-through use in town. They should meet standards relating to drive-throughs. Why should they be exempt when other drive-throughs have to comply?

8 ~~ii.i.~~ Kiosks shall be on wheels to facilitate movement onto and off the site,
9 and may not be located on a permanent foundation. The wheels shall be
10 screened with opaque skirting or screening so as to not be visible.

11 ~~iii.ii.~~ Kiosks may be located on the same lot as another principal use.

12 [KIOSKS SHALL COMPLY WITH THE "DRIVE-THROUGH SERVICE"
13 ACCESSORY USE STANDARDS IN SECTION 21.05.070D.7.]

14 ~~iv. Kiosks that provide outdoor seating shall provide parking for that seating, as~~
15 ~~required by section 21.07.090, Off-Street Parking and Loading.~~

Comment [EBM145]: Disagree—if seating is provided, parking must also be provided, as not every customer who uses the seating will be a walk-up. Without this provision, there will be parking impacts on neighboring property owners.

16 ~~v.iii.~~ All signs shall comply with chapter 21.11, Signs.

17 **3.4. Restaurant**

18 **a. Definition**

19 An establishment primarily engaged in the preparation and sale of food and
20 beverages, normally for consumption on the premises, but including those
21 establishments that provide only take-out or delivery service.

22 **b. Use-Specific Standards**

23 i. Any use that involves the retail sale of alcohol is subject to the special
24 land use permit for alcohol process; see section 21.05.020A.

25 ii. Any restaurant with drive-through service shall comply with the "drive-
26 through service" accessory use standards in section 21.05.070D.6[7].

27 **F.E. Office**

28 This category includes activities that generally focus on providing business or professional
29 services. Accessory uses may include cafeterias, parking, or other amenities primarily for the use
30 of employees in the firm or building. Specific use types include:

31 **1. Broadcasting Facility**

32 **a. Definition**

33 ~~An establishment engaged in the broadcasting of audio, television, or movie~~
34 ~~productions and associated activities.~~

35 **2. Financial Institution**

36 **a. Definition**

37 ~~Establishments that provide retail banking, mortgage lending, and financial~~
38 ~~services to individuals and businesses. Accessory uses may include automatic~~
39 ~~teller machines, offices, and parking. Financial institutions may or may not have~~
40 ~~drive-through service depending on the zoning district in which they are located;~~
41 ~~see section 21.05.070, Accessory Uses and Structures.~~

42 **b. Use-Specific Standards**

~~i. Financial institutions are permitted in the B-1A, NMU, and B-3 districts only if they are providing primarily retail services to walk-in customers, rather than primarily office and support services with few walk-in customers.~~

~~ii. Financial institutions in the B-3 district shall have a maximum gross floor area of 5,000 square feet.~~

~~iii. Any financial institution with drive-through service shall comply with the "drive-through service" accessory use standards in subsection 21.05.070D.6[7].~~

3.1. General Office, Business or Professional

a. Definition

~~An establishment that provides executive, management, administrative, business or professional services, but not involving the sale of merchandise, except as incidental to a permitted use. Typical examples include but are not limited to: general office; broadcasting facility; financial institutions; veterinary clinic; data processing facility; instructional services (i.e. establishments that provide on-site training of business, artistic, or commercial skills); vocational or trade school (i.e. a secondary of higher education facility teaching skills that prepare students for jobs in a trade to be pursued as an occupation); real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Government offices are classified under "governmental administration and civic buildings" above.~~

2. Medical Office

a. Definition

~~Establishments primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other licensed medical practitioners, medical and dental laboratories, outpatient care and outpatient care facilities, dispensaries, home health care agencies, and blood banks.~~

b. Use-Specific Standard

~~Applicable health service establishments shall comply with the medical facility accessible parking requirements; see subsection 21.07.090J.4.~~

3. Governmental Office

a. Definition

~~An office or building of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance office, or motor vehicle licensing and registration services.~~

b. Use-Specific Standards

~~i. Unless otherwise indicated in table 21.05-1, government administration and civic buildings or additions to existing government administration and civic buildings shall have the following review process:~~

~~(A) Construction of governmental building of less than 15,000 square feet is permitted without a review process.~~

Comment [EBM146]: Disagree— staff proposed 7,000 to fit with the design standards size breaks.

1 (B) Construction of a governmental building greater than 15,000 but
2 less than 25,000 square feet is subject to an administrative site
3 plan review.

4 (C) Construction of a governmental building over 25,000 square feet
5 is subject to a major site plan review.

6 (D) Lease of existing space by governmental agency is permitted.

7 ii. The priority location for federal, state, and municipal buildings and offices
8 that are open to and serve the public is in the Central Business District.

9 iii. The Central Business District is identified in the Comprehensive Plan as
10 a major employment area. There are two other major employment areas
11 identified in the Comprehensive Plan as Midtown and the U-Med District.
12 These districts are also appropriate locations for federal, state and
13 municipal buildings or offices, particularly where substantial parking is
14 required. The offices are intended to serve other governmental agencies
15 rather than being open to and providing services for the public and/or the
16 functions are more appropriate to Midtown or U-Med District locations
17 than to the Central Business District.

18 iv. Leases by governmental agencies with a primary term of ten (10) years
19 or less, may also be located in the Midtown District without the necessity
20 of compliance with the conditions set on in the subsection iii above.

21 v. Government offices can also be leased in town centers designated in the
22 comprehensive plan provided that such locations comply with the
23 conditions set out in subsections iii and iv above.

24 vi. When a government administrative and civic building is proposed for
25 construction at a location other than the Central Business District and the
26 building is subject to a major sit plan review as provided above, approval
27 under the site plan review is contingent on a finding by the Planning and
28 Zoning Commission, using the approval criteria of a public facility sit
29 selection process (21.03.140), that locating the building outside of the
30 central business district would not be detrimental to the public interest.

Comment [EBM147]: Disagree—
this is all now completely confusing.
The CBD is the priority location, but
Midtown and the U-Med are also
appropriate if the functions are more
appropriate to Midtown or U-Med,
unless they are leasing for less than
ten years (what about renewing over
and over?) in which case they can go
anywhere? How does this meet the
comprehensive plan, which basically
says what is in ii?

31 **4. Research Laboratory**

32 **a. Definition**

33 A facility that is designed or equipped for basic or applied research or
34 experimental study, testing, or analysis in the natural sciences or engineering,
35 including any educational activities associated with and accessory to such
36 research.

Comment [EBM148]: Disagree—
keep provisionally adopted language.
Consistency with the comp plan
should not happen only when the
office is subject to a major site plan
review.

37 **G. Personal Services, Repair, and Rental**

38 ~~This category includes establishments engaged in the provision of information, instruction,~~
39 ~~personal improvement, personal care, repair, lease, or rent of new or used products, or similar~~
40 ~~services. Accessory uses may include offices, storage of goods, manufacture, or repackaging of~~
41 ~~goods for on-site sale, and parking. Specific use [S] types include:~~

42 **1. Business Service Establishment**

43 **a. Definition**

~~An establishment that, for consideration, provides other businesses with advertising, leased or rented equipment, maintenance, security, management, consulting or technical aid, or copying services.~~

2. Funeral Services

a. Definition

~~An establishment providing services involving the display of the deceased, preparation of the deceased for burial, and rituals connected therewith before burial or cremation. Cremation services are a separate use.~~

3. General Personal Services

a. Definition

~~An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or similar semi-technical, technical, or experienced assistance, other than the practice of a profession and wholesale or retail sale of goods. Examples include, but are not limited to: dry-cleaning drop-off; photography studios; check-cashing; shoe repair; beauty and barber shops; locksmith; repair of household appliances; and tanning salons. This use excludes maintenance and repair of vehicles and industrial equipment or machinery.~~

4. Small Equipment Rental

a. Definition

~~The commercial rental of supplies and equipment primarily intended for personal or household use, such as furniture, and minor residential gardening and construction projects, but not including car or truck rentals, or rentals of smaller motor vehicles not for home care such as motorcycles or snowmobiles. This use does not include the rental, storage, or maintenance of large construction or other commercial heavy equipment, which are classified under "industrial service."~~

b. Use-Specific Standard

~~In mixed-use districts, all maintenance, display, and storage of equipment shall be conducted within an enclosed building, or within an area located in the rear of the building and screened by a sight-obscuring fence at least six feet in height.~~

H.F. Retail Sales

This category includes retail establishments; involved in the sale of new or used products to the general public; engaged in the provision of information, instruction, personal improvement, personal care, repair, lease, or rent of new or used products, or similar services; and involved in the sale, rental, and/or repair and maintenance of motor vehicles and related equipment, including large parking lots and outdoor storage areas included with these areas Accessory uses may include offices, parking, storage of goods, assembly, manufacture, or repackaging, and repair of goods for on-site sale, incidental repair and storage, and sales of parts or tires. Specific use types include:

1. Auction House General Retail

a. Definition

~~A structure or enclosure where goods are sold by auction~~An establishment engaged primarily in the retail sale of goods or merchandise, and rendering services incidental to the sale of such goods. Examples may include, but are not limited to: general merchandise retailers; warehouse and club retailers; superstores; discount stores; catalog showrooms; pharmacies; and specialty retail stores specializing in such goods as clothing, home furnishings, sporting goods, books, stationary, music, video rentals, or flowers; business, professional

1 and personal services; amusement establishment (i.e. arcades, bowling alleys,
2 billiard parlors, bingo parlors, laser tag parlors, water parks, miniature golf
3 courses, and indoor shooting ranges); pet retail and services; fitness/recreational
4 sports centers (i.e. equipment for exercise and other active physical fitness
5 conditioning or recreational sports activities,); funeral services (does not include
6 cremation services); general personal services (establishments that provide care,
7 advice, aid, maintenance, repair, treatment, or similar semi-technical, technical,
8 or experienced assistance); small equipment rental; auction house; building
9 material store; convenience store; farmers market; fueling station; grocery or
10 food store; pawn shop; vehicle, aircraft, marine parts and supplies; vehicle
11 service and repair; dry cleaning establishment; cottage crafts (i.e. small-scale
12 assembly and arts-and-crafts production by hand manufacturing involving the
13 use of hand tools and small-scale equipment).

Comment [EBM149]: Why include cottage crafts as an example of general retail when it is also a use type listed below?

14 **b. Use-Specific Standards**

- 15 i. Any general retail use with drive-through service shall comply with the
16 “drive-through service” accessory use standards in subsection
17 21.05.070D.6.
- 18 ii. Any use that involves the retail sale of alcohol is subject to the special
19 land use permit for alcohol process; see section 21.05.020A.
- 20 iii. Pet Retail and Services shall comply with the use-specific standards
21 above for “animal shelter”.
- 22 iv. For Vehicle Parts and Supplies, no dismantling or wrecking of vehicles or
23 machinery may occur on site. Uses that include dismantling and
24 wreckage are classified by the Title as “junkyards”.
- 25 v. For Cottage Crafts, the outdoor storage of materials related to the
26 production and sale of cottage crafts is prohibited in non-industrially-
27 zoned districts.

28 **2. Building Materials Store/Cottage Crafts**

29 **a. Definition**

30 An establishment primarily engaged in the sale, distribution, and associated
31 storage of lumber and other building materials such as brick, tile, cement,
32 insulation, floor covering, roofing materials, and other improvement materials and
33 associated tools; and/or the sale and service of plumbing, heating, and/or
34 electrical equipment. An establishment engaged in small-scale assembly and
35 arts-and-crafts production by hand manufacturing involving the use of hand tools
36 and small-scale equipment. Examples include, but are not limited to: candle
37 making, artisan woodworking, art studio/gallery, artisan pottery, jewelry
38 production, and the like. Cottage crafts are less intensive than, and do not have
39 the off-site impacts often associated with, general industrial uses.

Comment [EBM150]: Cottage crafts are more industrial than commercial and should be in the industrial section.

40 **b. Use-Specific Standards**

- 41 i. *Production and Sale of Cottage Crafts*
42 Cottage crafts may only be produced within a wholly-enclosed
43 permanent structure. Cottage crafts production may occupy up to 1,500
44 square feet of gross building area, and may include up to an additional
45 300 square feet gross building area on the same lot devoted to the
46 display and retail sale of the crafts produced. The retail/display area
47 shall be located on the ground floor and in the front part of the building
48 facing the primary street on which the lot is located.

1 ii. Prohibitions

2 (A) The outdoor storage of materials related to the production and
3 sale of cottage crafts is prohibited in non-industrial-zoned
4 districts.

5 (B) The use of equipment, materials, or processes that create
6 hazards, noise, vibration, glare, fumes, or odors detectable to the
7 normal sense off-site is prohibited in non-industrial-zoned
8 districts.

9 **3. Convenience Store**

10 **a. Definition**

11 An establishment engaged primarily in the sale of convenience goods, such as
12 pre-packaged food items, tobacco, over the counter drugs, periodicals, and other
13 household goods.

14 **b. Use-Specific Standards**

15 i. Any use that involves the retail sale of alcohol is subject to the special land use
16 permit for alcohol process; see section 21.05.020A.

17 ii. In the R-4, R-4A, and B-1A districts, a convenience store shall not sell alcoholic
18 beverages.

19 **4. Farmers Market**

20 **a. Definition**

21 An occasional, periodic, or seasonal market for offering for sale fresh agricultural,
22 fresh food, or arts and crafts products directly to the consumer at an open-air
23 market, covered structure with multiple stalls, or other pre-designated area,
24 where the vendors are generally individuals who have raised the produce or
25 made the product, or have taken the same on consignment for retail sale.

26 **5. Fueling Station**

27 **a. Definition**

28 An establishment engaged in the retail dispensing or sale of gasoline or other
29 vehicular fuel products. This use definition does not include convenience store
30 or vehicle service and repair uses.

31 **6. General Retail**

32 **a. Definition**

33 An establishment engaged primarily in the retail sale of goods or merchandise,
34 and rendering services incidental to the sale of such goods. Examples may
35 include, but are not limited to: general merchandise retailers; warehouse and
36 club retailers; superstores; discount stores; catalog showrooms; pharmacies; and
37 specialty retail stores specializing in such goods as clothing, home furnishings,
38 sporting goods, books, stationary, music, video rentals, or flowers.

39 **b. Use-Specific Standards**

40 Any general retail use, such as a pharmacy, with drive-through service shall
41 comply with the "drive-through service" accessory use standards in subsection
42 21.05.070D-~~6.7~~.

43 **7. Grocery or Food Store**

44 **a. Definition**

45 An establishment primarily engaged in the retail sale of food and/or beverages
46 primarily to be consumed outside of the retail establishment's premises.

~~Examples include, but are not limited to: supermarkets, grocery stores, delicatessens, specialty food shops, and bakeries. Take-out and delivery establishments are classified under "restaurant".~~

~~**b. Use-Specific Standard[S]**~~

~~Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.~~

8.3. Liquor Store

a. Definition

An establishment that is primarily engaged in selling alcoholic beverages for consumption off the premises.

b. Use-Specific Standard[S]

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

9. Pawnshop

a. Definition

~~An establishment that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.~~

I. Vehicles and Equipment

~~This category includes a broad range of uses for the sale, rental, and/or repair and maintenance of motor vehicles and related equipment. Large parking lots [AREAS] and outdoor storage areas may be included with these uses. Accessory uses may include incidental repair and storage, offices, and sales of parts and/or tires. Specific use types include:~~

1. Aircraft and Marine Vessel Sales

a. Definition

~~An establishment primarily engaged in the display and sale of aircraft and/or marine vessels as well as associated parts and supplies.~~

2.4. Parking Lot, Principal Use

a. Definition

An off-street, surface parking lot where motor vehicles are parked for not more than 72 consecutive hours, **and the lot is not required parking for another use.**

b. Use-Specific Standard

Principal use parking lots shall be designed in accordance with subsection 21.07.090H., *Parking and Loading Facility Design Standards*, and landscaped in accordance with subsection 21.07.080E[F].6., *Parking Lot Landscaping*.

3.5. Parking Structure, Principal Use

a. Definition

A parking structure with two or more levels or stories where motor vehicles are parked for not more than 72 consecutive hours, **and the spaces are not required parking for another use.** The parking structure may be above and/or below grade, and the levels may be partially or fully enclosed. A parking structure may occupy a portion of a building which also includes commercial space, such as offices or retail on the ground floor.

- 1 **b. Use-Specific Standard**
2 Parking structures shall comply with the requirements of subsection 21.07.090K.

3 **4.6. Vehicle, Aircraft and Marine Sales and Rental Parts and Supplies**

- 4 **a. Definition**
5 ~~The display and sale of new, reconditioned, or rebuilt parts, supplies, or~~
6 ~~equipment for automobiles, motorcycles, trucks, vans, trailers, recreational~~
7 ~~vehicles, mobile homes, or snowmobiles. An establishment engaged in the~~
8 ~~display, sale, leasing, or rental of new or used motor vehicles, aircraft and/or~~
9 ~~marine vessels as well as associated parts and supplies. Vehicles include, but~~
10 ~~are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles,~~
11 ~~mobile homes, motorcycles, personal watercraft, utility trailers, snowmobiles, and~~
12 ~~all-terrain vehicles (ATVs).~~

- 13 **b. Use-Specific Standard**
14 ~~No dismantling or wrecking of vehicles or machinery may occur on site. Uses~~
15 ~~that include dismantling and wreckage are classified by this title as "junkyards." At~~
16 ~~any given time, no more than five percent of the vehicle inventory on the lot, no~~
17 ~~including Class A and C recreational vehicles, shall have a gross vehicular~~
18 ~~weight rating (GVWR) of more than 12,000 lbs.~~

19 **5. Vehicle Large, Sales and Rental**

- 20 **a. Definition**
21 ~~An establishment engaged in the display, sale, leasing, or rental of new or used~~
22 ~~motor vehicles. Vehicles include, but are not limited to, automobiles, light trucks,~~
23 ~~vans, trailers, recreational vehicles, and mobile homes.~~

- 24 **b. Use-Specific Standards**
25 ~~i. This use may include the uses "vehicle service and repair, major" and "vehicle~~
26 ~~service and repair, minor", and repair of the vehicle inventory with a~~
27 ~~gross vehicular weight rating over 12,000 lbs, in accordance with~~
28 ~~subsection b.ii. below, is also allowed.~~
29 ~~ii. At any given time, no more than five percent of the vehicle inventory on the lot,~~
30 ~~not including Class A and C recreational vehicles, shall have a gross~~
31 ~~vehicular weight rating (GVWR) of more than 12,000 lbs.~~

32 **6. Vehicle Small, Sales and Rental**

- 33 **a. Definition**
34 ~~An establishment engaged in the display, sale, leasing, or rental of small motor~~
35 ~~vehicles. Vehicles include, but are not limited to: motorcycles, personal~~
36 ~~watercraft (jet skis), utility trailers, snowmobiles, and all-terrain vehicles (ATVs).~~

- 37 **b. Use-Specific Standard[S]**
38 ~~This use may include the uses "vehicle service and repair, major" and "vehicle~~
39 ~~service and repair, minor".~~

40 **7. Vehicle Service and Repair, Major**

- 41 **a. Definition**
42 ~~An establishment engaged in the major repair and maintenance of automobiles,~~
43 ~~motorcycles, trucks, vans, trailers, recreational vehicles, or snowmobiles.~~
44 ~~Vehicles served by this type of establishment, except for recreational vehicles,~~
45 ~~shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs.~~
46 ~~Services include all activities listed in "vehicle service and repair, minor", as well~~

as engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.

b. Use-Specific Standards

i. Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.

ii. Noise-generating equipment shall meet the noise control standards of AMC section 15.70.

8. Vehicle Service and Repair, Minor

a. Definition

An establishment engaged in light maintenance activities such as engine tune-ups; oil change and lubrication; carburetor cleaning; muffler replacement; brake repair; car washing; tire shops; and detailing and polishing. Vehicle parts are sold and are ordinarily installed on the premises. Vehicles served by this type of establishment, except for recreational vehicles, shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs.

b. Use-Specific Standards for Carwash Bays and Vehicle Repair Bays

i. Vehicle wash or service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.

ii. Noise-generating equipment shall meet the noise control standards of AMC section 15.70.

J.G. Visitor Accommodations

This category includes visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices. Specific use types include:

1. Camper Park

a. Definition

A lot or parcel of land, or portion thereof, temporarily occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay, and containing a potable water source and washroom facilities. These establishments may provide laundry rooms, recreation halls, and playgrounds. These uses are not intended for vehicle storage.

b. Use-Specific Standards

i. Location and Access

No entrance to, or exit from, a camper park shall be through a residential district or shall provide access to any street other than a collector or street of greater capacity.

ii. Occupancy and Length of Stay

Spaces in camper parks may be used by campers, recreational vehicles, equivalent facilities constructed on automobiles, tents, or short-term

Comment [EBM151]: Disagree—RVs should not be passing up and down residential streets to reach the camper park.

housing or shelter arrangements or devices. The occupants of such space shall remain in that space a period not to exceed 30-90 days.

2. Hotel/Motel/Extended-Stay Lodgings/Inn

a. **Definition**

A visitor lodging establishment, rented for compensation by the day or week, and offered for use by the general public which may be in conjunction with subordinate services and facilities, such as restaurants and meeting rooms. Examples may include, but are not limited to: Hotel; Motel; Extended-Stay Lodging; Inn; and Recreational and Vacation Camp (i.e. overnight recreational camp, children's camp, family vacation camp, or outdoor retreat). 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. ~~with six or more guest rooms offering suites with kitchens, business traveler communications conveniences, and intended primarily for periods of stay of one week or more.~~ This does not include bed-and-breakfasts, which are classified as an accessory use under section 21.05.070.

Comment [EBM152]: Disagree with combining all these in one use. The districts in which these uses are appropriate can vary, and thus the uses should be separate so they can be allowed in the appropriate districts.

b. **Use-Specific Standards**

~~i. A kitchen area shall be provided in all units.~~

~~ii.i. The facility shall provide a lobby area with a minimum of 750 square feet. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.~~

~~iii.ii. In the R-4 district, hotels and extended-stay lodgings shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.~~

3. **Hostel**

a. **Definition**

An overnight lodging facility in which beds (pillows), rather than rooms, are rented. Sleeping accommodations are primarily dormitory-style and shared kitchen facilities may be available to the guests.

b. **Use-Specific Standards**

i. Hostels in the R-2F and R-2M shall contain no more than 20 pillows. Hostels in the R-3, R-4, and R-4A shall contain no more than 40 pillows.

ii. Hostels in residential zones require an administrative permit pursuant to subsection 21.03.030.

~~4. **Hotel/Motel**~~

~~a. **Definition**~~

~~Any building containing 20 or more guestrooms, 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 Standards**~~

~~i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.~~

~~ii. Establishments in mixed use districts shall have all their guestrooms accessible by means of interior corridors.~~

~~iii. Establishments whose rooms are individually accessible from the outdoors shall have frontage on a major arterial or street of greater classification.~~

~~iv. In the R-4 district, hotels shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.~~

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 may be 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 special land use permit for alcohol process; see section 21.05.020A.~~

~~ii. Inns in the R-4A district shall be subject to the [APPLICABLE] multifamily building [DEVELOPMENT AND] design standards in section 21.07.100[100], and the multi-family building parking standards in section 21.07.090. In the R-4A district, inns shall adhere to the maximum floor area ratio permitted for multi-family dwellings.~~

6.4. Recreational and Vacation Camp

a. Definition

An overnight recreational camp, such as a children's camp, family vacation camp, or outdoor retreat. These establishments provide accommodation facilities, such as cabins and fixed camp sites, and incidental recreational and educational facilities.

21.05.060 INDUSTRIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general industrial use categories and specific industrial use types listed in tables 21.05-1 and 21.05-2. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

A. Industrial Service

This category includes establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage. Specific use types include:

1. Data Processing Facility

a. Definition

~~An establishment where electronic data is processed by employees, including, without limitation, data entry, storage, conversion, or analysis, and [] subscription and credit card transaction processing.~~

2. Dry-Cleaning Establishment

a. Definition

~~An establishment maintained for on-site laundry and/or dry cleaning, including the use of [USING] a perchlorethylene process or similar nonflammable, non-aqueous solvent, of fabrics, textiles, wearing apparel, or articles of any sort, and also including related maintenance or operation of equipment and machinery.~~

3.1. General Industrial Service

a. Definition

Establishments engaged in the repair or servicing of agricultural, industrial, ~~or business, or consumer~~ machinery, equipment, products, or by-products. Examples include ~~but are not limited to:~~ welding shops; machine shops; ~~tool repair; electric motor repair;~~ repair of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping; ~~and exterminators; and vending machine sales and service.~~ Accessory activities may include retail sales, offices, parking, and storage. ~~This category does not include tool and electric motor repair and vending machine sales and service, which are covered by "General Retail" above.~~

b. Use-Specific Standard

~~L4 screening landscaping is required where adjacent to residential zones.~~

Comment [EBM153]: Landscaping levels were deleted.

4. Governmental Service

a. Definition

~~A facility housing government shops, maintenance, and repair centers, and equipment storage yards.~~

b. Use-Specific Standard

~~L4 screening landscaping is required where adjacent to residential zones.~~

5.2. Heavy Equipment Sales and Rental

a. Definition

An establishment engaged in the display, sale, leasing, or rental of construction equipment and other heavy equipment, including all heavy equipment of 12,000 or more pounds gross vehicular weight (GVW). This category does not include recreational vehicles or larger trucks that typically are sold at automobile dealerships; such vehicles are covered by ~~vehicle large, sales and rental~~ Vehicle, Aircraft, and Marine, Sales and Rental above.

6. Research Laboratory

a. Definition

~~A facility that is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research, and including research and analysis facilities operated by public agencies and designed to assure public health and safety. The use does not include facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.~~

B. Manufacturing and Production

This category includes industrial establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, synthetic [MAN-MADE], raw, secondary, or partially completed materials may be used in the manufacturing process. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Such uses may include industries furnishing labor in the case of the refinishing of manufactured articles. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of total sales. Accessory activities may include limited

1 retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage
2 yards, repair facilities, truck fleets, and caretaker's quarters. Specific uses types include:

3 **1. Commercial Food Production General Manufacturing and Production**

4 **a. Definition**

5 ~~An establishment processing and/or producing food for human consumption,~~
6 ~~including facilities engaged in providing food and/or food services for institutional,~~
7 ~~governmental, commercial, industrial, and other locations of other businesses; as~~
8 ~~well as facilities that process meat, game, and seafood. Examples include airline~~
9 ~~food services, CAFETERIAS, and catering companies that prepare food for~~
10 ~~consumption at an off-premise customer site.~~An establishment engaged in the
11 general manufacture of finished products or parts, including processing,
12 fabrication, assembly, treatment and packaging of such products, and incidental
13 storage, sales and distribution of such products, but excluding basic industrial
14 processing. Examples include, but are not limited to airplane, automobile, or
15 truck assembly; repair of railroad equipment; beverage manufacture and
16 brewery; boatbuilding; cabinet shops; machine or blacksmith shops;
17 metalworking or welding shops; paint shops; processing and/or dressing of skins;
18 steel fabrication shops or yards; printing, publishing, and lithography; airline food
19 services, cafeterias, and catering companies.

20 **2. 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 small-~~
24 ~~scale equipment. Examples include, but are not limited to: candle making,~~
25 ~~artisan woodworking, art studio/gallery, artisan pottery, [AND] jewelry production,~~
26 ~~and the like. Cottage crafts are less intensive than, and do not have the off-site~~
27 ~~impacts often associated with, general industrial uses.~~

28 **b. Use-Specific Standards**

29 **i. Production and Sale of Cottage Crafts**

30 ~~Cottage crafts may only be produced within a wholly enclosed~~
31 ~~permanent structure. Cottage crafts production may occupy up to 1,500~~
32 ~~square feet of gross building area, and may include up to an additional~~
33 ~~300 square feet gross building area on the same lot devoted to the~~
34 ~~display and retail sale of the crafts produced. The retail/display area~~
35 ~~shall be located on the ground floor and in the front part of the building~~
36 ~~facing the primary street on which the lot is located.~~

37 **ii. Prohibitions**

38 ~~(A) The outdoor storage of materials related to the production and sale of~~
39 ~~cottage crafts is prohibited in non-industrially-zoned districts.~~

40 ~~(B) The use of equipment, materials, or processes that create hazards,~~
41 ~~noise, vibration, glare, fumes, or odors detectable to the normal~~
42 ~~senses off-site is prohibited.~~

43 **3.2. Manufacturing, Heavy**

44 **a. Definition**

45 An establishment engaged in the manufacture or compounding process of raw
46 materials. Such activities may involve the storage of large volumes of highly
47 flammable, toxic matter or explosive materials needed for the manufacturing
48 process. Examples include, but are not limited to: refining or initial processing of
49 raw materials; rolling, drawing, or extruding of metals; asphalt batching plants.

1 [AND] hot-mix plants, and RAP storage and processing; sawmills; manufacture
2 or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum
3 products, soap, turpentine, varnish, charcoal, or distilled products, or similar
4 industrial uses; ~~steel fabrication shops or yards;~~ and manufacture, service, or
5 repair of railroad equipment.

6 **b. Use-Specific Standard**

7 L4 screening landscaping is required where adjacent to residential zones.

Comment [EBM154]: Landscaping levels were deleted.

8 **4.Manufacturing, Light**

9 **a. Definition**

10 ~~An establishment engaged in the manufacture, predominantly from previously~~
11 ~~prepared materials, of finished products or parts, including processing,~~
12 ~~fabrication, assembly, treatment, and packaging of such products, and incidental~~
13 ~~storage, sales, and distribution of such products, but excluding basic industrial~~
14 ~~processing. Examples include, but are not limited to: airplane, automobile, or~~
15 ~~truck assembly; repair of railroad equipment; beverage manufacture and~~
16 ~~brewery; boatbuilding; cabinet shops; machine or blacksmith shops;~~
17 ~~metalworking or welding shops; paint shops; processing and/or dressing of skins;~~
18 ~~[STEEL FABRICATION SHOPS OR YARDS;] and printing, publishing, and~~
19 ~~lithography.~~

20 **b. Use-Specific Standard**

21 L4 screening landscaping is required where adjacent to residential zones.

22 **5.3. Natural Resource Extraction, Organic and Inorganic**

23 **a. Definition**

24 The development or extraction of organic and/or inorganic material from its
25 natural occurrences on affected land. This use includes placer mining operations
26 in which rock byproduct is removed from the premises. This use [SHALL] also
27 include commercial or industrial operations involving removal of timber, native
28 vegetation, peat, muck, topsoil, fill, sand, gravel, [OR] rock, or any other mineral,
29 and other operations having similar characteristics. This use includes only
30 operations of a scale involving ~~50,000~~100,000 cubic yards or more of material.
31 Site preparation as part of the development of a subdivision under a subdivision
32 agreement is not included.

Comment [EBM155]: Disagree—
current municipal policy (that arose
out of a court case) is that a CU is
necessary for 50,000 cubic yards.
With a good sized dump truck holding
10 cubic yards, this amendment
allows up to TEN THOUSAND truck
trips to and from a site before a
conditional use approval (which would
address hours of operation, noise,
dust control, etc) would be required.
The department feels strongly that
this is not in the best interest of the
public.

33 **b. Use-Specific Standards (also apply to “Natural Resource Extraction, Placer**
34 **Mining”)**

35 **i. General Standards**

36 The following general standards apply in all districts:

37 **(A) Limit on Site Size**

38 Except for placer mining, general natural resource extraction is
39 allowed only on sites of five acres or more.

40 **(B) Water Discharge Permit**

41 Placer mining operations are subject to a wastewater discharge
42 permit issued by the state department of environmental
43 conservation.

44 **(C) Use and Handling of Explosives**

45 In addition to the requirements of the fire code, the following
46 shall govern the storage, handling, and use of explosive
47 materials:

- 1 (1) In addition to the submittal requirements for a conditional
2 use approval, a blasting plan and a safety plan shall be
3 submitted.
- 4 (2) Blasting shall be conducted during daylight hours within
5 the operating hours established by the [planning-Planning](#)
6 and [zoning-Zoning commissionCommission](#).
- 7 (3) The handling and firing of explosives shall be performed
8 only by the individual possessing a valid explosives
9 certificate issued by the fire marshal.
- 10 (4) Whenever a new storage or magazine site is established
11 the Anchorage police department, Anchorage fire
12 department and the emergency operations center shall
13 be notified.
- 14 (5) Quantities of explosives shall be determined by the fire
15 code at AMC [Title-Title](#) 23.
- 16 (6) Blasting operations shall be performed in accordance
17 with the instructions of the manufacturer of the explosive
18 materials being used.
- 19 (7) Rock fall mitigation methods may be required. When
20 blasting is done in close proximity to a structure, railway,
21 highway, or any other installation, precautions shall be
22 taken to minimize earth vibrations and air blast effects.
23 Blasting mats or other protective means shall be used to
24 prevent fragments from being thrown.
- 25 (8) Property owners within 1,000 feet of the site shall be
26 notified at least 24 hours in advance of blasting. Verbal
27 notices shall be confirmed with written notice.
- 28 (9) All areas subject to blasting operations shall be fenced in
29 a manner to secure the site and to prevent unauthorized
30 access to the site.
- 31 (10) Notice of blasting operations shall be posted at all
32 entrances to the site and on security fencing in areas
33 subject to blasting operations. Posting shall occur at
34 least 24 hours in advance of blasting.
- 35 (11) When blasting is being conducted in the vicinity of
36 utilities (gas, water, electric, fire alarm, or telephone), the
37 blaster shall notify the appropriate representatives of the
38 agencies at least 24 hours in advance of blasting.
39 Verbal notices shall be confirmed with written notice.
- 40 (12) Before a blast is fired, the individual in charge shall
41 make certain that all surplus explosives are in a safe
42 place, all persons and vehicles are at a safe distance or
43 under sufficient cover and a loud warning signal has
44 been sounded.

1 (13) The operator of the site shall be responsible for all
2 damages to persons or property which arise from, or are
3 caused by the blasting operations.

4 (D) *Required Submittals*

5 In addition to the general submittal requirements applicable to all
6 site plans specified in the ~~title-Title 21 user's guide~~Users' Guide,
7 additional submittal requirements are specified in that guide for
8 natural resource extraction. The site plan shall be subject to
9 review and approval of the department of **public works**
10 [PROJECT MANAGEMENT AND ENGINEERING] for drainage,
11 erosion, and sedimentation control; for conformance with the
12 requirements of the National Pollutant Discharge Elimination
13 System (NPDES) permit and other applicable EPA guidelines;
14 and for compliance with generally accepted sound engineering
15 principles.

16 (E) *Standards for Approval*

17 In addition to the conditional use standards of approval at
18 21.03.080C., the ~~planning-Planning~~ and ~~zoning-Zoning~~
19 ~~commission-Commission~~ may approve a natural resource
20 extraction conditional use only if the commission finds that the
21 use also meets the following standards:

22 (1) Principal access to the site shall minimize the use of
23 residential streets, and access roads shall be treated in
24 a manner to make them dust free. Where access roads
25 intersect collectors or arterials, suitable traffic controls
26 shall be established.

27 (2) The extraction operations will not pose a hazard to the
28 public health and safety.

29 (3) The extraction operations will not generate noise, dust,
30 surface water runoff or traffic that will unduly interfere
31 with surrounding land uses.

32 (4) The restoration plan for the site ensures that, after
33 extraction operations cease, the site will be left in a safe,
34 stable, and aesthetically acceptable condition. The site
35 shall either be restored generally to its pre-excavation
36 contours, or as appropriate for the future use of the land.

37 (5) The proposed use meets such additional standards for
38 natural resource extraction conditional uses as the
39 director may establish by regulation pursuant to AMC
40 chapter 3.40.

41 **6.4. Natural Resource Extraction, Placer Mining**

42 a. **Definition**

43 Natural resource extraction by means of the placer mining method that does not
44 involve the removal of any natural resources other than small quantities of
45 precious metals, such as gold, silver, and platinum, from the premises. Rock
46 byproduct is not removed from the premises.

47 b. **Use-Specific Standard[S]**

Placer mining shall comply with the use-specific standards set forth above for “natural resource extraction, organic and inorganic.”

C. Marine Facility

This category includes a mix of commercial and light industrial manufacturing, processing, storage, wholesale, and distribution operations that are water-dependent or water-related. Water-dependent uses are generally permitted, while water-related uses are generally conditional uses. Specific use ~~[S]~~ **types** include:

1. Aquaculture

a. Definition

~~An establishment engaged in the hatching, raising, and breeding of fish or other aquatic plants or animals for sale.~~

2.1. Facility for Combined Marine and General Construction

a. Definition

An establishment engaged in the manufacture, construction, and repair of marine and non-marine related products.

3.2. ~~Marine Operations~~ General Marine Facility

a. Definition

~~An establishment engaged in aquaculture (hatching, raising, and breeding of fish or other aquatic plants or animals for sale), marine operations (light industrial manufacturing, processing, or storage operations, that are water-dependents and/or water-related), or marine wholesaling (wholesale and distribution operations of marine-related products). Establishments engaged in light industrial manufacturing, processing, or storage operations, that are water dependent and water related. Examples include, but are not limited to: cargo handling facilities, including docking, loading, and related storage; fabrication, storage, and repair of fishing equipment; facilities for marine construction and salvage; facilities for marine pollution control, petrochemical cleanup, and servicing of marine sanitation devices; facilities for processing of products harvested from the ocean; facilities for manufacturing ice; marine industrial welding and fabricating; seafood packaging, packing, storage, loading, and distribution facilities; shipbuilding and facilities for construction, maintenance, and repair of vessels; marine repair yards, boat fabrication, boat storage, and marine machine shops; marine transport services, including ferries, public landings and boat launches; commercial vessel berthing, excursion services, hovercraft, and boat rentals; recreational and commercial fishing and boating activities; tugboat, fireboat, pilot boat, coast guard, and similar services; uses that provide pedestrian access to the waterfront; wharves, docks, ramps, and piers; marine police, harbormaster, and other marine enforcement agencies; harbor and marine supplies and services, and ship supply, such as fueling and bunkering of vessels; and aids to navigation.~~

4. Marine Wholesaling

a. Definition

~~Establishments engaged in wholesale and distribution operations of marine-related products.~~

D. Warehouse and Storage

This category includes uses involved in the storage or movement of goods for themselves or other firms. ~~Goods are generally delivered to other firms or the final consumer, except for some~~

~~will call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.~~ Specific use types include:

Comment [EBM156]: Disagree—the descriptor language is useful for use classification requests.

1. **Bulk Storage of Hazardous Materials**

a. **Definition**

An establishment primarily engaged in the bulk storage and/or distribution of hazardous materials, including liquefied fuel such as petroleum gas, for wholesale sale. "Hazardous materials" is defined at AMC 16.110.020.

b. **Use-Specific Standard[S]**

Any new facilities for the storage and/or dispersion of hazardous materials, or expansion of existing facilities for the storage and/or dispersing of hazardous materials, shall occur at least 1,000 feet from a residential or mixed-use district, school, hospital, or **park** [PLACE OF PUBLIC ASSEMBLY].

2. **Impound YardGeneral Outdoor Storage**

a. **Definition**

~~An area used for the storage of vehicles seized for any reason, including but not limited to traffic accidents, improper parking, and abandonment. No dismantling or disassembly of vehicles is permitted in an impound yard. The vehicle so stored may be sold from the impound yard by auction or otherwise, in accordance with state law.~~An area used for the outdoor storage of operable motor vehicles; construction equipment; construction materials; sand, gravel, topsoil, or the like. Examples include but are not limited to: impound yards, and storage yards.

b. **Use-Specific Standards[S] (also apply to "Impound Yard" and "Junkyard")**

~~Impound yards shall comply with the use specific standards set forth for "storage yard" below.~~

i. **Location of Site**

(A) **L4 screening landscaping** shall be planted along all lot lines where a storage yard abuts any academic school, hospital, residential district, or government administration and civic building.

Comment [EBM157]: Landscaping levels were deleted.

(B) A junkyard shall not be located within 500 feet of any academic school, hospital, residential district, or government administration and civic building.

ii. **Minimum Lot Size and Width for Junkyard**

Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a junkyard shall be two acres. The minimum lot width shall be 150 feet.

iii. **Screening**

L4 screening landscaping is required where adjacent to residential districts.

Comment [EBM158]: Landscaping levels were deleted. this is partially redundant to i.(A). above.

iv. **Drainage; Protection of Water Supply**

Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams.

Existing Vehicle Storage Yards

Storage yards in existence on October 26, 2004 and that fall under the definition of "vehicle storage yard", which means "the outdoor storage of vehicles (under 12,000 lbs. gross vehicle weight rating), boats, and recreational vehicles", may continue to exist pursuant to the requirements of subsection D.4.b.xii. above

Comment [EBM159]: Wrong cross reference

3. **Motor Freight Terminal**

a. **Definition**

A facility for freight pick-up, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

b. **Use-Specific Standards**

i. Loading, parking, and maneuvering space shall be entirely on private property, which includes private leasehold of public property.

ii. There shall be a 200 foot buffer zone between the motor freight terminal operations and property zoned residential. No motor freight trucks, trailers (including those with refrigeration or heating units), or other motorized equipment such as fork-lifts may be maneuvered, parked, or operated, nor any associated warehouses be located within 200 feet of residentially zoned property. The buffer zone may be used for employee parking, for landscaping, including a required L4 landscape buffer, and similar uses that do not create noise. The buffer zone shall be posted or marked in such a manner so as to clearly delineate the areas where operations are permitted.

Comment [EBM160]: Landscaping levels were deleted.

iii. A motor freight terminal which abuts or is directly across a street or alley from residentially zoned property shall have L4 landscaping on the boundary of the abutting property, street, or alley.

Comment [EBM161]: Landscaping levels were deleted.

iv. A motor freight terminal that is separated from property zoned residential by the Alaska Railroad main line corridor, or a freeway or expressway as classified on the *Official Streets and Highways Plan* is not subject to the provisions of subsections b.ii. and b.iii. above.

4. **Self-Storage Facility**

a. **Definition**

A completely enclosed structure(s) containing three or more areas or rooms available for lease or rent for the purpose of the general storage of household goods and business or personal property, where the lessee of the unit is provided direct access to deposit or store items. Also known as a "ministorage facility." A self-storage facility may have associated outdoor vehicle storage, but a stand-alone vehicle storage establishment is classified under "storage yard".

b. **Use-Specific Standards**

The standards below are applicable to self-storage facilities in all districts.

i. **Size of Site**

The self-storage site shall contain no less than one-half acre and no more than ten acres.

ii. **Traffic Access and Curb Cuts**

The site shall have direct driveway access from a street constructed to appropriate municipal standards as described in chapter 21.08. Location, number, and width of curb cuts shall be subject to the approval

- 1 of the traffic engineer or the state department of transportation and public
2 facilities.
- 3 **iii. Dimensional Standards**
4 Notwithstanding the general dimensional standards in chapter 21.06, the
5 following specific standards apply:
- 6 **(A) Maximum Lot Coverage By All Buildings**
7 75 percent in industrial districts; 50 percent in all other districts.
- 8 **(B) Maximum Height of Structures**
9 35 feet. Structures over 35 feet in height shall require
10 conditional use approval.
- 11 **iv. Paving and Drainage**
12 **(A)** All parking lots [AREAS] and driveways, interior aisles, and
13 walkways shall be paved to municipal standards. In class B
14 areas, the areas may be graveled with D-1.
- 15 **(B)** Provisions shall be made to prevent any contamination of the
16 domestic water supply or to prevent excessive or contaminated
17 surface runoff from the site onto adjacent lands or streams.
18 Drainage flow patterns shall be shown on the site plan or a
19 separate approved map. [IF PLANS INDICATE THAT
20 SURFACE DRAINAGE WILL BE CARRIED OFF SITE, THE
21 SITE PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE
22 DEPARTMENT OF PROJECT MANAGEMENT AND
23 ENGINEERING.] Drainage shall comply with section 21.07.040.
- 24 **v. Permitted Accessory Uses**
25 The facility may provide two on-site dwelling units for use by an on-site
26 caretaker, manager, or owner of the site.
- 27 **vi. Storage of Hazardous Substances**
28 The storage of explosives, radioactive materials, or any other hazardous
29 chemicals, or flammable materials as defined by municipal code, is
30 prohibited.
- 31 **vii. Prohibited Uses Within Storage Units**
32 Except for work performed ancillary to the operation of the self-storage
33 facility, the following uses are prohibited from occurring within a self-
34 storage facility or vehicle storage rental unit or space:
- 35 **(A)** The servicing, repair, or fabrication of vehicles, boats, trailers,
36 lawn mowers, appliances, or any other equipment with the
37 exception of battery or tire removal and replacement. These
38 must be conducted in accordance with all federal, state, and
39 local laws. All hazardous materials must be disposed of properly
40 by the owner of the vehicle.
- 41 **(B)** The operation of power tools, spray-painting equipment, table
42 saws, lathes, compressors, welding equipment, kilns, or other
43 similar equipment.
- 44 **(C)** Any use that is noxious or offensive because of odors, dust,
45 noise, fumes, or vibrations.

viii. **Fencing and Landscaping** *(only required in commercial zoning districts)*

(A) Except as noted below, 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 containerized storage units, abuts either side of the lot line.

(B) The fence shall be constructed of concrete, solid wood, or chain link with a neutral color fabric screening or vinyl covering, and shall be approved by the department for compatibility with surrounding properties. 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~~Title. Only one foot of security wire, such as concertina, razor, or barbed wire, is permitted to be exposed and visible outside the fence.

(C) Where a self storage or vehicle storage facility abuts a commercially zoned district or a street of collector classification or greater on the *Official Streets and Highways Plan*, L2 visual enhancement landscaping shall be required external to the sight-obscuring fence. Where lot lines for these facilities abut a residential district, L3 buffer landscaping shall be required. No landscaping shall be required **where a lot line abuts an industrial district, or** on the portion of site boundaries where a structure, excluding containerized storage units, abuts either side of the lot line [OR AN INDUSTRIAL DISTRICT], unless otherwise required by this ~~title~~Title.

Comment [EBM162]: Disagree—standards for self-storage were completely reworked within the last 10 years—staff and the industry worked hard together. The Department and the Assembly have agreed that recently amended sections should not be amended further.

Comment [EBM163]: Landscaping levels have been deleted.

Comment [EBM164]: Landscaping levels have been deleted.

ix. **Vehicle Storage Yards**

The yard may not be used to display or advertise any merchandise for sale, including vehicles. No salvaging, dismantling, or disassembly of vehicles is permitted in a vehicle storage yard.

~~x. Financial Guarantees~~

~~The department may require a financial guarantee to ensure installation of required landscaping, fencing, paving, or mitigation of any environmental impacts or contamination to the site or surrounding land in accordance with section 21.08.060, Subdivision Agreements.~~

Comment [EBM165]: Disagree—standards for self-storage were completely reworked within the last 10 years—staff and the industry worked hard together. The Department and the Assembly have agreed that recently amended sections should not be amended further.

~~xi. Existing Self Storage and Vehicle Storage Operations~~

Self-storage and vehicle storage operations existing on or before October 26, 2004 shall be deemed to have approved site plans and not be nonconforming uses or structures. Notwithstanding the provisions of chapter 21.12, *Nonconformities*, where self-storage and vehicle storage operations exist and have been in continuous existence since October 26, 2004, that use may continue provided the owner thereof complies with the following:

(A) **Site Enhancement Plan Required**
Any self-storage or vehicle storage operation existing prior to October 26, 2004 that does not comply with the requirements of this section related to sight-obscuring fencing, required landscaping external to said fencing, and elimination of security

1 razor or concertina security wire at the top of a fence shall obtain
2 approval by the director of, and agree to implement, a site
3 enhancement plan for the property. This site enhancement plan
4 shall be submitted to the director before April 26, 2014. The plan
5 shall be fully implemented by October 26, 2014. The intent of
6 this site enhancement plan is to bring the property as closely as
7 reasonably possible into compliance with the above noted
8 subsection without impeding existing operations.

9 (B) *Contents of Site Enhancement Plan*

10 The site enhancement plan shall include:

- 11 (1) A graphic and legal description of the plan area.
- 12 (2) Existing fencing and fencing types on the site.
- 13 (3) Current vegetation external to perimeter fencing, if any.
- 14 (4) Vehicular access points, including ingress and egress
15 points, and queuing lanes.
- 16 (5) Proposed modifications to bring the property into
17 compliance with the intent of the standards of this
18 section, but only for the following items: sight-obscuring
19 fencing; required landscaping external to said fencing on
20 any side of the property abutting a residential zoning
21 district or an arterial, if the side is not otherwise
22 obscured from view by other landscaping, naturally-
23 vegetated areas, natural features, or buildings located
24 on adjoining properties; and in all instances elimination
25 of barbed, razor, [AND] concertina, or other security
26 wire, unless the security wire is placed in accordance
27 with other sections of this [title](#) [Title](#).
- 28 (6) It is the intent of this section that owners of existing
29 facilities not be required to move existing fences or
30 change existing operations.

31 (C) *Narrative Statement Required*

32 A narrative statement shall also be submitted with the site
33 enhancement plan. The narrative shall be based on existing
34 conditions and shall detail the following information:

- 35 (1) The method of securing the area to prevent casual
36 access.
- 37 (2) A proposed schedule that specifies the date and
38 methods by which the owner shall come into compliance
39 with the intent of this section.
- 40 (3) A description of current operations and uses that take
41 place on the site.

42 (D) *Implementation of Approved Site Enhancement Plan*

43 The director shall set a reasonable period of time for
44 implementation of the approved site enhancement plan, but in all

1 cases the implementation shall be complete by October 26,
2 2014. Adequacy of the site enhancement plan shall be based on
3 evidence presented by the owner, which may include the
4 following:

- 5 (1) The location and size of the property and the self-
6 storage and/or vehicle storage use, including topography
7 and related physical constraints of the site.
- 8 (2) History of the use of the property as a self-storage
9 and/or vehicle storage use, including information about
10 the length of time it has existed as that use and any
11 relevant permits or other official regulatory documents
12 related to the use of the property as a self- storage
13 and/or vehicle storage use.
- 14 (3) A map of the subject property indicating the location of
15 all parcels of real property within a distance of 300 feet
16 from the exterior boundary of the subject property,
17 showing the zoning district boundaries.
- 18 (4) The compatibility of the operation with surrounding
19 neighborhoods, and with prevention of noise, dust,
20 safety hazards, traffic congestion, aesthetic
21 deterioration, and other adverse environmental effects.
- 22 (5) Any other information the property owner may wish to
23 submit in order to make his or her case.

24 (E) *Decision by Director*
25 Upon receipt of a site enhancement plan pursuant to subsection
26 xii.(A). above, the director shall make a determination within 60
27 days of submittal of the site enhancement plan. The decision of
28 the director shall be in writing and sent by certified mail to the
29 address listed in the owner's application.

30 (F) *Appeals*
31 A decision of the director is final unless appealed within 30 days
32 of its receipt by the owner of the property. Appeal is to the
33 zoning board of examiners and appeals. Only the applicant may
34 appeal the decision of the director. An appeal from a decision of
35 the zoning board of examiners and appeals may be brought in
36 superior court.

37 **5.Storage Yard**

38 **a.Definition**

39 Any lot or portion of a lot that is used for the sole purpose of the outdoor storage
40 of fully operable motor vehicles; construction equipment; construction materials;
41 sand, gravel, topsoil, or the like; or other tangible materials and equipment.

42 **b.Use Specific Standards (also apply to "Impound Yard" and "Junkyard")**

43 **i.Location of Site**

44 ~~(A) A screening landscaping shall be planted along all lot lines where a~~
45 ~~storage yard or impound yard abuts any academic school,~~
46 ~~hospital, residential district, or government administration and~~
47 ~~civic building.~~

~~(B)A junkyard shall not be located within 500 feet of any academic school, hospital, residential district, or government administration and civic building, OR RESIDENTIAL SUBDIVISION.~~

~~ii. **Minimum Lot Size and Width for Junkyard**~~

~~Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a junkyard 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. **Containerized Storage Units**~~

~~The following standards shall apply to the use of containerized storage units:~~

~~(A)A containerized storage unit shall be a factory-built shipping container.~~

~~(B)A containerized storage unit shall be subject to the requirements for any required permitting, as set forth in the Anchorage municipal code of ordinances.~~

~~v. **Screening**~~

~~L4 screening landscaping is required where adjacent to residential districts.~~

~~vi. **Drainage; Protection of Water Supply**~~

~~Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams. [THE DRAINAGE PLAN THAT CARRIES WATER OFF THE SITE SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF PROJECT MANAGEMENT AND ENGINEERING.]~~

~~Failure to prevent such contamination of the domestic water supply or to prevent excessive surface runoff from the site onto adjoining lands or streams shall be cause for the conditional use to be rescinded and the junkyard to be removed at the cost of the owner of the land upon which it is located.~~

~~vii. **Existing Vehicle Storage Yards**~~

~~Storage yards in existence on October 26, 2004 and that fall under the definition of "vehicle storage yard", which means "the outdoor storage of vehicles (under 12,000 lbs. gross vehicle weight rating), boats, and recreational vehicles", may continue to exist pursuant to the requirements of subsection D.4.b.xii. above.~~

6.5. Warehouse

a. Definition

A structure containing an area available for the purpose of storing raw materials, goods, or property.

b. Use-Specific Standard

L3 buffer landscaping is required where adjacent to residential districts.

Comment [EBM166]: Landscaping levels were deleted.

1 | **7-6. Wholesale Establishment**

2 | **a. Definition**

3 | An establishment primarily engaged in the sale or distribution of goods and
4 | materials in large quantity to retailers or other businesses for resale to individual
5 | or business customers. This shall not include heavy manufacturing, resource
6 | extraction, scrap operations, bulk storage of hazardous materials, or salvage
7 | operations.

8 | **7. Light-Warehouse**

9 | **a. Definition**

10 | An establishment providing combined commercial-warehouse uses.

11 | **b. Use-Specific Standard (applicable only in the B-3, MC and MI zoning**
12 | **districts)**

13 | i. In addition to uses allowed in the B-3 district, Warehouse shall be a
14 | permitted use if it is used in conjunction with a commercial use.

15 | ii. Outdoor storage and display is prohibited.

16 | **E. Waste and Salvage**

17 | This category includes uses that receive solid or liquid wastes from others for disposal on the site
18 | or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or
19 | produce goods or energy from the composting of organic material or processing of scrap or waste
20 | material. Waste and salvage uses also include uses that receive hazardous wastes from others.
21 | Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-
22 | products. Specific use types include:

23 | **1. Composting Facility**

24 | **a. Definition**

25 | A facility where organic matter, including leaves, grass, manures, and non-meat,
26 | non-biosolids waste, amassed primarily from off-site, is processed by composting
27 | and/or processing for commercial purposes. Activities may include management,
28 | collection, transportation, staging, composting, curing, storage, marketing, or use
29 | of collected compost.

30 | **b. Use-Specific Standards**

31 | **i.** Any composting storage area of a composting facility shall be set back at
32 | least 200 feet from any lot line abutting a residential district, mixed-use
33 | district, or any residential use (except a residential use occupied by the
34 | owner, operator, or any employee of such composting facility) that exists
35 | at the time of the establishment of the composting facility.

36 | **ii.** Composting facilities shall contain and treat on-site, all water run-off that
37 | comes into contact with the feedstocks or compost, in such manner that
38 | the run-off will not contaminate surface or ground water.

39 | **iii.** Composting facilities shall not be located in any floodway.

40 | **iv.** No composting facility shall commence operation until a nuisance
41 | condition control plan, specifying all measures to be taken to control
42 | nuisance conditions (such as odor, noise, scattered solid waste, dust)
43 | has been approved by the director.

44 | **2. Hazardous Waste Treatment Facility**

45 | **a. Definition**

The processing of hazardous waste by means other than incineration, for the purposes of rendering the waste non-dangerous or less dangerous, safer for transport, amenable for storage, and/or able to be reused for energy production.

- b. **Use-Specific Standard[S]**
 Hazardous waste treatment facilities shall be located at least 1,000 feet from any residential or mixed-use district.

3. Incinerator or Thermal Desorption Unit

a. Definition

i. Incinerator
 An establishment that uses thermal combustion processes to destroy or alter the character or composition of medical waste, hazardous waste, sludge, soil, or municipal solid waste (not including animal or human remains). This definition does not include "rag burners" or oil heaters.

ii. Thermal Desorption Unit
 A facility that removes volatile and semi-volatile contaminants from soils, sediments, slurries, and filter cakes using direct or indirect heat exchange. This definition does not include short-term (less than six months) on-site remediation operations.

iii. Not Accessory Uses
 Incinerators and thermal desorption units that are accessory to other principal uses shall meet these use-specific standards.

b. Use-Specific Standards

i. Separation Requirements from Residential Zoning Districts and Academic Schools
 No incinerator facility or thermal desorption unit shall be located less than 1315 feet from a residentially zoned district, a dedicated park, or an elementary, middle, or high school.

ii. Standards for Incinerators
(A) Hazardous Waste Prohibited
 Incinerators covered under this section shall not accept any materials that meet the definition of hazardous waste as defined by the U.S. Environmental Protection Agency (EPA) of the state department of environmental conservation (ADEC).

(B) Separation Distances between Incinerator Facilities
 Separation distances between incinerator facilities shall be as follows:

TABLE 21.05-32: MINIMUM SEPARATION DISTANCES BETWEEN INCINERATOR FACILITIES				
Rated Capacity (lbs./hour)	Distance from Nearest Emission Source (feet)			
	1315	2300	3280	3940
Under 500	X			
500--1,000		X		
1,001--1,500			X	
1,501--2,000				X
Facilities with unequal capacity: the largest capacity shall determine the minimum distance.				

Facilities with a rated capacity greater than 2,000 pounds per hour shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and shall meet the standards of subsection iv.(A).(2). below.

1
2 **iii. Standards for Thermal Desorption Units (TDUs)**

3 TDUs with a rated capacity of under 100 tons per hour shall be 1315 feet
4 from the nearest emission source of another TDU. TDUs with a rated
5 capacity of 100 tons per hour or more shall perform an analysis of the
6 health risk pursuant to subsection iv.(B). below, and meet the standards
7 of subsection iv.(A).(2). below.

8 **iv. Standards for Both Incinerators and Thermal Desorption Units**

9 **(A) Distance Requirements**

10 All new incinerator facilities shall be located at least 1315 feet
11 from an existing TDU, and vice versa, unless one of the following
12 two standards is met:

- 13 **(1)** It can be demonstrated that the combined percentage
14 rated capacity of all incinerator facilities and thermal
15 desorption units, existing and proposed, does not
16 exceed 100. The combined percentage rated capacity
17 shall be calculated as follows:

18
$$((I_1 + I_2 + \dots + I_N) / 500) + (T_1 + T_2 + \dots + T_N) / 100 \times 100 = C$$

19 Where $I_1 + I_2 + \dots + I_N$ is the sum of the rated capacities
20 of all incinerator facilities, in pounds per hour, within
21 1315 feet of the proposed facility, and $T_1 + T_2 + \dots + T_N$
22 is the sum of the rated capacities of all thermal
23 desorption units, in tons per hour, within 1315 feet of the
24 proposed facility. The proposed incinerator facility or
25 thermal desorption unit shall be included in the
26 calculation of the combined percentage rated capacity;
27 or

- 28 **(2)** It can be demonstrated, through an analysis of the
29 health risk described in subsection iv.(B). below, that the
30 combined risk of all incinerators and thermal desorption
31 units operating within 1315 feet of the proposed facility
32 will not pose a lifetime health risk greater than one
33 excess cancer case per 100,000 for individuals living
34 within adjacent residentially zoned areas or attending
35 elementary, middle, or high schools.

36 **(B) Analysis of Health Risk**

37 The intent of the analysis is to provide information regarding the
38 health risks of persons living close to the proposed site. The
39 municipality shall select a contractor to conduct the analysis and
40 the cost will be billed to the petitioner. The analysis shall meet
41 the following requirements:

- 42 **(1)** The analysis shall utilize an EPA-approved dispersion
43 model appropriate for the type of facility, and the given
44 terrain, to estimate the ambient annual average
45 concentration of contaminants from the facility. The

- 1 model shall be run according to EPA modeling
2 guidelines;
- 3 (2) Models shall utilize a full year of local meteorological
4 data (e.g., National Weather Service observations taken
5 at the Anchorage International Airport). If several years
6 worth of meteorological data are obtained, the year
7 providing the highest ambient concentrations shall be
8 used;
- 9 (3) All emission factors used in conjunction with the model
10 shall be documented. Acceptable emission factors may
11 be obtained from either a source test conducted by the
12 manufacturer of the same or similar model as the one
13 proposed to be used or must reference a published
14 report (e.g., an article in a peer review scientific journal
15 or EPA publication);
- 16 (4) The report shall describe the modeling results in terms of
17 the annual concentration of each identified toxic
18 compound at the boundary of the adjacent residential
19 zoning districts as well as the location and magnitude of
20 the maximum annual average concentrations found
21 within each adjacent residential district; and
- 22 (5) The report shall also describe the health risks
23 attributable to these concentration levels based on the
24 latest cancer risk values from the EPA's Integrated Risk
25 Information System (IRIS) database. Cancer risks shall
26 be based on the risk of one additional cancer above the
27 background cancer rate per 100,000 individuals.
- 28 (C) *Standards for Facilities Not Meeting Separation Requirements*
29 The ~~planning—Planning~~ and ~~zoning—Zoning~~ commission
30 Commission may approve a conditional use for an incinerator
31 facility or thermal desorption unit that is less than 1315 feet from
32 an existing facility, but meets the standards of either (A).(1). or
33 (A).(2). above, only if the commission finds that the storage plan
34 for the material to be burned and the waste generated by the
35 incineration activity is adequate to prevent any runoff,
36 groundwater contamination, airborne dust, or other means for
37 contaminants to migrate off the site.
- 38 (D) *Additional Submittal Requirements for a Conditional use Permit*
39 In addition to standard materials required for all conditional use
40 applications, all applicants for a conditional use for an incinerator
41 facility or TDU shall submit the following information pertaining to
42 the burning process:
- 43 (1) A description of the operation, including equipment to be
44 used.
- 45 (2) The type and quantity of material that will be processed.
- 46 (3) Operating hours and conditions.

- 1 (4) Plans for storing the material to be burned.
- 2 (5) A disposal plan for waste generated from the process.
- 3 (6) The location of points of vehicular access to the site and
- 4 projected traffic counts for each.
- 5 (7) A description of the federal or state permitting process
- 6 required for operation of the incinerator or TDU.
- 7 (8) Such other materials as the director may require by
- 8 regulation pursuant to AMC chapter 3.40.
- 9 (E) *Additional Conditions of Approval*
- 10 (1) The ~~planning-Planning~~ and ~~zoning-Zoning commission~~
- 11 ~~Commission~~ shall attach such conditions to the approval
- 12 of a conditional use for an incinerator or TDU as it finds
- 13 are necessary to conform the use to the standards set
- 14 forth above.
- 15 (2) All conditional uses granted under this subsection are
- 16 subject to revocation if the ~~planning-Planning~~ and ~~zoning~~
- 17 ~~Zoning commission-Commission~~ determines, based on a
- 18 recommendation by the municipal department of health
- 19 and human services, that the operator of the incinerator
- 20 or TDU failed to operate according to the specifications
- 21 shown in the plans approved by the ~~planning-Planning~~
- 22 and ~~zoning-Zoning commission~~~~Commission~~, or operate
- 23 in conformance with the state department of
- 24 environmental conservation or municipal air quality
- 25 regulations. In order to determine whether or not this
- 26 condition is met, the director of the municipal department
- 27 of health and human services shall have authority to
- 28 require monitoring for compliance with the conditional
- 29 use permit and to annually obtain copies of the
- 30 operator's monitoring or testing records.
- 31 (3) The petitioner shall obtain all applicable permits from the
- 32 U.S. Environmental Protection Agency, state department
- 33 of environmental conservation, and municipal
- 34 department of health and human services.

35 **4. Junkyard or Salvage Yard**

36 **a. Definition**

37 Any lot, or portion of a lot, that is used for the purpose of the outdoor storage,
38 handling, dismantling, salvage, wrecking, keeping, or sale of used, discarded,
39 wrecked, or abandoned airplanes, appliances, vehicles, boats, building and
40 building materials, machinery or equipment, or parts thereof, including but not
41 limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials
42 defined under "junk" (see general definitions in chapter 21.14). Auto wrecking
43 yards and salvage or scrap yards are included in this use. This does not include
44 a composting facility or "vehicle repair/rebuilding, outdoor, hobby".

45 **b. Use-Specific Standard[S]**

46 Junkyards and salvage yards shall comply with the use-specific standards
47 applicable to "storage yard" set forth above.

Comment [EBM167]: No such use anymore.

5. Land Reclamation

a. Definition

An operation engaged primarily in increasing land-use capability by changing the land's character or environment through fill or regrading. Land reclamation shall include only operations at a scale involving 5,000 cubic yards or more of fill material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

b. Use-Specific Standards

i. If the land reclamation operation will be completed within one year, the review and approval procedure shall be an administrative site plan review. If the operation will continue for more than one year, the review and approval procedure shall be the conditional use process. If an operation was approved under the administrative site plan review process but is not completed within one year, the operator must then apply for a conditional use permit.

ii. In addition to the submittal requirements in the [user's guideUsers' Guide](#), an applicant for a land reclamation use shall submit the following:

- (A) A site plan showing:
 - (1) Drainage.
 - (2) Existing and proposed topographical contours (ten-foot contour).
 - (3) Water table information.
 - (4) Points of vehicular access to the site.
- (B) An erosion and sediment control plan.
- (C) A description of the soil types encountered on the site.
- (D) A landscaping plan for the period of land reclamation operations and for final restoration of the site.
- (E) A security plan to prevent casual trespass.
- (F) Proposed hours of operation.
- (G) A description of land reclamation and processing operations proposed for the site.
- (H) Projected traffic counts for each point of vehicular access to the site.
- (I) An estimate of the quantity of materials to be imported to the site and timetable, with supporting calculations conforming to generally accepted engineering principles.
- (J) A statement of the types of materials that will be accepted at the site.
- (K) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.

- 1 iii. The site plan and erosion and sediment control plan required in
2 subsubsection ii. above shall be subject to review and approval for drainage,
3 erosion and sedimentation control; for conformance with the *208*
4 *Areawide Water Quality Management Plan*; and for compliance with
5 generally accepted sound engineering principles.
- 6 iv. A building or land use permit is required for land reclamation.
- 7 v. In addition to the conditional use standards of approval at 21.03.080C.,
8 the ~~planning-Planning~~ and ~~zoning-Zoning commission-Commission~~ may
9 approve a land reclamation use only if the commission finds that the use
10 also meets the following standards:
- 11 (A) Principal access to the site shall minimize the use of residential
12 streets, and access roads shall be treated in a manner so as to
13 make them dust free. Where access roads intersect arterials,
14 suitable traffic controls shall be established.
- 15 (B) The site will not accept materials that are hazardous or
16 flammable.
- 17 (C) The site will not accept junk as defined in ~~chapter-Chapter~~ 21.14.
- 18 (D) The site will not accept soils contaminated with petroleum
19 products or byproducts.
- 20 (E) The reclamation operations will not pose a hazard to the public
21 health and safety.
- 22 (F) The reclamation operations will not generate noise, dust, surface
23 water runoff, groundwater pollution, or traffic that will unduly
24 impact surrounding land uses.
- 25 (G) The restoration plan for the site ensures that, after reclamation
26 operations cease, the site will be left in a safe, stable, and
27 aesthetically acceptable condition.
- 28 (H) The proposed use meets such additional standards for land
29 reclamation conditional uses as the director may establish by
30 regulation pursuant to AMC chapter 3.40.
- 31 vi. The ~~planning-Planning~~ and ~~zoning-Zoning commission-Commission~~ may
32 attach such conditions to the approval of a land reclamation conditional
33 use as it finds are necessary to mitigate potential negative impacts on
34 adjacent uses.

35 6. **Landfill**

36 a. **Definition**

37 The burial of hazardous or non-hazardous agricultural, residential, institutional,
38 commercial, or industrial waste, including areas for the disposal of building and
39 organic material and solid waste processing. This use does not include land
40 reclamation.

b. **Use-Specific Standards**

- i. Landfills shall be set back at least 660 feet from any non-industrial use, and that required setback shall be planted with L4 screening landscaping.
- ii. Landfills shall contain and treat on-site all run-off that comes into contact with the waste material, in such manner that the run-off will not contaminate surface or ground water.
- iii. Landfills shall not be located in any floodway.
- iv. No landfill shall commence operation until a nuisance control plan, specifying all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, wildlife) has been approved by the director.

Comment [EBM168]: Landscaping levels were deleted.

7. **Recycling Drop-Off**

a. **Definition**

A lot or portion of a lot where containers are located to collect various materials for recycling. This use includes drop-off and collection of materials for recycling, but not processing of such materials.

b. **Use-Specific Standards**

- i. No recycling drop-off area shall be located in required parking for any other uses on the same lot, required landscaping, or pedestrian facilities.
- ii. Containers shall be screened in accordance with the standards of subsection 21.07.080H.2.
- iii. Recycling drop-off areas that are on a lot with another principal use such as a school or retail store shall, to the extent reasonably feasible, be placed to the side of the principal structure and/or site, and not abutting the street that provides primary access to the site
- iii.iv. If a recycling drop-off area is within 200 feet of a residential district, no ~~No~~ collection/pick-up of the accumulated materials shall occur between the hours of 10:00 p.m. and 7:00 a.m. on weekdays or between 6:00 p.m. and 10:00 a.m. on weekends.
- iv.v. If a recycling drop-off area is within 200 feet of a residential district, and the drop-off includes containers for collecting glass, the area shall be closed between the hours of 10:00 p.m. and 7:00 a.m.

Comment [EBM169]: Wrong cross reference

8. **Snow Disposal Site**

a. **Definition**

An area used for the concentrated storage and disposal of snow transported to that site from other locations. For the purposes of this section, an entire Airport Management District is considered a single location.

b. **Use-Specific Standards**

- i. **Location**
Snow disposal sites shall be located at least 25 feet from a class A or class B wetland, and at least 100 feet from a stream or water body.
- ii. **Dimensional Standards**

Notwithstanding the general dimensional requirements of chapter 21.06, the following specific standards shall apply to this use.

(A) Minimum Lot Size

The minimum lot size shall be 36,000 square feet, unless otherwise established by the ~~planning~~ Planning and ~~zoning~~ Zoning commission Commission.

(B) Maximum Height of Snow Piles

The maximum height of snow piles shall be 35 feet.

(C) Minimum Setback Requirement

The minimum setback of snow piles shall be 25 feet if adjacent to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to a non-industrial zoning district.

iii. Snow Storage Area

The snow storage area shall be well defined on-site in order to prevent storage of snow on adjacent properties or landscaped areas. This may be accomplished through location, landscaping, fencing, and/or signs.

iv. Screening Fence or Berm

An earthen berm or a screening structure, either at least six feet high, shall be constructed within every setback adjacent to a public right-of-way or to a non-industrial zoning district. Site enhancement landscaping, or another ground cover acceptable to the ~~planning~~ Planning and ~~zoning~~ Zoning commission Commission, shall be planted on the berm and within the area between the berm and the lot line for the site. The ~~planning~~ Planning and ~~zoning~~ Zoning commission Commission may require construction of a berm or fence within other setback areas in order to restrict casual access, to confine the operations within the site, to reduce noise and glare, and to ensure compatibility of the operation with adjacent uses.

v. Drainage and Water Quality Facilities

The on-site and off-site drainage network shall handle water runoff and snow melt without impacting adjacent properties. Drainage and meltwater disposal shall comply with the municipal *Design Criteria Manual* sections regarding snow disposal sites and drainage.

vi. Noise, Dust, and Litter

(A) Noise

If the level of noise from the activity at the snow disposal site, measured at the property line of any residential zoning district or noise-sensitive use such as a public building, academic school, or hospital [OTHER PLACE OF PUBLIC ASSEMBLY] within one half mile of the snow disposal site, shall exceed the standards stated in AMC subsection 15.70.080A., then the site plan shall identify mitigation measures.

(B) Dust and Litter Control

A dust control and litter plan shall be established and implemented. Trash collection/removal shall be done in a manner so that there are no dust or litter impacts to adjacent properties or public rights-of-way.

1 **9. Solid Waste and/or Recycling Transfer Facility**

2 **a. Definition**

3 An establishment for the processing, transfer, and/or disposal of hazardous or
4 non-hazardous solid waste and/or materials for recycling.

5 **b. Use-Specific Standards**

6 ~~All such uses shall comply with the following standards:~~

7 **i. Location of Site**

8 A solid waste transfer facility ~~(structures, operations, outdoor storage)~~
9 shall not be located within 500 feet of any academic school, hospital,
10 ~~governmental facility (except governmental service), religious assembly,~~
11 ~~or residential district zoning district, subdivision, or place of public~~
12 ~~assembly.~~

13 **ii. Minimum Lot Size and Width**

14 Notwithstanding the general dimensional standards set forth in ~~chapter~~
15 ~~Chapter~~ 21.06, the minimum lot size for a solid waste and/or recycling
16 transfer facility shall be two acres and the minimum lot width shall be 150
17 feet, unless otherwise established by the ~~planning-Planning~~ and ~~zoning~~
18 ~~Zoning~~ ~~commission~~ ~~Commission~~.

19 **iii. Limits on Outdoor Storage**

20 Outdoor storage shall not exceed 35 feet in height. No outdoor storage,
21 operations, or donations shall occur within the required front or side
22 setback as set forth in chapter 21.06.

23 **iv. Screening**

24 In addition to any landscaping required under section 21.07.080,
25 ~~Landscaping, Screening, and Fences~~, the facility shall be surrounded by
26 a ~~solid, opaque~~ fence that is at least eight feet high, ~~except that public~~
27 ~~drop-off areas need not be fenced unless they are adjacent to residential~~
28 ~~or mixed-use districts. Such fencing that is adjacent to residential or~~
29 ~~mixed-use districts shall be screening fencing; such fencing that is~~
30 ~~adjacent to other non-industrial districts or to streets shall be sight-~~
31 ~~obscuring fencing, located no less than 100 feet from any public right of~~
32 ~~way, and located no less than 50 feet from an adjacent property.~~

33 **21.05.070 ACCESSORY USES AND STRUCTURES**

34 **A. Purpose**

35 This section authorizes the establishment of accessory uses that are incidental and customarily
36 subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a
37 principal use if it complies with the standards set forth in this section.

38 **B. General Standards**

39 All accessory uses shall comply with the general standards in this subsection B.

40 **1. Approval of Accessory Uses and Structures**

41 **a.** All principal uses allowed in a zoning district shall be deemed to include the
42 accessory uses, structures, and activities set forth in this section, unless
43 specifically prohibited.

44 **b.** See also sections 21.05.030 through 21.05.060 above, in which incidental or
45 accessory uses are sometimes included in the description of a specific principal

1 use category or use type. When a definition does include permitted accessory or
2 incidental uses, such accessory or incidental uses shall be subject to the general
3 standards set forth in this subsection B., the zoning district limitations in
4 subsection C. below, as well as any use-specific standards set forth in
5 subsections D. and E. below.

6 **2. Compliance with Ordinance Requirements**

7 **a.** All accessory uses and structures shall be subject to the standards set forth in
8 this section and the dimensional standards of chapter 21.06. In the case of any
9 conflict between the standards of this section and any other requirement of this
10 ~~title~~Title, the standards of this section shall control.

11 **b.** Any use listed in subsections 21.05.030 through 21.05.060 is allowed as an
12 accessory use to a residential use if the accessory use meets the standards of a
13 "home occupation" at subsection 21.05.070D. ~~11~~12. If the use exceeds the
14 standards of a "home occupation", then the use is no longer considered
15 accessory and shall meet any applicable standards of subsections 21.05.010
16 through 21.05. ~~060~~070, which dictate in which districts the use is allowed, and
17 any use-specific standards.

18 **c.** Accessory uses shall comply with all standards of this ~~title~~Title applicable to the
19 principal use with which they are associated. Parking requirements shall be met
20 for both the principal use, as specified in section 21.07.090, and any additional
21 requirements for the accessory use, if applicable and specified in this section.

22 **3. Dimensional Standards for Accessory Buildings and Structures**

23 **a. Same Lot**

24 The accessory use or structure shall be conducted and/or located on the same
25 lot as the principal use.

26 **b. Location of Accessory Structures**

27 No accessory structure shall be erected or maintained in any required setback,
28 except that:

29 **i.** Buildings accessory to a residential use and allowed by this section
30 21.05.070 may be erected in a required side or rear setback that is
31 adjacent to an alley;

32 **ii.** Two sheds or greenhouses, each 150 square feet or less, a maximum of
33 12 feet in height, and not attached to a foundation, may be erected in a
34 required side or rear setback; and

35 **iii.** Dog runs and dog houses not attached to a foundation ~~[AND ALLOWED~~
36 BY THIS SECTION 21.05.070] may be erected in a required side or rear
37 setback.

38 **4. Same Ownership Required**

39 The principal use and the accessory use shall be under the same ownership.

40 **5. Temporary Accessory Uses and Structures**

41 Temporary accessory uses and structures shall be governed by the temporary use
42 standards set forth in section 21.05.080 of this title.

C. Table of Allowed Accessory Uses

Tables 21.05-4-3 and 21.05-5 below lists the accessory uses allowed within all base zoning districts. Each of the listed uses is defined in subsection D. below.

1. Explanation of Table Abbreviations

a. Permitted Uses

"P" in a cell indicates that the accessory use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this title, including the use-specific standards in subsection D. below and the development and design standards set forth in chapter 21.07.

b. Administrative Site Plan Review

"S" in a cell indicates that the accessory use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.180(190)B, *Administrative Site Plan Review*.

Comment [EBM170]: Wrong cross reference.

c. Conditional Uses

"C" in a cell indicates that, in the respective zoning district, the accessory use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*.

d. Prohibited Uses

A blank cell indicates that the accessory use is prohibited in the respective zoning district.

e. Definitions and Use-Specific Standards

Each use listed in tables 21.05-4-3 and 21.05-5 is defined in this section. Regardless of whether an accessory use is allowed by right or subject to administrative site plan review or conditional use, there may be additional standards that are applicable to the use. The [EXISTENCE OF THESE USE-SPECIFIC STANDARDS IS NOTED THROUGH A SECTION] cross-reference in the last column of the table identifies the code location of the definition and any use-specific standards. [REFERENCES REFER TO SUBSECTION D. BELOW. THESE] Any standards apply in all districts unless otherwise specified.

f. Unlisted Accessory Uses or Structures

An accessory use or structure that is not listed in tables 21.05-4-3 and 21.05-5 shall comply with all standards set forth in subsection B. above.

g. Tables of Permitted Accessory Uses and Structures

[Mr. Coffey combined the two tables into one table and capitalized all use types. Similarly to the other tables, I've made the DT-1 into the B-1B in the second table, just for ease of reviewing the tables since it is a pain to reformat the tables to add a column. This does not mean that the DT-1 was deleted.]

TABLE 21.05-4: TABLE OF ACCESSORY USES – RESIDENTIAL DISTRICTS

P = Permitted

S = Administrative Site Plan Review

Accessory Uses	R-1	R-1A	R-2A	R-2D	R-2F	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards

TABLE 21.05-4: TABLE OF ACCESSORY USES – RESIDENTIAL DISTRICTS

P = Permitted

S = Administrative Site Plan Review

Accessory Uses	R-1	R-1A	R-2A	R-2D	R-2F	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
Accessory dwelling unit (ADU)			P	P	P	P				P	P	P	P	P	P	21.05.070.D.1.
Bed and breakfast (up to 3 guestrooms)	P	P	P	P	P	P	P			P	P	P	P	P	P	21.05.070.D.2.
Bed and breakfast (4 or 5 guestrooms)	S	S	S	S	S	S	S			S	S	S	S	S	S	21.05.070.D.2.
Beekeeping	P	P	P	P	P	P	P	P		P	P	P	P	P	P	21.05.070.D.3.
Dormitory							S	S	S	S	S	S	S	S	S	21.05.070D.5.
Family self-sufficiency Service							P	P	P							21.05.070D.7.
Farm, hobby										P	P	P	P	P	P	21.05.070D.8.
Garage or carport, private residential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.9.
Home- and garden-related use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.10.
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.11.
Intermodal shipping container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.12
Large domestic animal facility										P	P	P	P	P	P	21.05.070D.13.
Outdoor keeping of animals	P	P	P	P	P	P	P			P	P	P	P	P	P	21.05.070D.14.
Parking of business vehicles, outdoors, accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.17.
Private outdoor storage of non-commercial equipment accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.18.
Vehicle repair/rebuilding, outdoor, hobby	P	P	P	P	P	P				P	P	P	P	P	P	21.05.070D.19.

Comment [EBM171]: Disagree— Problematic issues include increased erosion potential, downstream pollution impacts, slope stability, etc...This is an inappropriate use for the environmental/slope district.

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	B-1A	B-3	DT-4B-1B	DT-2	DT-3	R-O	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	Definitions and Use-Specific Standards
Bed and breakfast (up to 3 guestrooms)		P							P	P											21.05.070D.2.
Bed and breakfast (4 or 5 guestrooms)		P							S	S											21.05.070D.2.
Beekeeping																		P	P		21.05.070D.3.
Caretaker's residence		P	P										P	P				P	P		21.05.070D.4
Dormitory		P							S	S			P	P					P		21.05.070D.5.
Drive-through service	P	P	P			P	P		S	P			P	P	P						21.05.070D.6.
Family self-sufficiency Service								P													21.05.070D.7.
Garage or carport, private residential	P	P	P			P	P	P	P	P			P	P	P		P		P		21.05.070D.9.
Home- and garden-related use	P	P	P			P	P	P	P	P			P	P	P		P		P		21.05.070D.10.
Home occupation	P	P	P			P	P	P	P	P			P	P	P		P		P		21.05.070D.11.
Intermodal shipping container	P	P	P			P	P	P	P	P			P	P	P	P	P	P	P	P	21.05.070D.12
Outdoor keeping of animals																	P	113	113		21.05.070D.14.
Outdoor display accessory to a commercial use	P	P	P			P	P	P	P	P			P	P	P						21.05.070D.15.
Outdoor storage accessory to a commercial use		P					P						P	P	P						21.05.070D.16.
Private outdoor storage of non-commercial equipment accessory to a residential use																	P				21.05.070D.18.
Vehicle repair/rebuilding, outdoor, hobby																	P				21.05.070D.19.

Comment [EBM172]: Were these staff amendments agreed to by the consultant? Can't tell...

D. Definitions and Use-Specific Standards for Allowed Accessory Uses and Structures

This section defines the accessory uses listed in tables 21.05-4 and 21.05-5 and also contains use-specific standards that apply to those uses. Accessory uses shall comply with the applicable use-specific standards in this subsection, in addition to complying with the general standards in subsection B.

Comment [EBM173]: Wrong cross reference

1. Accessory Dwelling Unit (ADU)

a. Definition

A subordinate dwelling unit added to, created within, or detached from a detached single-family residence, which provides basic requirements for living, sleeping, cooking, and sanitation.

b. Use-Specific Standards

i. Purpose and Intent

The purpose and intent of this section is to:

- (A) Fulfill housing policy #15 of *Anchorage 2020: Anchorage Bowl Comprehensive Plan*, which provides that accessory housing units shall be allowed in certain residential zones;
- (B) Provide a means for homeowners, particularly the elderly, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- (C) Allow more efficient and flexible use of existing housing stock and infrastructure;
- (D) Respond to changing family needs and smaller households by providing a mix of housing;
- (E) Stabilize homeownership and enhance property values;
- (F) Provide a broader range of accessible and more affordable housing within the municipality; and
- (G) Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the provisions of this ~~title~~ [Title](#).

ii. Application, Review, and Approval Procedures

- (A) Any landowner operating or seeking to establish an ADU shall obtain a building or land use permit from the building official. The permit shall constitute an ADU permit.
- (B) With the permit application, the landowner shall submit an affidavit on a form provided by the municipality, affirming that at least one landowner will occupy the principal dwelling or the accessory unit, and that the ADU will conform to the requirements of the permit and the requirements of this section.
- (C) The permit and the affidavit shall be filed as a deed restriction with the Anchorage recording district to indicate the presence of the ADU, the requirement of owner-occupancy, and conformity

1 with the requirements of the permit and the requirements of this
2 chapter.

3 (D) The department shall receive a fee from the applicant pursuant
4 to the ~~title-Title 21 user's guide~~Users' Guide.

5 (E) For purposes of securing financing, potential landowners may
6 request and receive a letter of pre-approval from the municipality
7 indicating the property is eligible for an ADU permit if the
8 potential landowner completes the application process and
9 construction in accordance with this section.

10 **iii. Requirements**

11 All ADUs shall meet the following requirements:

12 (A) *Purpose*
13 Requirements for accessory dwelling units address the following
14 purposes:

15 (1) Ensure that accessory dwelling units maintain and are
16 compatible with the single-family appearance and
17 character of the principal residence, lot, and
18 neighborhood;

19 (2) Ensure that accessory dwelling units are smaller in size
20 than the principal dwelling on the lot, and preserve yards
21 and open space;

22 (3) Provide adequate parking while maintaining the single-
23 family residential character of the neighborhood,
24 avoiding negative impacts to on-street parking, and
25 minimizing the amount of paved surface on a site; and

26 (4) Provide clear and flexible standards that make it
27 practical and economical to develop accessory dwelling
28 units that are in compliance with this code, and offer an
29 accessible, affordable housing option to the community.

30 (B) *Requirements for Developing an ADU*
31 ADUs shall be allowed in all residential zoning districts except R-
32 1, R-1A, R-3, R-4, and R-4A.

33 (1) One Principal Structure
34 One ADU may be added to or created within a detached
35 single family dwelling on a lot, tract, or parcel, but only if
36 the detached single-family dwelling is the sole principal
37 structure on that lot, tract, or parcel.

38 (2) Detached ADU
39 One ADU detached from a single-family dwelling is
40 permitted on a lot, tract, or parcel, but only if:

41 (a) The lot, tract, or parcel is 20,000 square feet or
42 greater and the ADU is attached to or above a
43 garage and the detached single-family dwelling
44 is the only principal structure; or

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- (b) The lot, tract, or parcel abuts an alley; the ADU is above a detached garage, the ADU/garage abuts the alley, and the detached single-family dwelling is the only principal structure.
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- (3) *Lot Coverage*
The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.
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- (4) *Uses*
- (a) An ADU shall not be permitted on any lot with a child care center.
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- (b) The landowner shall reside in either the principal dwelling unit or the ADU as his or her primary residence for more than six months of each year.
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- (c) No more than two persons may reside in an ADU.
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- (5) *Building Code Requirements*
To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted municipal building code standards for two-family dwellings.
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- (6) *Size*
- (a) The gross floor area of the ADU, not including any related garage, shall be no more than 700 square feet, nor less than 300 square feet, nor have more than two bedrooms;
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- (b) In no case shall the total gross floor area of an ADU be more than 35 percent of the total gross floor area of the principal dwelling unit, excluding the ADU and garages.
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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.
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- (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 chapter 21.12, *Nonconformities*, all off-street parking deficiencies shall be corrected.

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- (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.
- (2)** The maximum height of a detached ADU shall be 25 feet.
- (D) Density**
ADUs are not included in the density calculations for a site.
- (E) Expiration of Approval of an ADU**
Approval of an ADU expires when:
- (1)** The ADU is altered and is no longer in conformance with this code;
- (2)** The property ceases to maintain all required off-street parking spaces;
- (3)** A landowner of the property does not reside in either the principal or the accessory dwelling unit;
- (4)** The ADU is abandoned by the landowner through written notification to the municipality on a form provided by the municipality; or,
- (5)** The property with an ADU changes ownership.

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2 (F) *Transfer*
3 An ADU permit is not transferable to any other property or any
4 other person. When a property with an ADU is sold or otherwise
5 transferred, the new landowner shall file an affidavit of owner-
6 occupancy with the department within 30 days of the transfer,
7 and pay a processing fee. Failure to file an affidavit by the due
8 date constitutes failure to have a permit, in violation of this
9 section. Transfers from one landowner to another landowner do
10 not require a new affidavit so long as the recipient landowner
signed the original affidavit.

11 (G) *Prior Illegal Use*
12 (1) All structures which meet the definition of accessory
13 dwelling unit which are not recognized as legal
14 nonconforming structures or uses of structures under
15 chapter 21.12 shall comply with this subsection. Such
16 structures may continue in existence provided the
17 following requirements are met:

18 (a) A permit application for an ADU is submitted to
19 the building safety division within six months of
20 [effective date].

21 (b) The unit complies with the requirements of this
22 section.

23 (2) If the unit does not comply with the requirements of this
24 section at the time the permit application is filed, the
25 building official may grant six months to bring the unit
26 into conformance.

27 (3) In addition to any other remedies provided in this code,
28 failure to legalize an existing unit under this subsection
29 shall result in civil penalties as provided at AMC section
30 14.60.030. All landowners of illegal units shall also be
31 required to either legalize the unit or remove it.

32 (4) This subsection does not apply to existing legal
33 nonconforming uses of structures established pursuant
34 to chapter 21.12.

35 (H) *Variances*
36 Nothing in this section guarantees any property landowner the
37 right to create an ADU unless it conforms to all provisions in this
38 section. Limitations due to natural features, lot size, lot
39 dimensions, building layout, or other physical or environmental
40 factors shall not be reasons for granting a variance from the
41 standards and provisions of this section. No variances shall be
42 granted from the standards and provisions of this section.

43 2. **Bed and Breakfast**
44 a. **Definition**

45 A bed and breakfast is a private residence that offers overnight accommodations
46 and limited food service to overnight guests, for which compensation is paid on a
47 daily or weekly basis.

b. **Use-Specific Standards**

i. **General Standards**

- (A) Bed and breakfast establishments are allowed only in attached or detached single-family and two-family dwellings, not including mobile homes.
- (B) The host-operator of the bed and breakfast enterprise shall establish and maintain the single-family or the bed and breakfast unit of a two-family structure as his or her primary domicile at all times while it is operated as a bed and breakfast.
- (C) A bed and breakfast may have up to five guestrooms, as allowed by tables 21.05-4 and 21.05-5. If an ADU also exists on the premises, the ADU shall count as one of the allowed guestrooms. No more than the permitted number of guestrooms shall be offered for use at any one time.
- (D) Only one daily meal shall be offered to guests at any bed and breakfast establishment.
- (E) Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than 30 consecutive days.
- (F) A bed and breakfast shall not be permitted concurrently on any lot with an child or adult care facility, or assisted living facility.
- (G) The accessory use shall protect and maintain the integrity of the residential neighborhood. A bed and breakfast shall not detract from the principal use in the district and shall not place a burden on any private or public infrastructure (i.e., streets or utilities) greater than anticipated from permitted development.
- (H) Every bed and breakfast shall meet the off-street parking requirements stated [IN SECTION 21.07.090 AND] in its administrative permit.
- (I) Every bed and breakfast supported by on-site well and wastewater disposal systems shall conform to the requirements of AMC chapter 15.65, pertaining to wastewater disposal regulations, and shall obtain a one-time only health authority certificate.

Comment [EBM174]: Wrong cross reference

ii. **Administrative Permit**

A bed and breakfast shall require an administrative permit pursuant to section 21.03.030. An application for a bed and breakfast permit shall not be complete unless it is accompanied by proof of a current business license, a certificate of on-site systems approval (for on-site systems only), and a site plan and building floor plans meeting the requirements of this [title](#) [Title](#).

3. **Beekeeping**

a. **Definition**

Keeping honey bees, *Apis mellifera*, for the purpose of education and/or producing honey or other products related to bees.

b. **Use-Specific Standards**

- 1 i. Colonies of *Apis mellifera* shall be managed in such a manner that their
2 flight path to and from the hive will not bring them into contact with
3 people on adjacent property. To accomplish this, colonies shall be:
 - 4 (A) At least 25 feet from any lot line not in common ownership; or
 - 5 (B) Oriented with entrances facing away from adjacent property; or
 - 6 (C) Placed behind a fence at least six feet in height and extending at
7 least ten feet beyond the hive in all directions.
- 8 ii. No more than four hives shall be placed on lots smaller than 10,000
9 square feet.

10 **4. Caretaker's Residence**

11 a. **Definition**

12 A dwelling unit on the site of a non-residential use and occupied only by a guard
13 or the person who oversees the operation of the non-residential facility (and
14 his/her family).

15 **5. Dormitory**

16 a. **Definition**

17 A facility intended or used as group living quarters for students, religious orders,
18 employees, and the like, directly affiliated with a permitted principal use such as
19 a school, college, convent, or similar institutional use.

20 b. **Use-Specific Standards**

21 i. Dormitories in residential and mixed-use districts shall comply with the
22 [APPLICABLE] multifamily residential design standards in subsection
23 21.07.110C[100].

24 ii. L2 visual enhancement landscaping is required when dormitories abut
25 residential lots in a residential district.

Comment [EBM175]: Landscaping levels were deleted.

26 **6. Drive-Through Service**

27 a. **Definition**

28 The physical facilities of an establishment that encourage or permit customers to
29 receive services or obtain goods while remaining in their motor vehicles. A drive-
30 through facility consists of two parts—the queuing lane and a service station
31 where the service occurs. The queuing and service facilities of motor vehicle-
32 related uses such as fueling stations, car washes, and vehicle service and repair
33 are not included in the definition “drive-through service” as an accessory use,
34 and are addressed elsewhere in this [title](#).

35 b. **Use-Specific Standards**

36 The purpose of these standards is to allow for drive-through facilities by reducing
37 the impacts they may create, such as noise, glare, and fumes from idling cars,
38 noise from voice amplification equipment, or traffic interferences with vehicle and
39 pedestrian circulation. Drive-through services are allowed as accessory uses to
40 the following primary uses: restaurant, pharmacy, financial institution, general
41 personal services and food and beverage kiosk. The following standards apply
42 to all drive-through services:

43 i. **Queuing Spaces**

44 Vehicle queuing spaces shall be provided pursuant to section
45 21.07.090L.

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ii. **Impact on Adjacent Uses**

(A) A drive-through that abuts a residential or NMU-zoned property shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties, based on the findings of an administrative site plan review.

~~(B) No drive-through queuing spaces shall be located directly between the building and an abutting right of way unless otherwise allowed by the director.~~

~~(C) When a drive-through service facility abuts a residential or NMU-zoned lot, a six-foot high screening fence or wall shall be provided along that lot line between the drive-through facility and required perimeter landscaping.~~

~~(D)~~(B) To the maximum extent feasible, talk boxes shall be located so that the principal structure on the site is between the talk box and any abutting residential zoning district, and shall meet the noise control standards in AMC section 15.70.

Comment [EBM176]: Disagree—this standard is important for making sure there is an appropriate pedestrian environment, and that the pedestrian can access the use. How does a pedestrian get from Tudor to Dairy Queen?

Comment [EBM177]: Disagree—this is important to reduce the impacts of a drive-through on neighboring residential areas—noise of talking, idling cars, fumes. Only applies when the drive-through is on the residential side.

7. **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 and/or access to personal computer equipment for use in self-instruction. The use is accessory to housing facilities run by public or non-profit agencies.

b. **Use-Specific Standards**

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 **hours of** 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.

8. **Farm, Hobby**

a. **Definition**

The production of crops for sale. This may include a temporary stand for sales on the premises.

9. Garage or Carport, Private Residential

a. Definition

A detached accessory or portion of a principal structure that is used for the parking and storage of vehicles owned and operated by the residents thereof.

b. Use-Specific Standards

i. Garages may encroach into the rear or side setback when that setback abuts an alley.

ii. 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 D.11[12], below.

iii. In class A improvement areas and in the R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure.

iv. In class B improvement areas, except for the R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than five percent of the lot area, up to a maximum of 5,000 square feet.

10. Home- and Garden-Related Use

a. Definition

Accessory uses subordinate to the use of a residential dwelling. Examples include, but are not limited to, greenhouses, gardens, storage sheds, garden sheds, tool sheds, workshops, private barbeque pits, spas, and hot tubs.

b. Use-Specific Standards

i. All spas and hot tubs shall be set back a minimum of 10 feet from all property lines, and shall not be counted in calculating lot coverage.

ii. In class A improvement areas and in the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure.

iii. In class B improvement areas, except for the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than five percent of the lot area, up to a maximum of 5,000 square feet.

11. Home Occupation

a. Definition

An activity that results in a product or service, carried out for consideration or not, and conducted as a customary, incidental, and accessory use in a dwelling unit. This use expressly does not include bed and breakfasts, hobby farms, large domestic animal facilities, small and large assisted living facilities, or adult or child care homes.

b. Use-Specific Standards

A home occupation may be conducted in a dwelling unit or in a building accessory to a dwelling unit provided that:

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- i. A permanent resident of the dwelling unit is engaged in the home occupation on the premises;
 - ii. Only one nonresident may be engaged in the home occupation on the premises;
 - iii. 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 one of the following in class A areas:
 - (A) No more than the lesser of 25 percent or 500 square feet of the floor area of the principal dwelling is devoted to any home occupation; or
 - (B) No more than 300 square feet of an accessory building is devoted to any home occupation; or
 - (C) No more than 250 square feet of the principal dwelling and 250 square feet of the accessory building are devoted to any home occupation.
 - iv. 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 one of the following in class B areas:
 - (A) No more than the lesser of 40 percent [%] or 650 square feet of the gross floor area of the primary structure is devoted to the home occupation use; or
 - (B) No more than 600 square feet of an accessory structure is devoted to the home occupation; or
 - (C) No more than 325 square feet of the principal dwelling and 350 square feet of the accessory building are devoted to any home occupation.
 - v. Except for as provided [IN B.VII. BELOW AND] in chapter 21.11, *Signs*, there shall be no change to the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation;
 - vi. Vehicles making deliveries shall not be parked at the site for a period exceeding one hour;
 - vii. No traffic or deliveries shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;
 - viii. All vehicles used in connection with the home occupation shall, except for delivery vehicles allowed above, be of the type commonly used for personal non-commercial transportation. Home occupations shall comply with the requirements of subsection D.17. below;
 - ix. The peace and quiet of the neighborhood shall not be disturbed. No equipment or process shall be used in such home occupation that 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 hazardous or toxic materials shall be stored on the property as part of the home occupation;

x. The hours of operation during which an employee or co-worker, clients, or customers are allowed to come to the home in connection with the business activity are limited to between 7:00 a.m. and 10:00 p.m. Monday through Saturday. Care and feeding of animals is exempted from this provision;

xi. A home occupation shall not be permitted on any lot with an adult or child care facility, or assisted living facility; and

xii. Any storage of wholesale or retail stock in trade in conjunction with the home occupation shall not exceed 10 [TEN] percent of the area devoted to the home occupation, except on lots 40,000 sf or larger in class B districts as defined in 21.08.050B. On lots meeting this exception, storage of stock in trade may equal the area devoted to the home occupation, if the storage is screened from neighboring lots and separated from the neighboring lot line by at least the established district setback.

c. Uses Prohibited as Home Occupations

A home occupation shall not include, but is not limited to excluding, the following: veterinary or animal hospital; restaurant; and vehicle repair, unless allowed below under "vehicle repair/rebuilding, outdoor, hobby."

12. Intermodal Shipping Container (Connex Unit)

a. Definition

A pre-fabricated, standardized, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called cargo containers, transport containers, or marine cargo containers. This use includes similar structures, such as railroad cars.

b. Use-Specific Standards

The use of a connex unit is allowed in all zoning districts subject to the following:

i. Except in the industrial, commercial, and airport districts, connex units shall be screened on all sides by structures, landscaping, and/or fences at least as high as the unit, or alternately, shall be sided and roofed with materials substantially similar to the siding of the primary structure.

~~ii. In commercial districts, connex units shall be located to the rear of all principal structures or alternately, meet either the screening or the siding and roofing requirements of section b.i. above.~~

iii.ii. In residential districts, connex units are only permitted on lots equal to or greater than 40,000 square feet. Except as restricted in b.vii. below, connex units existing as of [effective date] on any size lot may continue as long as the screening requirements of b.i. above and the number limitations of b.iv. below are met within one year of [effective date], in which case such connex unit(s) shall be deemed conforming. Failure to comply with this provision shall not result in a legal nonconformity, but rather shall result in an illegal structure.

Comment [EBM178]: Disagree—these are industrial in nature and should not be a defining feature of the city's streetscapes. They can go behind buildings or be screened.

iv.iii. In residential districts where the primary use of the lot is residential, no more than one unit is allowed per every 40,000 square feet of property up to a maximum of three units. In conjunction with nonresidential uses in residential districts, no more than three units are allowed.

v.iv. Self-storage establishments in compliance with the development standards of 21.05.060D.4., *Self-Storage Facility*, are exempt from this section.

vi.v. Loading or unloading a connex unit, or the use of a connex during construction is exempt from this section.

vii.vi. In residential districts on lots of less than 40,000 square feet, connex units existing on [effective date] that are located between the front plane of the principal structure and the front property line shall be removed or relocated within one year of [effective date].

13. **Large Domestic Animal Facility (4 or more animals)**

a. **Definition**

The keeping, harboring, riding, boarding, stabling, training, exercising, breeding, or related use of four or more large domestic animals regardless of animal ownership, and the associated structure(s) such as a paddock, stable, or barn. Operation of a large domestic animal facility is not a home occupation.

b. **Use-Specific Standards**

i. **Lot Size**

The minimum lot size for a large domestic animal facility of four animals is 40,000 square feet. An additional 10,000 square feet is required for each animal over four. Application for an administrative variance from the minimum lot size may be made to the planning department pursuant to subsection 21.03.240L. [THROUGH THE ADMINISTRATIVE VARIANCE PROCESS, THE DIRECTOR MAY APPROVE A DEVIATION OF NO MORE THAN 10 PERCENT, WITH THE CONCURRENCE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEVELOPMENT SERVICES DEPARTMENT.]

Comment [EBM179]: Wrong cross reference

ii. **Adjacent Lots**

Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the director. In such cases, setback requirements shall not apply to the interior lot lines between the applicable lots, and a primary use need not be located on the adjacent lot.

iii. **Setbacks**

Notwithstanding the setbacks of the underlying zoning district, covered structures associated with a large domestic animal facility, such as a stable or barn, shall be set back at least 25 feet from any abutting lot line, not including interior lot lines between lots in common ownership. Uncovered enclosures shall meet one of the following setback options:

- (A) Seventy-five feet from residences existing on February 28, 2006, not including any residence in common ownership with the large domestic animal facility; or

Comment [EBM180]: Landscaping levels were deleted.

(B) Ten feet from any abutting lot line, not including interior lot lines of lots in common ownership, if the separation area is vegetated with L3 buffer landscaping.

iv. Structures

The square footage of any single large domestic animal facility structure shall not exceed 10 percent of the lot size, up to a maximum of 8,000 square feet.

v. Fences

Barbed wire shall not be used for fencing of any large domestic animal facility.

vi. Commercial Activity

Commercial activity associated with large domestic animal facilities, such as boarding or riding lessons, is permitted.

vii. Other Requirements

Large domestic animal facilities shall:

(A) Meet the requirements of AMC chapter 15.20 regarding animal waste, AMC subsection 15.55.060B. concerning separation requirements from water supply wells, and section 21.07.020 concerning stream protection setbacks;

(B) Obtain an animal control facility license;

(C) Obtain certification of compliance with a state of Alaska, Anchorage soil and water conservation district conservation plan, or obtain a letter from the district showing demonstrated intent to come into compliance with a conservation plan within one year; and

(D) Comply with licensing and other laws concerning the keeping of animals as set forth in AMC ~~titles~~ Titles 15, 17, and 21.

c. Large Domestic Animal Facilities That Do Not Meet These Standards

Large domestic animal facilities that exceed the use-specific standards listed above for site area, structure size, or number of animals, may be allowed by conditional use, pursuant to subsection 21.03.080. In such case, the facility shall be considered a second principal use on the lot and shall comply with subsection 21.05.050B.3.

14. Outdoor Keeping of Animals

a. Definition

Restraining or restricting the movement of animals outside of a principal structure, by any means not involving the continued presence and/or participation of a human being.

b. Use-Specific Standards

i. One to three large domestic animals may be kept outdoors on lots of 20,000 square feet or greater, but any structures or enclosures for keeping such animals shall meet the setback standards of subsection 21.05.070D.13.b.iii.

- 1 ii. The following standards apply to the outdoor keeping of all animals
2 except for dogs, domestic cats, and large domestic animals:
 - 3 (A) On lots of 40,000 square feet or greater, structures for the
4 outdoor keeping of animals shall not encroach into the setbacks
5 of the zoning district and shall be at least 10 feet from any lot
6 line.
 - 7 (B) On lots smaller than 40,000 square feet, the following shall
8 apply:
 - 9 (1) The outdoor keeping of roosters, turkeys, guinea fowl,
10 peacocks, or geese is prohibited.
 - 11 (2) Up to five animals may be kept on lots of 6,000 square
12 feet or less, with an additional one animal per additional
13 1,000 square feet of lot area. A facility license may be
14 required pursuant to [Title-Title 17](#).
 - 15 (3) Structures for the outdoor keeping of animals shall not
16 encroach into the setbacks of the zoning district and
17 shall be at least 10 feet from any lot line.
 - 18 (4) It shall be unlawful for any owner or custodian of an
19 animal under this section to permit it to make chronic
20 animal noise, as defined in AMC section 17.05.010.

21 15. **Outdoor Display Accessory to a Commercial Use**

- 22 a. **Definition**
23 Outdoor display of goods and/or materials for sale, accessory to a commercial
24 principal use. Merchandise may be directly available to the consumer for
25 purchase.
- 26 b. **Use-Specific Standards**
27 No materials may be displayed in areas intended for vehicular circulation,
28 required parking, required open space, required unobstructed clear width of
29 pedestrian walkways, or required landscaping.

30 16. **Outdoor Storage Accessory to a Commercial Use**

- 31 a. **Definition**
32 Outdoor storage, but not display for sale, of goods, equipment, and/or materials
33 accessory to a commercial principal use. Merchandise in outdoor storage shall
34 not be directly available to the consumer without the assistance of an employee.
- 35 b. **Use-Specific Standards**
36 Except in industrial districts and except for outdoor storage associated with a
37 large commercial establishment which is governed by subsection
38 21.07.130A.5.m.[120E.10.], outdoor storage of goods, equipment, and/or
39 materials accessory to a commercial principal use shall be allowed subject to the
40 following standards:
 - 41 i. Each outdoor storage area shall not be located closer to the front
42 property line than the front façade of the principal building.
 - 43 ii. Goods stored in an approved outdoor storage area shall be limited to
44 those sold or used on the premises as part of an associated primary use.

- 1 iii. Equipment stored in an approved outdoor storage area shall be limited to
2 equipment used for property maintenance, such as snow removal
3 equipment. The number of pieces of equipment shall not exceed three.
4 Such equipment storage is only allowed on lots of three acres or greater.

- 5 iv. Each outdoor storage area shall be screened from view from all property
6 lines and adjacent rights-of-way by an opaque fence or wall between six
7 and eight feet in height that incorporates at least one of the predominant
8 materials used in the principal structure. The fence or wall may exceed
9 eight feet in height where the difference in grade between the right-of-
10 way and the outdoor storage area makes a taller fence or wall necessary
11 to effectively screen the area. Materials may not be stored higher than
12 the height of the principal structure. The outer perimeter of the fence or
13 wall shall be landscaped with **L2 visual enhancement landscaping**. A
14 landscaped earth berm may be used instead of or in combination with a
15 required fence or wall, provided it meets the same height requirements.

- 16 v. If the outdoor storage area is covered, then the covering shall include at
17 least one of the predominant roofing materials and exposed roofing
18 colors on the principal structure.

- 19 vi. Flammable liquids or gases in excess of 1,000 gallons shall be stored
20 underground.

- 21 vii. No goods, equipment, and/or materials may be stored in areas **required**
22 **[INTENDED]** for vehicular or pedestrian circulation or parking.

Comment [EBM181]: Landscaping levels were deleted.

- 23 17. **Parking of Business Vehicles, Outdoors, Accessory to a Residential Use**
- 24 a. **Definition**
- 25 The outdoor storage or parking of a vehicle used for and/or bearing visible
26 evidence of a commercial/business purpose, but not regulated by subsection
27 21.05.070E.7[8].
- 28 b. **Use-Specific Standard**
- 29 Only two vehicles bearing visible evidence of a business/commercial purpose are
30 permitted per residence.

- 31 18. **Private Outdoor Storage of Noncommercial Equipment Accessory to a Residential**
- 32 **Use**
- 33 a. **Definition**
- 34 The private outdoor storage of noncommercial equipment, including
35 noncommercial trucks, boats, aircraft, off-road vehicles, recreational vehicles
36 (RVs), or travel trailers.
- 37 b. **Use-Specific Standard**
- 38 The private outdoor storage of noncommercial equipment is permitted in the front
39 setback only in the driveway, but not within five feet of any property line, and is
40 prohibited in any side or rear setback, except in a side or rear setback abutting
41 an alley. In class B districts, the setback shall be 25 feet from any property line
42 where the adjacent property is not in common ownership.

- 43 19. **Vehicle Repair/Rebuilding, Outdoor, Hobby**
- 44 a. **Definition**
- 45 The repair or rebuilding of an inoperative motor vehicle as an accessory use, not
46 for commercial purposes.

b. Use-Specific Standards

- i. Only one inoperative vehicle may stored outdoors on the site at any given time.
- ii. Any vehicle being rebuilt or repaired shall be the property of the resident of the principal structure.
- iii. Repair or rebuilding work shall take place to the rear or side of the principal structure and shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence between six and eight feet in height, or by opaque landscaping of an equivalent height.

E. Prohibited Accessory Uses and Structures

1. Operation of Particle Accelerators, including Cyclotrons

Operation of particle accelerator systems, including cyclotrons, is prohibited in all residential districts, whether or not such system is associated with a home occupation.

2. Fabric Structures

~~Frame-supported, arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items, are prohibited in all class A residential districts. In class B residential districts, setbacks for fabric structures shall be twice that otherwise required.~~

Comment [EBM182]: Disagree—smaller fabric structures (not talking about The Dome or the golf driving range here) cannot meet the building codes—for wind load, snow load, or fire rating. They have been known to collapse or blow away which can be dangerous to passers-by. This was a compromise that was reached at the Assembly committee and should be retained.

3.2. Outdoor Storage of Inoperative Vehicles

In all zoning districts, the outdoor storage of any vehicle that meets the definition of “junk vehicle” at AMC section 15.20.010 is prohibited except as provided in section 21.05.070D.19, *Vehicle Repair/Rebuilding, Outdoor, Hobby*; section 21.05.060E.4., *Junkyard or Salvage Yard*; and section 21.05.050I.7. or I.8., *Vehicle Repair, Major and Minor*.

4.3. Use of Mobile Home, Recreational Vehicle, or Travel Trailer as Residence

Except as allowed by 21.05.080B.3.e., in all zoning districts, mobile homes, recreational vehicles, and travel trailers may not be used as an accessory use for a permanent or temporary residence. However, an RV or travel trailer may be used as visitor accommodation for not more than 90 days in any calendar year.

5.4. Use of Motor Vehicle for Sales

In all zoning districts, the use of any motor vehicle or trailer as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted is prohibited. However, the following shall not be prohibited by this subsection:

- a. The sale of food products at a municipal-approved or -sponsored event;
- b. Use of a motor vehicle in connection with an approved recycling operation;
- c. Approved food and beverage kiosks that comply with the use-specific standards in section 21.05.050E.2., *Food and Beverage Kiosk*; and
- d. Use of a trailer in connection with an approved vehicle sales use.

Comment [EBM183]: Wrong cross reference

6.5. Commercial Motor Vehicle Repair

Commercial motor vehicle repair, including engine, body, or other repair or repainting of more than one vehicle at any one time or owned by a person not residing at that address, is prohibited in all residential districts.

7.6. Parking of Commercial Vehicles, Outdoor

The outdoor storage or parking of a vehicle or trailer is prohibited in all residential districts, for a period of one or more nights, if the vehicle or trailer is licensed or regularly used for business purposes, and is either:

- a. A vehicle for which a commercial driver's license is required by state law;
- b. A vehicle or trailer having more than two axles;
- c. Any trailer bearing commercial signage, logo, or carrying commercial or industrial equipment or materials;
- d. A vehicle or trailer having a height in excess of 90 inches; or
- e. A vehicle with a gross vehicle weight rating (GVWR) of more than 12,000 lbs.

21.05.080 TEMPORARY USES AND STRUCTURES

B. Purpose

This section allows for the establishment of certain temporary uses of limited duration, provided that such uses do not negatively affect adjacent properties or municipal facilities, and provided that such uses are discontinued upon the expiration of a set time period. The construction or alteration of any permanent building or structure is not considered a temporary use.

C. General Temporary Use Standards

1. Required Permits

All temporary uses shall obtain any permits required by other municipal departments, such as the clerk's office, the health department, the building safety department, or the police department.

2. Uses Allowed

Except as specified below, any use allowed in a district, pursuant to tables 21.05-1 and 21.05-2, is allowed on a temporary basis in that district. Such temporary uses shall comply with the requirements of subsection D. below. Any such temporary use that is established for more than the allowed time limit as determined in subsection 21.05.080D.3[4]. shall be considered a permanent use and shall make all improvements required by this ~~title~~Title.

Comment [EBM184]: Wrong cross reference

3. Other Uses and Structures Allowed

The following temporary uses and structures shall be allowed in any zoning district or as specified below, in accordance with the standards of this section.

a. Licensed Commercial Uses

Temporary licensed commercial uses and associated temporary structures are allowed in any non-residential zoning district, for not more than 90 days total (consecutive or intermittent) within a 12 month period.

b. Real Estate Sales Offices

Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office to market sites outside of the project is prohibited.

- 1 c. **Special Events**
2 Amusement, athletic, charitable, cultural, entertainment, and/or political events or
3 similar temporary and transitory gatherings are allowed in all zoning districts,
4 subject to the standards of this section.
- 5 d. **Temporary Parking of Construction Equipment During Construction**
6 Temporary use of non-loading areas for tractor trailers, office trailers,
7 construction equipment or materials, construction worker parking, or intermodal
8 shipping container (connex) trailers, during construction or renovation **is allowed**
9 **in all zoning districts, subject to the standards of this section.**
- 10 e. **Temporary Living in a Mobile Home, Motor Home, or Other Recreational**
11 **Vehicle**
12 Notwithstanding ~~title~~ Title 23, one mobile home, motor home, or other
13 recreational vehicle with a fully operable self-contained sanitation system may be
14 used on a lot in the R-5, R-6, R-7, R-8, R-9, R-10, and TA districts as temporary
15 living quarters for not more than 18 months while a permanent dwelling is being
16 constructed or repaired, if the following requirements are met:
- 17 i. The property owner or person intending to occupy the temporary living
18 quarters during construction or repair of the permanent dwelling shall
19 secure a permit from the building official before a motor home or other
20 recreational vehicle is used on site as temporary living quarters. A
21 permit issued under this subsection shall not be renewed and only one
22 permit shall be issued for the same parcel within any 10 year period.
23 The permit may be granted only upon the applicant's written certification,
24 with attachments, that:
- 25 (A) The self-contained sanitation system is fully operable and shall
26 be used with zero on-site discharge, including no on-site gray
27 water discharge, except through an approved septic system;
- 28 (B) Site access is sufficient and shall be used to transport refuse and
29 excess waste year-round for proper off-site disposal;
- 30 (C) Electrical utility service is on-site for use during the permit period
31 and no generators shall be used;
- 32 (D) The applicant has a current building or land use permit, a copy of
33 which shall be attached to the certification; and
- 34 (E) If temporary connection to an on-site septic system is to be used,
35 proof is attached that an approved septic system is in place.
- 36 ii. Only one motor home or other recreational vehicle shall be permitted for
37 use as temporary living quarters on any parcel of land during the
38 construction or repair of a permanent dwelling.
- 39 iii. The motor home or recreational vehicle placement on the lot shall
40 comply with the setbacks of the underlying zoning district.
- 41 f. **Other Allowed Temporary Uses**
42 i. Up to nine one-day garage/yard sales per year per dwelling unit.
- 43 ii. Gatherings of less than 100 people, such as block parties, nonprofit
44 bazaars, and fundraisers; and

1 iii. Temporary uses that occur wholly within an enclosed permanent
2 building.

3 iv. Frame-supported, arch-supported, or inflated tension fabric or membrane
4 structures, fabricated off-site and assembled on-site, and typically used
5 for garages, sheds, warehouses, or temporary or permanent shelters for
6 automobiles, boats, or other items, shall be allowed for 30 days within a
7 12 month period in all residential districts.

8 **D. Prohibited Temporary Uses and Structures**

9 The following temporary uses and structures are prohibited:

- 10 1. **[RESERVED] [FABRIC STRUCTURES**
11 FRAME-SUPPORTED, ARCH-SUPPORTED, OR INFLATED TENSION FABRIC OR
12 MEMBRANE STRUCTURES, FABRICATED OFF-SITE AND ASSEMBLED ON-SITE,
13 AND TYPICALLY USED FOR GARAGES, SHEDS, WAREHOUSES, OR TEMPORARY
14 OR PERMANENT SHELTERS FOR AUTOMOBILES, BOATS, OR OTHER ITEMS,
15 SHALL BE ALLOWED FOR 30 DAYS WITHIN A 12 MONTH PERIOD IN ALL
16 RESIDENTIAL DISTRICTS.]

17 **E. General Requirements for All Temporary Uses and Structures**

18 All temporary uses or structures shall meet the following general requirements, unless otherwise
19 specified in this [title](#):

- 20 1. The temporary use or structure shall not have substantial adverse or noise impacts on
21 nearby residential neighborhoods.
- 22 2. The temporary use shall comply with all applicable general and specific regulations of this
23 section unless otherwise expressly stated.
- 24 3. Unless otherwise stated in this [title](#), temporary uses in residential districts shall last
25 no longer than 90 days. Temporary uses in nonresidential districts shall last no longer
26 than 180 days, with a possible 180 day extension, in accordance with AMC 23.10.104.
- 27 4. All temporary signs associated with the temporary use or structure shall be removed
28 when the activity ends.
- 29 5. The temporary use or structure shall not violate any applicable conditions of approval that
30 apply to a principal use on the site.
- 31 6. The temporary use regulations of this section do not exempt the applicant or operator
32 from any other required permits, such as health department permits.
- 33 7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary
34 use or structure to occur, as well as any parking and traffic movement that may be
35 associated with the temporary use, without disturbing sensitive or protected resources,
36 including required buffers, 100-year floodplains, stream protection setbacks, wetlands,
37 areas of slope greater than 20 percent, and required landscaping.
- 38 8. If the property is developed, the temporary use shall be located in an area that is not
39 actively used by an existing approved principal use, and that would support the proposed
40 temporary use without encroaching or creating a negative impact on existing buffers,
41 open space, landscaping, traffic movement, pedestrian circulation, or parking space
42 availability.

- 1 **9.** Tents and other temporary structures shall be located so as not to interfere with the
2 normal operations of any permanent use located on the property.
- 3 **10.** Off-street parking shall be adequate to accommodate the proposed temporary use.
- 4 **11.** Applications for temporary structures to be located in or near the 100-year floodplain shall
5 be required to submit a plan to the director for the removal of such structure(s) in the
6 event of a flood notification. The plan shall include the following information:
- 7 **a.** The name, address, and phone number of the individual responsible for the
8 removal of the temporary structures;
- 9 **b.** The time frame prior to the event at which a structure will be removed;
- 10 **c.** A copy of the contract or other suitable instrument with a trucking company to
11 insure availability of removal equipment when needed; and
- 12 **d.** Designation, accompanied by documentation, of a location outside the floodplain
13 to which the temporary structure will be moved.
- 14
- 15

CHAPTER 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS

21.06.010 PURPOSE

A. Purpose

Specific purposes of this chapter include:

1. Preserving light and air, and avoiding congestion in residential zoning districts;
2. Promoting fire protection through appropriate separation of structures;
3. Ensuring setbacks which promote a reasonable relationship between residences and a consistent residential streetscape;
4. Promoting streetscapes that are consistent with the intended character of different commercial ~~and mixed-use~~ zones;
5. Promoting buildings close to the sidewalk in ~~mixed-use districts~~ when mixed use development occurs, to reinforce a pedestrian oriented streetscape;
6. Controlling the overall building bulk and lot coverage to help define the character of different zones;
7. Promoting a reasonable building scale that is consistent with the function of local commercial areas and the character of surrounding neighborhoods; and
8. Promoting the efficient use of service capacity in areas with the highest levels of public services and intended development.

Comment [EBM185]: Disagree—it achieves no purpose to have the occasional mixed use building be set near the street sidewalk when the neighboring development is not. This standard is intended to create a pedestrian-friendly district/area, which cannot be achieved without applying this to a district, rather than a use type.

B. Applicability

This chapter applies to all development within the municipality.

21.06.020 DIMENSIONAL STANDARDS TABLES

A. This section contains tables that list the requirements for lot dimensions, ~~AND~~ building bulk, density, location, and height for ~~all types of various~~ developments. All primary and accessory structures are subject to the dimensional standards set forth in the following tables. ~~Superscript~~ [BRACKETED] numbers refer to notes at the bottom of each table. General rules for measurement and exceptions are set forth in section 21.06.030.

B. These general standards may be further limited or modified by other applicable sections of this ~~title~~ Title. In particular, some uses have use-specific standards in chapter 21.05 that impose stricter ~~or different~~ requirements than set forth in these tables.

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 ¹		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract ²	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-1: Single-Family Residential District								
Residential uses	6,000	50	30	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	6,000	50	30	20	5	10	N/A	
R-1A: Single-Family Residential District (larger lot)								
Residential uses	8,400	70	30	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	8,400	70	30	20	5	10	N/A	
R-2A: Two-Family Residential District (larger lot)								
Dwelling, single-family detached	7,200	60	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	8,400	70	40	20	5	10	1	
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
All other uses	7,200	60	40	20	5	10	N/A	
R-2D: Two-Family Residential District								
Dwelling, single-family detached	6,000	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories Accessory
Dwelling, two-family	6,000	50	40	20	5	10	1	

TABLE 21-06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL 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 ¹		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract ²	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	garages/carports: 25 Other accessory: 12
All other uses	6,000	50	40	20	5	10	N/A	
R-2F: Mixed Residential District 1								
Dwelling, single-family detached	6,000 min. 12,000 max.	50	40	20	5	40	4	Principal: 30, not to exceed two and one-half stories Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	40	4	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	40	4	
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		40	4	
Dwelling, multiple-family (up to 4 units permitted)	8,500 for 3 units; 11,000 for 4 units	50	40	20	40	40	4	
All other uses	6,000	50	40	20	5	40	N/A	
R-2M: Mixed Residential District 2								
Dwelling, single-family detached	6,000 min. 12,000 max.	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		10	1	

Comment [EBM186]: Disagree—efficient land use is necessary and so our R-2M districts should not be used for single family with larger lots.

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL 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 ¹		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract ²	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, multiple-family (up to 8 units permitted per building)	8,500 + 2,300 for every unit over 3	50	40	20	10 5	10	More than one principal structure may be allowed on any lot or tract by administrative site plan review; no portion of any structure may be closer than 10 feet to any portion of any other structure	
Dwelling, multiple-family, with single- or two-family style construction of multiple buildings on a lot	3,000 per unit	50	40	20	10 5	10		
All other uses	6,000	50	40	20	5	10		
R-3: Multifamily Residential District 4								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	20	N/A on common lot line; otherwise 5	10	1	35
Dwelling, single family	6,000	50	30	20	5	10	1	
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, multi-family	6,000 +1,000 for every unit over 4 units	50	40	20	10	20	More than one principal structure may be allowed on any lot or	

Comment [EBM187]: Disagree—this was one of the few setbacks recommended for change by the Department—large multi-family buildings should not be built 5 feet from the lot line, and thus as close to neighboring buildings (which might be single family). This helps mixed-density residential districts like the R-2M be more palatable.

Comment [EBM188]: Disagree—R-3 is a multifamily district and with the lack of available vacant land for housing, our remaining land and our redevelopment opportunities must use land efficiently. Single family is not an efficient use of land in a multifamily district and will not help provide for the housing needs of the projected population.

TABLE 21-06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL 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 ¹		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract ²	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
All other uses	6,000	50	40	20	10	20	tract; no portion of any structure may be closer than 10 feet to any portion of any other structure.	
R-4: Multifamily Residential District 2								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	10	N/A on common lot line; otherwise 5	10	More than one principal structure may be allowed on any lot or tract; no portion of any structure may be closer than 10 feet to any portion of any other structure.	35
Dwelling, multi-family	6,000	50	50		5 plus one foot for each five feet in height exceeding 35 feet	10		45 ³
All other uses	6,000	50	50			10		45/N/A
R-4A: Multifamily Residential Mixed-Use District								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	Min: 10 ft. Max: 20 ft. A minimum of 50% of the front building elevation shall be within the maximum front setback (see 21.06.030A.5.)	N/A on common lot line; otherwise 5	15' if adjacent to a residential district (except R-4 or R-4A); otherwise 10'	More than one principal structure may be allowed on any lot or tract; no portion of any structure may be closer than 10 feet to any portion of any other structure.	35
Dwelling, mixed-use	6,000	50	65		10' if adjacent to a residential district (except for R-4 or R-4A); otherwise 5'			45 ⁴
Dwelling, multi-family	6,000	50	65					
All other uses	6,000	50	65					

Comment [EBM189]: Disagree—if commercial and residential are to be together in this district, the height limit should be the same for both, instead of allowing the nonresidential portion of this residential district be the most intense.

TABLE 21-06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL 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 ¹		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract ²	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-5: Low-Density Residential District								
Dwelling, single-family, or one mobile home	7,000	50	30	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	13,000	100	30	20	5	10	1	
All other uses	7,000	50	30	20	5	10	N/A	
R-6: Low-Density Residential District (1 acre)								
Dwelling, single-family	43,560	150	30	50	25	50	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	87,120	200	30	50	25	50	1	
All other uses	43,560	150	30	50	25	50	N/A	
R-7: Single-Family Residential District (20K)								
Dwelling, single-family	20,000	120	30	25	10	20	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	40,000	120	30	25	10	20	1	
All other uses	20,000	120	30	25	10	20	N/A	
R-8: Low-Density Residential District (4 acres)								

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL 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 ¹		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract ²	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, single-family	174,240	300	5	25	15	25	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	261,360	300	5	25	15	25	1	
All other uses	174,240	300	5	25	15	25	N/A	
R-9: Low-Density Residential District (2 acres)								
Dwelling, single-family	87,120	180	5	25	15	25	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	130,680	180	5	25	15	25	1	
All other uses	87,120	180	5	25	15	25	N/A	

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL 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 ¹		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract ²	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-10: Low-Density Residential Alpine/Slope District								
All uses	(See section 21.04.020P.2.)			10	25 feet; 50 feet if average slope exceeds 30 percent	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 18

¹ For other lot dimensional standards, see section 21.08.030K.

² For those residential uses where only one principal structure is allowed on a lot, no additional nonresidential principal structures are allowed.

³ See subsection 21.04.020I.2.d. for information regarding possible height increases.

⁴ See subsection 21.04.020J.2.d. for information regarding possible height increases.

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 ⁵			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
B-1A: Local and Neighborhood Business							
All uses	6,000	50	50	10	10 if adjacent to a residential district; otherwise 0 or at least 5	15 if abutting a residential district; otherwise 10	30
<u>Mixed Uses</u>	<u>6,000</u>	<u>50</u>	<u>75</u>	<u>Min. 0 ft. Max. 20 ft. A minimum of 30% of the street-facing building elevation shall be within the maximum front setback</u>	<u>15 adjacent to a residential district; otherwise 0 or at least 5</u>	<u>15 adjacent to a residential district; otherwise 0 or at least 5</u>	<u>45</u>
B-1B: Community Business District							
<u>Commercial uses</u>	<u>8,000</u>	<u>80</u>	<u>70</u>	<u>20</u>	<u>20 if adjacent to a residential district; otherwise 0 or at least 5</u>	<u>25 if abutting a residential district; otherwise 5</u>	<u>35</u>
<u>Residential</u>	<u>8,000</u>	<u>80</u>	<u>40</u>	<u>20</u>	<u>10</u>	<u>20</u>	<u>35</u>
<u>Mixed Uses</u>	<u>6,000</u>	<u>50</u>	<u>75</u>	<u>Min. 0 ft. Max. 20 ft. A minimum of 30% of the street-facing building elevation shall be within the maximum front setback</u>	<u>15 adjacent to a residential district; otherwise 0 or at least 5</u>	<u>15 adjacent to a residential district; otherwise 0 or at least 5</u>	<u>45</u>
B-3: General Business							
All uses	6,000	50	Unrestricted	10	15 if adjacent to a residential district; otherwise 0 or at least 10	15 if adjacent to a residential district; otherwise 0 or at least 5	<u>45N/A</u>
<u>Mixed Uses</u>	<u>6,000</u>	<u>50</u>	<u>75</u>	<u>Min. 0 ft. Max. 20 ft. A minimum of 50% of the street-facing building elevation shall be within the maximum front setback</u>	<u>15 if adjacent to a residential district; otherwise 0 or at least 5</u>	<u>15 if adjacent to a residential district; otherwise 0 or at least 5</u>	<u>75</u>
DT-1, DT-2, and DT-3: Downtown Districts (to be determined through Downtown Plan process)							
RO: Residential Office District							

Comment [EBM190]: A mixed-use development also falls under "all uses"--which standard is supposed to be applied?
 See major issues list.

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 ³			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
All uses	6,000	50	50	10	10 if adjacent to a residential district; otherwise 5	15 if adjacent to a residential district, otherwise 10	45, not to exceed three stories of nonresidential use N/A
<u>Mixed Uses</u>	<u>6,000</u>	<u>50</u>	<u>75</u>	<u>Min. 0 ft. Max. 20 ft</u> <u>A minimum of 50% of the street-facing building elevation shall be within the maximum front setback</u>	<u>15 if adjacent to a residential district; otherwise 0 or at least 5</u>	<u>15 if adjacent to a residential district; otherwise 0 or at least 5</u>	<u>75</u>
MC: Marine Commercial District							
All uses	6,000	50	N/A	10	0 or at least 5	0 or at least 5	90 feet above mean sea level
I-1: Light Industrial District							
All uses	6,000	50	N/A	10	20 if adjacent to a residential district; otherwise 0 or at least 5		50 ⁴ Within 50 feet of a residential district, no portion of any structure shall exceed the height limit of that district; otherwise none
I-2: Heavy Industrial District							
All uses	6,000	50	N/A	10	40 if adjacent to a residential district; otherwise 0 or at least 5		none
MI: Marine Industrial							
All uses	6,000	50	N/A	10	0 or at least 5		Within 50 feet of a residential district, no portion of any structure shall exceed the height limit of that district; otherwise none

Comment [EBM191]: Disagree with allowing unlimited height in the RO—this will not further the goals of the comp plan.

Comment [EBM192]: Disagree—see major issues list.

TABLE 21:06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL 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 ⁵			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
⁵ For other lot dimensional standards, see section 21.08.030K. ⁶ Non-building industrial structures and industrial appurtenances are exempt from the maximum allowed height.							

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	Minimum lot dimensions ⁷		Setbacks			Max height (ft)	Max floor area ratio (FAR) ⁸
	Area (sq ft)	Width (ft)	Front	Side	Rear		
NMU: Neighborhood Mixed-Use District							
Dwelling; townhouse	2,000	20 (30 on corner lots)	Min: 10 ft. Max: 20 ft.	N/A on common lot line; otherwise 5	15 adjacent to a residential district (except R-4 or R-4A); otherwise 10	35	N/A
All other uses	6,000	50	Min: 0 ft. Max: 20 ft. A minimum of 30% of the street-facing building elevation shall be within the maximum front setback. ⁹	15 adjacent to a residential district; otherwise 0 or at least 5	15 adjacent to a residential district; otherwise 0 or at least 5	45	0.5
CMU: Community Mixed-Use District							
Dwelling; townhouse	2,000	20 (30 on corner lots)	Min: 10 ft. Max: 20 ft.	N/A on common lot line; otherwise 5	15 adjacent to a residential district (except R-4 or R-4A); otherwise 10	35	N/A
All other uses	6,000	50	Min: 0 ft. Max: 20 ft. A minimum of 50% of the street-facing building elevation shall be within the maximum front setback. ⁹	15 adjacent to a residential district; otherwise 0 or at least 5	15 adjacent to a residential district; otherwise 0 or at least 5	60	1
RMU: Regional Mixed-Use District							
Dwelling; townhouse	2,000	20 (30 on corner lots)	Min: 10 ft. Max: 20 ft.	N/A on common lot line; otherwise 5	15 adjacent to a residential district (except R-4 or R-4A); otherwise 10	35	N/A
All other uses	6,000	50	Min: 0 ft. Max: 20 ft. A minimum of 30% of the street-facing building elevation shall be within the maximum front setback. ⁹	20 adjacent to a residential district; otherwise 0 or at least 5	20 adjacent to a residential district; otherwise 0 or at least 5	60	1
MT-1: Midtown District Core							
MT-2: Midtown District General							
⁷ For other lot dimensional standards, see section 21.08.030K. ⁸ See FAR incentives for mixed-use districts at 21.04.050G.2.(0300.2). ⁹ See subsection 21.06.030A.5., <i>Maximum Setbacks</i> .							

1 **D.C. Table of Dimensional Standards: Other Districts**

TABLE 21-06-43: 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. See section 21.04.070 for AM district standards.)							
Uses	Minimum lot dimensions ¹⁰		Max lot coverage (%)	Minimum setback requirements (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
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 District							
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
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.			No maximum, except that the height transition provisions of subsection 21-06-030D.077 shall apply 75 feet unless greater heights is approved by conditional use of master plan
TA: Turnagain Arm District							
Residential (with sewers)	10,400	70	30	20	5	10	35, unless a conditional use permit is obtained for greater height
Residential (without sewers) (Bird Creek, Indian Valley, Portage inholdings)	108,150	100	20	25	15	25	
Residential (without sewers) (Rainbow Valley inholdings)	216,300	100	20	25	15	25	
Commercial (with sewers)	8,400	50	70	10	10 if adjacent to a residential district, otherwise 5	15 if adjacent to a residential district, otherwise 10	
Commercial (without sewers)	50,000	100	25	25	15	25	
Industrial (with sewers)	8,400	50	100	10	If abutting to a residential use, the setback shall be equal to that required by the residential use; otherwise None		
Industrial (without sewers)	50,000	100	25	25	15	25	
Institutional (with sewers)	8,400	50	30	25	10	15	
Institutional (without sewers)	50,000	100	25	25	15	25	
W: Watershed District							
All	N/A	N/A	5	N/A	N/A	N/A	50

¹⁰ For other lot dimensional standards, see section 21.08.030K.

21.06.030 MEASUREMENTS AND EXCEPTIONS

A. Lot Area, Width, and Depth

1. Minimum lot area shall be provided as indicated in section 21.06.020, unless otherwise stated in this [title](#).
2. Lot width and depth shall be measured as shown in the lot width and lot depth illustrations at the end of the chapter.

B. Lot Coverage

1. Lot Coverage Requirement Generally

No building, structure, or lot shall be developed, used, or occupied unless it meets the lot coverage requirements set forth in this chapter or in chapter 21.04, 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. Accessibility ramps;
- d. Fences, trellises, poles, posts, ornaments, lawn furniture, and similar and customary yard accessories; and
- e. Covered stairways and walkways as described in subsection C.2.j. below.

C. 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 setback requirements set forth in section 21.06.020 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 C.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 required by this [title](#) shall not be included as part of a setback 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.

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***

1 Paved terraces may project into any required setback, provided that no
2 structures placed there shall violate other requirements of this [title](#).

3 **b. Unroofed Landings, Decks, and Stairs**

4 Except as provided in subsection 2.c. below, unroofed landings, decks, and stairs
5 may project into required front and rear setbacks only, provided that no portion
6 other than a handrail shall extend higher than 30 inches above the finished grade
7 level.

8 **c. Roofs Over Porches and Other Exterior Approaches**

9 Roofs over porches, stairways, landings, terraces, or other exterior approaches
10 to pedestrian doorways may encroach up to five feet into a front setback,
11 provided that, where such roof projections encroach within the setback, the roof
12 projections shall comprise no more than 50 percent of the total length of a
13 building's front elevation. The covered porch or entrance area encroaching into
14 the setback shall remain exterior to the building, and unenclosed or only partly
15 enclosed, as by a handrail.

16 **d. Incidental Architectural Features**

17 Windowsills, fireplace chases, belt courses, cornices, eaves, and similar
18 incidental architectural features may project up to two feet into any required
19 setback.

20 **e. Bay Windows**

21 Bay windows, measuring no more than eight feet in width where the projection
22 breaks the plane of the wall, may project up to two feet into any required setback,
23 so long as there is a minimum of eight feet between the bay window and any
24 opposing encroachment on an adjacent lot.

25 **f. Private Garage or Carport**

26 A private garage or carport may project into a required side or rear setback
27 abutting an alley.

28 **g. Accessory Structures**

29 [Accessory structures may encroach into a required setback a](#) allowed in
30 [subsection](#) 21.05.070B.3.b. Refuse collection receptacles and their enclosures
31 that are less than 150 square feet may encroach in any side or rear setback.

32 **h. Accessibility Ramps**

33 The director may allow the installation of accessibility ramps with handrails in any
34 required setback if they meet the following criteria:

- 35 i. The ramp is neither roofed nor enclosed;
- 36 ii. There are no switchbacks over 30 inches in height; and
- 37 iii. The width of the ramp does not exceed 48 inches.

38 **i. Fire Exits**

39 For buildings existing on [effective date](#), open fire exits may project not more
40 than four feet six inches into any required [setback](#) [\[YARD\]](#).

41 **j. Covered Stairways and Walkways**

42 Stairways and walkways that are roofed but not fully enclosed, and are installed
43 to provide public access between grade-separated areas, but are not intended to
44 provide access to the entrance of any particular structure, may encroach into
45 required setbacks.

3. **Construction on Adjoining Lots**

In determining minimum setback requirements, each lot shall be determined individually and minimum setback requirements may not be calculated on the basis of two or more combined lots. In all instances where a building may be constructed immediately adjacent to a lot line, the building may be constructed upon or over such lot line, provided that the portion of the building on each individual lot is otherwise permitted on each lot.

4. **Corner Lots with Two or More Frontages and Double-Frontage Lots**

a. In the case of corner lots with two or more frontages and double-frontage lots, the director shall determine the setback requirements **except as provided in 4.b. below** subject to the following limitations:

i. At least one front setback shall be provided having the full depth required generally in the district.

ii. No other front setback on such lot shall have less than half the depth required generally for front setbacks in the district.

iii. For residential lots of less than one acre in area and for non-residential lots, setbacks shall be consistent with surrounding properties, with more weight given to abutting properties oriented in the same pattern.

b. For residential lots of one acre or greater in area, the property owner, with the concurrence of the traffic engineer, has discretion over which frontage shall be the primary front setback.

5. **Maximum Setbacks**

Maximum setbacks ~~are intended to help create an environment that is inviting to pedestrians and transit users, and a more active streetscape shall only be applied in the residential and commercial districts only when a mixed-use structure is being developed. If any development is either solely residential or solely commercial the maximum setback requirements are not applicable.~~ Maximum setbacks promote buildings closer to the sidewalk and a stronger interface between buildings and adjoining streets, improving connectivity and making walking more convenient. The requirements of this subsection provide for flexibility and creativity, and allow improvements to existing developments that do not meet the standard.

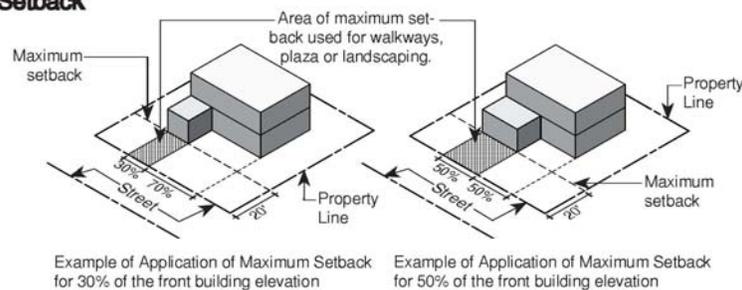
Comment [EBM193]: Disagree with making mixed use standards apply to uses instead of districts—see major issues list.

Also this is placing regulatory applicability standards into a purpose statement.

a. **Measurement and Applicability**

i. The maximum setback applies to the ground-floor, street-facing elevation of the building, as depicted below.

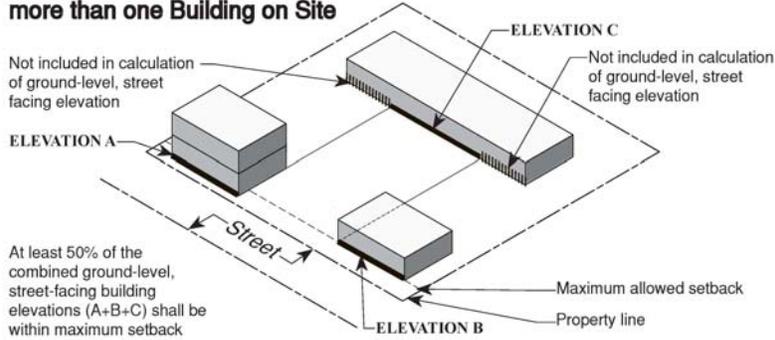
Application of Maximum Setback



ii. On lots with two or more street frontages, the maximum setback shall apply only on the primary front setback. When the site abuts a street

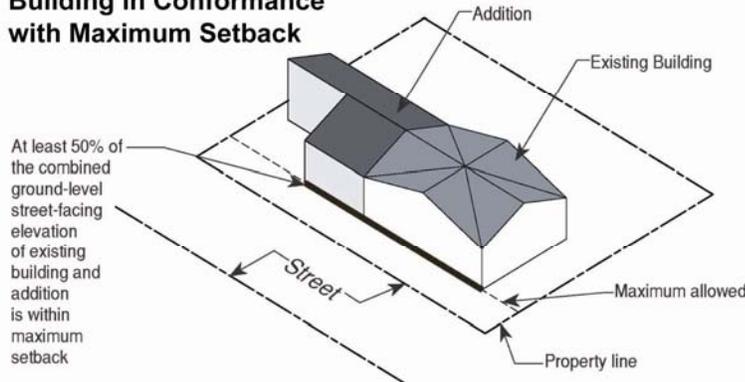
- 1 designated in the comprehensive plan as a "main street", a "transit
2 street", a "mixed-use street", or a derivation of these street typologies,
3 the location of the maximum setback may be changed to such street with
4 the concurrence of the director.
- 5 iii. Where there is more than one building on the site, the maximum setback
6 standard applies to the combined ground-floor, street-facing elevations of
7 all the buildings, as depicted below.

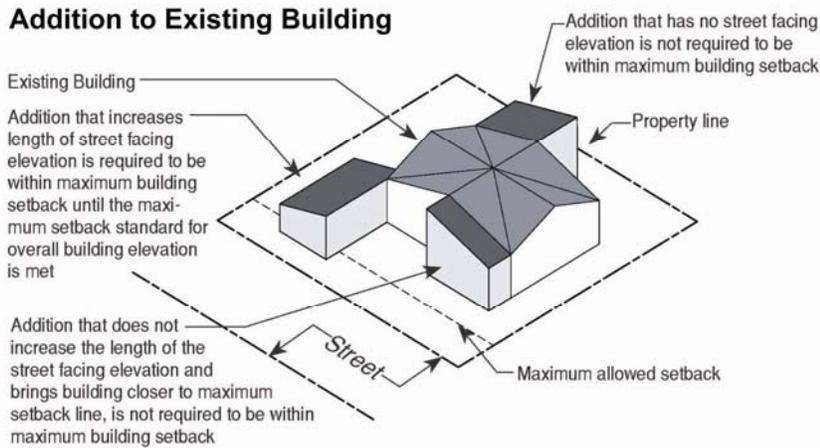
Maximum Building Setback with more than one Building on Site



- 8 iv. The maximum setbacks shall apply only to new buildings and any
9 building addition that increases the length of the building elevation facing
10 the applicable street, as depicted below.

Addition to Existing Building In Conformance with Maximum Setback





- 1 v. For all multi-building sites except those which fall under the large
- 2 commercial establishment regulations **in subsection 21.07.130A**, the
- 3 order of construction shall ensure that this standard is met at all times.

- 4 vi. Where the required setback from a projected right-of-way is equal to or
- 5 greater than the maximum setback, the maximum setback shall be
- 6 measured from the projected right-of-way setback line.

- 7 **b. Use of Maximum Setback Area**
- 8 i. Motor vehicle parking and circulation is not permitted in between the
- 9 street and the portion of the building that is used to comply with this
- 10 subsection.

- 11 ii. The area between the street lot line and the portion of the building that is
- 12 used to comply with this subsection shall be designed to be sidewalk or
- 13 walkway, building entrance plaza, pedestrian plaza, open space,
- 14 landscaping, and/or courtyard areas. Where landscaping is provided,
- 15 the area shall meet the specifications for site enhancement landscaping.
- 16 One pedestrian **feature** **[AMENITY]** as defined by this ~~title~~-Title is
- 17 required for every 300 square feet of maximum setback area.

- 18 **c. Exceptions to Maximum Setback**
- 19 i. The maximum front setback may be exceeded by up to 20 additional feet
- 20 (or more through administrative site plan review) if the additional area
- 21 between the building and the property line is used to provide common
- 22 open space that conforms to the standards of section 21.07.030,
- 23 contains site enhancement landscaping, and/or contains pedestrian
- 24 amenities as described in subsection 21.07.060F. The additional area
- 25 shall not be developed for motor vehicle parking or driveways, loading or
- 26 refuse collection, or ground-mounted utilities.

- 27 ii. For buildings where all the floor area is in residential use, the street-
- 28 facing façade of a covered porch qualifies for meeting this standard. The
- 29 porch shall have at least one entrance accessible from the street.

d. Exemptions

The following uses are exempt from the maximum setback requirement:

- i. ~~Food and beverage kiosks;~~
- ii. ~~Fueling stations; and~~
- iii. ~~Vehicle service and repair, major or minor.~~

6. **Setback from Planned Utility Transmission Facilities**

- a. No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum area stated in the *Utility Corridor Plan* for planned electrical or telecommunication transmission facilities for which there is a projected easement or right-of-way, except as allowed under [PARAGRAPH] 6.b., below.
- b. The following uses and activities are permitted, with written acknowledgement of coordination with the affected utilities, within the setbacks described in [PARAGRAPH] 6.a., above:
 - i. Sidewalks, walkways, **pathways**, and trails;
 - ii. Bus shelters and bus turnouts;
 - iii. Kiosks and seating units;
 - iv. Utilities, utility easements and utility-related structures;
 - v. Landscaping required by section 21.07.080, *Landscaping, Screening, and Fences*, and consisting of ground cover, shrubs and understory trees whose maximum height does not exceed 30 feet;
 - vi. Surface parking required by section 21.07.090, *Off-Street Parking and Loading*;
 - vii. Temporary parking as described in section 21.05.080;
 - viii. Additional parking to that required by this ~~title~~ Title;
 - ix. Open space;
 - x. Fences and signs;
 - xi. Retaining walls;
 - xii. Remodeling of or addition to structures existing as of February 27, 1990, so long as it does not further intrude within the setback area after that date; and
 - xiii. Driveways and vehicular access points.
- c. Applicable setback requirements stated elsewhere in this ~~title~~ Title may include the area of setback for electrical transmission facilities.

7. **Setbacks from Projected Rights-of-Way**

- a. **Minimum Setback**
Except as allowed under subsection 7.b. below, no new structural or land development activity requiring a building or land use permit shall be permitted within the minimum setback set forth in the table below from the existing or projected centerline of a street designated on the *Official Streets and Highways Plan* (OSHP), or within 30 feet from the centerline of a road reservation or public use easement not so designated on the OSHP.

TABLE 21.06-54: SETBACKS FROM PROJECTED RIGHTS-OF-WAY CENTERLINE		
	Street Class in ON Official Streets and Highways Plan	Setback from Centerline (feet)
IC	Neighborhood Collector	30
IIA	Minor Arterial	
IIIC	Undivided Major Arterial	
IB	Neighborhood Collector	35
I	Residential Collector	40
IA	Industrial Commercial Collector	
II	Minor Arterial	
III	Divided Major Arterial	50
IIIB	Undivided Major Arterial	
IIIA	Divided Major Arterial	65
IV	Expressway	
V	Freeway	75

b. Permitted Uses Within Setback

The following uses and activities are permitted within the setbacks described in paragraph 7.a., above:

- i. Sidewalks, walkways, **pathways**, and trails;
- ii. Bus shelters and bus turnouts;
- iii. Kiosks, seating units, and skywalks;
- iv. Canopies, awnings, incidental architectural features, and public art;
- v. Utilities and utility easements;
- vi. Temporary parking, temporary fences and signs, or temporary retaining walls, as described in paragraph 7.d., below;
- vii. Additional parking to that required by this ~~the~~ Title;
- viii. Landscaping, ~~but not required landscaping, except that required landscaping is permitted if an alternate site plan is submitted that shows how all the required site elements, including the required landscaping, would be accommodated on the lot if the projected setback is acquired for public right-of-way is permitted, including required landscaping;~~
- ix. Approved grading activities;
- x. 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

Comment [EBM194]: Disagree—see major issues list.

xi. 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 21.06.030C.7.~~

Comment [EBM195]: Disagree— see major issues list.

d. Temporary Features

~~As used in this subsection 21.06.030C.7.d., the term "temporary" or "temporarily" means that period of time between the issuance of a building or land use permit and the right of entry conveyed to the municipality or other government entity for a road project that affects the setback area required by this subsection 21.06.030C.7.d. Parking, fences and signs, and retaining walls required by this title may be provided temporarily within a setback area described in this subsection 21.06.030C.7.d. only if the director and the traffic engineer first find that:~~

Comment [EBM196]: Disagree— this section is provided in order to give more flexibility to the property owner for using the projected setback area.

~~i. The temporary features to be used on the lot conform to all other applicable requirements of this title;~~

~~ii. An alternate site plan has been submitted with an application for a building or land use permit for permanent required features on the lot, excluding all setback areas thereon, in conformance with all applicable requirements of this title; and~~

~~iii. An agreement between the owner of the lot and the municipality has been executed and recorded so as to give notice of the temporary requirements to be applied to the lot and of the date or event by which the temporary features shall be abandoned in favor of the permanent configuration stated in the alternate site plan.~~

This current code section allows the Traffic Engineering Division to make temporary administrative changes on behalf of applicants, including a reduction of required spaces. Deletion of this section would prevent Traffic from providing this flexibility to applicants.

8. Sight Distance Triangles

Sight distance triangles shall be unobstructed as required by **the traffic engineer** [TITLE 9].

D. Height

1. Allowable Height

The maximum allowable height for buildings and structures in each district shall be as provided in section 21.06.020, *Dimensional Standards Tables*, except where specifically modified by this subsection D. and/or other provisions of this ~~title~~Title.

2. Airport Height Overlay District

Nothing in this section allows a building, structure, or appurtenance to exceed the height limitations of the airport height overlay district (21.04.080C.).

3. Rules for Measuring Height

a. Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface, as shown in the illustration at the end of the chapter, subject to D.4. and D.5. below. Exceptions for curved roof surfaces are illustrated at the end of the chapter.

b. Structures that are not buildings shall be measured as the vertical distance from grade plane to the highest point of the structure. Fences on top of retaining walls shall be measured from grade plane on the highest side of the retaining wall.

c. Where tables 21.06-1 and 21.06-2 measure maximum height in terms of stories, any story below grade plane shall be excluded from calculation of the number of stories for determining building height.

1 **4. Grade Plane**

2 The grade plane for determination of structure height shall be the average of existing or
3 finished grade, whichever is lower, abutting the structure at exterior walls. Where the
4 grade slopes away from the exterior walls, the grade plane shall be established by the
5 lowest points within the area between the building and the lot line, or, where the lot line is
6 more than six feet from the building, between the building and a point six feet from the
7 building.

8 **5. Establishment of Grade**

9 The grade plane shall be calculated using the more restrictive of either the existing grade
10 or the finished grade.

11 **a. Existing Grade**

12 In no case shall the existing grade be altered by grading, such as an artificial
13 embankment or where the ground has been built up to increase the grade around
14 the building, to obtain a higher structure than is otherwise permitted in the district.

15 **b. Adjustments to Establishment of Grade**

16 In a case where existing grade or finished grade is, in the judgment of the
17 director, inappropriate or unworkable for the purpose of measuring height, the
18 director shall establish grade in such a way as to be consistent with this section.
19 The proposed grade being requested by the applicant shall be, in the judgment of
20 the director, reasonable and comparable with the grades of surrounding
21 properties and streets; not detrimental to the general health, safety, and welfare;
22 not result in the loss of any public views; consistent with the existing character of
23 the neighborhood; and necessary for the preservation and enjoyment of
24 substantial property rights of the applicant.

25 **6. Height Exceptions**

26 **a.** Free-standing flag poles shall conform to the height restrictions of the principal
27 structure, rather than an accessory structure.

28 **b.** Window wells, light wells, cellar or basement access walkways serving a dwelling
29 unit, and similar appurtenances installed below grade with an inside dimension of
30 120 square feet or less (including stairs) and that do not exceed in length 25
31 percent of the building elevation wall shall be excluded from calculation of grade
32 plane for determining building height.

33 **c.** Except as specifically provided elsewhere in this ~~title~~Title, the height limitations
34 contained in this chapter do not apply to appurtenances on buildings, such as
35 spires and similar religious appurtenances, belfries, cupolas, flagpoles,
36 chimneys, antennas, rooftop mechanical equipment and its screening, stairwell
37 towers, elevator penthouses, parapets, firewalls, open or transparent railings,
38 solar reflectors, photovoltaic panels, skylights, or similar appurtenances;
39 provided, however, the following:

40 **i.** The appurtenance does not interfere with Federal Aviation Regulations,
41 Part 77, Objects Affecting Navigable Airspace;

42 **ii.** The appurtenances cumulatively cover no more than one-third of the roof
43 area of the building, except that when it has been demonstrated to the
44 director and the building official that building HVAC requirements
45 necessitate a larger mechanical penthouse, the appurtenances may
46 cumulatively cover up to one-half of the roof area;

47 **iii.** The appurtenance is not constructed for the purpose of providing
48 additional floor area, usable space, or storage room for the building,
49 except that a storage room of 60 square feet or less, combined with a

- 1 stairwell tower or elevator housing, and directly related to a rooftop use
2 (such as tool storage for a rooftop garden), is allowed; and
- 3 *iv.* The appurtenance does not exceed the height limit of the district by more
4 than 15 feet, with the following exceptions:
- 5 (A) The allowed height of antennas and other telecommunications
6 infrastructure is addressed in subsection 21.05.040K.;
- 7 (B) Flagpoles and spires and similar religious appurtenances may
8 exceed up to 30 feet in residential districts and up to 50 feet in
9 nonresidential districts;
- 10 (C) Elevator penthouses may exceed up to 25 feet;
- 11 (D) Parapets, firewalls, and skylights may exceed up to four feet.

12 **7. Height Adjustments**

13 Commercial buildings sometimes feature a greater ceiling height on the first floor to
14 enhance the building's aesthetic appeal and openness of ground-floor retail spaces.
15 Building height shall be allowed to be increased by up to five feet above the height limit
16 for the district, provided that the increase is only to allow a greater first story height for
17 ground level commercial use, and the increase in height does not result in a greater
18 number of stories than would otherwise be constructed.

19 **8. Height Transitions for Neighborhood Compatibility**

20 **a. Purpose**

21 ~~The objective of the height transition standard is to help ensure compatibility~~
22 ~~between higher intensity development and adjacent lower density residential~~
23 ~~districts, in terms of building bulk and scale, a degree of sunlight access and~~
24 ~~ambient daylighting, and the potential for privacy and visual buffering. The~~
25 ~~standard is not designed to reduce the gross floor area development potential of~~
26 ~~a subject lot; instead, it is intended to encourage thoughtful positioning of building~~
27 ~~massing and height on the subject lot with respect to adjacent neighborhoods.~~

28 **b. Applicability**

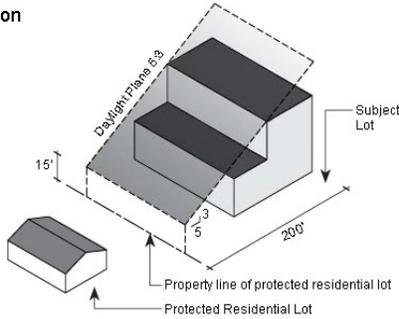
29 ~~This standard shall apply to structures located in any non-residential district~~
30 ~~(except for the DT districts), the R-4 district, or the R-4A district, that is [AND]~~
31 ~~within 200 feet of any lot zoned R-1, R-1A, R-2A, R-2D, R-2M, R-2F, R-3, R-5,~~
32 ~~R-6, R-7, R-8, R-9, or R-10.~~

33 **c. Standard**

34 ~~Structures on the subject lot shall not penetrate a daylight plane that rises inward~~
35 ~~over the subject lot at an angle of five feet of run for every three feet of rise, and~~
36 ~~starting from a height of 15 feet above existing grade at the nearest lot line of the~~
37 ~~residential (protected) lot.~~

Comment [EBM197]: Disagree—
see major issues list.

Height Transition



d. Exceptions

~~i. Height exceptions in subsection D.5. above that have a width of 20 feet or less facing the residential lot are not subject to the height transitions standard.~~

~~ii. The director may exempt any portion of a proposed development which, being already completely blocked from the protected property by existing permanent structures or topography, will have no additional impact.~~

~~iii. The director may exempt a proposed development if, because of topography or lot dimensions or configuration, the height transitions provisions would unduly restrict permissible development, and reasonable use cannot otherwise be made of the site of the proposed development.~~

~~iv.i. Exceptions shall be the minimal action that would afford relief and shall cause the least interference possible with the intended protections for the residential lots.~~

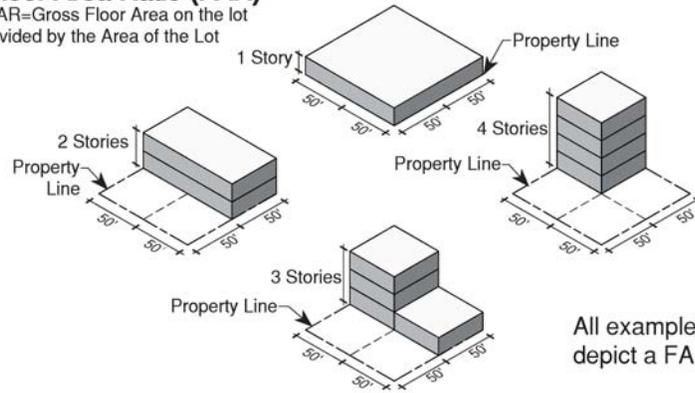
E. Floor Area Ratio (FAR)

1. Purpose

Floor area ratio (FAR) establishes the amount of use (the intensity) on a site. FAR provides a means to match the potential amount of uses with the intended functions and character of the area and the provision of public infrastructure and services. FARs also work with the height, setback, and lot coverage standards to ensure the overall bulk of development is compatible with the area. It is also the purpose of this [title-Title](#) to provide floor area ratio bonuses to encourage development characteristics that advance community objectives, such as affordable housing, below grade parking, and open space.

Floor Area Ratio (FAR)

FAR=Gross Floor Area on the lot divided by the Area of the Lot



2. Application of FAR

FAR shall apply only to mixed use developments in the R-4 zone, provided, however, that if a mixed use development in the commercial zones complies with the FAR provisions, then the bonus provisions set out below shall be available to that development.

Comment [EBM198]: Disagree—see major issues list.

2.3. Areas Not Considered in Measuring Floor Area Ratio [(FAR)]

Unless otherwise provided in this title, all gross floor area shall be considered in determining FAR except for the following:

- a. Uninhabitable attics;
- b. Residential space in an attic under a roof slope of between 8:12 and 12:12, provided the residential space is limited to one story;
- c. Crawl spaces less than 6 feet from floor to ceiling;
- d. Floor area in stories below grade plane that is devoted to parking or loading;
- e. Detached accessory structures; and
- f. Private open space that meets the standards of 21.07.030 FAR Bonus Review. An administrative site plan review shall be conducted on all developments proposed for a floor area ratio bonus, unless exempted in writing by the director.

Comment [EBM199]: Disagree—clearly a mistake—this should continue to be its own section.

3. Maximum Floor Area Ratios

a. Mixed-Use Districts

For the NMU, CMU, RMU, MT-1 and MT-2 zoning districts, table 21.06-3 establishes the maximum FAR for each district. Increases in allowable FAR are available through incentives provided in the mixed-use district standards at 21.04.050C, 030D.

Comment [EBM200]: Disagree—see major issues list.

b. Downtown and Other Districts

Maximum FAR in the DT-1, DT-2, DT-3, R-4, R-4A, and other districts in which FARs may apply are established within the district-specific standards in chapter 21.04. Increases in allowable FAR are available through incentives also provided in the district-specific standards.

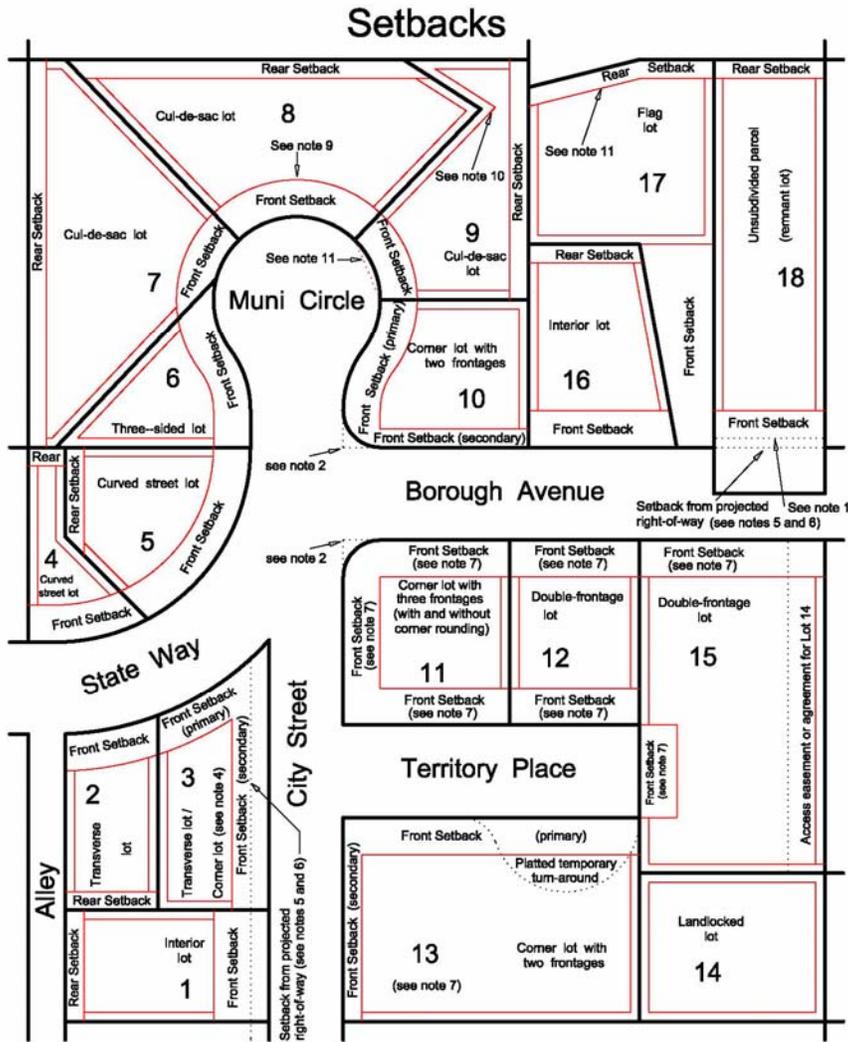
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~~c.~~ ***FAR Bonus Review***

~~An administrative site plan review shall be conducted on all developments proposed for a floor area ratio bonus, unless exempted in writing by the director.~~

d.4. FAR Bonus Agreement

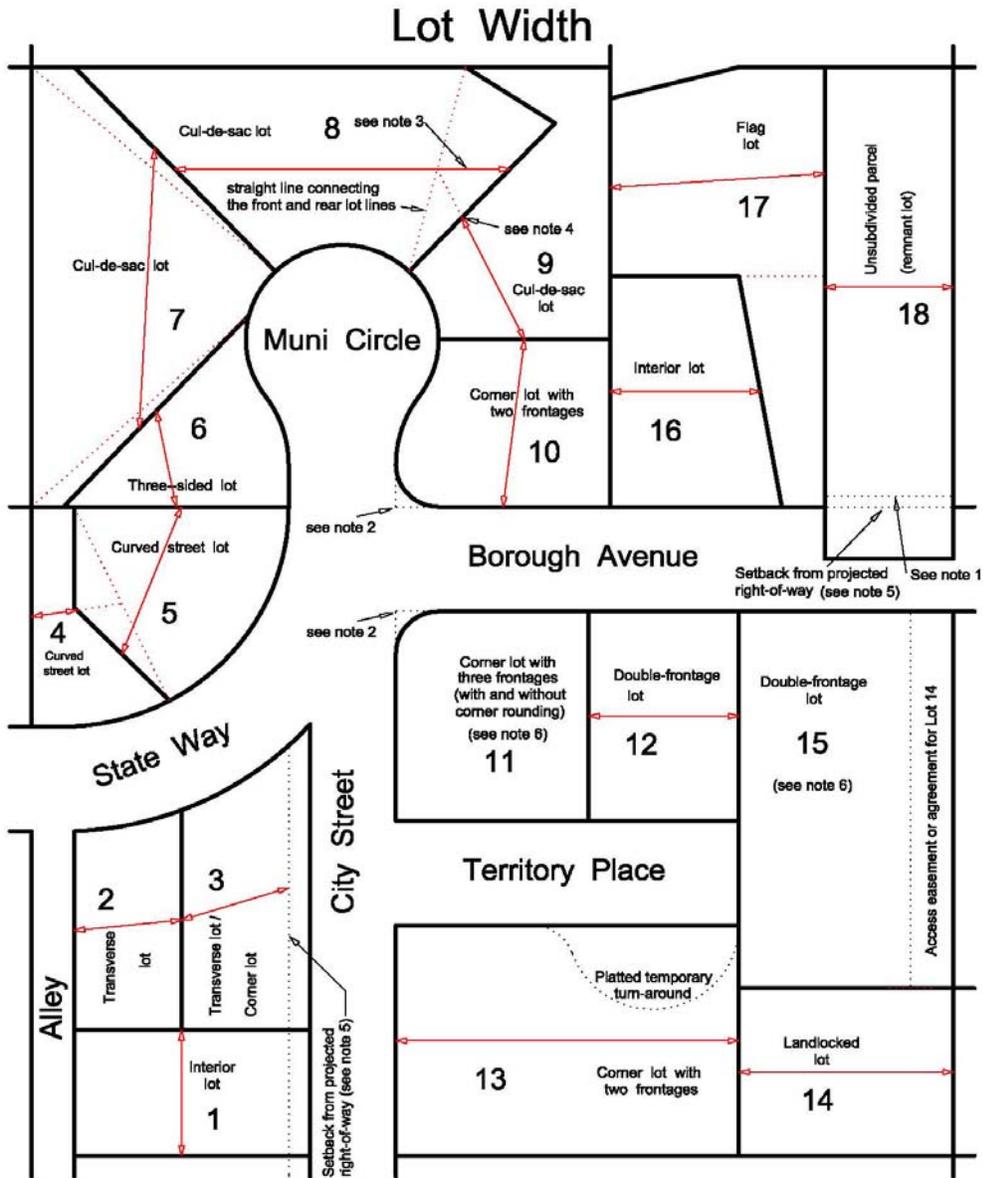
Where a special feature is to be provided in order to receive an FAR bonus, the owner shall enter into a written agreement with the municipality ensuring the continued provision of the special feature for as long as the development uses the FAR bonus. The municipality shall record the agreement at the district recorder's office as a covenant running with the land, binding upon the owner and all successors and assigns, and enforceable by the municipality. Recordation of the agreement shall take place prior to the issuance of any entitlement for the development.



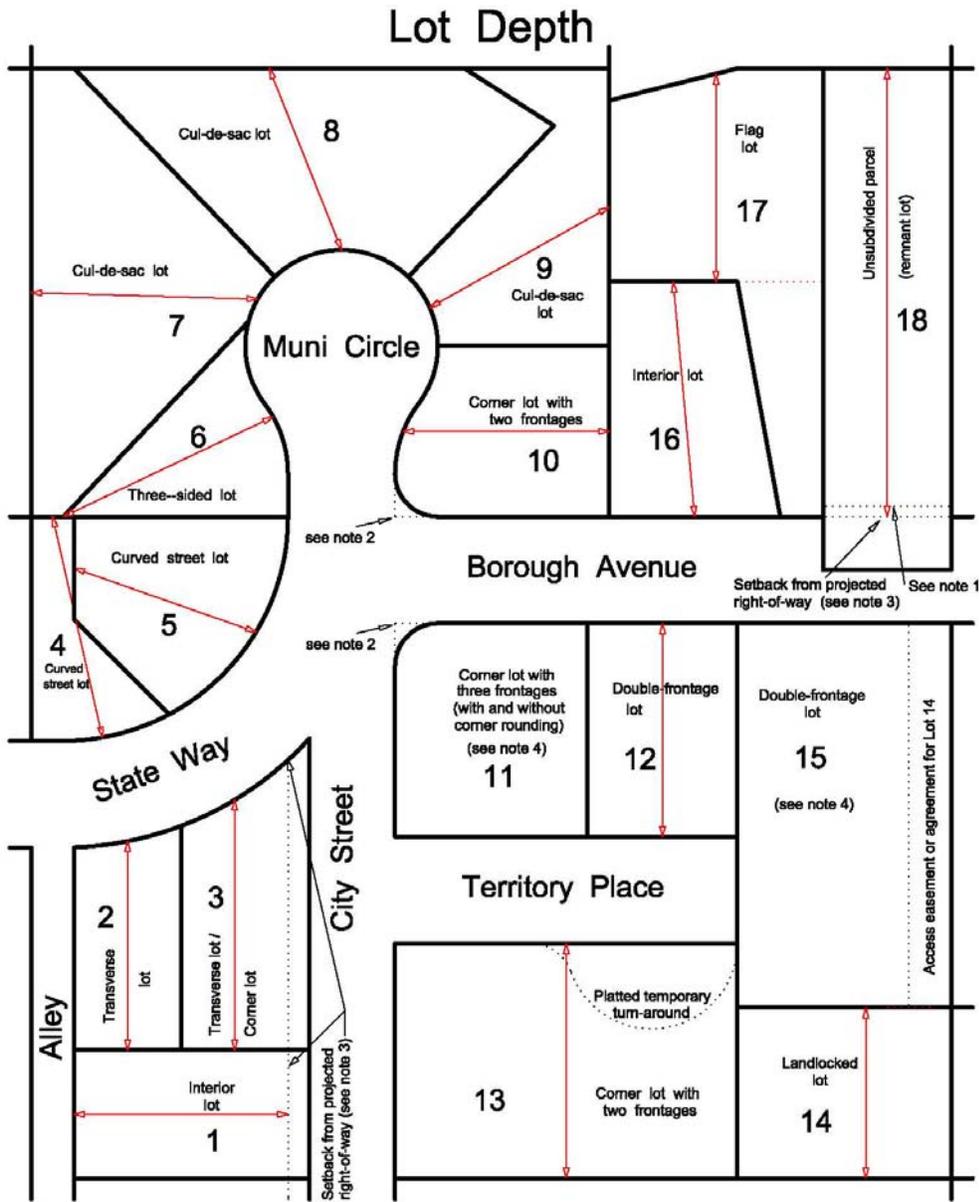
Notes:

All setbacks not called out in the illustration are side setbacks.

1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
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 subsection 21.06.030C.7.c.
7. Front setbacks shall be determined pursuant to subsection 21.06.030C.4. Until such determination, full-depth setbacks apply on all frontages.
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 front property line.

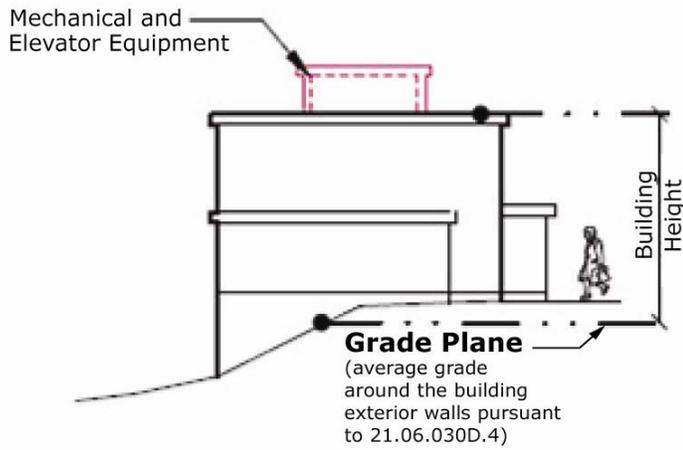
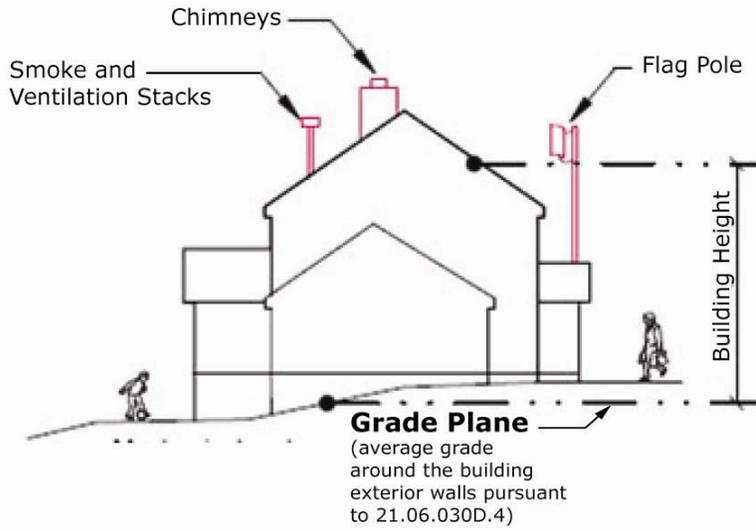


- Notes:
1. Section line easement, BLM road reservation, road or public use easement.
 2. Front property lines intersect by extrapolation.
 3. The measurement extends to the side property line.
 4. The measurement does not extend beyond the property lines.
 5. The setback from projected right-of-way 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.



- Notes:
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.

[both illustrations deleted by Mr. Coffey](#)



Grade Plane for Measurement of Building Height

