

# CHAPTER 21.01: GENERAL PROVISIONS

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## 21.01.010 TITLE AND EFFECTIVE DATE

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

## 21.01.020 AUTHORITY

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

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

## 21.01.030 PURPOSE OF THIS TITLE

The purpose of this title is to implement the comprehensive plan in a manner which protects the public health, safety, welfare, and economic vitality by:

- A. Encouraging the efficient use of existing infrastructure and the available land supply in the municipality, including redevelopment of underutilized land;
- B. Promoting a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;
- C. Promoting a balanced supply of nonresidential land uses that are compatible with adjacent land uses and have good access to transportation networks;
- D. Promoting well-planned development that creates a sense of place and reflects the municipality's unique northern setting, natural resources, and majestic surroundings;
- E. Providing appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development in the municipality;
- F. Conserving the value of buildings and land;
- G. Protecting the wide diversity of fish and wildlife habitats by minimizing the adverse impacts of land development on the natural environment;
- H. Protecting development and residents of the municipality from flooding, wildfires, seismic risks, and other hazards;
- I. Encouraging development of a sustainable and accessible system of recreational facilities, parks, trails, and natural open space that meets year-round neighborhood and community-wide needs;
- J. Promoting compact development in city centers and infill areas so as to create efficient travel patterns;
- K. Encouraging the retention of mature vegetation;
- L. Protecting and enhancing livable and distinctive neighborhoods;

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

5 **21.01.040 APPLICABILITY AND JURISDICTION**

6 **A. General**

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

9 **B. Application to Governmental Units**

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

15 **C. Compliance Required**

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

21 **21.01.050 OFFICIAL ZONING MAP**

22 **A. Incorporation Into this Ordinance**

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

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

31 Changes made in zoning district boundaries or other matters portrayed on the official zoning map  
32 shall be made only in accordance with the provisions of section 21.03.160, *Rezoning (Zoning*  
33 *Map Amendments)*.

34 **C. Interpretation of District Boundaries**

35 In the case of any dispute regarding the zoning classification of property subject to this title, the  
36 official zoning map contained in the department shall control, or other official records as provided  
37 below. The director shall use the rules set forth below to interpret the map. Appeals shall be  
38 made to the zoning board of examiners and appeals in accordance with section 21.03.050[040],  
39 *Appeals*.

- 40 1. Where the zoning map shows a zoning district boundary line located within or following a  
41 street or alley right-of-way, utility line right-of-way, or public use easement, the district  
42 boundary shall be considered to be in the center of the right-of-way or easement. If the  
43 actual location of such right-of-way, or easement, as indicated in a recorded legal

- 1 description of such, varies slightly from the location shown on the zoning map, then the  
2 actual location shall control.
- 3 2. Where the zoning map shows a boundary line as being located a specific distance from a  
4 street line or other physical feature, this distance shall control.
- 5 3. Where the zoning map shows a district boundary to coincide with a property line or  
6 municipal border, the legal property line or municipal border shall be considered to be the  
7 district boundary, unless otherwise indicated on the map.
- 8 4. Where the zoning map shows a district boundary to not coincide or approximately  
9 coincide with any street, alley, or property line, and no dimensions are shown, the  
10 location of the boundary shall be determined by use of the scale appearing on the zoning  
11 map.
- 12 5. Where the zoning map shows a district boundary dividing an existing lot, each part of the  
13 lot shall be used in conformity with the standards established by this title for the zoning  
14 district in which that part is located.
- 15 6. Where the case record conflicts with the zoning map, the case record shall control. For  
16 example, if the zoning map shows a property to be zoned R-1, yet the case record shows  
17 that the property was actually zoned I-1, the case record would control and the map  
18 would be changed to reflect the case record. Any permits issued in reliance on the  
19 erroneous designation shall be considered valid under this title; however, the lot,  
20 structure, or use shall be considered nonconforming and governed by chapter 21.12,  
21 *Nonconformities*.

22 **21.01.060 CONFLICTING PROVISIONS**

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

24 This title is intended to complement other municipal, state, and federal regulations that affect land  
25 use. This title is not intended to revoke or repeal any other public law, ordinance, regulation, or  
26 permit, except as expressly set forth in ordinance. However, where conditions, standards, or  
27 requirements imposed by any provision of this title are either more restrictive or less restrictive  
28 than comparable standards imposed by any other public law, ordinance, or regulation, the  
29 provisions that are more restrictive or that impose higher standards or requirements shall govern.

30 **B. Conflict with Comprehensive Plan**

31 It is vital that the more specific design and development standards that are contained in title 21  
32 and are intended to apply to individual development applications apply over the general goals and  
33 policies of the comprehensive plan where there may be a potential conflict when dealing with  
34 development applications. Where conditions, standards, or requirements imposed by any  
35 provision of this title are either more restrictive or less restrictive than any provision found in the  
36 comprehensive plan, the provision of this title shall govern.

37 **C. Conflict with Private Agreements**

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

**21.01.070 SEVERABILITY**

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

**21.01.080 COMPREHENSIVE PLAN**

**A. Purpose**

The purpose of the comprehensive plan is to set forth the goals, objectives, strategies, and policies governing land use development of the municipality. As adopted, this section and the documents incorporated in this section constitute the comprehensive plan of the municipality.

**B. Elements**

**1. Adopted Elements**

The comprehensive plan consists of the adopted elements identified in the following table, and which are incorporated in this chapter by reference. Plans or other elements that are not listed below are not official elements of the comprehensive plan, though they may be valid planning tools.

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS			
Area/Topic	Plan	Adoption Date <sup>1</sup>	Amendments
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	AO 2000-119(S); 2-20-2001	AO 2002-119; 9-10-2002
	Spenard Commercial District Development Strategy	AR 1986-121; 6-17-1986 AO 1987-145; 12-15-1987	
	Tudor Road Public Lands and Institutions Plan	AR 1986-162; 9-9-1986	
	3500 Tudor Road Master Plan	AO 2007-118; 11-13-2007	
	Anchorage Downtown Comprehensive Plan [CENTRAL BUSINESS DISTRICT COMPREHENSIVE DEVELOPMENT PLAN]	AO 2007-113; 12-11-2007 [AR 1983-194(S); 9-13-1983]	
	Hillside District Plan	AO 2010-22; 4-13-2010	
	Utility Corridor Plan	AO 1990-13(S); 2-27-1990	
	Section 36 Land Use Study (recommending Alternative 2)	AO 1992-125; 11-10-1992	
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	AO 1991-88; 6-3-1991	AIM 1991-178
	Potter Valley Land Use Analysis University-Medical District Plan	AO 1999-144; 12-7-1999 AO 2003-129; 10-21-2003	AO 2009-69; 6-23-1009
Turnagain Arm	Turnagain Arm Comprehensive Plan	AO 2009-126; 12-1-2009 [AO 1987-22; 4-7-1987]	
	Girdwood Area Plan	AO 1994-238(S); 2-28-1995	AO 1998-176; 11-24-1998 AO 2006-47; 4-11-2006
	Crow Creek Neighborhood Land Use Plan	AO 2006-47; 4-11-2006	
	Glacier-Winner Creek Access Corridor Study Final Routing Report	AO 1997-11; 2-4-1997	
	Girdwood-Iditarod Trail Route Study	AR 1997-84; 5-20-1997	
	Girdwood Commercial Areas and Transportation Master Plan	AO 2000-124(S); 2-20-2001	

**TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS**

Area/Topic	Plan	Adoption Date <sup>1</sup>	Amendments
<b>Chugiak; Eagle River; Eklutna</b>	Chugiak-Eagle River Comprehensive Plan	AO 1992-133; 1-12-1993	AO 1996-86; 6-25-1996--amended by Alternative 1 of HLB Parcel 1-085 Land Use Study AO 2006-93(S-1); 12-12-2006
	Eagle River Greenbelt Plan	AR 1985-88; April 1985	
	Chugiak-Eagle River Long-Range Transportation Plan 2002 Update	AO 2003-128; 9-23-2003	
	Eagle River Central Business District Revitalization Plan	AO 2003-74; 5-20-2003	
<b>Environmental Quality</b>	Anchorage Coastal [ZONE] Management Plan	<b>AO 2007-107; 8-28-2007</b> [AR 1979-153; 8-28-1979]	[AO 1981-3; 3-3-1981]
	208 Areawide Water Quality Management Plan	AR 1979-151; 7-31-1979	AO 1982-33(S); 4-20-1982
	Eagle River PM-10 Control Plan	AR 1990-30; 2-6-1990	AR 1991-197; 9-24-1991
	[HILLSIDE WASTEWATER MANAGEMENT PLAN]	[AO 1982-52; 5-18-1982]	[AO 1985-167; 9-24-1985 AO 1985-168; 9-24-1985 AO 1993-203; 12-7-1993 AO 1997-64; 6-3-1997 AO 1998-78; 6-2-1998 AO 1998-90; 8-18-1998 AO 1999-51; 3-23-1999 AO 2001-141(S); 10-23-2001 AO 2004-150; 11-16-2004]
	1992 Air Quality Attainment Plan for Anchorage, Alaska	AR 1992-279; 12-8-1992	
	Anchorage Wetlands Management Plan	AO 1982-33(S); 4-20-1982	AO 1984-16(SA); 2-28-1984 AO 1984-130(S); 8-14-1984 AO 1984-163; 7-31-1984 AO 1995-129; 3-12-1996
<b>Transportation</b>	Street and Highway Landscape Plan	AO 1981-180; 11-3-1981	
	Areawide Trails Plan	AO 1996-140; 4-8-1997	
	<b>Anchorage Non-Motorized Transportation Plan: Pedestrian Plan</b>	<b>AO 2007-96; 10-9-2007</b>	
	<b>Anchorage Non-Motorized Transportation Plan: Bicycle Plan</b>	<b>AO 2010-08; 3-23-2010</b>	
	Official Streets and Highways Plan	AO 1979-10; 6-19-1979	AO 1983-200; 12-6-1983 AO 1984-255; 1-22-1985 AO 1986-132; 8-19-1986 AO 1996-97(S); 8-13-1996 AO 1997-85; 6-3-97 AO 2000-122; 8-15-2000 AO 2005-115; 10-25-2005
	Anchorage Long-Range Transportation Plan 2025	AO 2005-115; 10-25-2005	
<b>Parks, Greenbelts, and Recreational Facilities</b>	Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan	AO 2005-122; 4-18-2006	
	Areawide Library Facilities Plan	AR 1984-83; 4-10-1984	
	Updated Far North Bicentennial Park Plan	AR 1985-87; 5-14-1985	AO 2002-165; 12-10-2002
	Campbell Creek Park System Acquisition and Development Plan	GAAB Resolution No. R1986-72	
	Rabbit Creek Greenbelt Plan	AR 1987-16; 3-31-1987	
Chester Creek Greenbelt	AR 11-1975; October 1975		

<sup>1</sup> AO 2000-119(S), at section 9, provides that elements of the comprehensive plan that were originally adopted by resolution are hereby ratified and confirmed, and shall be deemed to have been adopted on the date that they were adopted by resolution.

1           **2. New Elements**

2           Procedures for amending the comprehensive plan are set forth in section 21.03.070,  
3           *Comprehensive Plan Amendments*. That process may be used to amend existing  
4           elements of the plan or to adopt new plan elements, including, but not limited to:

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

10          **C. Periodic Review**

11          The comprehensive plan shall be subject to periodic review in accordance with the procedure  
12          described in section 21.03.070, *Comprehensive Plan Amendments*.

13          **D. Implementation—Conformity to Plans**

14          The elements of the comprehensive plan shall be implemented as provided in this section and as  
15          provided in the remainder of this title. Zoning map amendments, land use approvals, and  
16          subdivisions shall conform to the comprehensive plan elements listed in this section. Where  
17          comprehensive plan elements conflict, the most recently adopted shall govern.

18          **21.01.090 TRANSITIONAL PROVISIONS**

19          The purpose of transitional provisions is to resolve the status of properties with pending applications or  
20          recent approvals, and properties with outstanding violations, at the time of the adoption of this title **and**  
21          **any future amendments to this title.**

22          **A. Violations Continue**

23          Any violation of the previous title 21 ordinance shall continue to be a violation under this title and  
24          shall be subject to the penalties and enforcement set forth in chapter 21.13, *Enforcement*, unless  
25          the use, development, construction, or other activity complies with the provisions of this title.

26          **B. Uses, Characteristics of Use, Structures, and Lots Rendered **Lawful** [CONFORMING]**

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

30          **C. Uses, Structures, and Lots Rendered Nonconforming**

- 31          **1.**       When a lot is used for a purpose that was a lawful use before the effective date of this  
32                  title, and this title no longer classifies such use as an allowed use in the zoning district in  
33                  which it is located, such use shall be considered nonconforming and shall be controlled  
34                  by chapter 21.12, *Nonconformities*.
- 35          **2.**       **[BUILDINGS, S]Structures[,]** and lots that legally existed on the effective date of this title  
36                  may become nonconforming, based on the provisions of chapter 21.12, *Nonconformities*.

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

2 **1. Pending Applications**

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

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

17 c. An applicant with an approved pending application may waive review available  
18 under prior ordinances through a written letter to the director and request for  
19 review under this title.

20 **2. Preliminary Plats**

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

30 b. An application for which preliminary approval of a plat was granted prior to the  
31 effective date of this title may be processed for a final decision in accordance  
32 with the preliminary approval, applicable terms of the ordinance in place at the  
33 time of preliminary approval, and any other approved permits and conditions,  
34 even if the application does not comply with one or more requirements set forth  
35 in this title. Preliminary approvals granted under the previous title 21 may be  
36 extended no more than once, and for no longer than 24 months (12 months for  
37 abbreviated plats), pursuant to the extension procedures applicable under the  
38 previous ordinance.

39 **3. Approved Projects**

40 a. Conditional use permits, subdivision plats, site plan approvals, grading permits,  
41 building permits, land use permits, sign permits, and variances, any of which are  
42 valid on [effective date] shall remain valid until their expiration date. Projects with  
43 valid approvals or permits may be carried out with the development standards in  
44 effect at the time of approval, provided that the permit or approval is valid and  
45 has not lapsed.

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

1                   c.     If the development for which the building permit or land use permit is issued prior  
2                             to the effective date of this title fails to comply with the time frames for  
3                             development established for the permit, including any approved extensions, the  
4                             building or land use permit shall expire and future development shall be subject  
5                             to the requirements of this title.

6                   4.     **Remanded Cases**  
7                             If the board of adjustment remands a case to another decision-making body, that body  
8                             shall process the case under the rules applicable at the time the original complete  
9                             application was submitted for approval, unless the applicant has waived review under  
10                            previous ordinances pursuant to subsection D.1.c. above.

11   E.     **Investment-Backed Expectations**

12             [RESERVED]

13

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

3 **21.02.010 PURPOSE**

4 This chapter sets out the powers and duties of land use boards and commissions, the role of the  
 5 assembly, and the responsibilities of municipal staff in the administration of this title.

6 **21.02.020 TABLE OF DECISION AND REVIEW AUTHORITY**

- 7 **A.** Table 21.02-1 summarizes the major review and decision-making responsibilities of the  
 8 assembly, the municipal staff, and the other entities that have roles in the procedures set forth in  
 9 chapter 21.03, *Review and Approval Procedures*. Such other entities are referred to as the “land  
 10 use boards and commissions” and include: the planning and zoning commission, the platting  
 11 board; the zoning board of examiners and appeals; the board of adjustment, the urban design  
 12 commission; and the geotechnical advisory commission.
- 13 **B.** Table 21.02-1 is a summary tool and includes many, but not all, duties of these entities. Other  
 14 duties and responsibilities are set forth in subsequent sections of this chapter and this title and  
 15 other parts of the municipal code. Some other duties and responsibilities not listed in the table  
 16 may require public hearings.
- 17 **C.** The referenced notes are set forth immediately below the table.
- 18 **D.** Even though not referenced in this chapter, the applicant, boards, commissions, or municipal  
 19 administration may request that other boards, commissions, government agencies, and non-  
 20 governmental agencies review some applications, including, but not limited to, rezonings, site  
 21 plans, and subdivisions. Title 21 matters referred to other agencies will follow the procedures  
 22 established in chapter 21.03, *Review and Approval Procedures*.

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

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

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

Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS	
<u>Alcohol—Special Land Use Permit</u>	<u>21.03.040</u>	<u>D-H/A<sup>2</sup></u>					<u>R/D<sup>2</sup></u>	
Certificates of Zoning Compliance	21.03.060				A		D	
Comprehensive Plan Amendments	21.03.070C.	D-H <sup>2[1]</sup>	R-H <sup>3[1]</sup>				R	
Conditional Uses	21.03.080		D-H			A	R	
Flood Hazard Permits	21.03.090				A		D	
Land Use Permits	21.03.100			A <sup>4[2]</sup>	A <sup>4[2]</sup>		D	
Master Plan, Institutional	21.03.110A.	D-H	R-H				R	
Minor Modifications	21.03.120	[D <sup>3</sup> ]	D <sup>5[3]</sup>	D <sup>5</sup>	[D <sup>3</sup> ]	A <sup>6</sup>	A <sup>6</sup>	D <sup>5[3]</sup>
Neighborhood or District Plans	21.03.130	D-H	R-H				R	

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	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
[PLANNED UNIT DEVELOPMENT (PUD)]	21.03.140		D-H				A	R
Public Facility Site Selection [(EXCEPT SCHOOLS)]	21.03.140[150]	D-H/A-H <sup>2</sup>	D-H <sup>2</sup>					R
[SCHOOL SITE SELECTION]	25.25	D-H	R-H					R
Rezoning (Map Amendments)	21.03.160[170]	D-H	R-H					R
Sign Permits	21.03.170[180]					A		D
Site Plan Review, Administrative	21.03.180[190]B.		[A]	A				D
Site Plan Review, Major	21.03.180[190]C.		[D-H]	D-H			A	R
Street and Trail Review	21.03.190[200]		R <sup>8</sup> /D	R <sup>8</sup> /D				R
Preliminary Plat	21.03.200[210]C.5.		D-H <sup>9</sup>	D-H <sup>9</sup>	D-H		A	R
Abbreviated Plat	21.03.200[210]D.				A-H			D
[SPECIAL LAND USE PERMIT FOR ALCOHOL]	21.03.050	D-H						R
Title 21, Text Amendments	21.03.210[220]	D-H	R-H		R-H <sup>10</sup>			R
Vacation of Public and Private Interest in Land	21.03.230[240]				D or A <sup>11</sup>		A <sup>11</sup>	R or D <sup>11</sup>
Variances from <u>the provisions of chapter 21.06, Dimensional Standards and Measurements</u> [MOST PROVISIONS OF THIS TITLE]	21.03.240[250]					D-H		R
Variances from the provisions of subsections <u>21.07.020C., Steep Slope Development; 21.07.060, Transportation, Connectivity, and Pedestrian Facilities; and</u> chapter 21.08, <u>Subdivision Standards</u>	21.03.240[250]				D-H		A	R
Variances from <u>the district-specific standards of chapter 21.04, Zoning Districts; the use-specific standards of chapter 21.05, Use Regulations; and the provisions of chapter 21.07, Development and Design Standards and</u> [THE PROVISIONS OF] chapter 21.11[10], <u>Signs,</u>	21.03.240 [21.11.110]				D-H		A	R

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	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Variations from the provisions of subsections 21.07.050, Utility Distribution Facilities, and 21.05.040K., Telecommunication Facilities STANDARDS	21.03.240[250] D.2.b.		D-H				[A]	R
Verification of Nonconforming Status	21.03.250[260]					A		D
<p><b>NOTES:</b></p> <p><sup>2</sup> See section 21.03.040, <i>Alcohol-Special Land Use Permit</i>, to determine whether the Assembly or the director is the decision-making body.</p> <p><sup>3[1]</sup> Only substantive comprehensive plan amendments require a public hearing. See section 21.03.070, <i>Comprehensive Plan Amendments</i>.</p> <p><sup>4[2]</sup> The appeal body for subsection 21.03.100[110]E., <i>Improvements Associated with Land Use Permits</i>, is the platting board. Appeals related to provisions in title 23 are made to the building board of examiners and appeals.</p> <p><sup>5[3]</sup> An applicant may request application of the minor modification process only once during the review process.</p> <p><sup>6</sup> See section 21.03.120C.5. for appropriate appeal body.</p> <p><sup>7</sup> Site selection for municipal facilities is approved by the assembly. See section 21.03.140.</p> <p><sup>8</sup> See section 21.03.190[200], <i>Street and Trail Review</i>.</p> <p><sup>9</sup> The planning and zoning commission may act as the platting authority for conditional uses [OR MAJOR SITE PLAN REVIEWS] that create a subdivision. The urban design commission may act as the platting authority for major site plan reviews that create a subdivision.</p> <p><sup>10</sup> Code amendments relating to chapter 21.08, <i>Subdivision Standards</i>, require a hearing by the platting board. All code amendments require a hearing by the planning and zoning commission.</p> <p><sup>11</sup> See section 21.03.230[240], <i>Vacation of Public and Private Interest in Lands</i>.</p>								
<b>KEY TO ABBREVIATIONS:</b>								
ASBLY = Anchorage Assembly			ZBEA = Zoning Board of Examiners and Appeals					
PZC = Planning and Zoning Commission			BOA = Board of Adjustment					
PB = Platting Board			UDC = Urban Design Commission					
			MS = Municipal Staff					

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**21.02.030 PLANNING AND ZONING COMMISSION**

**[POWERS AND DUTIES**

THE PLANNING AND ZONING COMMISSION HAS THE FOLLOWING RESPONSIBILITIES.]

**A. Recommendation to the Assembly**

The planning and zoning commission shall make a recommendation to the assembly on the following:

1. Comprehensive plan amendments (21.03.070);
2. Institutional master plans (21.03.110);
3. Neighborhood or district plans (21.03.130);

1 [SCHOOL SITE SELECTIONS;]

2 [MAJOR SITE PLAN REVIEWS;]

3 4. Public facility site selection for municipal facilities (21.03.140);

4 [PRELIMINARY PLATS, WHEN A MAJOR SITE PLAN REVIEW CREATES A  
5 SUBDIVISION OR REQUIRES THE VACATION OF A DEDICATED PUBLIC AREA,  
6 AND THE COMMISSION DIRECTS IN THE MAJOR SITE PLAN APPROVAL THAT IT  
7 SHALL ACT AS THE PLATTING AUTHORITY (21.03.180F.);]

8 [UNIFIED DEVELOPMENT PLATS, WHERE THE SITE PLAN INCLUDES A LARGE  
9 COMMERCIAL ESTABLISHMENT;]

10 [APPEALS FROM ADMINISTRATIVE SITE PLAN REVIEWS;]

11 5. Rezoning (zoning map amendments), to include overlay districts (21.03.160); and

12 6. Title 21 text amendments (21.03.210).

13 **B. Decision-Making Authority**

14 The planning and zoning commission has decision-making authority over the following:

15 1. Conditional uses (21.03.080);

16 [PLANNED UNIT DEVELOPMENTS;]

17 2. Preliminary plats, when a conditional use creates a subdivision or requires the vacation of  
18 a dedicated public area, and the commission directs in the conditional use approval that it  
19 shall act as the platting authority (21.03.080F.)

20 3. Public facility site selections, except for municipal facilities (21.03.140) [(EXCEPT  
21 SCHOOLS)];

22 4. Appeals from the director's decision regarding consistency with an institutional master  
23 plan (21.03.110F.); and

24 5. Variances from the provisions of subsection 21.05.040K., *Telecommunication Facilities*,  
25 and section 21.07.050, *Utility Distribution Facilities* (21.03.240).; AND]

26 **C. Other Powers and Duties**

27 The planning and zoning commission shall:

28 [MAKE A RECOMMENDATION TO THE APPROPRIATE AGENCY ON NEW  
29 CONSTRUCTION AND RECONSTRUCTION OF STREETS OF COLLECTOR CLASS  
30 OR GREATER IN THE *OFFICIAL STREETS AND HIGHWAYS PLAN*, AND ON PUBLIC  
31 TRAIL PROJECTS INVOLVING ALL TRAILS FOR WHICH ANY PORTION UTILIZES  
32 PUBLICLY-OWNED LAND, EASEMENTS, OR RIGHTS-OF-WAY THAT ARE OVER  
33 ONE-HALF MILE IN LENGTH (21.03.190B.).]

34 1. Develop, review, and make recommendations to the assembly regarding policies, plans,  
35 and ordinances to implement the municipal function of planning for the economic, social,  
36 and land use needs of the community.

37 2. Review and make recommendations to the assembly and school board regarding the  
38 annual capital improvement program of the municipality and school district.

- 1 3. Review and make recommendations to the mayor regarding the annual work program of  
2 the department.

3 [PROMULGATE REGULATIONS TO IMPLEMENT OR MAKE SPECIFIC THE  
4 PROVISIONS OF THIS TITLE, EXCEPT PROVISIONS OF CHAPTER 21.08,  
5 SUBDIVISION STANDARDS, WHICH ARE RESERVED TO THE PLATTING BOARD.]

- 6 4. Exercise such other powers, and perform such other duties, as are provided by law.

7 **21.02.040 URBAN DESIGN COMMISSION**

8 **A. Decision-Making Authority**

9 The urban design commission has decision-making authority over the following:

- 10 1. Major site plan reviews (21.03.180C.);
- 11 2. Preliminary plats, when a major site plan review creates a subdivision or requires the  
12 vacation of a dedicated public area, and the commission directs in the major site plan  
13 approval that it shall act as the platting authority (21.03.180F.);
- 14 3. Commercial tract plats, where the site plan includes a large commercial establishment  
15 (21.03.200E.);
- 16 4. Variances from the district-specific standards of chapter 21.04, *Zoning Districts*; the use-  
17 specific standards of chapter 21.05, *Use Regulations*; and the provisions of chapter  
18 21.07, *Development and Design Standards* and chapter 21.11, *Signs*;
- 19 5. Appeals of administrative site plan reviews (21.03.180B.); and
- 20 6. Appeals of the director's decision regarding subsection 21.12.060B., *Bringing*  
21 *Characteristics Into Compliance*.

22 **B. Other Powers and Duties**

23 The urban design commission shall:

- 24 1. Advise the mayor, assembly, and planning and zoning commission regarding urban  
25 design, northern climate design, and winter city design matters, including design-related  
26 amendments to the comprehensive plan and title 21.
- 27 1. Review and make recommendations regarding any entitlement requests, in accordance  
28 with authority delegated by the planning and zoning commission or platting board under  
29 this title.
- 30 2. Perform those duties stated in title 7, relating to the art funding requirements for public  
31 buildings and facilities.
- 32 3. Designate historic signs pursuant to subsection 21.12.070F.
- 33 4. Exercise such other powers, and perform such other duties, as are provided by law.

34 [RESERVED]

35 **21.02.050 PLATTING BOARD**

36 **[POWERS AND DUTIES**

37 THE PLATTING BOARD HAS THE FOLLOWING RESPONSIBILITIES.]

1 **A. Decision-Making Authority**

2 The platting board has decision-making authority over the following:

- 3 1. Preliminary plats (except in those situations where a different board or commission acts  
4 as the platting authority—see subsections 21.03.080F., *Platting for Conditional Uses*, and  
5 21.03.180F., *Platting for Site Plans*);
- 6 2. **Commercial tract** [UNIFIED DEVELOPMENT] plats, when not included in a large  
7 commercial establishment site plan review (21.03.200E.);
- 8 3. Vacations of public and private interest in lands, where the platting board is the platting  
9 authority ([SEE SUBSECTION] 21.03.230C.);
- 10 4. Variances from the provisions of chapter 21.08, *Subdivision Standards* (21.03.240);
- 11 5. Variances from the following provisions of chapter 21.07: subsection 21.07.020C., *Steep*  
12 *Slope Development*, and section 21.07.060, *Transportation, Connectivity, and Pedestrian*  
13 *Facilities* [RESERVED];
- 14 6. Modification or removal of plat note(s) (21.03.200G.);
- 15 7. Appeals of **the following decisions:**
  - 16 a. [APPEALS OF] Land use permits [ISSUED] under subsection 21.03.100E,  
17 *Improvements Associated with Land Use Permits*;
  - 18 b. [APPEALS OF] Record of survey maps (21.03.150);
  - 19 c. Abbreviated plats (21.03.200D.);
  - 20 d. **Right-of-way acquisition plats (21.03.200F.);** and
  - 21 e. **Vacations of public and private interest in lands, where the platting officer is the**  
22 **platting authority (21.03.230).**

23 **B. Other Powers and Duties**

24 The platting board shall:

- 25 1. **Interpret** [PROMULGATE REGULATIONS TO IMPLEMENT] or make specific the  
26 provisions of chapter 21.08, *Subdivision Standards*.
- 27 1. Review and make recommendations to the planning and zoning commission regarding all  
28 proposed amendments to chapter 21.08, *Subdivision Standards*.
- 29 2. Authorize extensions of subdivision agreements as provided in section 21.08.060C.,  
30 *Time Limit for Completion of Improvements*.
- 31 3. Exercise such other powers, and perform such other duties, as are provided by law.

32 **21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS**

33 **[POWERS AND DUTIES**

34 **THE ZONING BOARD OF EXAMINERS AND APPEALS HAS THE FOLLOWING RESPONSIBILITIES.]**

35 **A. Decision-Making Authority**

36 The zoning board of examiners and appeals has decision-making authority over the following:

- 1 1. Appeals pursuant to subsection 21.03.050[040]B.;
- 2 2. Variances from the provisions of chapter 21.06, *Dimensional Standards and*  
3 *Measurements*; [ALL PROVISIONS OF THIS TITLE EXCEPT SUBSECTION  
4 21.05.040K., TELECOMMUNICATION FACILITIES; SECTION 21.07.050, UTILITY  
5 DISTRIBUTION FACILITIES; CHAPTER 21.08, SUBDIVISION STANDARDS; AND  
6 CHAPTER 21.11, SIGNS;]  
7 [APPEALS OF THE DIRECTOR'S DECISION REGARDING SUBSECTION 21.12.060B.,  
8 BRINGING CHARACTERISTICS INTO COMPLIANCE;]  
9 3. Overcoming presumption of abandonment pursuant to subsection 21.12.030E.; and  
10 4. Time extensions for amortized signs, pursuant to subsection 21.12.070G.

11 **B. Other Powers and Duties**

12 The zoning board of examiners and appeals shall:

- 13 1. Adopt general rules or make findings in specific cases regarding proposed changes of  
14 nonconforming uses, pursuant to section 21.12.030B., *Change of Use*.
- 15 1. Interpret or make specific the provisions of this title, except provisions of chapter 21.08,  
16 *Subdivision Standards*.
- 17 2. Exercise such other powers, and perform such other duties, as are provided by law.

18 **C. Subpoenas**

19 The zoning board of examiners and appeals has the right to subpoena witnesses and documents  
20 using a form provided by the municipal clerk and submitted to the clerk for issuance at least five  
21 working days before the date of the hearing.

22 **21.02.070 BOARD OF ADJUSTMENT**

23 **A. Powers and Duties**

24 The board of adjustment has the responsibilities set forth in subsection 21.03.050[040]A.1.

25 **B. Subpoenas**

26 The board of adjustment has the right to subpoena witnesses and documents using a form  
27 provided by the municipal clerk and submitted to the clerk for issuance at least five working days  
28 before the date of the hearing.

29 **21.02.080 GEOTECHNICAL ADVISORY COMMISSION**

30 **A. Powers and Duties**

- 31 1. The geotechnical advisory commission shall serve as a technical advisory board in the  
32 municipality.
- 33 2. The commission shall act in an advisory capacity to the assembly, the mayor, boards,  
34 commissions, and heads of municipal departments and agencies, and shall have the  
35 following responsibilities:
  - 36 a. To make recommendations and give advice on geotechnical engineering issues  
37 and natural hazards risk mitigation.
  - 38 b. To recommend and review special studies relating to geotechnical engineering  
39 and natural hazards risk mitigation issues.

- 1           c.       To act in an advisory capacity regarding proposed development located in high  
2                    or moderate snow avalanche hazard zones, in areas designated with high or very  
3                    high susceptibility to seismically induced ground failure, and in areas susceptible  
4                    to other natural hazards.

5 **21.02.090 ASSEMBLY**

6 **A. Decision-Making Authority**

7 The assembly has the following decision-making authority under this title:

8       1.       Special land use permit for alcohol—for beverage dispensary and package store liquor  
9                    licenses **(21.03.040)**;

10      2.       Comprehensive plan amendments **(21.03.070)**;

11      3.       Institutional master plans **(21.03.110)**;

12      4.       Neighborhood or district plans **(21.03.130)**;

13            **[SCHOOL SITE SELECTIONS;]**

14      5.       **Public facility site selection for municipal facilities (21.03.140)**;

15      6.       Rezoning (zoning map amendments), to include overlay districts **(21.03.160)**;

16      7.       Title 21 text amendments **(21.03.210)**;

17      8.       Appeals on public facility site selections **for non-municipal facilities (21.03.140)**; and

18      9.       Any other action not delegated to the planning and zoning commission, platting board,  
19                    zoning board of examiners and appeals, board of adjustment, urban design commission,  
20                    or municipal staff, as the assembly may deem desirable and necessary to implement the  
21                    provisions of this title.

22 **B. Land Use Procedure**

23       1.       The land use review and approval procedures specified in chapter 21.03, *Review and*  
24                    *Approval Procedures*, supplement the assembly's procedures under title 2.

25       2.       Where a board or commission has authority under this title to review and comment on a  
26                    land use matter, the assembly shall not take final action on the matter until it has received  
27                    and taken notice of the review comments and recommendations of the board or  
28                    commission.

29 **21.02.100 MUNICIPAL STAFF**

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

# CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES

## 21.03.010 PURPOSE AND STRUCTURE OF THIS CHAPTER

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

## 21.03.020 COMMON PROCEDURES

### A. Applicability

The common procedures of this section 21.03.020 shall apply to all applications for development activity under this title unless otherwise stated. The word “director” means the director of the planning department or his or her designee.

### B. Pre-Application Conferences

#### 1. Purpose

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

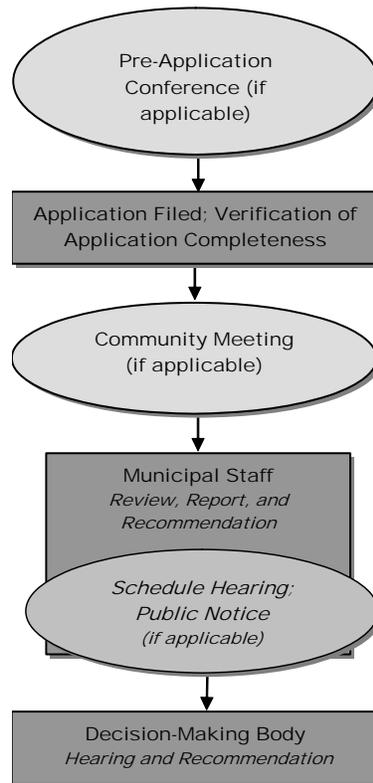
#### 2. Applicability

##### a. Required for New Applications

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

- i. Rezoning (Map Amendments) (section 21.03.160);
- ii. Subdivisions, except for Abbreviated Plats (section 21.03.200);
- iii. Conditional Uses (section 21.03.080);
- iv. Major Site Plan Review (section 21.03.180C);
- v. Public Facility Site Selection (section 21.03.140); and
- vi. Projects including Class A or B wetlands within or adjacent to the application area.

No application for these types of approvals shall be accepted until after the pre-application conference is completed and the applicant receives written notification of the conclusions.



Common Procedures

- 1                   **b.        Exception for Some Changes to Already-Approved Applications**  
2                   Pre-application conferences are not required for minor amendments to already-  
3                   approved conditional uses or site plans. All other changes to already-approved  
4                   applications require a pre-application conference.
- 5                   **c.        Optional for All Other Applications**  
6                   A pre-application conference is optional prior to submittal of any other application  
7                   under this title not listed in subsection 2.a. above.
- 8                   **d.        Waiver**  
9                   The director may waive the pre-application requirement if the director finds that  
10                  the projected size, complexity, anticipated impacts, or other factors associated  
11                  with the proposed development clearly, in his or her judgment, make a pre-  
12                  application conference unnecessary. The waiver shall be made in writing and  
13                  shall become a part of the case record for the application.
- 14                  **3.        Initiation of Pre-Application Conference**  
15                  The potential applicant shall request a pre-application conference, in the manner  
16                  prescribed in the user's guide, with the director. Prior to the pre-application conference,  
17                  the applicant shall provide to the director a description of the character, location, and  
18                  magnitude of the proposed development and any other supporting documents such as  
19                  maps, drawings, models, and the type of entitlement sought. It is the applicant's  
20                  responsibility to provide sufficiently detailed plans and descriptions of the proposal to  
21                  enable staff to make the informal recommendations discussed below.
- 22                  **4.        Pre-Application Conference Content**  
23                  **a.**        The director shall schedule a pre-application conference after receipt of a proper  
24                  request. At the conference, the applicant, the director, and any other persons the  
25                  director deems appropriate and available to attend shall discuss the proposed  
26                  development. Based upon the information provided by the applicant and the  
27                  provisions of this title, the parties should discuss in general the proposed  
28                  development and the applicable requirements and standards of this title.
- 29                  **b.**        The conference attendees shall discuss the desired development activities with  
30                  respect to the following items:
- 31                           **i.**        Applicability of municipality policies, plans, and requirements as they  
32                           apply to the proposed development.
- 33                           **ii.**       Appropriateness of the development with respect to the policies set forth  
34                           in the comprehensive plan and the regulations in this title.
- 35                           **iii.**       Need, if any, to prepare a subdivision plat.
- 36                           **iv.**       Any site plan considerations or requirements.
- 37                           **v.**        Any concerns or requirements related to the anticipated impact upon  
38                           public rights-of-way and public improvements, and appropriate  
39                           requirements to mitigate those impacts, including but not limited to traffic  
40                           impact analyses.
- 41                           **vi.**       Any concerns related to neighborhood impacts, land use, landscaping  
42                           concepts, and overall project design.
- 43                           **vii.**       Possible alternatives or modifications related to the proposed application.
- 44                           **viii.**      Procedures that will need to be completed to review and act on the  
45                           proposed **application** [CHANGE].

- 1 c. A checklist of discussion items indicating topics discussed at the pre-application  
2 conference shall be mailed to the applicant within ten days of the conference.  
3 The checklist shall be considered proprietary information until an application has  
4 been submitted.

5 **5. Informal Review Comments Not Binding**

6 The review comments of the director are not binding upon the applicant or the  
7 municipality, but are intended to serve as a guide to the applicant in making the  
8 application and to advise the applicant in advance of the formal application of any issues  
9 which will or may subsequently be presented to the appropriate decision-making body.  
10 Because a pre-application conference precedes the actual application, some key issues  
11 relating to a specific proposal may not be apparent at the pre-application conference.

12 **6. Application Required Within Six Months**

13 After a pre-application conference has been completed, an application must be submitted  
14 within six months, unless one extension is granted by the director not to exceed an  
15 additional six months. If a complete application is not submitted within six months or an  
16 extension has not been granted, a new pre-application conference shall be required prior  
17 to submitting an application.

18 **C. Community Meetings**

19 **1. Purpose**

20 The community meeting is an informal opportunity for the developer to inform the  
21 surrounding area residents and property owners of the details of a proposed  
22 development and application, how the developer intends to meet the standards contained  
23 in this title, and to receive public comment and encourage dialogue at an early time in the  
24 review process.

25 **2. Applicability**

26 **a. Types of Applications**

27 The applicant shall hold a community meeting for any of the following types of  
28 applications, unless a waiver is granted by the director pursuant to subsection  
29 2.b. below.

- 30 i. Rezoning (zoning map amendments);  
31 ii. Subdivisions, except for abbreviated plats;  
32 iii. Conditional uses;  
33 iv. Institutional master plans;  
34 v. Major site plan review; and  
35 vi. Public facility site selection [(INCLUDING SCHOOLS)].

36 **b. Waiver**

37 An applicant may request, with justification, a waiver of the community meeting  
38 along with his or her application. The director may waive the community meeting  
39 requirement if he or she determines that the proposed development or  
40 subdivision will not have significant community impacts in any of the areas listed  
41 below. The waiver shall be justified in writing, provided along with the verification  
42 of application completeness, and shall be included as part of the case record.

- 43 i. Traffic;  
44 ii. Impacts upon natural resources protected under chapter 21.07 of this  
45 code;

- 1                   iii.     Provision of public services such as police and/or fire service, schools, or  
2                                   parks;
- 3                   iv.     Compatibility of building design or scale; or
- 4                   v.     Operational compatibility, such as lighting, hours of operation, odors,  
5                                   noise, litter, or glare.
- 6           **3.     Timing and Number of Community Meetings**  
7           When required, there shall be at least one community meeting held after the pre-  
8           application conference (if applicable), but prior to the submittal of an application.
- 9           **4.     Notice of Community Meeting**  
10           The applicant shall provide written (mailed) notice of the community meeting in  
11           accordance with subsection H.4. below, at least 21 days prior to the community meeting.
- 12           **5.     Attendance at Community Meeting**  
13           a.     If a community meeting is required, the applicant or applicant's representative  
14                   shall attend the community meeting. The applicant shall be responsible for  
15                   scheduling the community meeting, coordinating the community meeting, and for  
16                   retaining an independent facilitator if the applicant determines one is needed.
- 17           b.     All community meetings shall be convened at a place in the vicinity of the  
18                   proposed development.
- 19           **6.     Summary of Community Meeting**  
20           The applicant shall prepare a written summary of the community meeting(s), which shall  
21           be submitted to the director and the affected community council(s) no later than seven  
22           days after the date of the meeting. The written summary shall be included in the  
23           departmental report. At a minimum, the written summary shall include the following  
24           information:
- 25           a.     Dates and locations of all meetings where citizens were invited to discuss the  
26                   applicant's proposals;
- 27           b.     Content, dates mailed, and number of mailings, including letters, meeting  
28                   notices, and any other written material;
- 29           c.     The number of people that participated in the meeting(s);
- 30           d.     A summary of concerns, issues, and problems expressed during the meeting(s),  
31                   including:
- 32                   i.     The substance of the concerns, issues, and problems;
- 33                   ii.    How the applicant has addressed or intends to address concerns,  
34                           issues, and problems expressed at the meeting(s); and
- 35                   iii.   Concerns, issues, and problems the applicant is unwilling or unable to  
36                           address and why.
- 37   **D.     Authority to File Applications**  
38           1.     When an authorized agent files an application under this title on behalf of a property  
39                   owner, the agent shall provide the municipality with written documentation that the owner  
40                   of the property has authorized the filing of the application.
- 41           2.     When a review or decision-making body initiates action under this title, it does so without  
42                   prejudice toward the outcome.

- 1 **E. Application Contents, Submittal Schedule, and Fees**
- 2 **1. Title 21 User's Guide**
- 3 The director shall compile the requirements for application contents, forms, fees, and the
- 4 submittal and review schedule (including typical time frames for review) in a user's guide,
- 5 which shall be made available to the public. The director may amend and update the
- 6 user's guide from time to time.
- 7 **2. Form of Application**
- 8 Applications required under this chapter shall be submitted in a form and in such number
- 9 as required in the user's guide.
- 10 **3. Processing Fees**
- 11 Applications shall be accompanied by the fee amount established by the assembly and
- 12 listed in the user's guide. Fees are not subject to waivers.
- 13 **4. Waivers**
- 14 The director may waive certain submittal requirements in order to reduce the burden on
- 15 the applicant and to tailor the requirements to the information necessary to review a
- 16 particular application. The director may waive such requirements where he or she finds
- 17 that the projected size, complexity, anticipated impacts, or other factors associated with
- 18 the proposed development clearly, in his or her opinion, support such waiver. The waiver
- 19 shall be made in writing and shall become a part of the case record for the application.
- 20 **F. Verification of Application Completeness**
- 21 **1.** The director shall only initiate the review and processing of an application if such
- 22 application is complete. The director shall make a determination of application
- 23 completeness and notify the applicant in writing within 15 days of application filing. If the
- 24 application is determined to be complete, the application shall then be processed
- 25 according to this title. If an application is determined to be incomplete, the director shall
- 26 provide an explanation of the application's deficiencies. No further processing of an
- 27 incomplete application shall occur until the deficiencies are corrected.
- 28 **2.** An application shall be considered complete if it is submitted in the required form,
- 29 includes all mandatory information, including all supporting materials specified in the title
- 30 21 user's guide, and is accompanied by the applicable fee. A pre-application conference
- 31 shall have been held, if required, pursuant to **sub**section 21.03.020B, *Pre-Application*
- 32 *Conferences*.
- 33 **3.** As a consequence for any false or misleading information submitted or supplied by an
- 34 applicant on an application, that application shall be deemed incomplete.
- 35 **G. Additional Information**
- 36 **1. Requested Information**
- 37 Nothing in this section prohibits the department or the decision-making body on the
- 38 application from requesting additional information deemed necessary for review, after the
- 39 application is complete. Any supplemental technical reports, special studies, and/or
- 40 revised application materials that are requested following the original application must be
- 41 received at least thirty days prior to a public hearing. The municipality may postpone and
- 42 reschedule a public hearing or approval deadline if such reports and studies are
- 43 submitted less than thirty days prior to a public hearing, unless the applicable board or
- 44 commission waives this time limit in a specific case for cause. Copies of such additional
- 45 materials shall be delivered to all reviewers who received the original application packet.
- 46 **2. Voluntary Information**
- 47 Any supplemental information, such as revised application materials, that is voluntarily
- 48 submitted by the applicant, should be submitted before the departmental report is

1 finalized. Any such information submitted after the departmental report is finalized shall  
 2 cause the application to be automatically postponed to the next regular meeting in order  
 3 for the department to have time to review the new information, unless the board or  
 4 commission determines that the new information does not significantly alter the  
 5 application.

6 **H. Notice**

7 **1. Content of Notices**

8 Public notice required under this chapter shall, unless otherwise specified in this title:

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

16 **2. Summary of Notice Requirements**

17 The following table 21.03-1 summarizes the notice requirements of the procedures set  
 18 forth in this chapter. Unless otherwise specified in this title, procedures not listed in this  
 19 table have no public notice requirements.

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			Community Council
		Written [(Mailed)]	Published	Posted	
Alcohol—Special Land Use Permit	21.03.040	✓	✓	✓	✓
Appeals to Board of Adjustment	21.03.050A.	✓	✓	-	-
Appeal of an Enforcement Order	21.13	-	-	✓	-
Appeals to ZBEA	21.03.050B.	✓	✓	-	✓
Comprehensive Plan Amendments, Substantive	21.03.070C.	-	✓	-	✓
Conditional Uses	21.03.080	✓	✓	✓	✓
Master Plan, Area	21.09.030E.	✓	✓	✓	✓
Master Plan, Development	21.09.030F.	✓	✓	✓	✓
Master Plan, Institutional	21.03.110	✓	✓	✓	✓
Neighborhood or District Plans	21.03.130	-	✓	-	✓
Nonconforming Uses of Land or Structures, Replication of	21.12.030C.	✓	✓	✓	✓
Nonconforming Structures, Replication of	21.12.040D.	✓	✓	✓	✓
Public Facility Site Selection	21.03.140	✓	✓	✓	✓

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			Community Council
		Written [(Mailed)]	Published	Posted	
Rezoning (Zoning Map Amendments)	21.03.160	✓	✓	✓	✓
Site Plan Review, Major	21.03.180C	✓	✓	✓	✓
Street and Trail Review	21.03.190	-	-	-	-
Subdivisions (with existing physical access)	21.03.200	✓	✓	✓	✓
Subdivisions (without existing physical access)	21.03.200	✓	✓	-	✓
Abbreviated Plats	21.03.200D.	-	✓	-	✓
Modification or Removal of Plat Notes	21.03.200G.	✓	✓	✓	✓
Title 21, Text Amendments	21.03.210	-	✓	-	✓
Vacation of Public and Private Interest in Land	21.03.230	✓	✓	✓	✓
Variances	21.03.240	✓	✓	✓	✓

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**3. Written (Mailed) Notice**

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

**a. Owners of Subject Property**

All persons listed on the records of the municipal assessor as owners of land subject to the application, at the mailing addresses of such persons in the records of the municipal assessor.

**b. Adjacent Property Owners**

All persons listed on the records of the municipal assessor as owners of any land within 500 feet of the outer boundary of the land subject to the application, or owners of the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor.

**c. Additional Persons**

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

**4. Published Notice**

When table 21.03-1 requires that notice be published, the director shall cause a notice to be published on the municipal public notice web page of the municipal website. [IN A NEWSPAPER HAVING GENERAL CIRCULATION.] The notice shall be published at least 21 days before the scheduled hearing date. In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.

1           **5. Posted Notice**

2           When table 21.03-1 requires that notice be posted, the applicant shall cause a notice(s),  
3           on a form(s) provided by the department, to be posted on the property, visible from each  
4           developed right-of-way adjacent to the property, for at least 21 days before the scheduled  
5           public hearing date. In computing such period, the day of posting shall not be counted,  
6           but the day of the public hearing shall be counted. If no part of the subject property is  
7           visible from the public right-of-way, the notice shall be posted along the nearest street in  
8           the public right-of-way. Posted notices shall include all the content specified in  
9           subsection H.1. above except for the legal description. Before the public hearing, the  
10          applicant shall submit to the department an affidavit, signed by the person who did the  
11          posting or the person who caused the posting to be done, that notice was posted as  
12          required by this subsection. Posted notices shall be removed by the applicant within 30  
13          days after the close of the public hearing on the application.

14           **6. Community Councils**

15          When table 21.03-1 requires that notice be given to community councils, a[A]ny officially  
16          recognized community council whose boundary includes any part of the subject property,  
17          and any additional such council whose boundary lies within 1,000 feet of any part of the  
18          subject property shall receive written (mailed) notice in accordance with H.3. above.  
19          Furthermore, the department shall provide notice to additional community councils in the  
20          following instances:

21           **a.**       Each recognized community council within the municipality shall receive written  
22           notice where the subject parcel is one of the following regional public lands or  
23           facilities: Ted Stevens Anchorage International Airport; Merrill Field Airport;  
24           Birchwood Airport; Far North/Bicentennial Park; Kincaid Park; Russian Jack  
25           Springs Park; Beach Lake Park; Edmonds Lake Park; Bird Creek Regional Park;  
26           Chugach State Park; Anchorage Coastal Wildlife Refuge; BLM tract(s) near Far  
27           North/Bicentennial Park.

28           **b.**       If the subject parcel is a branch public facility that serves a specific delineated  
29           area, such as a public school or fire station, then any community council whose  
30           boundaries lie within the delineated district of service of a branch public facility  
31           shall receive written notice. This requirement shall only take effect after the  
32           municipality has established maps delineating areas of service for the type of  
33           branch facility, and has adopted procedures and responsibilities for updating  
34           service area boundaries.

35           **c.**       Any community council whose boundaries lie beyond the minimum notification  
36           distance shall receive notice regarding proposals of potentially major scope or  
37           controversy that, in the opinion of the director, are likely to have a significant  
38           impact on the residents of the community council beyond the minimum  
39           notification distance.

40           **d.**       All community councils shall receive notice of neighborhood or district plans,  
41           street and trail review, substantive amendments to the comprehensive plan, and  
42           amendments to the text of title 21.

43           **7. Constructive Notice**

44          Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant  
45          to the notice if a bona fide attempt has been made to comply with applicable notice  
46          requirements. Minor defects in notice may include, but are not limited to, errors in a legal  
47          description or typographical or grammatical errors that do not impede communication of  
48          the notice to affected parties. Failure of a party to receive written notice shall not  
49          invalidate subsequent action. In all cases, however, the requirements for the timing of  
50          the notice and for specifying the time, date, and place of a hearing shall be strictly  
51          construed. If questions arise at the hearing regarding the adequacy of notice, the

1 decision-making body shall make a formal finding as to whether there was substantial  
2 compliance with the notice requirements of this title.

3 **8. Presumption of Notice**

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

7 **I. Departmental Report**

8 For every decision that requires a public hearing or where otherwise required by this title, the  
9 department shall prepare a report to be given to the decision-making body approximately one  
10 week before the initial public hearing on the application. The report shall include project  
11 background, public comments received, the summary of community meeting (if applicable), and  
12 the department's recommendation for action.

13 **J. Referrals**

14 The applicant, boards, commissions, or the municipal administration may request that  
15 government agencies, non-governmental agencies, and other boards and commissions besides  
16 the decision-making body review an application, but the final decision-making authority shall  
17 remain with the body identified in this chapter.

18 **K. Concurrent Processing**

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

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

32 3. The expected time frame and approval process for a consolidated application shall follow  
33 the longest time frame and approval process required from among the joined application  
34 types.

35 **L. Postponements**

36 1. If only five or fewer board or commission members are in attendance at the hearing, the  
37 applicant may request a postponement of his or her case, and the fee for the first  
38 postponement request shall be waived.

39 2. The applicant may request a postponement of his or her case for any other reason, which  
40 he or she shall state to the commission. If the decision-making body grants the  
41 postponement request, the applicant shall pay the postponement fee listed in the user's  
42 guide, and a new hearing date shall be determined by the department.

43 a. If public notice pursuant to subsection H. above has not been given, the director  
44 is the decision-making body for the purpose of granting a postponement.

1           **b.**     If public notice pursuant to subsection H. above has been given, the decision-  
2                   making body is the board or commission identified in this chapter for the  
3                   entitlement requested.

4           **3.**     Re-notice of the new time for hearing is only required if the postponement is for more  
5                   than 30 days, or if no date certain is set for the hearing at the time of postponement.

6   **M.     Conditions of Approval**

7           **1.**     The decision-making body is authorized to impose such conditions upon the entitlement  
8                   as may be necessary to conform to the standards of this title, reduce or minimize any  
9                   potential adverse impact upon other property in the area, or to carry out the general  
10                  purpose and intent of the comprehensive plan and this title. In such cases, any  
11                  conditions attached to approvals shall be directly related to the impacts of the proposed  
12                  use or development and shall be roughly proportional in both extent and amount to the  
13                  anticipated impacts of the proposed use or development.

14          **2.**     No conditions of approval, except for those attached to variance approvals, shall be less  
15                  restrictive than the requirements of this title or applicable special limitations.

16          **3.**     Unless there is a time schedule stated as part of the condition, all conditions of approval  
17                  shall be met within one year of the date of approval (unless the condition is ongoing, such  
18                  as a specification of hours of operation).

19   **N.     Decision**

20           Recommendations and decisions shall be made in accordance with title 4.

21   **O.     Lapse of Approval**

22          **1.**     The lapse of approval time frames established by the procedures of this title may be  
23                  extended only when all of the following conditions exist:

24           **a.**     The provisions of this title must expressly allow the extension;

25           **b.**     An extension request must be filed prior to the applicable lapse-of-approval  
26                  deadline; and

27           **c.**     The extension request must be in writing and include justification.

28          **2.**     Unless otherwise noted, authority to grant extensions of time shall rest with the decision-  
29                  making body that granted the original approval (the one being extended).

30   **P.     New Application Required**

31           If an application is inactive for one year awaiting action by the petitioner, the application shall be  
32                  discarded and a new application shall be required.

33   **21.03.030   ADMINISTRATIVE PERMITS**

34   **A.     Applicability**

35           It shall be a violation of law for any person to engage in a land use for which an administrative  
36                  permit is required by this title without first obtaining such a permit. An administrative permit is  
37                  required for the following uses:

38           **1.**     Premises containing uses where children are not allowed (21.05.020B.);

39           **2.**     Roominghouse (21.05.030B.4.);

40           **3.**     Telecommunication tower and antenna (21.05.040K.)

- 1        **4.**     Unlicensed nightclub (21.05.050D.8.c.);
- 2        **5.**     Hostel in a residential zoning district (21.05.050J.3.); and
- 3        **6.**     Bed and breakfast (21.05.070D.2.)

4     **B.     Administrative Permits**

5        Except as otherwise allowed in this title, a permit issued by the director and pursuant to this  
6        section shall be valid between January 1 or the date of issuance and December 31 of the year in  
7        which it is issued, except that permits for bed and breakfasts shall be valid between the date of  
8        issuance and December 31 of the year after the permit was issued. An application for renewal of  
9        a permit shall be submitted in the same manner as the original application and no later than  
10       December 1 immediately preceding the expiration date of that permit.

11    **C.     Regulations**

12       The director may promulgate regulations to implement this section, as provided in AMC chapter  
13       3.40. Permits shall be issued and renewed as outlined in the title 21 user's guide.

14    **D.     Appeals**

15       Denial of an administrative permit may be appealed to the zoning board of examiners and  
16       appeals in accordance with subsection 21.03.050B.

17    **21.03.040     ALCOHOL—SPECIAL LAND USE PERMIT**

18    **A.     Applicability**

- 19       **1.**     Any use that includes the retail sale of alcoholic beverages is subject to the review  
20       process set forth in this section. This process shall apply to such a use regardless of  
21       whether it is listed in the use tables in section 21.05.010 as being permitted as a matter  
22       of right or subject to site plan review or the conditional use process. The applicant shall  
23       be required to obtain approval through both the process in this section and the separate  
24       process referenced in the use table.
- 25       **2.**     Notwithstanding A.1. above, catering and special event permits issued by the state  
26       alcoholic beverage control board are exempt from these approval requirements, but shall  
27       meet AMC title 10 requirements and the following:
  - 28           **a.**     When multiple permits are issued for the same location, the permits shall be for  
29           discreet events, and shall not be used to avoid the special land use permit  
30           process; and
  - 31           **b.**     The catering and special event permit shall be reviewed by the chief of police in  
32           order to address any recurring problems at the site that have involved the police.
- 33       **3.**     No modification of an existing special land use permit for alcohol shall be required for the  
34       first duplicate liquor license provided:
  - 35           **a.**     There is no increase in the square footage of the premise licensed for the retail  
36           sale or dispensing of alcoholic beverages; or
  - 37           **b.**     If there is an increase in the square footage of the licensed premise, such  
38           increase is five hundred square feet or less, whether or not the area of increase  
39           is used year-round. In such case the licensed business shall request a minor  
40           modification to their approval by submitting a site plan for department review,  
41           along with the fee specified in the user's guide. The department shall review the  
42           site plan for potential impacts including, but not limited to, parking, lighting, noise,  
43           and traffic.

1 **B. General Standards**

2 [THE FOLLOWING PROVISIONS APPLY TO ALL USES, IN ALL DISTRICTS, INVOLVING THE  
3 RETAIL SALE, DISPENSING, OR SERVICE OF ALCOHOLIC BEVERAGES INCLUDING, BUT  
4 NOT LIMITED TO, LIQUOR STORES, RESTAURANTS, BARS, DINNER THEATERS, MOVIE  
5 THEATERS, BREW PUBS, TEAROOMS, AND CAFES.]

6 [1.] Any use, whether principal or accessory, involving the retail sale or dispensing of  
7 alcoholic beverages is permitted only by approval [OF THE ASSEMBLY] under this  
8 section. This provision applies to all uses, in all districts, involving the retail sale,  
9 dispensing, or service of alcoholic beverages including, but not limited to, liquor stores,  
10 restaurants, bars, dinner theaters, movie theaters, brew pubs, tearooms, and cafes,  
11 but[THIS REQUIREMENT] applies only to the retail sale or dispensing of alcoholic  
12 beverages and not to related principal or accessory uses.

13 [2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE TO THE CONTRARY,  
14 AN APPROVAL FOR USES INVOLVING THE RETAIL SALE OF ALCOHOLIC  
15 BEVERAGES SHALL ONLY REQUIRE THE APPROVAL OF THE ASSEMBLY.]

16 **C. Application and Review Procedure**

17 **1. Application Submittal**

18 Applications for a special land use permit for [ASSEMBLY] alcohol [APPROVAL] shall be  
19 submitted to the director within seven days after application is made to the state alcoholic  
20 beverage control board for issue or transfer of location of a liquor license. Applications  
21 shall contain a zoning map showing the proposed location and any other information  
22 specified in the title 21 user's guide. The assembly may promulgate regulations  
23 concerning the mandatory information to be submitted with the application for a special  
24 land use permit for alcohol.

25 **2. Departmental Review**

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

31 **3. Public Notice**

32 Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section  
33 21.03.020H., *Notice*.

34 **4. Action**

35 **a.** The special land use permit for alcohol for any use that includes the retail sale of  
36 alcoholic beverages, with the exception of a restaurant or eating place that  
37 [LICENSED BY THE STATE ALCOHOLIC BEVERAGE CONTROL BOARD TO]  
38 sells beer and wine for consumption only on the licensed premises, shall be  
39 considered by the assembly. After holding a public hearing, the assembly shall  
40 approve, approve conditionally, or deny the application. In considering action,  
41 the assembly shall apply the criteria set forth in this title for conditional uses in  
42 section 21.03.080C., *Approval Criteria*. The assembly shall not take into  
43 consideration the sum paid by any person to acquire the license for which a  
44 permit is requested.

45 **b.** The special land use permit for alcohol for a restaurant or eating place that  
46 [LICENSED BY THE STATE ALCOHOLIC BEVERAGE CONTROL BOARD TO]  
47 sells beer and wine for consumption only on the licensed premises, shall be  
48 considered by the director. In considering whether to approve, approve  
49 conditionally, or deny the application, the director shall apply the criteria set forth

1 in this title for conditional uses in section 21.03.080C., *Approval Criteria*. The  
2 director shall not take into consideration the sum paid by any person to acquire  
3 the license for which a permit is requested. The director’s decision may be  
4 appealed to the assembly.

5 **5. Conditions of Approval**

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

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

14 c. A copy of the conditions imposed by the assembly **or the director** in connection  
15 with approval under this section shall be maintained on the premises involved at  
16 a location visible to the public.

17 **6. Effect of Denial**

18 An application for approval under this section that has been denied **[BY THE**  
19 **ASSEMBLY]** shall not be accepted for rehearing for a period of one year following such  
20 denial if the director finds the proposed application is substantially the same as that  
21 denied **[BY THE ASSEMBLY]**, and if no substantially new evidence or change in  
22 circumstances has occurred. This paragraph shall not apply to an application filed under  
23 assembly direction at a hearing at which a like application was considered. This  
24 paragraph does not apply if the alcoholic beverage control board remands a case that  
25 was previously denied **[BY THE ASSEMBLY]**.

26 **7. Expiration**

27 An approval granted under this section shall expire:

28 a. One hundred twenty days after the transfer of the license to sell alcoholic  
29 beverages from the premises has been approved by the state alcoholic beverage  
30 control board, unless there is an application filed with the control board prior to  
31 the expiration of the 120 day period;

32 b. The use holding the permit has been discontinued, vacant, or inactive for a  
33 continuous period of at least one year; or

34 c. If the operation of the business becomes substantially different from the business  
35 and operation reviewed by the assembly **or the director** when the alcohol  
36 approval was granted under this section, unless the licensee applies for and  
37 receives **[ASSEMBLY]** approval for a modification of the existing alcohol approval  
38 to reflect the change.

39 For the purposes of this section, “substantially different” means any material change in  
40 the operation of the business which could result in significant impact on the use and  
41 enjoyment of adjacent properties by property owners or occupants. A material change  
42 includes, without limitation, an increase in the late night or early morning hours of  
43 operation; a change involving the type of entertainment presented which results in an  
44 increase in noise level at the property line; or a change from a business which meets the  
45 requirements of the state alcoholic beverage control board statutes and regulations for a  
46 restaurant designation permit to a business which would not meet such requirements.

**21.03.050 APPEALS**

**A. Appeals to Board of Adjustment**

**1. Jurisdiction of Board**

The board of adjustment shall decide appeals:

- a. From decisions regarding the approval or denial of a preliminary plat (subsection 21.03.200C.);
- b. From decisions regarding the approval or denial of a variance from the **all of the provisions of this title with the exception of** subsection 21.05.040K., *Telecommunication Facilities*; **chapter 21.06, Dimensional Standards and Measurements; and** section 21.07.050, *Utility Distribution Facilities* [; CHAPTER 21.08, *SUBDIVISION STANDARDS*; AND CHAPTER 21.11, *SIGNS*];
- c. From decisions regarding the approval or denial of vacations of public and private interest in land where the platting board is the platting authority (section 21.03.230);
- d. From decisions regarding the approval or denial of a development master plan (subsection 21.09.030F.);
- e. From decisions regarding the approval or denial of applications for conditional uses (section 21.03.080); and
- f. From decisions regarding the approval or denial of applications for major site plan reviews (subsection 21.03.180C.).

**2. Appellants Before Board**

Decisions may be appealed to the board of adjustment by:

- a. Any municipal agency; or
- b. Any party of interest for the application, as defined in chapter 21.14.

**3. Appellees Before Board**

a. Appellees before the board may be:

- i. The party in whose favor the lower administrative body's decision was rendered.
- ii. Any municipal agency.
- iii. Any party of interest for the application, as defined in chapter 21.14.

b. An appellee shall file a notice of intent to file a brief with the municipal clerk's office on a form prescribed by the municipal clerk, within 10 days after the deadline for filing an appeal. The municipal clerk shall serve notice to such appellees in writing of the date the record is available and of the date the appellant's brief is filed.

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

a. An appeal to the board of adjustment must be perfected by the appellant within 20 days after the date of service of the decision. The appeal is perfected by the filing of a notice of appeal, appeal fee, and cost bond in accordance with this section.

b. The notice of appeal must be filed with the municipal clerk on a form prescribed by the municipality and must contain detailed and specific allegations of error. If

1 the appellant is not the applicant, the appellant's notice of appeal shall include  
2 certificate of service on the applicant.

3 c. The appellant shall pay the current appeal fee. In addition, the appellant shall file  
4 a cost bond equal to the estimated cost of preparation of the record. Following  
5 completion of the record, the actual cost thereof shall be paid by the appellant.  
6 All costs and fees shall be returned to the appellant if the decision of the lower  
7 body is reversed in whole or in part.

8 **5. New Evidence or Changed Circumstances**

9 a. Allegations of new evidence or changed circumstances shall not be considered  
10 or decided by the board of adjustment. Allegations of new evidence or changed  
11 circumstances shall be raised by written motion for rehearing, filed with the  
12 municipal clerk within 20 days after the date of service of the initial decision of  
13 the lower administrative body.

14 i. The municipal clerk shall reject any motion filed more than 20 days after  
15 the date of service of the initial decision of the lower administrative body,  
16 without hearing or reconsideration by the lower administrative body.

17 ii. A decision of the lower administrative body on any issues remanded  
18 from the board of adjustment is not an initial decision as described in  
19 subsection 5.a. above.

20 iii. The municipal clerk shall reject any motion alleging new evidence or  
21 changed circumstances filed in response to a lower administrative body's  
22 decision on any issue(s) presented on remand.

23 b. If the written motion for rehearing is filed in a timely manner, the administrative  
24 body from which the appeal is taken shall decide whether to reopen and rehear  
25 the matter. A rehearing shall be held if the lower administrative body determines:

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

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

31 **6. Appeal Record**

32 a. The appellant shall arrange for the preparation of the transcript of the board  
33 hearing by a court reporter or the board and commission recording secretary and  
34 shall pay the cost of such preparation. The appellant shall file the transcript with  
35 the municipal clerk. If the appellant fails to file the transcript within 30 days after  
36 the filing of the notice of appeal, the municipal clerk shall reject the appeal.

37 b. Upon timely perfection of an appeal to the board of adjustment, the municipal  
38 clerk shall assemble an appeal record. The record shall contain:

39 i. A copy of the notice of appeal filed by the appellant.

40 ii. A verbatim transcript of the proceedings before the administrative body  
41 from which the appeal has been taken.

42 iii. Copies from the department of all documentary evidence, memoranda,  
43 exhibits, correspondence, and other written material submitted to the  
44 administrative body prior to the decision from which the appeal is taken.

- 1                   iv.     A copy from the department of the written decision of the administrative  
2                   body, including its findings and conclusions.
- 3                   c.     Upon completion of the record, the municipal clerk shall serve notice on the  
4                   appellant of the cost of its preparation. If the appellant fails to pay the costs  
5                   within seven days of receiving the notice, the appeal shall be rejected. Upon  
6                   timely payment of costs, the municipal clerk shall serve a copy of the record on  
7                   the appellant. The municipal clerk shall also serve notice on the appellees who  
8                   have filed a notice of intent to file a brief that the record is available for pickup.  
9                   Upon request, the municipal clerk shall provide a copy of the record to an  
10                  appellee or the public. A copying cost for the record will be charged as set out in  
11                  AMCR 3.90.002. The appellee shall also be charged any mailing costs.

12                  7.     **Written Arguments**

- 13                  a.     ***Brief of Appellant***  
14                  The appellant may file a written brief of points and authorities in support of those  
15                  allegations of error specified in the notice of appeal with the municipal clerk's  
16                  office within 15 days after service of the appeal record. If the appellant files a  
17                  brief, allegations of error specified in the notice of appeal and not included in the  
18                  appellant's brief may be deemed waived or abandoned. The municipal clerk  
19                  shall deliver a copy of the appellant's brief to the municipal staff assigned  
20                  responsibility for the appeal. The municipal clerk shall also serve notice on those  
21                  appellees who have filed a notice of intent to file a brief that the appellant's brief  
22                  is available for pickup. Upon request, the municipal clerk shall provide a copy of  
23                  the appellant's brief to appellees, who shall be charged copying costs as  
24                  provided in AMCR 3.90.002 and any mailing costs applicable.

- 25                  b.     ***Brief of Appellee***  
26                  An appellee who has filed a notice of intent to file a brief may also file with the  
27                  municipal clerk's office a written response (appellee's brief) to the notice of points  
28                  on appeal and any brief in support thereof within 15 days after service of notice  
29                  by the municipal clerk that the appellant's brief is available for pick-up. The  
30                  municipal clerk shall serve notice on the appellant that appellee briefs have been  
31                  filed. The director may prepare and submit to the municipal clerk a written  
32                  response (staff's brief) to the notice of appeal and any brief in support thereof  
33                  within 15 days after service of notice by the municipal clerk that the appellant's  
34                  brief is available for pick-up.

- 35                  c.     ***Reply Brief***  
36                  An appellant may file a written reply brief to appellee briefs submitted pursuant to  
37                  subsection 7.b. The appellant's reply brief is due within 15 days after service of  
38                  notice by the municipal clerk that the appellee's brief is available for pick-up.

- 39                  d.     ***Form of Briefs***  
40                  The municipal clerk shall not accept a brief unless it is in the form prescribed by  
41                  this subsection.

- 42                  i.     ***Required Attachments***  
43                  All briefs shall be filed with an attached copy of the ordinances and  
44                  regulations principally relied upon, set out verbatim. All briefs shall also  
45                  include an excerpt of record of the pages on which the brief relies.

- 46                  ii.    ***Text of Brief, Exclusive of Attachments***  
47                  Briefs shall be typewritten on 8½- by 11-inch pages, double-spaced, with  
48                  quotations over two lines being single-spaced and indented.

49



1           **12. Decision**

2           **a.**     The board of adjustment, by majority vote, may affirm, modify, or reverse the  
3                    decision of the lower administrative body in whole or in part. A decision  
4                    reversing or modifying the decision appealed from shall be in a form which finally  
5                    disposes of the case on appeal except where the case is remanded in  
6                    accordance with subsection 13.a. below.

7           **b.**     Every decision of the board of adjustment to affirm, modify, or reverse the  
8                    decision of the lower administrative body pursuant to subsection 12.a. above  
9                    shall be based upon and include written findings and conclusions adopted by the  
10                   board. Such findings must be reasonably specific so as to provide the  
11                   community, and, where appropriate, reviewing authorities, a clear and precise  
12                   understanding of the reason for the board's decision. The board may seek the  
13                   assistance of legal counsel in the preparation of its decision.

14           **c.**     Every final decision of the board of adjustment shall clearly state on its face it is a  
15                   final decision with respect to all issues involved in the case, and that the parties  
16                   have 30 days from the date of service of the decision to appeal to the superior  
17                   court.

18           **13. Remand**

19           **a.**     The case shall be remanded to the lower body where the board of adjustment  
20                   determines any of the following:

21                   **i.**     There is insufficient evidence in the record on an issue material to the  
22                   decision of the case;

23                   **ii.**    There has been a substantial procedural error that requires further public  
24                   hearing; or

25                   **iii.**   The lower administrative body has made a legal error that, in the opinion  
26                   of the board of adjustment, warrants a remand.

27           **b.**     If the board of adjustment remands a case to the lower administrative body, the  
28                   board shall describe any issue upon which further evidence shall be taken, and  
29                   shall set forth any further directions the board deems appropriate for the  
30                   guidance of the lower administrative body.

31           **c.**     Cases on remand following a decision of the board shall take precedence over all  
32                   other matters on the agenda of the lower administrative body.

33           **d.**     A board of adjustment decision remanding a case on one or more issues is not a  
34                   final decision with respect to any issues involved in the appeal. The board of  
35                   adjustment's decision remanding the case is and shall state that it is the final  
36                   decision with respect to all matters affirmed by the board of adjustment's  
37                   decision, when, following service of the lower administrative body's decision on  
38                   remand, no appeal is perfected within the period specified in subsection  
39                   21.03.050A.4. The decision shall also state that the parties have 30 days from  
40                   the expiration of said period to appeal to the superior court.

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

42           **1. Jurisdiction of Board**

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

45                   **a.**     Interpretation of zoning district boundaries under subsection 21.01.050C.

46                   **b.**     Denial of an administrative permit under section 21.03.030.

- 1 c. Denial of a certificate of zoning compliance under section 21.03.060.
- 2 d. Interpretation of whether a conditional use amendments is major or minor under  
3 subsection 21.03.080D.2.
- 4 e. Denial of an application for a flood hazard permit under section 21.03.090.
- 5 f. Denial of an application for a building or land use permit under subsection  
6 21.03.100 when such denial is based on the requirements of title 21, except for  
7 subsection 21.03.100E.
- 8 g. Compliance with an institutional master plan under subsection 21.03.110F.
- 9 h. Denial of a minor modification under section 21.03.120 when the director is the  
10 decision-making body.
- 11 i. Denial of an application for a sign permit under subsection 21.03.170 when such  
12 denial is based on the requirements of title 21.
- 13 j. Determination of use classification under subsection 21.03.220.
- 14 k. Administrative variance for occupancy limits in assisted living facilities under  
15 subsection 21.03.240J.
- 16 l. Denial of a verification of legal nonconforming status under section 21.03.250.
- 17 m. Alleging an error in the enforcement or interpretation of the flood hazard overlay  
18 district under subsection 21.04.080D.
- 19 n. Site enhancement plan for a self-storage facility under subsection 21.05.060D.4.
- 20 o. Denial of or imposition of conditions on a certificate for legalization of  
21 nonconforming dimensional setback encroachment under section 21.12.030, or a  
22 certificate for legalization of lots created prior to September 16, 1975 under  
23 subsection 21.12.050C.
- 24 p. Denial of administrative approval to reinstate a damaged nonconforming use  
25 under subsection 21.12.030C., or to rebuild a damaged nonconforming structure  
26 under subsection 21.12.040D.1.a.
- 27 q. Overcoming presumption of abandonment under subsection 21.12.030E.
- 28 r. Enforcement orders issued under chapter 21.13, *Enforcement*.
- 29 s. Interpretation of general definitions and use definitions.
- 30 **2. Initiation of Appeal**  
31 Appeals to the zoning board of examiners and appeals may be brought by any party of  
32 interest for the application.
- 33 **3. Time Limit for Filing; Notice of Appeal; Appeal Fee**  
34 a. An appeal of an administrative decision to the zoning board of examiners and  
35 appeals, as set out in subsection B.1. above, must be filed no later than 20 days  
36 after the date of service of the decision.
- 37 b. Notice of appeal must be filed with the director on a form prescribed by the  
38 municipality and must contain detailed and specific allegations of error.

- 1 c. The appellant shall pay an appeal fee as set by the assembly, which shall  
2 accompany the filing of the notice of appeal. The appeal fee shall be returned to  
3 the appellant if the decision of the lower administrative body is reversed in whole,  
4 and one-half of the fee shall be returned if the decision is reversed in part.

5 **4. Scope of Review**

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

9 **5. Notice and Public Hearing**

- 10 a. A public hearing shall be held within 60 days of the filing of a proper notice of  
11 appeal.

- 12 b. Notice of the appeal hearing shall be published **on the municipal public notice**  
13 **web page of the municipal website** [IN A NEWSPAPER OF GENERAL  
14 CIRCULATION] at least 14 days prior to the hearing, and, in addition, the  
15 appellant shall be sent a notice by mail at least 14 days prior to the hearing.

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

19 **6. Decision**

- 20 a. The zoning board of examiners and appeals may affirm or reverse the decision of  
21 the decision-making body in whole or in part. It shall require a majority of the full  
22 membership, minus those members who disqualify themselves with conflicts of  
23 interest in accordance with AMC title 4.

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

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

33 **C. Judicial Appeals**

34 **1. Judicial Review Authorized**

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

- 38 a. A final decision of the board of adjustment on an appeal from a decision  
39 regarding the approval or denial of an application for a conditional use.

- 40 b. A final decision of the board of adjustment on an appeal from the platting board  
41 regarding an application for a subdivision.

- 42 c. A final decision of the zoning board of examiners and appeals.

- 43 d. Any final action or decision under this title that is appealable to the superior court  
44 under the *Alaska Rules of Court* and/or laws of the state of Alaska.

**21.03.060 CERTIFICATE OF ZONING COMPLIANCE**

**A. Purpose**

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

**B. Applicability**

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

**C. Issuance**

**1. Certificate**

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

**2. Conditional Certificate**

a. Upon approval by the director, the building official may issue a conditional certificate of zoning compliance for a specified portion or portions of a building prior to final completion of the entire building and/or site.

b. The conditional certificate shall be valid only for the period of time stated in the certificate, not to exceed 270 days.

c. Conditions that are attached to the conditional certificate of zoning compliance must be completed prior to the expiration of the certificate. When such conditions have not been completed prior to the expiration date of the conditional certificate, the certificate of zoning compliance shall immediately expire.

d. Upon receipt of a written application to the building official stating satisfactory reasons for the failure to complete work within the given time period, the building official may renew the certificate for a specified period of time, not to exceed 180 days.

e. Only one renewal may be granted, except that single family homes and phased projects may be granted more than one renewal.

**3. Inside the Building Safety Service Area**

Inside the building safety service area, the building official shall issue a certificate of zoning compliance when, after examination of the building, structure, landscaping, and/or other improvements or changes to the property, the municipality finds that the property complies with the applicable provisions of this title and other applicable ordinances and construction codes of the municipality.

**4. Outside the Building Safety Service Area**

Outside the building safety service area, the building official shall issue a certificate of zoning compliance when the municipality finds that the property complies with the applicable provisions of this title. For all development except for single- and two-family development, such finding shall follow an examination of the building, structure, landscaping, and/or other improvements or changes to the property. Single- and two-family development shall provide a certified as-built to the building official. Provisions of this title that cannot be verified by a certified as-built may be subject to a physical examination of the property through a final zoning inspection.

- 1           **5. Appeals**  
 2           Denial of a certificate of zoning compliance may be appealed to the zoning board of  
 3           examiners and appeals in accordance with subsection 21.03.050B.

4 **21.03.070 COMPREHENSIVE PLAN AMENDMENTS**

5 **A. Purpose and Scope**

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

9 **B. Levels of Plan Review**

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

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

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

25 **2. Targeted Plan Review (10-year Intervals)**

26 The director shall initiate a targeted review of the  
 27 plan at least once every 10 years, or in conjunction  
 28 with an area-wide rezoning, in order to make it  
 29 consistent with economic and demographic trends,  
 30 recent and proposed land use decisions, and  
 31 adopted studies and plans. Any amendments shall  
 32 follow the procedures of subsections C. and D.  
 33 below.

34 **3. Other Plan Amendments**

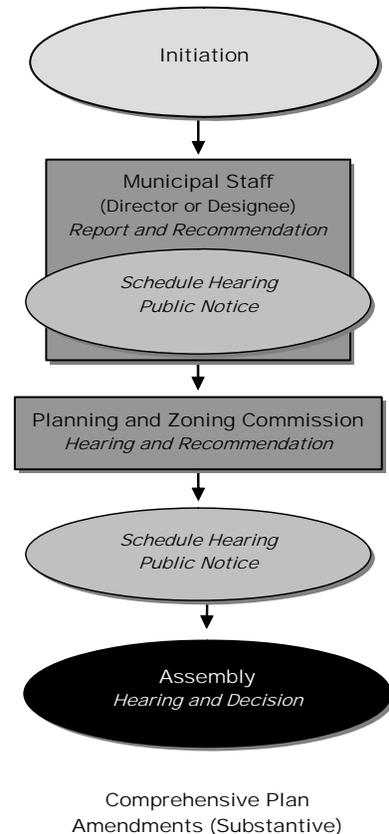
35 In addition to the regularly scheduled reviews  
 36 described above, any review or decision-making  
 37 body, or the director of any municipal department,  
 38 may propose a plan amendment at any time. All  
 39 such proposals shall be processed in accordance  
 40 with the procedures in subsections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

41 **C. Procedure for Substantive Amendments**

42 **1. Procedure**

43 **a. Initiation**

44 A petition for amendment to the  
 45 comprehensive plan may be initiated by any  
 46 review or decision-making body, or, if  
 47 accompanied by a rezone application, by a  
 48 property owner.

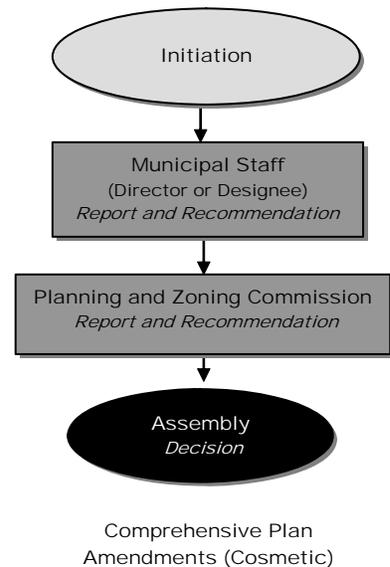


- 1  
2  
3
- b. **Public Notice**  
Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.
- 4  
5  
6  
7  
8  
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10  
11
- c. **Departmental Review**  
The department shall review each proposed substantive amendment in light of the approval criteria set forth in subsection C.2. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission. This report shall include a discussion of all plans and policies that have been adopted by the municipality and are relevant to the proposed amendment.
- 12  
13  
14  
15  
16  
17
- d. **Planning and Zoning Commission Action**  
The planning and zoning commission shall hold a public hearing on the proposed amendment. Based on testimony received, the department's report, and the approval criteria in subsection C.2. below, the commission shall recommend that the assembly approve, approve with modifications, or deny the proposed amendment.
- 18  
19  
20  
21
- e. **Assembly Action**  
The assembly shall hold a public hearing on the proposed amendment. Based on the commission's recommendation, testimony received, and the approval criteria in subsection C.2. below, the assembly shall:
- 22  
23  
24
- i. Approve the amendment by ordinance, either as submitted or with modifications suggested by staff, the planning and zoning commission, or the assembly;
- 25
- ii. Reject the proposed amendment; or
- 26  
27  
28
- iii. Refer the proposed amendment, and/or any substantial modifications proposed by the assembly, back to the planning and zoning commission or to a committee of the assembly for further consideration.
- 29  
30  
31  
32
2. **Approval Criteria**  
The planning and zoning commission may submit a recommendation for approval, and the assembly may approve an amendment if, in the judgment of the commission or the assembly, the amendment meets the following approval criteria:
- 33  
34
- a. The proposed amendment is necessary in order to address one or more of the following:
- 35  
36
- i. A change in projections or assumptions from those on which the comprehensive plan is based;
- 37  
38
- ii. Identification of new issues, needs, or opportunities that are not adequately addressed in the comprehensive plan;
- 39  
40  
41
- iii. A change in the policies, objectives, principles, or standards governing the physical development of the municipality or any other geographic areas addressed by the comprehensive plan; or
- 42
- iv. Identification of errors or omissions in the comprehensive plan.
- 43  
44
- b. The proposed amendment maintains the internal consistency of the comprehensive plan, and is consistent with the other elements of the

- 1 comprehensive plan without the need to change other components of the plan to  
 2 maintain internal consistency.
- 3 c. The proposed amendment would not be detrimental to the public interest, health,  
 4 safety, convenience, or welfare of the community.
- 5 d. If the proposed amendment is to the comprehensive plan map, the requested  
 6 land use designation is found to be equally or more supportive of the  
 7 comprehensive plan goals, objectives, policies, and guidelines, than the old land  
 8 use designation.
- 9 e. If the proposed amendment is to the comprehensive plan map, the subject site is  
 10 consistent with the adopted description and locational criteria for the requested  
 11 land use designation, and is physically suitable to accommodate the proposed  
 12 designation, including but not limited to access, physical constraints, provision of  
 13 utilities, and compatibility with surrounding designations and development  
 14 patterns.
- 15 **3. Concurrent Zoning Changes Allowed**
- 16 a. Requests for rezonings (zoning map amendments) may be considered  
 17 concurrently with a comprehensive plan map amendment. The zoning map  
 18 amendment shall be to a zone corresponding to the requested comprehensive  
 19 plan map designation. Concurrent zoning map amendments shall meet all of the  
 20 approval criteria of subsection 21.03.160[170]E.
- 21 b. The planning and zoning commission shall submit its report and recommendation  
 22 regarding the comprehensive plan map amendment to the assembly at the same  
 23 time it submits the report and recommendation on the rezoning case. The  
 24 assembly and planning and zoning commission shall consider the plan  
 25 amendment proposal and rezoning request separately, and shall act separately  
 26 on the two items.

27 **D. Procedure for Cosmetic Amendments**

- 28 **1. Initiation**  
 29 Any review or decision-making body, or director of any  
 30 municipal department, may, at any time on their own  
 31 motion, request that the director investigate and  
 32 evaluate a specific cosmetic amendment proposal. No  
 33 public hearing or public notification is required.
- 34 **2. Departmental Review**  
 35 The department shall review each proposed cosmetic  
 36 amendment and shall provide a report to the planning  
 37 and zoning commission.
- 38 **3. Planning and Zoning Commission Action**  
 39 The planning and zoning commission shall submit,  
 40 within a reasonable time, a report and recommendation  
 41 to the assembly regarding whether or not the proposed  
 42 amendment should be adopted as submitted, adopted  
 43 with modifications, or rejected.
- 44 **4. Assembly Action**  
 45 The assembly shall consider the reports and recommendations of the planning and  
 46 zoning commission and the director at a regularly scheduled assembly meeting, and will  
 47 take action to either:



- a. Approve or deny the amendment;
- b. Approve the amendment with modifications; or
- c. Refer the matter back to the planning and zoning commission for further consideration.

**21.03.080 CONDITIONAL USES**

**A. Purpose**

The conditional use approval procedure is intended for situations where a use may or may not be appropriate in a district, depending on the specific location, the use characteristics, and potential conditions to decrease the adverse impacts of the use on surrounding properties and/or the community-at-large. It also provides a discretionary review process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure provides public review and evaluation of a use's operating characteristics and site development features through a public hearing process.

**B. Procedure**

**1. Initiation**

An application for a conditional use approval shall be initiated by the owner(s) of the subject property.

**2. Pre-Application Conference**

Before filing an application, the applicant shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.

**3. Community Meeting**

A community meeting is required in accordance with subsection 21.03.020C.

**4. Application Submittal**

Applications for a conditional use approval shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

**5. Public Notice**

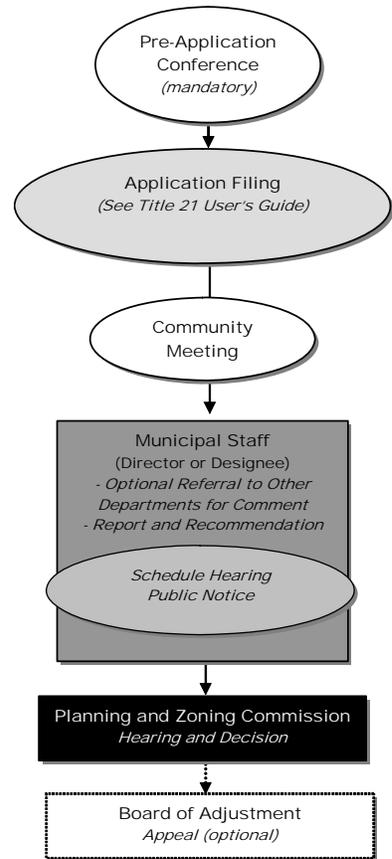
Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.

**6. Departmental Review**

The department shall review each proposed conditional use approval application in light of the approval criteria of subsection C. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

**7. Planning and Zoning Commission Action**

The planning and zoning commission shall hold a public hearing on the proposed application and act to approve, approve with conditions, or deny the proposed conditional use, based on the approval criteria of subsection C. below.



Conditional Uses

1           **8. Appeal**

2            Decisions on conditional use approvals may be appealed to the board of adjustment in  
3            accordance with subsection 21.03.050A.

4   **C. Approval Criteria**

5            The planning and zoning commission may approve a conditional use application if, in the  
6            judgment of the commission, all of the following criteria have been met in all material matters:

7            1.     The proposed use is consistent with the comprehensive plan and all applicable provisions  
8            of this title and applicable state and federal regulations;

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

11           3.     The proposed use is consistent with any applicable use-specific standards set forth in  
12           chapter 21.05;

13           4.     The site size, dimensions, shape, location, and topography are adequate for the needs of  
14           the proposed use and any mitigation needed to address potential impacts;

15           5.     The proposed use will not alter the character of the surrounding area in a manner which  
16           substantially limits, impairs, or prevents the use of surrounding properties of the permitted  
17           uses listed in the underlying zoning district;

18           6.     The proposed use is compatible with uses allowed on adjacent properties, in terms of its  
19           scale, site design, operating characteristics (hours of operation, traffic generation,  
20           lighting, noise, odor, dust, and other external impacts);

21           7.     Any significant adverse impacts anticipated to result from the use will be mitigated or  
22           offset to the maximum extent feasible;

23           8.     The proposed use is appropriately located with respect to the transportation system,  
24           including but not limited to existing and/or planned street designations and  
25           improvements, street capacity, access to collectors or arterials, connectivity, off-site  
26           parking impacts, transit availability, impacts on pedestrian, bicycle, and transit circulation,  
27           and safety for all modes; and

28           9.     The proposed use is appropriately located with respect to existing and/or planned water  
29           supply, fire and police protection, wastewater disposal, storm water disposal, and similar  
30           facilities and services.

31   **D. Amendments to Approved Conditional Uses**

32            **1. Original Procedure Applies for Most Amendments**

33            Amendment of a conditional use approval shall follow the same process required for the  
34            original approval of a conditional use, unless the amendment is determined to be a minor  
35            amendment as described in subsection D.2. below.

36            **2. Administrative Approval of Minor Amendments**

37            The director may **administratively** approve [ADMINISTRATIVELY] minor amendments to  
38            any approved conditional use upon written application and documentation by the  
39            applicant, and upon the director's determination that the amendment is a minor  
40            amendment.

41            **a. Procedure**

42            i.     Upon receiving a written request from the applicant for a conditional use  
43            amendment, the director shall determine if the proposed amendment will  
44            be processed as a minor amendment or major amendment. The

1 applicant may appeal the director's decision in writing to the zoning  
2 board of examiners and appeals within 10 days of the decision.

3 ii. Immediately following the director's determination that a proposed  
4 amendment is minor, the director shall:

5 (A) Issue a minor amendment affidavit, which shall be transmitted to  
6 the planning and zoning commission for their information; and

7 (B) Attach a form stating the nature of the modification, date of  
8 approval, and bearing the signature of the director to the  
9 conditional use on file in the department.

10 iii. If the original approval had been recorded, the amended plan shall be  
11 recorded by the municipality at the applicant's expense.

12 b. **Types of Minor Amendments**

13 The following are amendments which the director may reasonably determine to  
14 be "minor":

15 i. Insubstantial changes to the text to add clarity or correct conflicting  
16 provisions.

17 ii. Changes in street alignment if such changes further the intent of the plan  
18 and this code, and are acceptable to the municipal engineer.

19 iii. Changes in building envelope, setback, and similar provisions of 10  
20 percent<sup>[%]</sup> or less.

21 iv. Incidental changes in landscaping, sign placement, lighting fixtures, etc.  
22 to further the intent of the plan and this code.

23 **E. Platting for Conditional Uses**

24 1. If development under an approval under this section creates a subdivision or requires the  
25 vacation of a dedicated public area, the approval is not effective until a final plat for the  
26 subdivision or vacation is approved and recorded in accordance with this title. A  
27 preliminary plat required under this section is subject to approval as required by section  
28 21.03.200, *Subdivisions*.

29 2. Unless the planning and zoning commission directs in the final approval that it shall act  
30 as the platting authority, the platting board is the platting authority for subdivisions under  
31 this subsection.

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

35 **F. Conditional Use for a Residential Planned Unit Development**

36 1. **Intent and Approval**

37 A residential planned unit development (PUD) is intended to allow flexibility for residential  
38 development in the zoning ordinance and to achieve the creation of a more desirable  
39 environment than would be possible through a strict application of the zoning ordinance.  
40 The planning and zoning commission shall evaluate the proposed planned unit  
41 development in accordance with the conditional use approval criteria at C. above, and the  
42 following additional criteria:

- 1           a.     Creative use of the land, imaginative architectural design, a consolidation of  
2           usable open space and recreation areas, and the preservation of natural  
3           features.
- 4           b.     The mixing of compatible land uses, residential densities, and housing types  
5           within the neighborhood.
- 6           c.     The efficiency of the configuration of utilities, vehicular circulation, and parking  
7           facilities.
- 8           d.     Enhancing the surrounding environment.
- 9           e.     Maintaining population densities and lot coverage that are consistent with  
10          available public services and the comprehensive plan.

11           **2.     Minimum Standards**

12           All planned unit developments shall meet the following minimum standards. In addition,  
13           the planning and zoning commission may require compliance with such other design  
14           standards relating to the construction, design, and placement of buildings, landscaping,  
15           streets, roadways, walkways, drainageways, and other site design features as it may  
16           deem necessary. **A PUD shall comply with any special limitations of the zoning district.**  
17           The user's guide may include guidelines to assist developers in meeting such standards.

18           **a.     Minimum Site Area**

19           The minimum site area for a PUD shall be 2.0 acres for PUDs located entirely in  
20           the R-2F, R-2M, R-3, and R-4 zoning districts. If any portion of a proposed PUD  
21           is located within the R-1, R-1A, R-2A, R-2D, R-5, [OR] R-7, **GR-1, GR-2, GR-2A,**  
22           **GR-3, GR-4, or GR-5** zoning districts, the minimum site area shall be 5.0 acres.  
23           If any portion of a proposed PUD is located within the R-6, R-8, or R-9 zoning  
24           districts, the minimum site area shall be 10 acres.

25           **b.     Open Space**

26           A minimum of 30 percent of the site shall be reserved as open space which shall  
27           meet the following standards:

- 28           i.     At least one-half of such open space shall be contiguous;
- 29           ii.    The open space shall not include public or private streets or rights of  
30           way; parking facilities, driveways, other motor vehicle circulation areas,  
31           loading areas, or refuse collection areas; slopes over 15 percent; 50  
32           percent of designated snow storage areas; drainage easements, ditches,  
33           swales, or other areas intended to collect and channel water;
- 34           iii.   In class A districts, no portion of the required open space shall be less  
35           than 2,000 square feet in area or less than 30 feet in its smallest  
36           dimension, except for individual yards, balconies, or decks pursuant to  
37           b.iv. and b.v. below;
- 38           iv.   In class B districts, no portion of the required open space shall be less  
39           than half of the minimum lot size of the underlying district in area, or less  
40           than 100 feet in its smallest dimension, except for individual yards,  
41           balconies, or decks pursuant to b.v. and b.vi. below;
- 42           v.     A minimum of 12 percent and a maximum of 50 percent of required open  
43           space shall consist of yards which shall be reserved for the residents of  
44           individual dwelling units; and

- 1 vi. In multistory buildings, balconies or decks may be used in lieu of  
2 individual yards provided that the total area of all balconies or decks is  
3 not less than the total yard area otherwise required.
- 4 c. **Design**
- 5 i. Any nonresidential use permitted in a PUD shall be compatible with the  
6 residential nature of the development. Parking areas which are intended  
7 to serve nonresidential uses shall be separated from those designed to  
8 serve residential areas. Unless nonresidential and residential uses are  
9 combined within a single structure, nonresidential uses shall be  
10 separated from dwelling units by L3 buffer landscaping.
- 11 ii. Pedestrian walkways shall connect residential and nonresidential uses  
12 within a PUD.
- 13 iii. Level 4 screening landscaping shall be planted along each boundary of  
14 the PUD adjacent to a nonresidential district or a right-of-way designated  
15 for collector or greater capacity on the *Official Streets And Highways*  
16 *Plan*.
- 17 iv. Common open space with L4 screening landscaping shall be provided  
18 along any lot line abutting a residential neighborhood where any abutting  
19 lot is greater than 150 percent of the average lot size along that lot line of  
20 the PUD.
- 21 v. Any two adjacent buildings within a PUD shall be separated from each  
22 other by a distance equal to one-half the height of the taller building.
- 23 vi. Each **dwelling** unit shall be provided with either heated parking, or at  
24 least one electrical outlet that is convenient to the required parking  
25 space(s).
- 26 d. **Access and Connectivity**  
27 PUDs shall comply with section 21.07.060, *Transportation and Connectivity*.
- 28 e. **Utility Installation**  
29 All new utilities shall be installed underground.
- 30 f. **Homeowners' Agreements**  
31 Any PUD which will involve the formation of a horizontal property regime under  
32 the terms of AS 34.07.010 et seq. or any mandatory homeowners' or similar  
33 association shall submit for review by the commission the articles of  
34 incorporation and bylaws of any such association prior to the sale of any property  
35 subject to the association. The commission may require any provisions  
36 necessary to ensure that the provisions and intent of this title are met.
- 37 3. **Development Options**  
38 The following provisions allow the developer of the PUD to propose changes from the  
39 provisions of the underlying zoning district with regard to density, allowed uses, and  
40 dimensional standards. The **extent [EXTEND]** of the changes to the standards shall be  
41 determined by the planning and zoning commission in accordance with the approval  
42 criteria of subsection F.1. above.
- 43 a. **Density**  
44 The number of dwelling units per acre allowable on the gross are of a PUD shall  
45 be determined by the planning and zoning commission. However, in no event  
46 shall the number of dwelling units per acre exceed the maximums established by  
47 the following schedule:

TABLE 21.03-2	
Zoning District	Dwelling Units per Acre (gross area)
R-1 and R-5	8
R-1A	6
R-2A	12
R-2D	15
R-2F and R-2M	22
R-3	55
R-4	110
R-6	2
R-7	4.5
R-8	0.5
R-9	1.0
<u>GR districts</u>	<u>As determined by the planning and zoning commission</u>

**b. Uses**

The applicant may propose any residential use, and in class A zoning districts, may propose any commercial use that is allowed in the R-4 district in table 21.05-1. A PUD may not include the storage or use of mobile homes or quonset huts. Any nonresidential use must be specifically authorized as to its exact location, type, and size. In no event shall the total gross floor area of all nonresidential uses exceed 10 percent of the total gross floor area of the PUD.

**c. Dimensional Standards**

- i. Height limitations in the R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-6, R-7, R-8, [OR] R-9, GR-1, GR-2, GR-2A, GR-3, GR-4, or GR-5 zoning districts may be exceeded by an additional five feet. Height limitations in the R-3 and R-4 districts may be exceeded by an additional 10 feet.
- ii. The applicant may propose changes to minimum lot area, maximum lot coverage, and minimum setbacks for the PUD.

**4. Planned Unit Developments in the Turnagain Arm District**

PUDs in the TA district shall conform, with regard to uses and residential density, to the land use plans of the *Turnagain Arm Area Plan* and the standards of this section.

**G. Abandonment of Conditional Use**

An otherwise lawful conditional use approval shall expire if:

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

**21.03.090 FLOOD HAZARD PERMITS**

**A. Applicability**

Any use, structure, or activity listed in the floodplain regulations (section 21.04.060D., *Flood Hazard Overlay District*) as requiring a flood hazard permit is prohibited until the issuance of such permit. Applications for flood hazard permits shall be made to the municipal engineer.

**B. Application Contents**

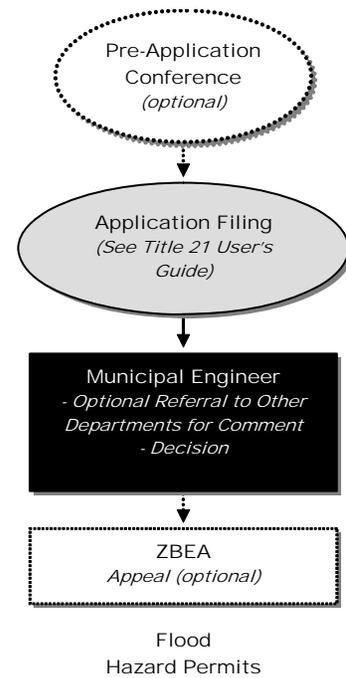
Any application for a flood hazard permit shall contain the following material:

1. The elevation in relation to mean sea level of the lowest floor, including basement or crawl space, of all structures;
2. The elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 21.04.060D.7., *Construction Requirements (in Flood Hazard Overlay District)*; and
4. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**C. Evaluation; Additional Information**

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

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



**D. Criteria for Issuance**

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

1. The proposed use or structure poses a minimal increase in probable flood height or velocities caused by encroachment;
2. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions will not be impaired by flooding;
3. The susceptibility of the proposed facility and its contents to flood damage is minimal;
4. There will be adequate access to the property in times of flood for ordinary and emergency vehicles;

1           5.       The proposed use, structure, or activity is in conformance with all applicable land use  
2           regulations; and

3           6.       All necessary floodproofing will be provided.

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

5           The municipal engineer shall act on an application in the manner described in this section within  
6           30 days from receiving the application, except that, where additional information is required, the  
7           official shall act within 30 days of the receipt of such additional requested information.

8   **F.       Notice on Subdivision Plats**

9           Where any portion of a subdivision is situated within a flood hazard district, a note shall be placed  
10          on the plat that reads as follows: "Portions of this subdivision are situated within the flood hazard  
11          district as it exists on the date hereof. The boundaries of the flood hazard district may be altered  
12          from time to time in accordance with the provisions of section 21.04.060D.3., *Creation of Flood  
13          Hazard Overlay District; Official Flood Hazard Reports and Maps*. All construction activities and  
14          any land use within the flood hazard district shall conform to the requirements of section  
15          21.04.060D., *Flood Hazard Overlay District*."

16   **G.       Appeals**

17          Denial of a flood hazard permit may be appealed to the zoning board of examiners and appeals in  
18          accordance with section 21.03.050B.

19   **21.03.100    LAND USE PERMITS**

20   **A.       Purpose**

21          The land use permit process assures current and future property owners that the structures and  
22          land uses conform to the zoning code. Within the building safety service area, the land use  
23          permit also involves plan review and on-site inspections to insure that buildings meet the  
24          structural, plumbing, mechanical, electrical, and fire safety codes.

25   **B.       Applicability**

26          **1.       In the Municipality**

27          In the municipality, a land use permit shall be required prior to:

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

30           **b.**       Installation of telecommunication towers;

31           **c.**       Construction of a fence over eight feet in height;

32           **d.**       Excavation of more than 50 cubic yards on any lot or tract;

33           **e.**       Filling or grading more than 50 cubic yards on any lot or tract;

34           **f.**       Changing the principal use of a building, as defined by "change of use" in chapter  
35           21.14; or

36           **g.**       Mechanized land clearing of more than one contiguous acre (chainsaws  
37           excluded).

38          **2.       Inside Building Safety Service Area**

39          Inside the building safety service area, a building permit shall be considered the land use  
40          permit and shall be required in accordance with B.1. above and title 23. The issuance of

1 a building permit may also be subject to the improvement requirements referenced in  
2 subsection E. below.

3 **C. Procedures**

4 **1. Application Submittal**

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

7 **2. Approval Procedure**

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

9 **b.** The building official shall determine whether the application complies with all  
10 requirements of title 23. The director shall determine whether the application  
11 complies with all requirements of title 21, and shall inform the building official of  
12 his or her determination.

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

16 **d.** A land use permit shall become null and void unless the work approved by the  
17 permit is commenced (see “start of construction” in chapter 21.14) within 12  
18 months after the date of issuance. If after start of construction the work is  
19 discontinued for a period of 12 months, the permit therefore shall immediately  
20 expire. No work authorized by any permit that has expired shall thereafter be  
21 performed until a permit has been reinstated, or until a new permit has been  
22 secured.

23 **3. Changes to Approved Permits**

24 **a.** After a land use permit has been issued, no substantial changes or deviations  
25 from the terms of the permit or the application and accompanying plans and  
26 specifications shall be made without the specific written approval of such  
27 changes or deviations by the building official.

28 **b.** An amendment to a land use permit that requires payment of an additional fee,  
29 either because of an increase in the size of the buildings, a change in the scope  
30 of work, or an increase in the estimated cost of the proposed work, shall not be  
31 approved until the applicant has paid the additional fees and the amendment has  
32 been properly reviewed and approved for conformance with applicable codes.

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

34 The issuing department may revoke and require the return of any land use permit by  
35 notifying the permit holder in writing, stating the reason for such revocation. The issuing  
36 department shall revoke land use permits for any of the following reasons:

37 **a.** Any material departure from the approved application, plans, or specifications;

38 **b.** Refusal or failure to comply with the requirements of this title or any other  
39 applicable state or local laws;

40 **c.** False statements or misrepresentations made in securing such permit.

41 **5. Appeals**

42 **a.** Denials or revocations of a land use permit relating to title 21 compliance, with  
43 the exception of those relating to subsection 21.03.100E, may be appealed to the  
44 zoning board of examiners and appeals in accordance with subsection  
45 21.03.050B.

1                   b.       Denials or revocations of a land use permit relating to title 23 compliance may be  
2                                    appealed to the building board of examiners and appeals.

3 **D.       Approval Criteria**

4       No land use permit shall be issued unless the building official determines that all required  
5       approvals have been granted and the plans comply with all applicable provisions of title 23, and  
6       the director determines the plans comply with all applicable provisions of this title.

7 **E.       Improvements Associated with Land Use Permits**

8       **1.       Improvements Required**

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

17       **2.       Exceptions**

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

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

22                   b.       The traffic engineer determines that a street dedication or improvement is not  
23                                    required for traffic circulation;

24                   c.       A dedication or improvement has been provided to the applicable standard of [IN]  
25                                    chapter 21.08, *Subdivision Standards*;

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

29                   e.       The municipality has already appropriated funds to construct an improvement; or

30                   f.       The permit is for repairs, maintenance, emergencies, electrical, mechanical, or  
31                                    plumbing.

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

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

38                   a.       The dedication or improvement shall be reasonably related to the anticipated  
39                                    impact on public facilities and adjacent areas that will result from the use and  
40                                    occupancy of the structure that is the subject of the building or land use permit.  
41                                    Any required public use easement shall be removed when calculating density or  
42                                    lot coverage per the applicable zoning district. The municipal engineer may  
43                                    require the permit applicant to provide information or analyses to determine  
44                                    impacts as set out in the comprehensive plan's policies for transportation,  
45                                    transportation design and maintenance, and water resources on public facilities  
46                                    and adjacent areas, including without limitation the following:

- 1 i. A traffic impact analysis, or similar information. The traffic engineer may  
2 require a traffic impact analysis if the same would be required for  
3 approval of a subdivision, conditional use, or site plan for similar  
4 development under this title.
- 5 ii. A drainage study, or similar information. A drainage study may be  
6 required if the same would be required for approval of a subdivision,  
7 conditional use, or site plan for similar development under this title.
- 8 iii. An estimate of the financial costs of impacts on public facilities and  
9 adjacent areas without the required improvements, including without  
10 limitation continuity of improvements, maintenance costs of public  
11 facilities, parking, drainage, noise and dust control, pedestrian and  
12 vehicle safety and access, and emergency vehicle access and response  
13 time.
- 14 iv. Information concerning the consistency of the impacts of the proposed  
15 development with the comprehensive plan.
- 16 v. A design of internal streets and location of fire hydrants satisfactory to  
17 the fire marshal for purposes of fire protection within the development.  
18 Outside the Anchorage fire service area, the state fire marshal's  
19 standards control.
- 20 b. The estimated cost of constructing the improvement shall be reasonable when  
21 compared to the estimated cost of the proposed development under the land use  
22 permit. The determination of reasonableness shall be based on cost estimates  
23 for the improvement and the proposed development that the permit applicant or  
24 applicant's agent submits under penalty of perjury. If the municipal engineer  
25 determines that the estimated cost to the applicant to complete all the  
26 improvements required by this section is unreasonable in relation to the  
27 estimated cost of the proposed development, the municipal engineer may reduce  
28 or eliminate required improvements as necessary to make the relationship  
29 between such costs reasonable.
- 30 c. The municipal engineer shall consider the potential development of all adjacent  
31 parcels, lots, or tracts under common ownership, in addition to the lot, parcel, or  
32 tract that is the subject of the permit application, and the impacts associated  
33 therewith, in applying the standards in this subsection.
- 34 d. The municipal engineer may approve adjustments to the improvement  
35 requirements under this section to the extent that compliance with the standards  
36 would result in an adverse impact on natural features such as wetlands, steep  
37 slopes, or existing mature vegetation; existing development; or public safety.

38 **4. Phasing of Installation**

39 Except as provided in this section, all required improvements shall be constructed and  
40 accepted by the municipality before any certificate of zoning compliance is issued for the  
41 permitted construction. If the municipal engineer determines that it is not reasonable to  
42 require compliance with the preceding sentence, no permit may be issued until the  
43 applicant enters into an agreement for construction of the required improvements, with  
44 performance guarantees, in the form required for subdivision improvements under  
45 section 21.08.050, *Improvements*.

46 **5. Warranty**

47 All improvements required under this section shall be subject to the warranty and  
48 guarantee of warranty requirements provided for subdivision improvements in section  
49 21.08.050, *Improvements*.

1           **6. Oversizing**

2           If an improvement exceeding the requirements of this section is requested by the  
3           municipality and is necessary for the adequate and efficient development of surrounding  
4           areas, the municipality may require the applicant to install or accommodate oversizing.  
5           Inside the Anchorage road and drainage service area, in such event the municipality shall  
6           reimburse the applicant for the cost of the oversizing at least as soon as budgeted funds  
7           are available after completion and acceptance of the improvements. This subsection  
8           shall not be a limitation on the municipality's ability to require a utility to oversize its  
9           facilities or a limitation on the manner in which the municipality may pay its proportionate  
10          share of the costs of oversizing.

11          **7. Fee in Lieu**

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

14          **a.**       That the improvements or construction activities associated therewith would  
15          create a potential undue safety hazard to motorists or pedestrians; or

16          **b.**       Due to the nature of existing development on adjacent properties it is unlikely  
17          that improvements would be extended in the foreseeable future and the  
18          improvements associated with the development under review do not, by  
19          themselves, provide a sufficient improvement to safety or capacity or a sufficient  
20          benefit to the property to be developed under the building or land use permit to  
21          warrant construction.

22          **c.**       Any fee paid pursuant to this section shall be accounted for separately, and the  
23          fee paid shall be dedicated and used only for the purpose of constructing the  
24          public facilities which were identified by the municipal engineer and for which the  
25          fee was paid.

26          **8. Fee Amount**

27          The amount of the fee in lieu shall be the full cost of the improvements as estimated by  
28          an engineer registered as a professional engineer in Alaska. In the event the applicant or  
29          successor in interest later elects or is required to install improvements for which the fee  
30          was paid, the fee shall be refunded (without interest), so long as the claim for refund is  
31          filed within two years from the date of acceptance of the improvement.

32          **9. Appeals of Improvement Standards**

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

39    **21.03.110 MASTER PLANNING, INSTITUTIONAL**

40    **A. Purpose**

41          The institutional master plan review process provides a framework for development of large  
42          institutions, such as hospitals and universities, that control large land areas within the  
43          municipality, and are a source of substantial employment, and that may contain a greater density  
44          of development than surrounding areas. An institutional master plan is intended to permit  
45          flexibility for a large institution to have greater control over its own land use decisions, while  
46          providing a level of understanding to the surrounding community about the potential growth of the  
47          institution and the resultant impacts, and to the municipality about the public infrastructures and  
48          services that may be necessary to serve the planning area and adjacent neighborhoods. The  
49          process is specifically intended to:

- 1 1. Provide flexibility to institutions to carry out long-range building programs in accord with  
2 the institutional mission and objectives;
- 3 2. Provide a growing and continuing source of employment for the municipality that is easily  
4 accessible and well-integrated with surrounding neighborhoods and the local  
5 transportation system;
- 6 3. Create attractive and efficient urban areas that incorporate quality design and urban  
7 amenities;
- 8 4. Protect sensitive portions of the natural environment that are potentially affected by  
9 institutional development; and
- 10 5. Consider the impacts of institutional development on adjacent neighborhoods.

11 **B. Applicability**

12 An institutional master plan may be submitted and approved, in accordance with the procedures  
13 of this section, for any multi-building development site of 25 contiguous acres or more in common  
14 ownership in any zoning district or combination of districts. The process provides an alternative  
15 to the procedures and development and design standards of this title for institutions seeking to  
16 develop large, complex sites with multiple buildings and uses following a contextually aesthetic  
17 design theme.

18 **C. Institutional Master Plan Requirements**

19 **1. Planning Area**

20 The planning area for the institutional master plan shall include all the areas that are  
21 under the ownership and control of the institution, and for which the institution wishes to  
22 establish independent design and development standards under this section.

23 **2. Submittal Requirements**

24 An institutional master plan shall, at a minimum, include the following information unless  
25 the director determines that such information is not necessary to evaluate the proposed  
26 institutional master plan and the institution's future impacts on surrounding  
27 neighborhoods. Specific requirements for the full institutional master plan shall be  
28 determined by the director following the pre-application conference.

29 **a. Boundaries**

30 At least one aerial photograph taken during the three-year period preceding  
31 submittal of the institutional master plan shall be submitted under this section.  
32 The aerial photo or some other map shall depict existing zoning districts and  
33 surrounding properties within 1,000 feet of the planning area boundaries.

34 **b. Mission and Objectives**

35 The institutional master plan shall include a statement that defines the  
36 organizational mission and objectives of the institution and description of how  
37 development contemplated or defined by the institutional master plan advances  
38 the goals and objectives of the institution. The statement should describe the  
39 number of people being served by the institution on the site, the number of  
40 people employed on the site, and the maximum number of people present on the  
41 site for any single event or activity. The statement should include any projected  
42 changes in the size of those populations, and how such projections were  
43 calculated. It should also specify any services to be provided to residents in  
44 adjacent neighborhoods and in other areas of the municipality.

45 **c. Existing Property and Uses**

46 The institutional master plan shall include a description of land, buildings, and  
47 other structures owned or occupied by the institution within the planning area

1 boundaries as of the date of submittal of the institutional master plan. The  
2 following information shall be required:

- 3 i. Illustrative site plans showing the footprints of each building and  
4 structure, together with roads, sidewalks, parking, landscape features,  
5 and other significant site improvements;
- 6 ii. Land and building uses;
- 7 iii. Gross floor area in square feet of each individual building;
- 8 iv. Building height in stories and feet of each individual building; and
- 9 v. A description of parking and loading areas and facilities, including a  
10 statement of the approximate number of parking spaces in each area or  
11 facility.

12 **d. *Needs of the Institution***

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

- 16 i. Academic;
- 17 ii. Support services;
- 18 iii. Research;
- 19 iv. Office;
- 20 v. Housing;
- 21 vi. Patient care;
- 22 vii. Assembly for public events, worship, cultural events, and the like;
- 23 viii. Recreation and athletics;
- 24 ix. Transit;
- 25 x. Parking; and
- 26 xi. Commercial spaces, not including concessionaire space that is intended  
27 to serve the institutional community.

28 **e. *Ten-Year Development Envelope***

29 The institutional master plan shall include a description of the development  
30 expected to occur within the planning area boundaries within a 10-year time  
31 frame. The 10-year development description shall be the maximum amount of  
32 development proposed by the institution based on anticipated changes in total  
33 population and programs. The 10-year development description shall include the  
34 following:

- 35 i. General location of the institution's needs (as listed in 2.d. above) in  
36 potential development areas as depicted on a site functional use map;  
37 and
- 38 ii. Estimated total square footage of anticipated development in each  
39 development area.

1           f.       **Development and Design Standards**

2           The institutional master plan shall include the elements listed below. These  
3           elements may set different standards than those found in title 21. the plan shall  
4           list the specific sections of title 21 for which different standards are to be  
5           established by the master plan, and provide rationale for any different standards  
6           proposed. Where different standards are approved in the institutional master  
7           plan, those standards shall be applied instead of the corresponding standards in  
8           title 21.

9           i.       **Borders and Boundaries**

10          Treatment along public rights-of-way and boundaries with other  
11          landowners, with regard to building setbacks and landscape buffers.

12          ii.      **Transportation and Parking Management**

13          A transportation and parking management plan including how additional  
14          parking demand and transit will be accommodated within the planning  
15          area.

16          iii.     **Natural Resource Protection**

17          Identification of sensitive natural resources, including but not limited to  
18          wetlands and flood plain delineation maps, within the planning area, and  
19          the institution's plans for maintaining or mitigating impacts on those  
20          sensitive areas. The institutional master plan shall not reduce or  
21          otherwise weaken the natural resource protection standards of section  
22          21.07.020.

23          iv.     **Open Space and Pedestrian Circulation**

24          Open space and pedestrian circulation guidelines and objectives,  
25          including a description of the circulation system to be provided through  
26          the planning area, plans for ensuring the accessibility of pedestrian areas  
27          and open spaces, and links to surrounding community open space,  
28          where appropriate.

29          v.      **Site and Building Design Standards**

30          Institutional design standards and objectives, identified through written  
31          and graphic materials, that address the following issues:

32               (A)     Dimensional standards for building setbacks, height, and lot  
33               coverage;

34               (B)     Site design and circulation;

35               (C)     Landscaping and site amenities;

36               (D)     Building orientation;

37               (E)     Building massing and articulation;

38               (F)     Building sustainability; and

39               (G)     Northern climate design.

40          vi.     **Wayfinding and Signage**

41          A wayfinding and signage plan including building, vehicular, and  
42          pedestrian signage.

43          vii.    **Timing**

44          A conceptual development schedule and phasing plan.

1           **g.     *Twenty Year Development Areas***

2           The institutional master plan shall include written and graphic materials  
3           identifying future development areas beyond those noted in the 10-year  
4           development description. This information shall include, at a minimum, the  
5           general location and approximate scale of anticipated development that may  
6           occur within a 20 year period.

7   **D.     Procedures for Master Plan Approval**

8           **1.     Initiation**

9           An application for approval of an institutional master plan shall be initiated by the owner  
10          or managing agent of the subject property.

11          **2.     Pre-Application Conference**

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

14          **3.     Community Meeting**

15          A community meeting is required in accordance with subsection 21.03.020C.

16          **4.     Application Submittal**

17          Applications for institutional master plan approval shall contain all information and  
18          supporting materials specified in the title 21 user's guide and in subsection C.2. above,  
19          and shall be submitted to the director on a form provided by the department. The director  
20          may require the submittal of such other information as may be necessary to permit the  
21          informed exercise of judgment under the criteria for the review of the plan, as set out in  
22          subsection E. below.

23          **5.     Departmental Review**

24          The department shall review the proposed institutional master plan in light of the approval  
25          criteria set forth in subsection E. below, and shall distribute the application to other  
26          reviewers as deemed necessary. Based on the results of those reviews, the department  
27          shall provide a report to the planning and zoning commission.

28          **6.     Public Notice**

29          Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section  
30          21.03.020H.

31          **7.     Planning and Zoning Commission Action**

32           **a.**     The planning and zoning commission shall hold a public hearing on the proposed  
33           institutional master plan and, at the close of the hearing, recommend that the  
34           assembly approve the plan as submitted, approve the plan subject to conditions  
35           or modifications, or deny the plan, based on the approval criteria of subsection E.  
36           below.

37           **b.**     If the planning and zoning commission recommends that the assembly approve a  
38           plan as submitted or with conditions or modifications, within 60 days of the  
39           commission's action the director shall forward the recommendation to the  
40           assembly.

41           **c.**     If the planning and zoning commission recommends denial of a plan, that action  
42           is final unless, within 20 days of the commission's action, the applicant files a  
43           written statement with the municipal clerk requesting that the proposed  
44           institutional master plan be submitted to the assembly.

45          **8.     Assembly Action**

46          The assembly shall hold a public hearing on the proposed institutional master plan. At  
47          the close of the hearing, taking into account the recommendations of the director and the

1 planning and zoning commission, any public comment, and based on the approval  
2 criteria of subsection E. below, the assembly shall, within 90 days, approve the plan,  
3 approve the plan with modifications or conditions, deny the plan, or refer the plan back to  
4 the planning and zoning commission.

5 **9. Approval of Final Institutional Master Plan**

6 a. The approval of an institutional master plan expires 12 months after the date of  
7 approval by the assembly unless, before the approval expires, the applicant files  
8 the final institutional master plan, including any modifications or conditions  
9 required by the assembly, with the director.

10 b. The director shall certify the final institutional master plan within 60 days of filing  
11 by the applicant, or if the plan is not in compliance with the assembly's approval,  
12 the director shall issue a detailed list of reasons and recommended amendments  
13 to the final institutional master plan to achieve compliance.

14 c. Until the approval of an institutional master plan by the assembly and the filing by  
15 the applicant of a final institutional master plan accepting the modifications or  
16 conditions required by the assembly, the affected institutional shall continue to be  
17 governed solely by the provisions of title 21 other than this section.

18 **E. Approval Criteria**

19 An institutional master plan may be approved if the assembly finds that it is consistent with the  
20 comprehensive plan and will achieve the following:

- 21 1. Provides flexibility to the institution to plan and implement long-range development  
22 programs to achieve its institutional mission and objectives;
- 23 2. Facilitates the continuation of the institution as a major source of service and employment  
24 that is easily accessible and well integrated with surrounding neighborhoods and the  
25 public transportation system;
- 26 3. Ensures that institutional facilities, especially those that are publicly funded, are well  
27 designed and constructed, include urban amenities, and are efficient to operate over their  
28 life-cycles;
- 29 4. Protects and mitigates effects of development on sensitive portions of the natural  
30 environment; and
- 31 5. Recognizes and addresses potential significant adverse impacts of institutional  
32 development on adjacent built environments, neighborhoods, and the community at  
33 large.

34 **F. Compliance with Institutional Master Plan**

- 35 1. Projects developed under the auspices of an approved institutional master plan are  
36 exempt from the review and approval procedures required in table 21.05-2.
- 37 2. Before a building permit or land use permit is issued for any project within an area  
38 covered by an approved institutional master plan, the director shall certify that the  
39 proposed project is consistent with the approved institutional master plan. The applicant  
40 shall submit a request for certification of consistency on a form provided by the  
41 department.
- 42 3. Such a certification shall be found if the proposed project is consistent or substantially  
43 consistent with the approved institutional master plan, or if the project is found to be not  
44 consistent with the approved institutional master plan, but the director finds the proposed  
45 project creates minimal impact according to the following criteria:

- 1 a. Not more than 25 percent of the proposed project is located outside the  
2 development areas depicted on the site functional use map;
- 3 b. The proposed project does not result in the addition of more than 10 percent  
4 additional square footage on a cumulative basis to the estimated total square  
5 footage of the affected site functional use category;
- 6 c. The project does not result in the creation of or the need for additional parking  
7 beyond that covered in the approved transportation and parking management  
8 element; and
- 9 d. The project does not result in the coverage of more than 25,000 square feet of  
10 site area.
- 11 4. A certification of consistency, finding of inconsistency, or finding of consistency subject to  
12 conditions, shall be issued within 45 days of receipt of an application for such  
13 certification.
- 14 5. If the director finds that a project is not consistent with the approved institutional master  
15 plan, the director shall issue a detailed list of reasons and recommended actions to  
16 achieve compliance.
- 17 6. The director may issue a finding of inconsistency, or a finding of consistency subject to  
18 conditions, only where the director finds that the matters resulting in the inconsistency, or  
19 the conditions to which the certification is made subject, are required by specific terms of  
20 the approved institutional master plan or any applicable title 21 provisions.
- 21 7. The director's decision may be appealed to the planning and zoning commission.

22 **G. Modifications to Approved Institutional Master Plans**

23 **1. Minor Amendments**

24 The director may administratively approve amendments to an approved institutional  
25 master plan upon written application, unless the assembly determines the amendment is  
26 a major amendment. Minor amendments are defined generally as modifications to  
27 approved plans that do not affect land use or density in ways that would have significant  
28 adverse impacts on public facilities, utilities, traffic circulation, or other major  
29 infrastructure systems; or on surrounding neighborhoods or development.

30 **2. Major Amendments**

31 Major amendments of an approved institutional master plan shall follow the same  
32 process required for the original approval of an institutional master plan.

33 **21.03.120 MINOR MODIFICATIONS**

34 **A. Purpose and Scope**

35 This section sets out the required review and approval procedures for "minor modifications,"  
36 which are minor deviations from otherwise applicable standards that may be approved by the  
37 director, the planning and zoning commission, or the urban design commission. Minor  
38 modifications are to be used when the small size of the modification requested, and the  
39 unlikelihood of any adverse effects on nearby properties or the neighborhood, make it  
40 unnecessary to complete a formal variance process.

41 **B. Applicability**

42 **1. Minor Modifications to General Development and Zoning District Standards**

43 As part of the review and approval of any procedure set forth in this chapter, the director,  
44 the planning and zoning commission, or the urban design commission may approve  
45 minor modifications of up to a maximum of five percent from the following general

- 1 development and zoning district standards provided that the approval criteria of  
2 subsection D. below are met.
- 3 a. Minimum lot area or setback requirements set forth in chapter 21.06,  
4 *Dimensional Standards and Measurements*;
- 5 b. General development standards set forth in chapter 21.07, *Development and*  
6 *Design Standards*, except for the natural resource protection standards in  
7 subsection 21.07.020B.;
- 8 c. The dimensional standards, site development and design standards, and building  
9 design standards set forth in chapter 21.09, *Girdwood Land Use Regulations*  
10 (sections 21.09.060, 21.09.070, and 21.09.080).
- 11 **2. Exceptions to Authority to Grant Minor Modifications**  
12 In no circumstance shall any decision-making body approve a minor modification that  
13 results in:
- 14 a. An increase in overall project density;
- 15 b. A change in permitted uses or mix of uses;
- 16 c. A deviation from the district-specific standards set forth in chapter 21.04, *Zoning*  
17 *Districts*, or the use-specific standards set forth in chapter 21.05, *Use*  
18 *Regulations*; or
- 19 d. A change in conditions attached to the approval of any subdivision plan (section  
20 21.03.200), site plan (section 21.03.180), [OR] conditional use (section  
21 21.03.080), or rezone (special limitation) (section 21.03.160).
- 22 **C. Procedure**
- 23 **1. Limitation on Minor Modifications**
- 24 a. An applicant may request application of the minor modification process to his or  
25 her development only once during the review process.
- 26 b. In no instance may an applicant use the minor modification process to obtain  
27 approval for adjustments to more than three standards applicable to the same  
28 development.
- 29 **2. Minor Modifications Approved by Director**  
30 For uses allowed by-right or when he or she is the decision-maker, the director may  
31 approve a minor modification allowed under this section at any time prior to final decision.
- 32 **3. Minor Modifications Approved by Planning and Zoning Commission, or Urban**  
33 **Design Commission**  
34 The planning and zoning commission, or urban design commission may approve a minor  
35 modification allowed under this section at any time before taking action on a development  
36 application.
- 37 **4. Written Findings Noted on Pending Application**  
38 Staff shall specify in writing any approved minor modifications and the finding supporting  
39 such modifications on the pending development application for which the modifications  
40 were sought, which shall be included as part of the case record.
- 41 **5. Appeals**  
42 Denial of a minor modification may be appealed to the same body as an appeal of the  
43 underlying approval process. For instance, denial of a minor modification in a conditional  
44 use application may be appealed to the board of adjustment, as the board of adjustment

1 hears appeals of conditional use approvals. Denial of a minor modification associated  
2 with a permitted use may be appealed to the zoning board of examiners and appeals.

3 **D. Approval Criteria**

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

- 6 1. The requested modification is consistent with the comprehensive plan and the stated  
7 purpose of this title;
- 8 2. The requested modification meets all other applicable building and safety codes;
- 9 3. The requested modification does not encroach into a recorded easement;
- 10 4. The requested modification will have no significant adverse impact on the health, safety,  
11 or general welfare of surrounding property owners or the general public, or such impacts  
12 will be substantially mitigated; and
- 13 5. The requested modification is necessary to either: (a) compensate for some practical  
14 difficulty or some unusual aspect of the site of the proposed development not shared by  
15 landowners in general; or (b) accommodate an alternative or innovative design practice  
16 that achieves to the same or better degree the objective of the existing design standard  
17 to be modified. In determining if “practical difficulty” exists, the factors set forth in section  
18 21.03.240G., *Approval Criteria (for Variances)* shall be considered.

19 **21.03.130 NEIGHBORHOOD OR DISTRICT PLANS**

20 **A. Purpose and Authority**

21 **1. Purpose**

22 a. The purpose of this section is to allow and facilitate the development of  
23 neighborhood or district plans by citizen groups that are approved by the  
24 assembly. Neighborhood and district plans that are developed by local  
25 government are not subject to this section, but rather follow the process of  
26 section 21.03.070C., *Comprehensive Plan Amendments, Substantive*.

27 b. Neighborhood or district plans shall be guided by the elements of the  
28 comprehensive plan, as defined in section 21.01.080. Neighborhood or district  
29 plans should give specificity to the goals, objectives, policies, and strategies of  
30 the comprehensive plan. These plans shall supplement and elaborate on the  
31 comprehensive plan. The goal of a neighborhood or district plan is to protect and  
32 promote the positive elements of neighborhood or district character and identity,  
33 while promoting the orderly growth, improvement, and future development of the  
34 neighborhood, community, or municipality.

35 **2. Authority**

36 a. These procedures and minimum standards are established for the creation and  
37 review of plans for the development, growth, and improvement of the  
38 municipality, and its neighborhoods and communities. The plans may be  
39 sponsored, upon express approval of the assembly by resolution, by any group  
40 or organization representing the broad public interest, upon express approval by  
41 assembly resolution (hereafter called the “sponsor”).

42 b. In order to obtain the approval of the assembly as a sponsor, any community  
43 council, group of councils, or other groups or organizations shall request a  
44 resolution from the assembly authorizing them to proceed with the development  
45 of a neighborhood or district plan. The group shall demonstrate, to the  
46 reasonable satisfaction of a majority of the assembly, that

- 1                   i.       They represent the broad public interest necessary to successfully  
2                   develop a plan;
- 3                   ii.       They have read and understand the requirements of this ordinance,  
4                   and:] that their proposed plan will comply with the standards set forth in  
5                   this ordinance; and
- 6                   iii.       They have sufficient financial resources and a sufficient level of  
7                   knowledge and expertise to warrant the expenditure of public resources  
8                   as provided herein.

9                   **3. Policy Guidance**

10                   An adopted plan shall be an element of the comprehensive plan and shall serve as a  
11                   policy to guide subsequent actions by municipal agencies. The assembly and the  
12                   planning and zoning commission shall consider adopted plans in review of land use,  
13                   zoning actions, and capital improvement programs, where consideration is consistent  
14                   with the charter, the comprehensive plan, and general law. Agencies shall consider  
15                   adopted neighborhood or district plans as guidance for actions, whether or not actions  
16                   are subject to commission review. The existence of an adopted neighborhood or district  
17                   plan shall not preclude the assembly, any municipal department or agency, or any board  
18                   or commission of the municipality from developing other plans or taking actions not  
19                   contemplated in the neighborhood or district plan affecting the same geographic area or  
20                   subject matter.

21                   **B. Plan Submittal**

22                   **1. Initiation Meeting**

23                   The sponsor of a plan shall meet with the department at the initiation of the planning  
24                   process to discuss and clarify content requirements, scheduling, and other relevant  
25                   issues. Periodically, the department shall report to the commission, and to the assembly  
26                   by an assembly information memorandum (AIM) requiring no further action, on the  
27                   progress of neighborhood or district plans underway.

28                   **2. Work Program**

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

33                   **3. Submittal**

34                   Twenty-two printed copies along with an electronic version of all proposed plans shall be  
35                   submitted to the department. The submittal shall include the name(s) and address(es) of  
36                   the person(s) designated by the sponsor to be its representative(s) in any discussions of  
37                   the plan.

38                   **C. Threshold Review and Determination**

39                   **1. Department Review and Determination**

40                   Within 90 days of the submittal of a plan, the department shall review the plan and  
41                   determine whether the plan meets the standards for form, content, and for consistency  
42                   with sound planning, as set forth in subsection D. below.

43                   a.       If the department determines that the plan does meet the threshold standards of  
44                   subsection D., the department shall distribute the plan for public review and  
45                   commission public hearing as described in subsection E.

46                   b.       If the department determines the plan does not meet the threshold standards of  
47                   subsection D., the staff shall provide written notification to the sponsor of all

1 deficiencies with respect to form, content, process, and any changes, additions,  
2 or deletions which, in the opinion of staff, may correct such deficiencies.

3 **2. Coordination of Plan Review**

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

9 **D. Standards**

10 **1. Form and Content**

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

12 **a.** The plan shall state its sponsoring entity or entities and the names of the  
13 individuals who participated in the development of the plan.

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

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

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

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

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

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

35 **f.** A plan shall contain, as applicable:

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

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

43 The level of detail and analysis shall be appropriate to the goals and  
44 recommendations presented in the plan. The information and analysis relied  
45 upon to support the recommendations shall be sufficiently identified to facilitate

1 later plan review, including accuracy and validity of the information and analysis.  
2 Supporting information may be contained in the form of narrative, maps, charts,  
3 tables, technical appendices, or the like.

4 **g.** A plan shall contain a land use plan map for the geographic area encompassed  
5 by the plan. The land use plan map shall propose appropriate land use  
6 categories, which generally include: residential, commercial, industrial,  
7 institutional, transportation, community facilities, parks, and natural open space.  
8 The land use plan map may provide more specificity than the general categories.

9 **h.** Plans shall be accompanied by documentation showing public participation in the  
10 plan formulation and preparation. Public outreach, such as surveys, workshops,  
11 hearings, or technical advisory committees, is recommended as a tool for  
12 community support and consensus, in addition to department, commission, and  
13 assembly approval.

14 **2. Sound Planning Policy**

15 **a.** Every plan, regardless of form and content, shall include discussion of:

16 **i.** Its long-range consequences;

17 **ii.** Impact on economic and housing opportunity for all persons, particularly  
18 low- and moderate-income, and persons with disabilities;

19 **iii.** Provision of future growth and development opportunities;

20 **iv.** Ability to improve the physical environment; and

21 **v.** Effect on the geographic distribution of municipal facilities.

22 **b.** A plan shall set forth goals, objectives, purposes, policies, strategies, and/or  
23 recommendations within the legal authority of the municipality.

24 **c.** A plan considering issues under the jurisdiction of specific municipal or state  
25 agencies shall disclose all agency comments.

26 **d.** A plan shall analyze its relationship to applicable policy documents, including all  
27 adopted elements of the comprehensive plan, as well as its relationship to  
28 adjoining neighborhoods and other areas.

29 **e.** A plan shall solicit input from residents, local businesses, agencies, and non-  
30 profit organizations local to the neighborhood, and demonstrate it has considered  
31 these comments on their merits.

32 **E. Plan Distribution and Review**

33 **1. Plan Distribution**

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

40 **2. Public, Agency, and Community Council Review**

41 **a.** Each community council may conduct its own review of the plan. Within a period  
42 of 120 days following receipt of the plan, the community council may provide  
43 written recommendation(s) to the department and the sponsor.

1           b.       Members of the public and other municipal or state agencies may provide written  
2                    comments to the department during the 120 day review period.

3           **3.       Department Review**

4                    When the department is not the sponsor of a plan, it shall review the plan during the 120  
5                    day review period, and prepare a staff report and recommendation for the commission.  
6                    The department shall consider the neighborhood, community, and municipal-wide  
7                    impacts and the long-term effects of the actions or policies recommended by the plan.  
8                    The department shall also consider the impact of the plan on economic and housing  
9                    opportunity, future growth and development, and the physical environment, including  
10                   consistency of the plan with other adopted plans.

11   **F.       Planning and Zoning Commission Review**

12           **1.       Schedule for Review**

13                    The commission shall schedule a public hearing within 60 days following the final day of  
14                    the public review period.

15           **2.       Public Notice**

16                    Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section  
17                    21.03.020H.

18           **3.       Planning and Zoning Commission Action**

19                    The commission shall vote, within 60 days following the close of the public hearing to  
20                    recommend approval, approval with modifications, remand to the sponsor, or disapproval  
21                    of the plan. In reviewing the substance of the plan, the commission shall consider the  
22                    neighborhood, community, and municipal-wide impacts and the potential long-term  
23                    effects from the actions or policies recommended by the plan. The commission shall  
24                    consider the impact of the plan on economic and housing opportunity, future growth and  
25                    development, and the physical environment, including consistency of the plan with other  
26                    adopted plans, and any other pertinent adopted neighborhood or district plans. Any  
27                    modifications recommended by the commission shall be consistent with the standards for  
28                    form, content, and sound planning policy, as set out in subsection D. above.

29           **4.       Commission Findings**

30                    The commission's recommendation shall include findings describing its considerations  
31                    and providing explanation for its determination. The findings may include  
32                    recommendations for the implementation of plan elements. The recommendation shall  
33                    be transmitted to the assembly for final approval.

34   **G.       Assembly Adoption**

35           **1.       Transmission to Assembly**

36                    The commission's recommendation shall be transmitted to the assembly for introduction  
37                    within 45 days of the commission recommendation. The assembly shall schedule a  
38                    public hearing not more than 45 days after introduction.

39           **2.       Public Notice**

40                    Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with subsection  
41                    21.03.020H.

42           **3.       Assembly Action**

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

- 44                    a.       Adopt the plan;
- 45                    b.       Adopt the plan with modifications;
- 46                    c.       Remand the plan to the commission; or

1           d.       Not adopt the plan.

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

6   **H.       Review and Revision**

7           A plan shall be reviewed by the department concurrent with the review of the comprehensive  
8           plans as otherwise provided in this title to determine if the plan is consistent with the  
9           comprehensive plan. If the sponsor shows a major change of circumstances in the neighborhood  
10          or district, the sponsor may request a review of the plan before the end of any 10 year period.  
11          Any revisions shall be presented for adoption as an amendment to the plan, in accordance with  
12          the procedures set forth herein.

13 **21.03.140   PUBLIC FACILITY SITE SELECTION**

14   **A.       Purpose**

15          This section sets forth a process by which the municipality shall review and decide upon selection  
16          of sites before certain public facilities may be authorized, or publicly owned land is designated as  
17          the site for certain public facilities.

18   **B.       Applicability**

19          1.       Unless exempted by subsection B.2. below, this section shall apply to the following  
20          government facilities that are not exempt by law from municipal land use regulation:

21           a.       Any newly constructed building or buildings and any existing building acquired by  
22           purchase or lease, in which government operations or activities occupy more  
23           than a total of 50,000 square feet of gross floor area;

24           b.       Any use of land over 20 acres in area (not including projects covered under  
25           section 21.03.190, Street and Trail Review);

26           c.       Public schools;

27           d.       Fire stations, unless such station is determined by the director not to have  
28           impacts on the surrounding neighborhood;

29           e.       Any sports, entertainment, or civic center designed for more than 1,500  
30           spectators;

31           f.       Any public snow disposal or landfill site; and

32           g.       A facility that, in the judgment of the director, warrants a public process for site  
33           selection due to the potential for significant impacts on surrounding properties.

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

35           a.       Any site that is:

36           i.       Designated for the subject use on a municipal plan adopted by the  
37           assembly;

38           ii.      Part of an area, development, or institutional master plan;

39           iii.     Determined by a dedication to the municipality on a final plat approved  
40           and recorded in accordance with this title; or

- 1                   iv.     Subject to approval of a conditional use under this title.
- 2                   b.     Any facility site selection reviewed by the commission or approved by the  
3                   assembly before [effective date];
- 4                   c.     Any facility site selection for which over \$500,000 has been expended for design  
5                   or construction before [effective date].

6 **B.     Community Meeting**

7                   A community meeting is required in accordance with subsection 21.03.020C.

8 **C.     Required Information**

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

12 **D.     Public Notice**

13                  Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with subsection  
14                  21.03.020H.

15 **E.     Departmental Review**

- 16                  1.     The department shall review each proposed site selection application in light of the  
17                  approval criteria set forth in subsection I. below, and distribute the application to other  
18                  reviewers as deemed necessary.
- 19                  2.     Based on the results of those reviews, the department shall provide a report to the  
20                  planning and zoning commission.
- 21                  3.     For school site sections, the department shall also provide the report to the Anchorage  
22                  school board for its review and recommendation.

23 **F.     Planning and Zoning Commission**

- 24                  1.     The commission shall review the RFP criteria (or similar guidelines) or the site  
25                  alternatives for any applicable facility.
- 26                  2.     The commission shall hold a public hearing.
- 27                  3.     For school site selections, the school board and the commission may meet in a joint  
28                  public hearing; however, the school board and the commission shall separately consider  
29                  and make recommendations to the assembly. Both recommendations shall then be  
30                  forwarded as a package to the assembly for approval.
- 31                  4.     For site selections of municipal facilities, the commission shall make a recommendation  
32                  to the assembly, based on the approval criteria of subsection I. below.
- 33                  5.     For all other site selections, the commission shall decide on the proposed site based on  
34                  the approval criteria of subsection I. below.

35 **G.     Assembly Action**

36                  For municipal facilities, upon receipt of the recommendations from the commission (and the  
37                  Anchorage school board if applicable), the assembly may, based on the criteria of subsection I.  
38                  below and at its discretion, hold a public hearing and take one of the following actions:

- 39                  1.     Approve a specific recommended site;
- 40                  2.     Approve a specific evaluated site;

- 1           3.       Reject some or all recommended sites; or
- 2           4.       Remand the evaluated and recommended sites to the commission (and the school board
- 3                   if applicable) for further investigation, review, and evaluation.

4   **H.       Approval Criteria**

5       The commission shall review the proposed site for consistency with the goals, policies, and land  
6       use designations of the comprehensive plan and other municipal plans adopted by the assembly,  
7       conformity to the requirements of this title, and the effects of the proposal on the area surrounding  
8       the site. The following specific criteria shall be considered:

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

22   **I.       Request for Assembly Hearing**

- 23           1.       Decisions by the planning and zoning commission are final unless, within 20 days of the  
24                   date of service, any party of interest requests an assembly hearing in a letter sent to the  
25                   director.
- 26           2.       The assembly may hold a public hearing on the case at its discretion.

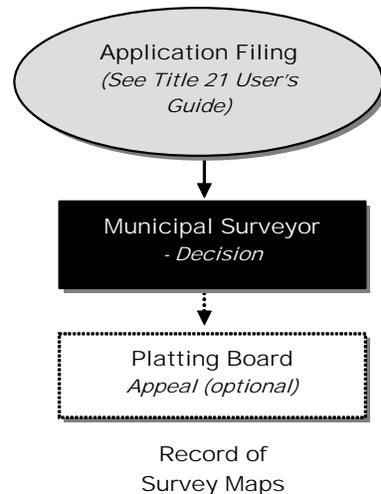
27   **21.03.150       RECORD OF SURVEY MAPS**

28   **A.       Purpose and Authorization**

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

33   **B.       Use of Record of Survey Maps**

- 34           1.       A record of survey map is a map depicting the  
35                   exterior boundaries of a legally created lot, parcel, or  
36                   tract, and includes a correction to a record of survey  
37                   map.
- 38           2.       A record of survey map shall not be used to depict the  
39                   boundaries of a lot, parcel, or tract, which lot, parcel,  
40                   or tract was created or subdivided contrary to law. A  
41                   record of survey map shall not subdivide property or



1 recombine lots into acreage, and any record of survey map purporting to do so shall be  
2 null and void.

3 **C. Application Submittal**

4 Applications for approval of a record of survey map shall contain the information specified in the  
5 title 21 user's guide, and shall be submitted to the **platting officer** [DIRECTOR] on a form provided  
6 by the department.

7 **D. Monuments**

8 Monuments set for the survey shall conform to the standards of the **public works** department [OF  
9 PROJECT MANAGEMENT AND ENGINEERING].

10 **E. Approval**

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

13 **F. Appeals**

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

16 **21.03.160 REZONINGS (ZONING MAP AMENDMENTS)**

17 **A. Purpose and Scope**

18 The boundaries of any zone district in the municipality may be changed or the zone classification  
19 of any parcel of land may be changed pursuant to this section. This section states the  
20 procedures and approval criteria necessary to process an amendment to the official zoning map.  
21 Zoning is not effective if it is too easily or frequently changed. Zoning is intended to provide a  
22 degree of certainty that is important for long-term investment and neighborhood cohesion and  
23 stability. The purpose of rezoning is not to relieve particular hardships, nor to confer special  
24 privileges or rights on any person, but to make adjustments to the official zoning map that are  
25 necessary in light of changed conditions or changes in public policy, or that are necessary to  
26 advance the general welfare of the municipality. Rezoning shall not be used as a way to  
27 legitimize nonconforming uses or structures, and should not be used when a conditional use,  
28 variance, or minor modification could be used to achieve the same result.

29 **B. Minimum Area Requirements**

30 A rezoning shall only be considered for properties totaling 1.75 acres (76,230 square feet) or  
31 more (excluding rights-of-way), except for:

- 32 1. A rezoning extending the boundaries of an existing zoning district; or  
33 2. A rezoning initiated by the municipal administration to place municipally owned land in a  
34 PLI, PR, [OR] DR, **GIP, or GOS** zoning district.  
35 3. A rezoning into the B-1A district.

36 **C. When a Comprehensive Plan Map Amendment is Required**

37 Zoning map amendments may also require an amendment to the comprehensive plan map.  
38 Determination of whether the comprehensive plan map must also be amended is based upon  
39 whether the proposed zoning map amendment is to a zone consistent with the comprehensive  
40 plan map. If an amendment to the comprehensive plan map is required, the zoning map  
41 amendment can only be made if the amendment to the comprehensive plan map is approved  
42 first. Both amendments may be processed concurrently, as provided in subsection 21.03.070C.3.

**D. General Procedure**

**1. Initiation**

a. A rezoning may be initiated by the assembly, the planning and zoning commission, or by the director of any municipal department.

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

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

d. Rezoning shall precede corps of engineers wetland permit applications.

**2. Pre-Application Conference**

Before filing an application, a private-party applicant shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.

**3. Community Meeting**

A community meeting is required in accordance with subsection 21.03.020C.

**4. Application Submittal**

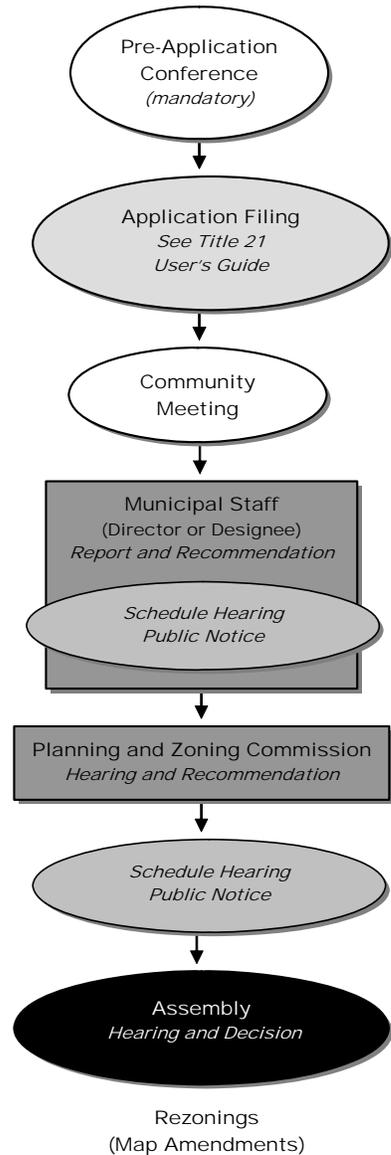
Applications for a rezoning shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department. Additional materials may be required for certain types of rezoning, such as rezoning with special limitations.

**5. Public Notice**

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H. In addition, the published and written (mailed) notice for the public hearing before the assembly shall list the protest provisions set forth in subsection D.9. below.

**6. Departmental Review**

The department shall review each proposed rezoning in light of the approval criteria in subsection E. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.



- 1           **7. Planning and Zoning Commission Action**  
2           **a.**     The planning and zoning commission shall hold a public hearing on the proposed  
3                     rezoning and, at the close of the hearing, taking into account the  
4                     recommendations of the department and public input, and based upon the  
5                     approval criteria of subsection E. below, shall recommend approval, approval  
6                     with special limitations or other modifications (at least as restrictive as submitted  
7                     in the application), or denial. The commission shall include written findings  
8                     based on each of the approval criteria.
- 9           **b.**     If the commission recommends approval or approval with special limitations or  
10                    other modifications, within 60 days of the commission's written resolution, the  
11                    director shall forward the recommendation to the assembly with an ordinance to  
12                    amend the official zoning map in accordance with the recommendation.
- 13           **c.**     If the commission recommends denial, the amendment shall be deemed  
14                    disapproved unless, within 15 days of the commission's written resolution  
15                    recommending denial, the applicant files a written statement with the municipal  
16                    clerk requesting that an ordinance amending the zoning map as set out in the  
17                    application be submitted for action by the assembly. The draft ordinance shall be  
18                    appended to an Assembly Informational Memorandum (AIM) for consideration by  
19                    the assembly.
- 20           **8. Assembly Action**  
21            The assembly shall hold a public hearing on the proposed rezoning and shall, at the  
22            close of the hearing, taking into account the recommendations of the department,  
23            planning and zoning commission, and public input, and based upon the approval criteria  
24            of subsection E. below:
- 25           **a.**     Approve the zoning map amendment as submitted in the application to the  
26                    planning and zoning commission;
- 27           **b.**     Approve the zoning map amendment with special limitations (see subsection G.)  
28                    or other modifications at least as restrictive as those submitted in the application,  
29                    provided that an ordinance approving an amendment initiated under this section  
30                    shall become effective only with the written consent of the property owner(s) to  
31                    the special limitations or other modifications;
- 32           **c.**     Deny the amendment; or
- 33           **d.**     Remand the proposed amendment to the planning and zoning commission or to  
34                    a committee of the assembly for further consideration.
- 35           **9. Protests**  
36           **a.**     Any owner of property subject to a proposed rezoning may protest the rezoning  
37                    by filing a written protest with the clerk pursuant to this subsection.
- 38           **b.**     Any owner of property within 300 feet of the outer boundary of the land to which  
39                    the amendment applies may protest the rezoning by filing a written protest with  
40                    the clerk that is signed by the owners of at least one-third of the property,  
41                    excluding rights-of-way, of:
- 42                    **i.**     The land to which the amendment applies; or
- 43                    **ii.**    The land within 300 feet of the outer boundary of the land to which the  
44                    amendment applies;
- 45                    excluding land owned by the municipality, except where the municipality joins in  
46                    the protest.

- 1           c.       To be valid, the protest shall state the factual and/or legal basis for the protest,  
2                    contain a legal description of the property on behalf of which the protest is made,  
3                    be signed by the owner of that property, and be received by the municipal clerk  
4                    after notice of a public hearing before the assembly on a zoning map amendment  
5                    and at least three business days before the time set for the assembly public  
6                    hearing on the amendment.
- 7           d.       Assembly approval of a rezoning subject to a valid protest under this subsection  
8                    shall require an affirmative vote of eight assembly members.

9           **10.    Waiting Period for Reconsideration**

10                   Following denial of a rezoning request, no new application for the same or substantially  
11                   the same rezoning shall be accepted within two years of the date of denial, unless denial  
12                   is made without prejudice.

13           **11.    Form of Amending Ordinance**

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

- 15           a.       The names of the current and the requested zoning districts;
- 16           b.       The legal description of the subject property;
- 17           c.       Any special limitations being applied to the subject property; and
- 18           d.       An effective clause.

19    **E.    Approval Criteria**

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

- 22           1.       The rezoning shall be in the best interest of the citizens of Anchorage and shall promote  
23                   the public health, safety, and general welfare;
- 24           2.       The rezoning complies with and conforms to the comprehensive plan and the purposes of  
25                   this title;
- 26           3.       The proposed rezoning conforms to the comprehensive plan map, as follows:
- 27           a.       The rezoning shall be to a zone corresponding to the comprehensive plan map,  
28                   including the zoning consistency table, except as provided in F. below.
- 29           b.       When the comprehensive plan map designation has more than one  
30                   corresponding zone, it shall be shown that the proposed zone is the most  
31                   appropriate, taking into consideration the purposes of each zone and the zoning  
32                   pattern of surrounding land.
- 33           4.       The rezoning is consistent with the stated purpose of the proposed zoning district and the  
34                   applicable portions of the comprehensive plan;
- 35           5.       Facilities and services (including roads and transportation, water, gas, electricity, police  
36                   and fire protection, and sewage and waste disposal, as applicable) are capable of  
37                   supporting the uses allowed by the zone or will be capable by the time development is  
38                   complete, while maintaining adequate levels of service to existing development;
- 39           6.       The rezoning is not likely to result in significant adverse impacts upon the natural  
40                   environment, including air, water, noise, storm water management, wildlife, and  
41                   vegetation, or such impacts shall be substantially mitigated;

- 1 7. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent  
2 land uses, or such impacts shall be mitigated through stipulations;
- 3 8. The applicant demonstrates to the satisfaction of the planning commission and the  
4 assembly that the supply of land in the desired zoning district is insufficient or inadequate  
5 for the stated purpose and that sufficient land of the existing zoning district remains in the  
6 area to meet the needs of the community;
- 7 9. The rezone does not initiate, continue, or exacerbate a pattern that is inconsistent with  
8 the comprehensive plan;
- 9 10. The proposed rezoning maintains and preserves the compatibility of surrounding zoning  
10 and development, and protects areas designated for specific uses on the zoning map  
11 from incompatible land uses or development intensities; and
- 12 11. The rezoning does not result in a split-zoned lot.

13 **F. Flexibility of Interpretation**

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

- 16 1. A proposed rezoning that is to a district that does not correspond to the comprehensive  
17 plan map may be considered if processed concurrently with a related amendment to the  
18 comprehensive plan map following the procedures of subsection 21.03.070,  
19 *Comprehensive Plan Amendments*.
- 20 2. Where the location of comprehensive plan map designation boundaries appear  
21 generalized or uncertain, proposed zoning amendments on or near the boundaries shall  
22 be treated as follows:
  - 23 a. Areas clearly within a particular comprehensive plan map designation shall follow  
24 the standards of that designation.
  - 25 b. The designation of areas at or near boundaries on the comprehensive plan map  
26 shall be interpreted in accordance with the goals, objectives, policies, and  
27 guidelines of the comprehensive plan, including locational criteria for  
28 designations on the comprehensive plan map.
- 29 3. Interpretation shall not be a basis for cumulative encroachment by incompatible land  
30 uses.

31 **G. Rezoning with Special Limitations**

32 Pursuant to this subsection, a rezoning may include special limitations that restrict some aspects  
33 of development, to a greater degree than otherwise provided for a zoning district applied by the  
34 rezoning.

35 **1. Purposes**

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

- 37 a. To prohibit structures, or uses of land or structures, that would adversely affect  
38 the surrounding neighborhood or conflict with the comprehensive plan. [; OR]
- 39 b. To conform the zoning map amendment to the comprehensive plan, or to further  
40 the goals and policies of the comprehensive plan. [; OR]
- 41 c. To conform development under the zoning map amendment to existing patterns  
42 of development in the surrounding neighborhood. [; OR]

- 1           d.     To mitigate the adverse effects of development under the zoning map  
2                 amendment on the natural environment, the surrounding neighborhood, and on  
3                 public facilities and services.

4           **2.     Types of Limitations**

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

- 6           a.     Limit residential density; or prohibit structures, or uses of land or structures,  
7                 otherwise permitted in a zoning district.[:;]
- 8           b.     Require compliance with design standards for structures and other site  
9                 features.[:;]
- 10          c.     Require compliance with a site plan approved under this title.[:;]
- 11          d.     Require the construction and installation of improvements, including public  
12                 improvements.[:; OR]
- 13          e.     Impose time limits for taking subsequent development actions.

14          **3.     Effect of Approval**

- 15          a.     A zoning district subject to special limitations shall be identified on the zoning  
16                 map by the suffix "SL," and the number of the ordinance applying the special  
17                 limitations shall be printed on the zoning map.
- 18          b.     Where a special limitation in a zoning map amendment conflicts with any less  
19                 restrictive provision of this title, the special limitation governs.

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

21          **1.     Purpose and Applicability**

22          The assembly may, through the rezoning process, establish overlay districts that  
23          supplement the requirements of the underlying base zoning districts, in order to address  
24          special land use needs, to meet an objective of the comprehensive plan or neighborhood  
25          plan, or other specific planning objective. A rezoning for an overlay district may be  
26          applied to the zoning map in order to:

- 27          a.     Permit, require, prohibit, or restrict structures or the use of land or structures;
- 28          b.     Alter the provisions of the use-specific requirements as applied to property within  
29                 the overlay district;
- 30          c.     Require new development or attributes of new development to conform to a  
31                 specific architectural or design theme;
- 32          d.     Require a design review approval process; and/or
- 33          e.     Alter the development standards of the underlying district by decreasing or  
34                 increasing the requirements with regard to building height, setbacks, lot area, lot  
35                 width, lot coverage, and lot densities of the underlying district.

36          **2.     Minimum Area Requirements**

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

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

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

5           **a. Contents of Adopting Ordinance**

6           An ordinance amending the zoning map for an overlay district shall contain the  
7           following:

- 8           i.       The name of the overlay district that the ordinance applies;
- 9           ii.      The legal description of the land within the overlay district applied by the  
10          ordinance; and
- 11          iii.     All standards of development to be governed by the overlay district.

12          **b. Effect of Approval**

- 13          i.       Where a specification in an overlay zoning map amendment conflicts  
14          with any provision of this title, the overlay zoning map amendment shall  
15          govern.
- 16          ii.      An overlay district adopted in the same manner as the original ordinance  
17          remains effective until repealed or amended. The assembly may set a  
18          time for the overlay district to expire if it finds the planning objectives will  
19          be met or completed within a specific time period.

20          **c. Map of Overlay Districts**

- 21          i.       Each overlay district shall be annotated on the zoning map with a symbol  
22          unique to the overlay district and shall be identified on the zoning map by  
23          the suffix "OV" and the number of the ordinance applying the overlay  
24          district shall be printed on the zoning map within the boundaries of the  
25          overlay district.
- 26          ii.      The department shall maintain, for inspection by the public, maps  
27          showing the location of the overlay districts and records of the  
28          assembly's purpose and intent in establishing each district.

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

30           In addition to the standard submittals required to initiate an overlay map amendment,  
31           establishment of an Airport Height Overlay District also shall require preparation of an  
32           airport height map as set forth in section 21.04.060C.

33           **I. Rezoning to Planned Community Development District (PCD)**

34           **1. Purpose**

35           The assembly may, through the rezoning process, adopt a regulatory zoning strategy that  
36           is customized for a specific property or group of properties. The zoning strategy may  
37           substitute, alter, or adopt the specific requirements of chapters 21.05, 21.06, and 21.07  
38           (see subsection I.4. below) in order to allow the development to achieve the goals of the  
39           comprehensive plan and title 21 in a unique way. The assembly must find that the  
40           proposed strategy will result in development that is compatible with that which would  
41           occur with conventional application of the requirements of chapters 21.05, 21.06, and  
42           21.07.

43           **2. Procedure**

44           Rezoning to PCD districts shall follow the general rezoning procedure set forth in section  
45           D. above, except as modified by this section.

1           **3. Minimum Area Requirements**

2           No PCD district zoning map amendment shall be considered or approved that is equal to  
3           an area of less than 30 acres. These limits exclude rights-of-way and do not apply to  
4           amendments that extend the boundaries of an existing PCD district.

5           **4. In-Lieu Standards Allowed**

6           **a.**       The use of standards that are different from standards stated in title 21 is  
7           intended to allow a developer some flexibility and creativity in meeting the intents  
8           and purposes of the code.

9           **b.**       In-lieu standards for the following sections may be proposed for the PCD district:

- 10           **i.**       Chapter 21.05, *Use Regulations*;
- 11           **ii.**      Chapter 21.06, *Dimensional Standards*;
- 12           **iii.**     Subsection 21.07.020C., *Steep Slope Development*;
- 13           **iv.**      Section 21.07.030, *Open Space*;
- 14           **v.**       Section 21.07.060, *Transportation and Connectivity*;
- 15           **vi.**      Section 21.07.080, *Landscaping, Screening, and Fencing*;
- 16           **vii.**     Section 21.07.090, *Off-Street Parking and Loading*;
- 17           **viii.**    Section 21.07.100, *Exterior Lighting* [*RESIDENTIAL DESIGN*  
18           *STANDARDS*];
- 19           **ix.**      Section 21.07.110, *Residential Design Standards*  
20           [*PUBLIC/INSTITUTIONAL AND COMMERCIAL DESIGN STANDARDS*];
- 21           **x.**       Section 21.07.120, *Public/Institutional and Commercial Design*  
22           *Standards* [*LARGE COMMERCIAL ESTABLISHMENTS*];
- 23           **xi.**      Section 21.07.130, *Large Commercial Establishments* [*EXTERIOR*  
24           *LIGHTING*]; and
- 25           **xii.**     Subsection 21.08.050D., *Interior Streets*.

26           **c.**       Along with the application and documentation information required in I.5. below,  
27           the applicant must also submit the following information with regard to any  
28           proposed in-lieu standards.

- 29           **i.**       Clear specification of the proposed in-lieu standards, and the title 21  
30           standards for which the proposed in-lieu standards are a substitute. Any  
31           title 21 standards that are not replaced with approved in-lieu standards  
32           shall apply in the PCD district.
- 33           **ii.**      A statement of why compliance with title 21 standards would interfere  
34           with the goals, purposes, or functions of development in the proposed  
35           PCD district.
- 36           **iii.**     A demonstration of how the proposed in-lieu standards would be at least  
37           as effective as the title 21 standards in fulfilling the intents and purposes  
38           of title 21, and furthering the goals and policies of the comprehensive  
39           plan, including any applicable neighborhood or district plans.
- 40           **iv.**      A statement of the expected benefits of the proposed in-lieu standards.

- 1           d.       The planning and zoning commission may recommend approval, and the  
2               assembly may approve a rezone to the PCD district with in-lieu standards if they  
3               find that the in-lieu standards will result in development that is compatible with  
4               the intents and purposes of title 21 and the goals and policies of the  
5               comprehensive plan, and do not compromise public health, safety, or welfare.

6           **5.       Application and Documentation**

7           Applications for rezoning to a PCD district shall contain the information specified in the  
8           title 21 user's guide, and the following:

- 9           a.       If proposing in-lieu standards for subsection 21.07.020C., *Steep Slope*  
10           *Development*, the information required in subsection 21.07.020C.:

- 11           b.       Development Areas: a PCD district that proposes to segregate differing land  
12               uses and/or different project phases shall provide and maintain a map that clearly  
13               distinguishes the boundaries of each development area. The development areas  
14               shall be identified with an alpha, numeric, or alphanumeric coding system to  
15               allow for easy identification of each area. Different in-lieu standards may be  
16               proposed for each development area.

- 17           c.       Table of allowed uses and use definitions:

- 18           i.       The PCD district shall establish a table of allowed uses and a table of  
19               accessory uses. The table shall be formatted in the same manner as the  
20               tables depicted in chapter 21.05 listing the land use, and if development  
21               areas are proposed, noting each with its designated land uses. The  
22               table abbreviations set forth at 21.05.010A. shall be used.

- 23           ii.      The land uses listed in the table of allowed uses or the table of  
24               accessory uses shall be defined in chapter 21.05, or the PCD district  
25               shall provide a use definition for those uses not listed in sections  
26               21.05.020 through 21.05.080.

- 27           d.       Dimensional standards and measurements:

- 28           i.       The PCD district shall establish a table of dimensional standards. The  
29               table shall be formatted in the same manner as the tables depicted in  
30               chapter 21.06 listing the dimensional standards, and if development  
31               areas are proposed, noting each with its designated dimensional  
32               standards.

- 33           ii.      Unless specifically provided otherwise (see subsection I.4. above), the  
34               measurements and exceptions section 21.06.030 shall apply.

35           **6.       Relationship to Other Requirements**

36           When there is a conflict between the PCD district requirements and other requirements of  
37           this title, the PCD district requirements control. The specific requirements of this title  
38           apply unless the PCD district provides other requirements for the same specific topic.

39           **7.       Changes to an Approved PCD District**

40           a.       ***Approval by Assembly***

41           Approval of a zoning map amendment in accordance with section 21.03.160 is  
42           required for the following amendments to the PCD district:

- 43           i.       Any increase in the total number of authorized dwelling units;

- 44           ii.      Any decrease in the total open space acreage;

- 1                   iii.     Any increase in the total gross building area of commercial or industrial
- 2                                   structures;
- 3                   iv.     Any addition or deletion of any permitted principal use, conditional use,
- 4                                   or accessory use;
- 5                   v.     Any changes in the development standards;
- 6                   vi.     Any density transfer between development areas that will result in a 25
- 7                                   percent or greater cumulative increase or decrease in the number of
- 8                                   dwelling units in any development area; or
- 9                   vii.    Any change in the acreage of a development area equal to or more than
- 10                                  25 percent of the total acreage of the development area.
- 11                b.     **Approval by the Planning and Zoning Commission**
- 12                                  Approval by the planning and zoning commission is required for the following
- 13                                  amendments to the PCD district:
- 14                   i.     Any density transfer between development areas that will result in a
- 15                                  cumulative increase or decrease of more than 10 percent but less than
- 16                                  25 percent in the number of dwelling units in any development area; or
- 17                   ii.    Any change in the acreage of a development area of more than 10
- 18                                  percent but less than 25 percent of the total acreage of the development
- 19                                  area.
- 20                c.     **Approval by the Director**
- 21                                  Approval by the director is required for the following amendments to the PCD
- 22                                  district:
- 23                   i.     Any density transfer between development areas that will result in a
- 24                                  cumulative increase or decrease of 10 percent or less in the number of
- 25                                  dwelling units in any development area; or
- 26                   ii.    Any change in the acreage of a development area of 10 percent or less
- 27                                  of the total acreage of the development area.

**21.03.170 SIGN PERMITS**

**A. Applicability**

No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all applicable provisions of this section and chapter 21.11, *Signs*, have been met.

**B. Approval Requirements for Signs**

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

TABLE 21.03-3: SIGN PERMIT REQUIREMENTS		
	Permit required by Title 21	No permit required by Title 21; permit may be required by Title 23
Sign Plate		X
Permanent Building Sign	X	
Permanent Freestanding Sign	X	
Entrance/Exit		X
Instructional		X

TABLE 21.03-3: SIGN PERMIT REQUIREMENTS		
	Permit required by Title 21	No permit required by Title 21; permit may be required by Title 23
Temporary – on a parcel		X
Temporary – for a business		X
Construction signs		X
Temporary for any Residential Unit		X

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**C. Application Submittal**

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

**D. Review and Approval**

Sign permit applications shall be reviewed and approved pursuant to the procedure outlined in 21.03.100C.2, *Approval Procedure (for Land Use Permits)*.

**E. Appeals**

1. Denial of a sign permit relating to title 21 compliance may be appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.050B.
2. Denial of a sign permit relating to title 23 compliance may be appealed to the building board of examiners and appeals.

**21.03.180 SITE PLAN REVIEW**

**A. Purpose**

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

**B. Administrative Site Plan Review**

**1. Applicability**

Land uses requiring administrative site plan review are identified in section 21.05.010, *Tables of Allowed Uses*, section 21.05.070C., *Tables of Allowed Accessory Uses*, and subsection 21.09.050A., *Table of Allowed Uses (Girdwood)*.

**2. Procedure**

**a. Application Submittal**

Applications for an administrative site plan review shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

**b. Departmental Review and Director's Action**

The department shall review each proposed administrative site plan application in light of the approval criteria of subsection E. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the director shall take final action on the site plan application and approve, approve with conditions, or deny the application. The department's review and the director's action, including referral to other agencies and bodies, shall be completed within 60 days of verification of a complete application.

1           c.     **Appeals**

2                     Denial of an administrative site plan may be appealed to the urban design  
3                     commission, in which case it shall be treated as a major site plan review  
4                     application under subsection C. below.

5 **C.     Major Site Plan Review**

6     1.     **Applicability**

7                     Land uses requiring major site plan review are identified in section 21.05.010, *Tables of*  
8                     *Allowed Uses* and subsection 21.09.050A., *Table of Allowed Uses (Girdwood)*.

9     2.     **Procedure**

10     a.     **Pre-Application Conference**

11                     Before filing an application, the applicant shall request a pre-application  
12                     conference with the director, in accordance with subsection 21.03.020B.

13     b.     **Community Meeting**

14                     A community meeting is required in accordance with subsection 21.03.020C.

15     c.     **Application Submittal**

16                     Applications for a major site plan review shall contain the information specified in  
17                     the title 21 user's guide, and shall be submitted to the director on a form provided  
18                     by the department.

19     d.     **Public Notice**

20                     Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with  
21                     subsection 21.03.020H.

22     e.     **Departmental Review**

23                     The department shall review each proposed major site plan application in light of  
24                     the approval criteria of subsection E. below and distribute the application to other  
25                     reviewers as deemed necessary. Based on the results of those reviews, the  
26                     department shall provide a report to the urban design commission.

27     f.     **Urban Design Commission Action**

28                     The urban design commission shall hold a public hearing on the proposed  
29                     application and, taking into account the recommendations of the department and  
30                     public input, shall act to approve, approve with conditions, or deny the proposed  
31                     major site plan, based on the approval criteria of subsection E. below.

32     g.     **Appeals**

33                     Denial of a major site plan may be appealed to the board of adjustment in  
34                     accordance with subsection 21.03.050A.

35 **D.     Expiration**

36     1.     **General**

37                     A site plan approval shall automatically expire at the end of 24 months after the effective  
38                     date unless a building or land use permit for at least one building in the development  
39                     proposed in the site plan is approved and construction has begun (see the definition of  
40                     "start of construction" in chapter 21.14). A change in ownership of the property does not  
41                     affect this time frame.

42     2.     **Extension**

43     a.     **First Extension**

44                     Upon written application submitted by the applicant at least 30 days prior to the  
45                     expiration of the permit period and upon a showing of good cause, the director  
46                     may grant one extension not to exceed 12 months. The approval shall be  
47                     deemed extended until the director has acted upon the request for extension.

1 Failure to submit an application for an extension within the time limits established  
2 by this section shall render the site plan approval void.

3 **b. Further Extensions**

4 Upon written application submitted at least 30 days prior to the expiration of the  
5 previous extensions and upon a showing of good cause, the urban design  
6 commission, without a public hearing, may grant additional extensions, each one  
7 not to exceed 12 months. The approval shall be deemed extended until the  
8 commission has acted upon the request for extension.

9 **E. Approval Criteria**

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

- 12 1. The site plan is consistent with any previously approved subdivision plat, planned  
13 development master plan, or any other precedent plan or land use approval;
- 14 2. The site plan complies with all applicable development and design standards set forth in  
15 this title, including but not limited to the provisions in chapter 21.04, *Zoning Districts*,  
16 chapter 21.05, *Use Regulations*, chapter 21.06, *Dimensional Standards and*  
17 *Measurements*, and chapter 21.07, *Development and Design Standards*;
- 18 3. The site plan addresses any significant adverse impacts that can reasonably be  
19 anticipated to result from the use, by mitigating or offsetting those impacts to the  
20 maximum extent feasible; and
- 21 4. The development proposed in the site plan is consistent with the goals, objectives, and  
22 policies of the comprehensive plan.

23 **F. Platting for Site Plans**

- 24 1. If development under an approval under this section will create a subdivision or requires  
25 the vacation of a dedicated public area, the approval is not effective until a final plat for  
26 the subdivision or vacation is approved and recorded in accordance with this title. A  
27 preliminary plat required under this section is subject to approval as required by section  
28 21.03.200, *Subdivisions*.
- 29 2. Unless the authority granting approval directs in the approval that it shall act as the  
30 platting authority, the director is the platting authority for subdivisions under this  
31 subsection.

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

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

- 1 applicant may appeal the director's decision, in writing to the zoning  
2 board of examiners and appeals within 10 days of the decision.
- 3 ii. Immediately following the director's determination that a proposed  
4 amendment is minor, the director shall:
- 5 (A) Issue a minor amendment affidavit, which shall be transmitted to  
6 the urban design commission for their information; and
- 7 (B) Attach a form stating the nature of the modification, date of  
8 approval, and bearing the signature of the director to the site  
9 plan mylar on file in the department.
- 10 iii. If the original approval had been recorded, the amended plan shall be  
11 recorded by the municipality at the applicant's expense.
- 12 b. **Types of Minor Amendments**  
13 The following are amendments which the director may reasonably determine to  
14 be "minor":
- 15 i. Insubstantial changes to the text to add clarity or correct conflicting  
16 provisions.
- 17 ii. Changes in street alignment if such changes further the intent of the plan  
18 and this code, and are acceptable to the municipal engineer.
- 19 iii. Changes of 10 percent or less in building envelope, setback, and similar  
20 provisions [OF 10 PERCENT OR LESS].
- 21 iv. Incidental changes in landscaping, sign placement, lighting fixtures, etc.  
22 to further the intent of the plan and this code.

23 **21.03.190 STREET AND TRAIL REVIEW**

24 [RESERVED]

25  
26 **21.03.200 SUBDIVISIONS**

27 **A. Purpose**

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

32 **B. Applicability**

33 **1. General**

34 The procedures of this section, and the standards and requirements set forth in chapter  
35 21.08, *Subdivision Standards*, shall apply to all subdivisions or resubdivisions that result  
36 in the portioning, dividing, combining, or altering of any lot, parcel, or tract of land,  
37 including subdivisions or resubdivisions created by an exercise of the power of eminent  
38 domain by an agency of the state or municipality. All subdivisions applications shall be  
39 reviewed according to the process set forth in subsection C. below, unless they qualify for  
40 the abbreviated plat procedure.

41 **2. Abbreviated Plat**

42 Certain subdivisions may follow the streamlined procedure set forth in subsection D.  
43 below. Eligible preliminary plats are those plats where the applicant is not an agency of  
44 the municipal, state, or federal governments, and are:

- 1           a.     A movement or elimination of lot lines that does not:
- 2                 i.     Result in an increase in the permitted density of residential units within
- 3                 the area being subdivided or resubdivided.
- 4                 ii.    Allow a change in the permitted use to which the lot or tract may be
- 5                 devoted under existing zoning.
- 6                 iii.   Deny adequate access to and from all lots or tracts created by the
- 7                 subdivision or those adjacent to it.
- 8           b.     The subdivision of a single tract, parcel, or lot into no more than three tracts or
- 9                 eight lots, provided that the subdivision does not:
- 10                i.     Allow a change in the permitted use to which the lot or tract may be
- 11                devoted under existing zoning.
- 12                ii.    Deny adequate access to and from all lots or tracts created by the
- 13                subdivision or those adjacent to it.
- 14                iii.   Divide a tract, parcel or lot:
- 15                        (A)    Created within the previous 48 months pursuant to the approval
- 16                        of a preliminary plat under this section;
- 17                        (B)    Contiguous to or having an owner either in an individual capacity
- 18                        or as an owner of a corporation, partnership, or other legal entity
- 19                        of a preliminary plat approved within the previous 48 months; or
- 20                        (C)    That is 10 acres or more in the R-6, R-7, R-8, R-9, and R-10
- 21                        zoning districts or that is governed by AO 84-21 (G-5 areawide
- 22                        rezoning).
- 23           c.     Vacations and relocations under section 21.03.230C.1.
- 24           d.     Subdivision of a cemetery into burial plots.
- 25           e.     A plat required by section 21.03.080F. for approval of a conditional use, or
- 26                 section 21.03.180F. for approval of a site plan.
- 27           f.     A plat depicting the creation of two attached single-family lots.
- 28           **3.     Subdivision Approval is Prerequisite to Other Approvals**
- 29                 a.     No building permit, land use permit, certificate of zoning compliance, or certificate
- 30                 of occupancy may be issued for any building, structure, or improvement located
- 31                 within a subdivision, and no plat for a subdivision may be recorded with the state
- 32                 of Alaska, until all required dedications of land have been made, and all required
- 33                 improvements have been installed in accordance with the procedures and
- 34                 requirements of this section, or an approved subdivision agreement is in place
- 35                 pursuant to section 21.08.060, *Subdivision Agreements*.
- 36                 b.     The municipality shall not accept or maintain any street, and shall not extend or
- 37                 connect any street lighting, water service, or sanitary sewer service to any
- 38                 subdivision of land, until and unless a plat for the subdivision has been approved
- 39                 and recorded in accordance with the requirements set forth in this section.
- 40           **4.     Restriction on Sale or Transfer of Subdivided Land Without Approved Plat**
- 41                 Any person who transfers or sells any land located within the municipality by reference to
- 42                 a plat that has not been approved by the municipality and recorded by the state of Alaska

shall be guilty of a violation of this title. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality also may enjoin such transfer or sale by filing an action for an injunction.

**5. Existing Lots of Record**

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

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

**1. Applicability**

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

**2. Pre-Application Conference**

Before filing an application for a new subdivision or a modification of an already-approved subdivision, the applicant shall request a pre-application conference with the **plating officer** [DIRECTOR], in accordance with subsection 21.03.020B.

**3. Community Meeting**

A community meeting is required in accordance with subsection 21.03.020C.

**4. Application Submittal**

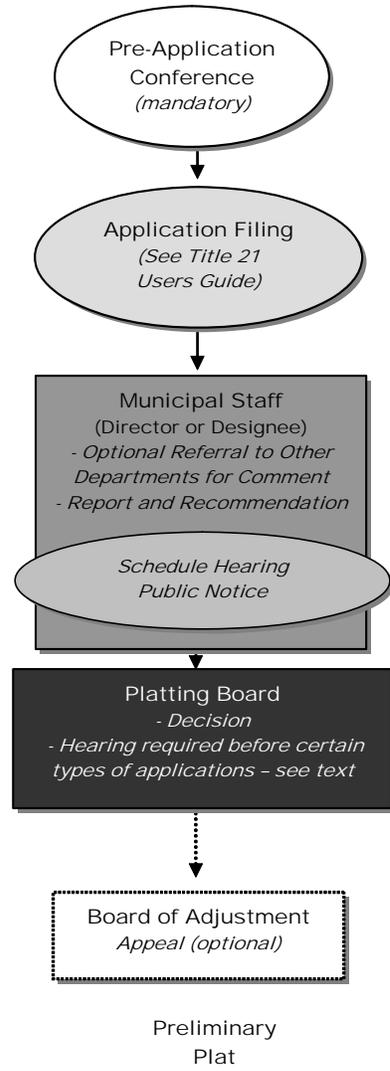
a. Unless waived by the **plating officer** [DIRECTOR], a preliminary plat shall include all land under contiguous ownership, unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract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

b. Applications for a preliminary plat shall contain the information specified in the title 21 user's guide, and shall be submitted to the **plating officer** [DIRECTOR] on a form provided by the department.

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

**5. Public Notice**

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with subsection 21.03.020H.



1           **6. Departmental Review**

2           The department shall review each proposed preliminary plat in light of the approval  
3           criteria of subsection C.9. below and distribute the application to other reviewers as  
4           deemed necessary. Based on the results of those reviews, the department shall provide  
5           a report to the platting board.

6           **7. Action on Preliminary Plat**

7           **a. Platting Authority**

8           The platting board is the platting authority for preliminary plats, except as  
9           provided in subsection 21.03.080F. for conditional uses, and subsection  
10          21.03.180F. for site plans.

11          **b. Action by Platting Authority**

12          Subject to paragraph 7.c. below, the platting authority shall, based on the  
13          approval criteria of subsection C.9. below, take action on the preliminary plat  
14          within 90 days after the submittal date, or shall return the plat to the applicant for  
15          modification or correction. The reasons for denial of a plat shall be stated in the  
16          records of the platting authority.

17          **c. Referral to Other Agency**

18          If the platting authority finds that:

19          i.       It cannot determine whether a preliminary plat conforms to the approval  
20          criteria of subsection C.9. below, because a specific controlling land use,  
21          public facility, or other public policy issue has not been resolved; and

22          ii.       An official board, commission or legislative body of the municipality or  
23          another government has been identified as being responsible for  
24          resolving that issue;

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

30          **d. Public Hearing**

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

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

35          ii.       Approval of a final plat that differs from the preliminary plat (see section  
36          21.03.200C.8.b.);

37          iii.       Modification or deletion of a condition of plat approval;

38          iv.       Granting of a variance from the provisions of chapter 21.08, *Subdivision*  
39          *Standards*; and

40          v.       Vacation of dedicated right-of-way; BLM and section line easements; or  
41          platted landscape, drainage, slope, or protective well radii easements.

42          **e. Approval Period; Time Extensions**

43          i.       Notwithstanding any subsequent change in the subdivision regulations,  
44          zoning regulations, and zoning districts, the approval of the preliminary  
45          plat shall be effective:

- 1 (A) For at least 24 months and up to 60 months from the date of  
2 approval, when it pertains to a development of no less than 10  
3 acres and includes a phasing plan. The length of the approval  
4 period shall be based upon the platting board's evaluation of the  
5 size, complexity, and phasing elements of the development.
- 6 (B) For 24 months from the date of approval when it pertains to a  
7 development of less than 10 acres or does not include a phasing  
8 plan.
- 9 ii. The preliminary plat shall become null and void after the approval period  
10 unless an extension of time is granted by the platting authority. A  
11 request for a time extension must be made in writing by the subdivider.  
12 The extension request must be received by the **platting officer**  
13 **[DIRECTOR]** prior to the expiration of the preliminary plat to be eligible  
14 for consideration by the platting authority.
- 15 iii. Such a time extension shall be granted only if the authority finds that  
16 current conditions are substantially the same as those that existed when  
17 the preliminary plat was originally approved. The director shall conduct  
18 the reevaluation for every extension request that does not raise the total  
19 time of extension for a particular plat beyond 24 months and present his  
20 or her findings to the authority. Every extension request that raises the  
21 total time of extension for a particular plat beyond 24 months shall be  
22 evaluated in the same manner as an original plat application, including  
23 payment of the applicable fee.
- 24 iv. Only two time extensions may be approved for a preliminary plat  
25 approved by the platting authority. Approval of the second extension  
26 shall require a noticed public hearing.
- 27 v. Preliminary plats being finalized in portions or phases shall not be  
28 construed to automatically extend the original approval period. Such an  
29 extension may only be granted by the platting authority in accordance  
30 with the procedures set out in this subsection.
- 31 f. **Appeals**  
32 All decisions as to approval or denial of a preliminary plat by the platting authority  
33 shall be final unless appealed to the board of adjustment.
- 34 g. **Resubmittal Following Denial**  
35 No new application for the same or substantially the same preliminary plat shall  
36 be accepted by the platting authority within one year of denial of the original  
37 application. The waiting period required by this section may be waived in an  
38 individual case, based upon new evidence or changed circumstances, by the  
39 affirmative vote of a majority of the platting authority.
- 40 8. **Final Plat**  
41 a. **Procedure When Final Plat Corresponds to Preliminary Plat as Approved**  
42 i. A hearing on the final plat shall not be required when such plat  
43 essentially conforms to the preliminary plat approved by the platting  
44 board. The final plat shall, in addition, meet all conditions imposed by  
45 the board in approving the preliminary plat.
- 46 ii. The final plat map shall constitute only that portion of the approved  
47 preliminary plat that is proposed to be recorded and developed at the  
48 time. If only a portion of the approved preliminary plat is proposed for

1 final plat approval, such portions shall conform to all requirements of this  
2 section and chapter 21.08, *Subdivision Standards*.

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

4 **(A)** The final plat shall be submitted to the **platting officer**  
5 **[DEPARTMENT]** for examination as to compliance with all terms  
6 of the preliminary plat as approved by the platting authority. If all  
7 conditions have been met, a statement to that effect, appearing  
8 on the final plat, shall be signed by the platting authority. The  
9 final plat shall not be signed until the documents described in  
10 paragraph a.iv. and a.v. below have been received.

11 **(B)** Upon acceptance of the final plat, the department shall forward  
12 the final plat to the **public works [PROJECT MANAGEMENT**  
13 **AND ENGINEERING]** department for final checking and  
14 inspection before final approval is given. If requested, a  
15 subdivision survey shall be submitted to the **public works**  
16 **[PROJECT MANAGEMENT AND ENGINEERING]** department  
17 with a complete set of field and computation notes showing the  
18 original or reestablished corners of the plat and of lots within the  
19 plat. Traverse sheets and work sheets showing the closure  
20 within the allowable limits of error of the exterior boundaries of  
21 each irregular block and lot of the subdivision may also be  
22 required. Final approval by the **public works [PROJECT**  
23 **MANAGEMENT AND ENGINEERING]** department shall be  
24 indicated by a statement appearing on the plat.

25 **iv.** Final approval by the platting board shall be dependent upon receipt of  
26 the following material:

27 **(A)** A statement from the development services department stating  
28 that all conditions imposed by the department on the preliminary  
29 plat and approved by the platting board have been met. This  
30 approval by the development services department shall not  
31 affect any subsequent requirements relating to sewage disposal  
32 and water supply as they apply to any lots within the plat.

33 **(B)** A certificate from the tax collecting official or a note on the face  
34 of the plat stating that all municipal real property taxes levied  
35 against the property are paid in full, or, if approval is sought  
36 between January 1 and the tax due date, that there is on deposit  
37 with the chief fiscal officer an amount sufficient to pay estimated  
38 real property tax for the current year.

39 **(C)** A certificate to plat showing the legal and equitable owners,  
40 including mortgagees, contract purchasers and fee owners, of  
41 the land to be platted, plus all grants, reservations, covenants,  
42 deed restrictions, and easements of record which may condition  
43 the use of the property.

44 **v.** If the subdivision is to be served by a community water or sewer system,  
45 the development services department may require the subdivider to  
46 provide the following before the platting board finally approves the plat:

47 **(A)** Any approvals or certificates required by the state departments  
48 of environmental conservation and natural resources.

- 1 (B) An agreement under the standards and procedures set out in  
2 section 21.08.060, *Subdivision Agreements*, to ensure that the  
3 system installed will be compatible with existing public water and  
4 sewer systems.
- 5 (C) Approval of the plans, specifications, and installation and  
6 operating procedures for the system by the municipal water and  
7 wastewater utility pursuant to chapter 21.08, *Subdivision*  
8 *Standards*, and regulations promulgated thereunder.
- 9 vi. Final plats affecting land neither supplied, nor under subdivision  
10 agreement to be supplied, both with public water and public sewer, shall  
11 be submitted to the development services department for a  
12 determination that all lots and proposed water and wastewater facilities  
13 conform to AMC chapter 15.65 at the time of determination.
- 14 b. ***Procedure When Final Plat Differs from Preliminary Plat***  
15 When the final plat differs from the preliminary plat, the plat shall be considered a  
16 new application for preliminary plat approval under this subsection C., except that  
17 all decisions as to approval or denial of this plat by the platting board as  
18 submitted under this section shall be final unless appealed to superior court.
- 19 c. ***Requirements for Final Plat***  
20 The final plat shall be prepared to the technical specifications, and shall be  
21 accompanied by appropriate supporting materials, as specified in the title 21  
22 user's guide.
- 23 d. ***Subdivision Agreements and Cost Estimates***  
24 All final plats requiring public improvements, except those requiring  
25 monumentation only, shall be accompanied by a subdivision agreement between  
26 the subdivider and the municipality and an engineer's estimate of the cost of all  
27 required public improvements. Requirements for such an agreement are further  
28 described in section 21.08.060, *Subdivision Agreements*.
- 29 e. ***Notes, Restrictions, and Covenants***  
30 The platting board may place such conditions upon granting of final plat approval  
31 as are necessary to preserve the public welfare in accordance with the  
32 subdivision regulations. (See section 21.03.020M.) When such a condition of  
33 approval entails a restriction upon the use of all or part of the property being  
34 subdivided, a note specifying such restrictions shall be placed on the face of the  
35 plat. Such note shall constitute a restrictive covenant in favor of the municipality  
36 and the public and shall run with the land, enforceable against all subsequent  
37 owners. Any such restrictive covenant may be enforced against the subdivider or  
38 any subsequent owner by the municipality or by any specifically affected member  
39 of the public.
- 40 9. **Approval Criteria**  
41 The platting board may approve a preliminary or final plat only if it finds that the plat  
42 conforms to chapters 21.06, *Dimensional Standards and Measurements*, 21.07,  
43 *Development and Design Standards*, and 21.08, *Subdivision Standards*, and, to the  
44 maximum extent feasible:
- 45 a. Promotes the public health, safety, and welfare;
- 46 b. Mitigates the effects of incompatibilities between the land uses or residential  
47 densities in the subdivision and the land uses and residential densities in the  
48 surrounding neighborhood, including but not limited to visual, noise, traffic, and  
49 environmental effects;

- 1           c.       Provides for the proper arrangement of streets in relation to existing or proposed
- 2                   streets;
- 3           d.       Provides for adequate and convenient open space;
- 4           e.       Provides for the efficient movement of vehicular and pedestrian traffic;
- 5           f.       Ensures adequate and properly placed utilities;
- 6           g.       Provides access for firefighting apparatus;
- 7           h.       Provides opportunities for recreation, light, and air, and avoids congestion;
- 8           i.       Facilitates the orderly and efficient layout and use of the land;
- 9           j.       Does not create a split-zoned lot; and
- 10          k.       Furthers the goals and policies of the comprehensive plan and conforms to the
- 11                   comprehensive plan in the manner required by section 21.01.080,
- 12                   *Comprehensive Plan.*

13 **D.       Abbreviated Plat Procedure**

14 **1.       Authorization**

15 Except for preliminary plats where the applicant is an agency of the municipal, state, or

16 federal governments, the preliminary plats described in subsection B.2.b. above are

17 subject to approval under the abbreviated procedure in this subsection instead of the

18 procedure in subsection C. above. Preliminary plats described in B.2.b., where the

19 applicant is an agency of the municipal, state, or federal governments, are subject to

20 approval under the procedure in subsection C. above.

21 **2.       Application Submittal**

22 Applications for abbreviated plats shall contain all of the submittal requirements that are

23 listed in the title 21 user's guide. Applications shall be submitted to the **plating officer**

24 **[DIRECTOR]** on a form provided by the department.

25 **3.       Public Notice**

26 Before acting on an abbreviated plat application under this section, the **plating officer**

27 **[DIRECTOR]** shall provide notice in accordance with

28 section 21.03.020H.

29 **4.       Action on Plat**

30 **a.       Plating Authority**

31 The **plating officer [DIRECTOR]** is the platting

32 authority for abbreviated plats, except as

33 provided in section 21.03.230 for vacation or

34 relocation of certain dedicated public areas.

35 The **plating officer [DIRECTOR]** may refer any

36 application to the platting board that he or she

37 deems may need further or more extensive

38 analysis and public comment concerning

39 access into adjacent property.

40 **b.       Review and Decision**

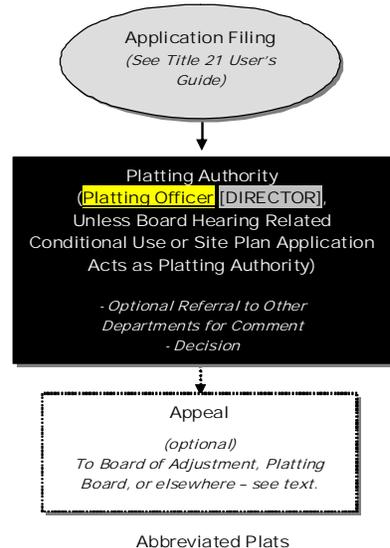
41 The platting authority shall review each

42 proposed subdivision in light of the approval

43 criteria of subsection C.9. above and shall

44 consult other municipal offices or agencies as

45 necessary. Based on the results of that



1 review, the platting authority shall act to approve, approve with conditions, or  
2 deny the plat.

3 **c. Variances**

4 i. When acting as the platting authority under this section, the **platting**  
5 **officer** [DIRECTOR] may not grant variances from the provisions of  
6 chapter 21.08, *Subdivision Standards*.

7 ii. When acting as the platting authority under section 21.03.080F., *Platting*  
8 *for Conditional Uses*, or 21.03.180F., *Platting for Site Plans*, the board or  
9 commission hearing an application for conditional use or site plan  
10 approval may grant variances from the provisions of chapter 21.08,  
11 *Subdivision Standards*, in accordance with section 21.03.240, *Variances*.

12 **d. Duration of Preliminary Approval**

13 Abbreviated plat approval expires after 24 months; provided that the board  
14 hearing an application for conditional use or site plan approval may extend the  
15 expiration of abbreviated plat approval in conjunction with extending the time for  
16 implementing the conditional use or site plan.

17 **e. Time Extensions**

18 The abbreviated plat shall become null and void after the preliminary approval  
19 period unless an extension of time is granted by the **platting officer** [DIRECTOR].  
20 A request for a time extension must be made in writing by the subdivider. Such a  
21 time extension shall be granted only if the **platting officer** [DIRECTOR] finds that  
22 current conditions are substantially the same as those that existed when the  
23 preliminary plat was approved. Only one extension of no more than 24 months  
24 may be approved.

25 **f. Appeals**

26 Decisions of the **platting officer** [DIRECTOR] under this section are final unless  
27 appealed within 15 days to the platting board, in which case the appeal shall be  
28 treated as an application for preliminary plat approval pursuant to subsection  
29 21.03.200C.

30 **g. Approval of Final Plat**

31 A final plat submitted pursuant to the approval of an abbreviated plat under this  
32 section is subject to approval in accordance with subsection C.8. above, provided  
33 that the municipal surveyor may waive a field survey for a final plat that merely  
34 eliminates interior lot lines.

35 **E. Commercial Tract Plats**

36 **1. Applicability**

37 A commercial tract may be created and divided into fragment lots in order to facilitate  
38 construction of commercial developments requiring multiple phases of construction.  
39 Designation of commercial tracts shall be allowed only in the B-3, RO, NMU, CMU, RMU,  
40 MT-1, MT-2, I-1, I-2, PCD, MC, [AND] MI, **GC-1 through GC-10, GI-1, GI-2, GRST-1, and**  
41 **GRST-2** zoning districts.

42 **2. Platting Authority**

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

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

2           **a. Application Submittal**

3           Applications for a commercial tract plat shall contain the information specified in  
4           the title 21 user's guide, and shall be submitted to the **planning officer**  
5           **[DIRECTOR]** on a form provided by the department. An application for approval  
6           of a commercial tract shall be signed by the owners of the property involved.

7           **b. Action by Platting Authority**

8           i.       The platting authority shall act upon the application for approval of a  
9           commercial tract whose site plan includes a large commercial  
10          establishment as part of the major site plan review for the large  
11          commercial establishment under subsection 21.03.180C.

12          ii.      Except as provided in E.3.b.i. above, the platting authority shall act upon  
13          the application for commercial tract approval following the review and  
14          approval procedures of a preliminary plat in accordance with subsection  
15          21.03.200C.7.

16          **c. Recording of Site Plan**

17          Upon approval of a commercial tract under subsection E.3.b. above, the **planning**  
18          **officer [DIRECTOR]** shall, after notice to the petitioner, record the commercial  
19          tract site plan as approved, together with any declarations, covenants, and  
20          restrictions, with the district recorder's office.

21          **d. Conformance with Site Plan**

22          It shall be unlawful for any person to construct, erect, or maintain any structure,  
23          building, fence, or improvement, including landscaping, parking, and other  
24          facilities, on property designated as a commercial tract, unless such  
25          improvements are constructed or reconstructed in a manner consistent with the  
26          approved commercial tract site plan.

27          **e. Alteration of Boundaries**

28          The process for amending or altering the boundaries of an approved commercial  
29          tract shall be the same process as that of the original approval of the commercial  
30          tract plat.

31          **f. Amendment of Site Plan**

32          Any amendment or alteration of an approved commercial tract site plan shall be  
33          made only upon approval of the platting authority as provided in this section.

34           **4. Division of Tract**

35           The owner of a commercial tract may divide the tract into fragment lots provided that  
36           such division is consistent with the approved commercial tract site plan and recorded  
37           declarations, covenants, and restrictions applicable to the commercial tract. Any property  
38           description used to divide an area of the commercial tract into a fragment lot shall not be  
39           considered a lot or tract under the terms of this title or title 23, but shall be otherwise a  
40           lawful lot or tract. Any fragment lot created under this section shall contain the minimum  
41           area, width, and depth otherwise required for lots in the zoning district in which the  
42           fragment lot is located.

43           **F. Right-of-Way Acquisition Plat**

44           **1. Generally**

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

- 1           **2. Application Submittal**  
2           Applications for a right-of-way acquisition plat shall contain the information specified in  
3           the title 21 user's guide, and shall be submitted to the **planning officer [DIRECTOR]** on a  
4           form provided by the department.
- 5           **3. Applicability of Requirements**  
6           **a.**       A right-of-way acquisition plat is not subject to section 21.08.050, *Improvements*.  
7           **b.**       Survey requirements for a right-of-way acquisition plat shall be established by  
8           agreement between the municipal surveyor and the government agency applying  
9           for plat approval, or, if there is no such agreement, by the provisions of this title.
- 10          **4. Action**  
11          **a.       Platting Authority**  
12          The **planning officer [DIRECTOR]** shall act as the platting authority unless the  
13          government agency applying for plat approval requests a public hearing before  
14          the platting board.
- 15          **b.       Duration of Approval**  
16          The preliminary approval of the right-of-way acquisition plat shall be for a period  
17          of 60 months; provided, however, that the **planning officer [DIRECTOR]** may grant  
18          an extension of time for filing the final plat upon a finding that it is in the public  
19          interest to do so.
- 20          **c.       Appeals**  
21          All decisions of the **planning officer [DIRECTOR]** under this section shall be final  
22          unless appealed to the platting board within 15 days. An appeal under this  
23          subsection shall be treated as an application for preliminary plat approval  
24          pursuant to section 21.03.200C.
- 25          **5. Requirements for Final Plat**  
26          Requirements for final right-of-way acquisition plats shall be established by agreement  
27          between the director and the government agency applying for plat approval, or, if there is  
28          no such agreement, by the provisions of this title.
- 29          **G. Modification or Removal of Plat Notes**  
30          **1. Purpose**  
31          This section sets forth a process by which the platting board may modify or remove plat  
32          notes from recorded plats.
- 33          **2. Initiation**  
34          Applications for modifying or removing a plat note(s) may be initiated by the owner(s) of  
35          land encumbered by the plat note. If the applicable plat note encumbers more than one  
36          lot, the owners of all encumbered lots shall be a party to the application.
- 37          **3. Application**  
38          Applications for modifying or removing a plat note(s) shall contain the information  
39          specified in the title 21 user's guide, and shall be submitted to the **planning officer**  
40          **[DIRECTOR]** on a form provided by the department.
- 41          **4. Public Notice**  
42          Notice **[OF ALL PUBLIC HEARINGS]** shall be provided in accordance with section  
43          21.03.020H.
- 44          **5. Departmental Review**  
45          The department shall review the proposed modification or removal of a plat note(s) in  
46          light of the approval criteria of subsection G.9. below and distribute to other reviewers as

1 deemed necessary. Based on the results of those reviews, the department shall provide  
2 a report to the platting board.

3 **6. Action by the Platting Board**

4 The platting board shall hold a public hearing on the proposed application and act to  
5 approve, approve with alterations, or deny the proposed modification or removal of a plat  
6 note(s), based on the approval criteria of subsection G.9. below.

7 **7. Recordation**

8 Once approved by the platting board, a plat with modified or deleted plat notes shall be  
9 re-recorded in accordance with the procedures of the district recorder's office.

10 **8. Appeal**

11 Decisions on modifying or removing a plat note(s) may be appealed to the board of  
12 adjustment in accordance with subsection 21.03.050A.

13 **9. Approval Criteria**

14 Plat note modifications or deletions may be approved if the platting board finds that all of  
15 the following approval criteria have been met:

16 a. Conditions that required the plat note(s) on the original plat have changed and  
17 the need for the plat note has been negated;

18 b. Modification or removal of the plat note(s) will not have a negative impact on  
19 adjacent or nearby properties; and

20 c. Despite modification or removal of the plat note(s), the plat continues to meet the  
21 approval criteria of subsection 21.03.200C.9.

22 **21.03.210 TITLE 21 – TEXT AMENDMENTS**

23 **A. Purpose and Scope**

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

29 **B. Procedure**

30 **1. Initiation**

31 A petition for amendment to the text of this title may be initiated by any review or  
32 decision-making body.

33 **2. Application Submittal**

34 Proposals for text amendments shall be in ordinance form and shall be filed with the  
35 director.

36 **3. Departmental Review**

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

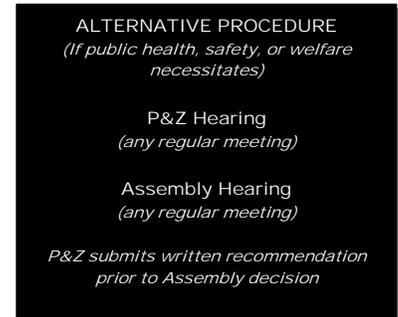
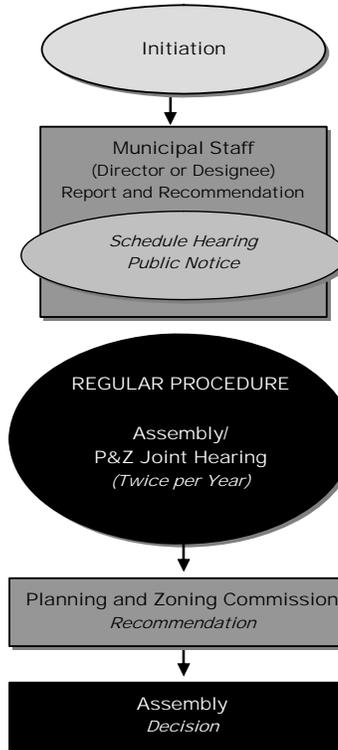
42 **4. Review by Other Boards or Commissions**

43 a. Any text amendments proposed that amend the powers and duties of any board  
44 or commission shall be reviewed by that board or commission, which shall  
45 forward a recommendation to the assembly.

- 1           b.       In addition, if any text amendments are proposed in chapter 21.08, *Subdivision*  
 2                     *Standards*, the platting board shall review such proposed amendments and  
 3                     forward a recommendation to the planning and zoning commission and the  
 4                     assembly.

5       **5. Notice and Frequency of**  
 6       **Amendments**

- 7       a.       [WRITTEN AND  
 8               PUBLISHED  
 9               N]Notice [OF  
 10              PUBLIC  
 11              HEARINGS ON  
 12              TEXT  
 13              AMENDMENTS]  
 14              shall be provided  
 15              in accordance with  
 16              [PURSUANT TO  
 17              THE GENERAL  
 18              NOTICE  
 19              PROVISIONS OF]  
 20              section  
 21              21.03.020H.



- 22       b.       Starting on [two  
 23               years after the  
 24               effective date],  
 25               text amendments  
 26               shall be  
 27               considered no  
 28               more than two  
 29               times per year.  
 30               However, where  
 31               the assembly  
 32               determines by a  
 33               majority vote that  
 34               the public health, safety, or welfare necessitates, text amendments may be  
 35               considered at any regularly scheduled meeting of the assembly, provided that the  
 36               assembly holds a public hearing on the proposed amendment and the planning  
 37               and zoning commission holds a public hearing and provides a written report and  
 38               recommendation on the proposed amendment prior to the assembly’s decision.

Amendments to Text of Title 21

39       **6. Planning and Zoning Commission Action**

- 40       a.       As soon as possible after the public hearing, but no later than 60 days, the  
 41               planning and zoning commission shall make a recommendation to the assembly  
 42               to approve or deny the text amendment based on the approval criteria of  
 43               subsection C. below.
- 44       b.       If the commission recommends approval of the amendment, the director shall  
 45               submit the draft ordinance to the assembly.
- 46       c.       If no recommendation is made within 60 days, then the planning and zoning  
 47               commission may request an extension of time from the assembly. If no  
 48               recommendation is made and no extension is granted, then the assembly may  
 49               act on the proposed amendment without a recommendation from the planning  
 50               and zoning commission.

1           **7. Assembly Action**

2           After a public hearing and reviewing the reports and recommendations of the director and  
3           the planning and zoning commission, the assembly shall vote to approve, approve with  
4           amendments, or deny the proposed amendment, based on the approval criteria of  
5           subsection C. below. The assembly also may refer the proposed amendment back to the  
6           planning and zoning commission or to a committee of the assembly for further  
7           consideration. Text amendments shall be approved in the form of ordinances.

8           **C. Approval Criteria**

9           Text amendments may be approved if the assembly finds that all of the following approval criteria  
10          have been met:

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

16           **21.03.220 USE CLASSIFICATION REQUESTS**

17           **A. Purpose and Applicability**

- 18          1.       The use classifications set forth and defined in chapter 21.05, *Use Regulations*, and in  
19          section 21.09.050, *Use Regulations (Girdwood)*, describe one or more uses having  
20          similar characteristics, but do not list every use or activity that may fall within the  
21          classification. This section shall be used to determine all questions or disputes whether a  
22          specific use is deemed to be within a use classification permitted in a zoning district.
- 23          2.       The provisions of this section shall not apply to permit any specific use that is expressly  
24          prohibited in a zoning district.

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

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

27          1.       **Application Submittal and Action**

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

35          2.       **Appeals**

36          Appeals from the director's determination on a use classification request shall be made to  
37          the zoning board of examiners and appeals, pursuant to section 21.03.050B.

38          3.       **Form of Determination**

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

41           **C. Standards for Review**

42          In evaluating a use classification request, the director shall consider whether the proposed use  
43          has an impact that is similar in nature, function, and duration to the other uses allowed in a  
44          specific zoning district. The director shall give due consideration to the intent of this title

1 concerning the district(s) involved, the character of the uses specifically identified, and the  
2 character of the use(s) in question. The director shall assess all relevant characteristics of the  
3 proposed use, including but not limited to the following:

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

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

- 36 1. **Typical Uses: Amendment to this Title**  
37 If the director finds that the particular use or category of use(s) that was the subject of the  
38 use classification request is likely to be common or to recur frequently, or that omission  
39 from this title is likely to lead to public uncertainty and confusion, the director shall initiate  
40 an amendment to this title under section 21.03.210, *Title 21-Text Amendments*. The  
41 determination of the director shall be binding on all officers and departments of the  
42 municipality.

**2. Atypical Uses: Determination Binding**

If the director finds that the particular use or category of use(s) that was the subject of the use classification request is of an unusual or transitory nature, or is unlikely to recur frequently, the director may approve the use without initiating an amendment to this title. However, the director's determination shall thereafter be binding on all officers and departments of the municipality.

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

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

**21.03.230 VACATION OF PUBLIC AND PRIVATE INTEREST IN LANDS**

**A. Authority**

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

**B. Application Submittal**

Applications for vacation requests shall contain the information specified in the title 21 user's guide, and shall be submitted to the **platting officer** [DIRECTOR] on a form provided by the department.

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

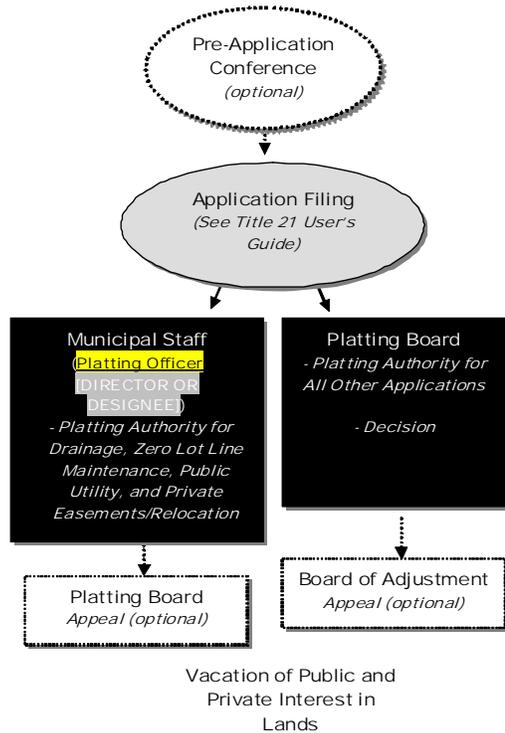
1. The **platting officer** [DIRECTOR] is the platting authority for applications to vacate the following platted interests:

- a. Drainage easements granted under section 21.08.050M.
- b. Zero lot line maintenance easements.
- c. Public utility easements.
- d. Private easements, but only upon the written concurrence of the beneficiaries.
- e. Relocation of any of the above-described interests.

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

**D. Action**

The **platting officer** [DIRECTOR] or platting board shall take action on the vacation application within 60 days after the submittal date. The reasons for the approval of the vacation shall be stated upon the case record.



1 **E. Approval Period**

2 The approval of a vacation expires 24 months after the date of approval unless, before its  
3 approval expires, a conveyance of the vacated interest is approved in accordance with law and a  
4 final plat depicting the vacation is approved and filed in accordance with this title. A street right-  
5 of-way or easement whose vacation is finally approved under this section is a right-of-way or  
6 easement without substantial value to the municipality and is conveyed upon the filing of a final  
7 plat depicting the vacation.

8 **F. Appeals**

9 Appeals of the **platting officer's** [DIRECTOR'S] decision on a vacation under his or her jurisdiction  
10 shall be treated as an application for preliminary plat approval pursuant to section 21.03.200C.  
11 Appeals of the platting board's decision on a vacation under its jurisdiction shall be to the board of  
12 adjustment.

13 **G. Title to Vacated Area**

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

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

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

30 **21.03.240 VARIANCES**

31 **A. Purpose and Scope**

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

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

42 1. The platting authority shall be authorized to review and consider all requests for  
43 variances to standards of the following sections:

- 44 a. Subsection 21.07.020C., *Steep Slope Development*,
- 45 b. Section 21.07.060, *Transportation, Connectivity, and Pedestrian Facilities*; and
- 46 c. Chapter 21.08, *Subdivision Standards*.

- 1           2.       The planning and zoning commission shall be authorized to review and consider all  
2           requests for variances of standards of the following sections:
- 3                   a.       Subsection 21.05.040K., *Telecommunication Facilities*; and
- 4                   b.       Section 21.07.050, *Utility Distribution Facilities*.
- 5           3.       Requests for variances from the airport height zoning regulations set forth in section  
6           21.04.060C. shall be referred to the Federal Aviation Administration.
- 7           4.       The urban design commission shall be authorized to review and consider all requests for  
8           variances to standards of the following sections:
- 9                   a.       District-specific standards of chapter 21.04, *Zoning Districts*;
- 10                  b.       Use-specific standards of chapter 21.05, *Use Regulations*;
- 11                  c.       Chapter 21.07, *Development and Design Standards*;
- 12                  d.       The following sections of chapter 21.09, *Girdwood Land Use Regulations*:  
13                  21.09.040, *Zoning Districts*; 21.09.050, *Use Regulations*; 21.09.070, *Site*  
14                  *Development and Design Standards*; 21.09.080, *Building Design Standards*;
- 15                  e.       Chapter 21.11, *Signs*, including the maximum sign area, the maximum sign  
16                  height, the location of the sign, and the number of signs on the parcel. In  
17                  evaluation the request for a variance to the maximum sign height, the urban  
18                  design commission may consider whether there are special topographic  
19                  circumstances that would result in a material impairment of visibility of the sign  
20                  from the adjacent roadway which significantly diminishes the owner's or user's  
21                  ability to continue to communicate adequately and effectively with the public  
22                  through the use of the sign.
- 23           5.       The zoning board of examiners and appeals shall be authorized to review and consider  
24           variance requests from chapter 21.06, *Dimensional Standards and Measurements*, and  
25           from section 21.09.060, *Dimensional Standards (Girdwood)*. The zoning board may only  
26           grant variances from dimensional standards.
- 27           6.       No variance may be granted from the definitions set forth in chapter 21.14.
- 28   **C.       Application Submittal**
- 29           Applications for a variance shall contain the information specified in the title 21 user's guide, and  
30           shall be submitted to the director on a form provided by the department.
- 31   **D.       Public Notice**
- 32           Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.
- 33   **E.       Departmental Review**
- 34           The department shall review each proposed variance in light of the approval criteria of subsection  
35           G. below and distribute to other reviewers as deemed necessary. Based on the results of those  
36           reviews, the department shall provide a report to the decision-making body.
- 37   **F.       Action by the Decision-Making Body**
- 38           1.       Once the application is complete, the director shall schedule the application for  
39           consideration at a public hearing, and shall transmit to the appropriate decision-making  
40           body all applications and other records pertaining to the variance prior to the hearing.

1 Upon receiving the application materials from the director,  
 2 the decision-making body shall hold a public hearing on the  
 3 proposed variance.

4 **2.** In considering the application, the decision-making body  
 5 shall review the application materials, the approval criteria  
 6 of subsection G., and all testimony and evidence received  
 7 at the public hearing.

8 **3.** After conducting the public hearing, the decision-making  
 9 body may: deny the application; conduct an additional  
 10 public hearing on the application; or grant the minimum  
 11 required variance. Any approval or denial of the request  
 12 shall be by resolution, accompanied by written findings of  
 13 fact that the variance meets or does not meet each of the  
 14 applicable criteria set forth in subsection G., stating the  
 15 reasons for such findings. A concurring vote of a majority  
 16 of the fully constituted membership of the entity, minus  
 17 those excused by conflicts of interest, shall be required to  
 18 grant a variance.

19 **4.** Under no circumstances shall the decision-making body  
 20 grant a variance to allow a use not permitted in the zoning  
 21 district containing the property for which the variance is  
 22 sought.

23 **5.** Under no circumstances shall the decision-making body  
 24 grant a variance from any written conditions attached by  
 25 another decision-making body to the approval of a  
 26 conditional use, subdivision plat, [OR] site plan, or rezone  
 27 (special limitation).



Variances

28 **G. Approval Criteria**

29 The application must state with particularity the relief sought and must specify the facts or  
 30 circumstances that are alleged to show that the application substantially meets the following  
 31 standards:

- 32 **1. Variances from the District-Specific Standards of Chapter 21.04, Zoning Districts,**  
 33 **the Use-Specific Standards of Chapter 21.05, Use Regulations, [AND] Chapter**  
 34 **21.07, Development and Design Standards, Section 21.09.040, Section 21.09.050,**  
 35 **Section 21.09.070, Section 21.09.080, and Chapter 21.11, Signs**
- 36 **a.** The proposed alternative achieves the intent of the subject design standard to  
 37 the same or better degree than the subject standard;
  - 38 **b.** The proposed alternative achieves the goals and policies of the comprehensive  
 39 plan to the same or better degree than the subject standard;
  - 40 **c.** The proposed alternative results in benefits to the community that are equivalent  
 41 to or better than compliance with the subject standard;
  - 42 **d.** The variance, if granted, will not adversely affect the use of adjacent property as  
 43 permitted under this code;
  - 44 **e.** The variance, if granted, does not change the character of the zoning district  
 45 where the property is located, is in keeping with the intent of the code, and does  
 46 not permit a use not otherwise permitted in the district in which the property lies;  
 47 and

1 f. The variance, if granted, does not adversely affect the health, safety, and welfare  
2 of the people of the municipality.

3 **2. Variances from Chapter 21.06, *Dimensional Standards and Measurements* and**  
4 **from Section 21.09.060 (Girdwood)**

5 a. There exist exceptional or extraordinary physical circumstances of the subject  
6 property including, but not limited to, streams, wetlands, or slope, and those  
7 circumstances are not applicable to other land in the same zoning district;

8 b. Because of these physical circumstances, the strict application of the code  
9 creates an exceptional or undue hardship upon the property owner, and would  
10 deprive the applicant of rights commonly enjoyed by other properties in the same  
11 district under the terms of the zoning ordinance;

12 c. The hardship is not self-imposed, special conditions and circumstances do not  
13 result from the actions of the applicant, and such conditions and circumstances  
14 do not merely constitute inconvenience;

15 d. The variance, if granted, will not adversely affect the use of adjacent property as  
16 permitted under this code;

17 e. The variance, if granted, does not change the character of the zoning district  
18 where the property is located, is in keeping with the intent of the code, and does  
19 not permit a use not otherwise permitted in the district in which the property lies;

20 f. The variance, if granted, does not adversely affect the health, safety, and welfare  
21 of the people of the municipality; and

22 g. The variance granted is the minimum variance that will make possible a  
23 reasonable use of the land.

24 **3. Variances from Chapter 21.08, *Subdivision Standards***

25 a. There are special circumstances or conditions affecting the property such that  
26 the strict application of the provisions of the subdivision regulations would clearly  
27 be impractical, unreasonable, or undesirable to the general public;

28 b. The granting of the specific variance will not be detrimental to the public welfare  
29 or injurious to other property in the area in which such property is situated;

30 c. Such variance will not have the effect of nullifying the intent and purpose of the  
31 subdivision regulations or the comprehensive plan of the municipality; and

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

35 **4. Variances from Airport Height Zoning Regulations**

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

38 **H. Lapse of Approval**

39 Any variance granted shall become null and void if:

40 1. The variance is not exercised within one year of the date it is granted or as otherwise  
41 conditioned, or

42 2. Any building, structure, or characteristic of use permitted by variance is moved or altered  
43 so as to enlarge the variance or discontinue it.

- 1 **I. Appeals**
- 2 1. An appeal from a decision of the platting board or the urban design commission shall be
- 3 brought to the board of adjustment in accordance with sections 21.03.050A.
- 4 2. An appeal from a decision of the planning and zoning commission or the zoning board of
- 5 examiners and appeals shall be brought in accordance with section 21.03.050C.
- 6 **J. Administrative Variances from Occupancy Limits For Assisted Living Facilities**
- 7 1. **Intent**
- 8 The intent of this section is to provide a procedure to allow persons with disabilities and
- 9 assisted living providers to request reasonable accommodation from the department
- 10 when access to decent safe, accessible and affordable housing with assisted living would
- 11 not be available absent a reasonable accommodation. This administrative variance
- 12 procedure is available to address application for minor variance in dimensional and
- 13 setback requirements to accommodate special needs of persons with disabilities and to
- 14 address application for variance in occupancy limits of no more than three persons.
- 15 2. **Application**
- 16 Application for minor variance in dimensional and setback requirements to accommodate
- 17 special needs of persons with disabilities and application for variance in occupancy limits
- 18 of no more than three persons shall be made to the director on a form provided by the
- 19 department, shall be executed by or on behalf of the person with disabilities seeking the
- 20 reasonable accommodation, or the owner of the real property, or the lessee with proof of
- 21 the owner's consent, and shall be complete in all respects prior to review under this
- 22 section.
- 23 3. **Public Notice Of Application For Variance In Occupancy Limits**
- 24 Notice shall be provided in accordance with section 21.03.020H.
- 25 4. **Time for approval**
- 26 The department shall make a determination on an application within 60 days of submittal.
- 27 Notification of approval or denial shall be posted electronically on the department's
- 28 municipal web site and furnished in writing to the applicant by mail or delivered by
- 29 electronic means.
- 30 5. **Standards**
- 31 In deciding to approve or deny an application, the department shall review the application
- 32 and written comments addressing factors relevant to the request for reasonable
- 33 accommodation, including but not limited to, the extent to which the application
- 34 demonstrates the following, as related to the particular request of the applicant:
- 35 a. For administrative variance applications to increase occupancy limits in R-1, R-
- 36 1A, R-2A and R-2D districts, the extent to which the accommodation and the
- 37 assisted living provider seek to protect and preserve the primarily residential
- 38 character of the district. Factors may include traffic patterns, on-street parking
- 39 patterns, the control exercised by the assisted living provider to mitigate
- 40 environmental disturbance associated with ingress and egress of facility staff
- 41 workers at shift change, and any other measures taken by the assisted living
- 42 provider to ensure the commercial aspects of the facility do not detract from its
- 43 residential purpose and the primarily residential character of the district. An
- 44 example of a commercial aspect is if residential trash containers were standard
- 45 in the neighborhood and the assisted living provider used one or more dumpsters
- 46 due to volume. An example of a mitigation measure for this aspect the assisted
- 47 living provider might take is to screen the dumpster.
- 48 b. For administrative variance applications to increase occupancy limits, economic
- 49 hardship on the intended occupants if the variance is denied. Cost and

- 1 availability of other housing alternatives may be addressed in preparation and  
2 review of the application.
- 3 c. Whether the requested accommodation and the assisted living provider are  
4 implementing accident prevention and safety measures specific to the needs of  
5 the residents, including but not limited to safety measures in state law and  
6 regulation, and in municipal fire code adopted under title 23.
- 7 d. Whether the accommodation requested is advancing housing opportunities for  
8 disabled individuals in a residential community without jeopardizing residential  
9 aspects of the neighborhood with commercial aspects of operation.
- 10 e. For administrative variance applications to increase occupancy limits, whether  
11 the proposed size of the facility is necessary for the facility's financial viability.
- 12 f. External characteristics and impacts of the proposed facility, including without  
13 limitation appearance, projected contribution to traffic volumes and on-street  
14 parking within the neighborhood, available street lighting and sidewalks.
- 15 g. Quantifiable risks to the health, safety, and quality of life of area residents and  
16 users.
- 17 h. Administrative and economic burden on the municipality, in either approval or  
18 denial of the variance.
- 19 i. Other factors deemed relevant to the applicant or the department in review of the  
20 application.
- 21 **6. Conditions**  
22 In approving a variance, the department may impose reasonable conditions designed to  
23 address the standards in subsection J.5. or mitigate impacts created by the variance.
- 24 **7. Appeal**  
25 All decisions of the department under this section shall be final unless an appeal is filed  
26 in a timely manner. Appeals of the decision to approve or deny a variance under this  
27 section shall be to the zoning board of examiners and appeals, pursuant to the provisions  
28 of subsection 21.03.050B., except an appeal may be brought by any person with  
29 standing to request reasonable accommodation under the Fair Housing Act, 42 U.S.C. §  
30 3604(f).
- 31 **K. Administrative Variances for Signs**
- 32 1. The director may grant an administrative variance from the height restrictions and/or  
33 setback requirements for freestanding signs, provided:
- 34 a. Special topographic circumstances exist that would result in a material  
35 impairment of visibility of a conforming sign from the adjacent roadway;
- 36 b. There is no reasonable conforming alternative to the variance;
- 37 c. Any setback variance does not result in an encroachment into a public right-of-  
38 way; and
- 39 d. A fee has been received.
- 40 2. The director shall make written findings and conclusions for each variance request.
- 41 3. If the request for an administrative variance is denied, the applicant may apply for a  
42 public hearing variance under this section 21.03.240.

1 **L. Administrative Variances for Large Domestic Animal Facility**

2 Application for administrative approval of deviation in minimum lot size of 40,000 square feet may  
3 be made to the department. The director may approve deviation of site area square footage, not  
4 to exceed 10 percent, upon consultation with the department of health and human services and  
5 the department of development services.

6 **21.03.250 VERIFICATION OF NONCONFORMING STATUS**

7 **A. Process**

8 Owners of lots, uses, or structures that may not conform to the requirements of this title may  
9 request a verification of nonconforming status by filing an application with the director in  
10 accordance with this section. Owners of signs that do not conform to the requirements of this title  
11 shall comply with section 21.12.070, *Nonconforming Signs*.

- 12 1. The application shall be accompanied by documentation that establishes the approximate  
13 date that the lot, use, or structure was established; proof that the lot, use, or structure  
14 was lawfully established at the time it became nonconforming; and proof that the use has  
15 not been discontinued or abandoned, except as provided in subsection B. below. The  
16 director shall require additional information if deemed necessary to permit an accurate  
17 determination.
- 18 2. Such verifications shall run with the land, and their status shall not be affected by  
19 changes of tenancy, ownership, or management.
- 20 3. A verification of nonconforming status shall not be required for continued daily operation  
21 or maintenance of a nonconforming lot, use, or structure.

22 **B. Exceptions**

23 Notwithstanding subsection A. above:

- 24 1. Where the contention for nonconforming use is raised in a court in any action brought to  
25 enforce this title before an application for determination has been filed under this section,  
26 this section shall not be applicable and the court shall have jurisdiction to determine the  
27 issue.
- 28 2. Nothing in this section shall be construed to deprive the director the right to make a  
29 decision regarding a claimed nonconforming use or status as incident to a valid pending  
30 application for a land use permit.

31 **C. Appeals**

32 Denial of the director's decision on nonconforming status may be appealed to the zoning board of  
33 examiners and appeals pursuant to subsection 21.03.050B.

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 purposes of this  
 10 title established in chapter 21.01, which include implementation of the comprehensive  
 11 plan, and [PARTICULARLY] its land use plan map [AND OTHER RELEVANT  
 12 ELEMENTS OF THIS PLAN].

13 **2. Zoning Districts Established**

14 The following zoning districts are established:

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

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

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

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**3. Zoning Map**

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

**B. Relationship to Overlay Districts**

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

**21.04.020 RESIDENTIAL DISTRICTS**

**A. General Purpose/Intent**

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

1. Provide appropriately located areas for residential development that are consistent with the comprehensive plan and with standards of public health and safety established by this code;
2. Designate areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;
3. Conserve residential lands for housing by limiting conversion of the residential land base to non-residential uses, and by encouraging residential development to occur at or near zoned densities and at locations and densities in the adopted comprehensive plan;

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

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

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

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

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

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

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

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

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

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

2 **1. Purpose**

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

13 **2. District-Specific Standards**

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

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

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

23 **c.** Buildings with three or four dwelling units shall also comply with the multifamily  
24 design standards in subsection 21.07.110C.[100G.], except that any primary  
25 entrance serving just one individual dwelling unit is exempt from subsection  
26 21.07.110C.7., *Primary Entrance Treatment* [100G.9., *ENTRANCE FEATURE*  
27 *CHOICES*].

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

31 **G. R-2M: Mixed Residential District 2**

32 **1. Purpose**

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

42 **2. District-Specific Standards**

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

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

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

4   **H.       R-3: Multifamily Residential District 1**

5       **1.       Purpose**

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

13   **I.       R-4: Multifamily Residential District 2**

14       **1.       Purpose**

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

27       **2.       District-Specific Standards**

28           **a.       Allowed Commercial Uses**

29                   The commercial uses listed below are allowed through the approval process  
30                   shown in table 21.05-1, shall only be developed in conjunction with multifamily or  
31                   mixed use dwellings, and are limited to five percent of the gross floor area of the  
32                   development on a site, or 1,500 square feet, whichever is less.

- 33                   i.       Fitness and recreational sports center;  
34                   ii.     Restaurant;  
35                   iii.    Convenience store;  
36                   iv.    Grocery or food store.

37           **b.       Alcohol Sales Prohibited**

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

40           **c.       Floor Area Ratio (FAR)**

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

43           **d.       Building Height Increase**

44                   Buildings in the R-4 district may exceed the maximum height established in table  
45                   21.06-1, up to a maximum total height of 60 feet, subject to all of the following  
46                   requirements to encourage the provision of light and air at the ground level, and  
47                   active uses on the ground floor facing the street[, AND OTHER FEATURES]:

- 1                   i.       The development shall participate in the FAR incentives provided in  
2                   subsubsection 21.04.020J.2.c. below;
- 3                   ii.       The ground floor of the building shall be residential or other permitted  
4                   non-parking use, for at least 25 feet of depth facing the street for the full  
5                   length of the street facing building elevation, except for vehicle entrances  
6                   and exits. Where the site has two or more frontages, the standard shall  
7                   be met on two frontages;
- 8                   iii.       The height increase shall adhere to the height transitions provisions of  
9                   subsubsection 21.06.030D.8[7].; and
- 10                  iv.       Development requesting the height increase shall be subject to  
11                  administrative site plan review, unless a higher level of review is already  
12                  required.

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

14           **1.       Purpose**

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

26           **2.       District-Specific Standards**

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

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

31           **b.       Maintaining Residential Character**

32           Development shall be primarily residential. The following standards and  
33           exceptions apply:

- 34           i.       Non-residential uses allowed in the R-4A district shall be mixed with  
35           residential according to the provisions that follow. (The uses “parks and  
36           open space,” “community gardens,” “utility substations,”  
37           telecommunications towers, “parking lot, principal use,” and “parking  
38           structure, principal use” are exempt from the mixed-use requirement.)

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

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

46           **(C)**       A conditional use permit is required for non-residential uses  
47           proposed to occupy greater than 20 and less than or equal to 49

- 1 percent of the gross floor area of the development as depicted  
2 on a site plan.
- 3 (D) Major site plan reviews or conditional use reviews under b.i.(B).  
4 and b.i.(C). shall meet the following criteria. This shall be in  
5 addition to the general site plan approval criteria (21.03.180E.)  
6 and conditional use approval criteria (21.03.080C.).
- 7 (1) The development shall result in a net increase in  
8 dwelling units over pre-development density, or shall be  
9 at least 20 dwelling units per acre, whichever is greater.  
10 The total gross floor area of household living uses shall  
11 be equal to or greater than any prior residential  
12 development.
- 13 (2) Stipulations may be imposed relating to building design,  
14 traffic, privacy, floor area restrictions, restrictions against  
15 commercial above the ground floor, and other conditions  
16 necessary to maintain a residential character and  
17 compatibility with adjacent residential districts.
- 18 ii. The non-residential portion of the development shall not be given a  
19 certificate of zoning compliance or a conditional certificate of zoning  
20 compliance until all of the residential portion of the development is given  
21 a certificate of zoning compliance.
- 22 iii. Ground floor building facades facing and within 100 feet of public streets,  
23 primary circulation drives, or primary pedestrian walkways shall meet the  
24 following window standards on those facades:
- 25 (A) Non-residential uses: At least 50 percent of the length and 25  
26 percent of the area of ground-level walls shall be windows  
27 providing visual access to the interior of the building.
- 28 (B) Residential uses: At least 25 percent of the length and 12  
29 percent of the area of ground-level walls shall be windows.
- 30 (C) All uses: Blank walls shall not exceed 30 feet in length.
- 31 iv. All commercial uses shall be conducted entirely within a completely  
32 enclosed building except for parking and loading facilities and outdoor  
33 restaurant seating. Outdoor storage of goods accessory to a commercial  
34 use is prohibited.
- 35
- 36 c. **Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts**  
37 The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR,  
38 but may be increased up to a maximum total FAR of 2.0 in the R-4 district and  
39 3.0 in the R-4A district through the following bonus provisions, subject to section  
40 21.06.030 E[C]. These incentives provide for an incremental increase in the floor  
41 area of a development in exchange for incremental increases in any of the  
42 following special features deemed of benefit to the community. Increases in the  
43 FAR may be achieved through the use of one or more of the following:

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- 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.
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- 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.
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- 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*.
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- iv. **Bonus for Sidewalk/Walkway Widening**  
Five square feet of additional floor area is allowed per linear foot of primary pedestrian walkway.
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- 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**]:
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- i. The development shall participate in the FAR incentives provided for the R-4A district in subsection 21.04.020J.2.c. above;
- 25  
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- 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;
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- iii. All floor area provided by the height increase shall be for residential uses[.].
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- iv. The height increase shall adhere to the height transitions of subsection 21.06.030D.8[7].;
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- v. The height increase shall adhere to the applicable design standards for tall buildings in subsection 21.07.130C.[110]; and
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- 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.
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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.

- 1 **K. R-5: Low Density Residential District**
- 2 **1. Purpose**
- 3 The R-5 district is intended primarily for single- and two-family residential areas with
- 4 gross densities up to five dwelling units per acre. Mobile homes on individual lots are
- 5 allowed in this district.
- 6 **L. R-6: Low-Density Residential (1 acre) District**
- 7 **1. Purpose**
- 8 The R-6 district is intended primarily for single- and two-family large-lot residential areas,
- 9 with gross densities of up to one dwelling unit per acre. The R-6 is designed to
- 10 encourage low-density residential development. This district is intended to protect and
- 11 enhance those physical and environmental features that add to the desirability of large-lot
- 12 residential living. The availability of infrastructure and municipal services is varied.
- 13 **M. R-7: Single-Family Residential (20K) District**
- 14 **1. Purpose**
- 15 The R-7 district is intended primarily for single- and two-family residential areas with
- 16 gross densities between one and two dwelling units per acre. This district may also be
- 17 applied to areas between larger lot districts and higher density districts.
- 18 **N. R-8: Low-Density Residential (4 acres) District**
- 19 **1. Purpose**
- 20 The R-8 district is intended primarily for single- and two-family large-lot residential areas
- 21 with gross densities less than one dwelling unit per four acres, where topographic or
- 22 other natural conditions are such that higher-density development would be unfeasible.
- 23 In addition to topography, some of the natural conditions which could exist to render land
- 24 desirable for the densities proposed in this zone are wind hazards, marginal soils,
- 25 landslide susceptibility, potential for groundwater pollution, and groundwater availability.
- 26 **O. R-9: Low-Density Residential (2 acres) District**
- 27 **1. Purpose**
- 28 The R-9 district is intended primarily for single- and two-family large lot residential areas
- 29 with gross densities less than one dwelling unit per two acres, where public sewer and
- 30 water are unlikely to be provided or where topographic or other natural conditions are
- 31 such that higher-density development would be unfeasible. Where public facilities may
- 32 be provided in the distant future, the regulations are intended to ensure that development
- 33 during the interim period does not exceed geological and hydrological capacities for safe
- 34 and healthful maintenance of human habitation.
- 35 **P. R-10: Low-Density Residential, Alpine/Slope District**
- 36 **1. Purpose**
- 37 The R-10 district is intended for use in those areas where natural physical features and
- 38 environmental factors such as slopes, alpine and forest vegetation, soils, slope stability,
- 39 and geologic hazards require unique and creative design for development. Creative site
- 40 design and site engineering are essential to ensure that the development of these lands
- 41 will:
- 42 **a.** Protect natural features such as ponds, streams, wetlands, and springs, and
- 43 incorporate such features into the development of the site design;
- 44 **b.** Ensure the use of site design techniques that take into consideration topographic
- 45 constraints and other physical features;
- 46 **c.** Avoid natural hazards including snow avalanche and mass wasting areas;

- d. Retain the natural flow and storage capacity of any watercourse and wetland, to minimize the possibility of flooding or alteration of water boundaries;
- e. Assure that soil and subsoil conditions are suitable for excavations, site preparation, and on-site waste water disposal;
- f. Provide adequate site drainage to avoid erosion and to control the surface runoff in compliance with the federal clean water act;
- g. Assure an adequate supply of potable water for the site development; and
- h. Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.

2. **District-Specific Standards**

a. **Lot and Site Requirements**

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

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

Average slope is calculated by the following formula:

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

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

b. **Bedrock**

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

- 1           2.       Provide adequate area to meet the needs of future commercial development;
- 2           3.       Encourage the redevelopment, conversion, and reuse of underused commercial areas,  
3           and discourage further geographic expansion of commercial areas not designated in the  
4           comprehensive plan;
- 5           4.       Minimize vehicle miles traveled and promote alternative transportation choices through  
6           the concentration of commercial areas as designated in the comprehensive plan;
- 7           5.       Promote the location of higher intensity commercial uses and traffic into those areas of  
8           the municipality that are best developed for traffic and access;
- 9           6.       Strengthen the municipality's economic base and provide employment opportunities;
- 10          7.       Provide for commercial land uses that meet the needs of and attract regional and  
11          statewide populations, in addition to local residents;
- 12          8.       Allow and encourage residential development in conjunction with commercial  
13          development in order to provide more housing choices and more efficient use of land;
- 14          9.       Minimize land use impacts of commercial development on adjacent residential districts;
- 15          10.      Protect stream corridors, wetlands, and other important natural resources from the  
16          adverse impacts of commercial development; and
- 17          11.      Provide sites for public and semi-public uses such as utilities and telecommunications  
18          infrastructure needed to complement commercial development.

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

- 20          1.       **Purpose**  
21               The B-1A district is intended for small, compact commercial sites or areas within or  
22               surrounded by residential areas. The district is applied to encourage the provision of  
23               small-scale retail, office, and service uses compatible in scale and character with  
24               adjacent residential uses, and providing services to the surrounding neighborhood. B-1A  
25               centers are between one-half and two acres in size. The B-1A district provides for  
26               smaller commercial sites and ensures a smaller scale of development than does the  
27               NMU district. Continuous retail frontages, largely uninterrupted by driveways and  
28               parking, are encouraged. Uses are to be limited in intensity to promote their local  
29               orientation, promote pedestrian access, reduce vehicle trips, and limit adverse impacts  
30               on the surrounding area. Upper story residential uses are also allowed.
- 31          2.       **District-Specific Standards**
  - 32              a.       **Ground-Floor**  
33                     At least 80 percent of the street-facing building elevation at the ground level shall  
34                     be a non-residential use occupying a space at least 25 feet deep from the street  
35                     façade of the building.
  - 36              b.       **Prohibitions**
    - 37                  i.       Drive-throughs are allowed only on those lots with frontage on and  
38                     access to an arterial street.
    - 39                  ii.      Outdoor storage is prohibited in the B-1A district.
    - 40                  iii.     Nonresidential development that does not have access from a street of  
41                     collector class or greater on the *Official Streets and Highways Plan* shall  
42                     not be open to the public between 10:00 p.m. and 7:00 a.m.

1                    **c.      *Gross Floor Area Limitations***

2                    i.        The gross floor area of each allowed non-residential use is limited to  
3                    5,000 square feet per use, without any review beyond that required by  
4                    table 21.05-2.

5                    ii.        Gross floor area of allowed non-residential uses between 5,001 and  
6                    10,000 square feet may be requested through a major site plan review.

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

11                    **3.      *District Location Requirements***

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

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

15                    b.        The maximum contiguous area for a B-1A district shall be 2.0 acres.

16                    c.        The subject property shall be in an established neighborhood commercial area or  
17                    an area designated in the comprehensive plan for neighborhood-scale  
18                    commercial.

19                    **C.      *B-3: General Business District***

20                    **1.      *Purpose***

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

32                    **2.      *District Location Requirements***

33                    a.        Establishment of the B-3 district or changes to existing B-3 district boundaries  
34                    shall meet the general rezoning criteria of this code and shall not be expanded  
35                    along street corridors or into surrounding neighborhoods unless consistent with  
36                    the comprehensive plan.

37                    b.        Future rezonings to B-3 shall take into consideration the desirability of B-3 being  
38                    located on arterials and being served with adequate public services and facilities.

39                    **D.      *RO: Residential Office District***

40                    **1.      *Purpose***

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

2. **District-Specific Standards**

a. **Limitations on Retail Uses**

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

b. **Limitations on Visitor Accommodations**

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

3. **District Location Requirements**

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

a. New RO zones shall be located in areas intended principally for low-intensity office uses, or in locations where the development buffers residential neighborhoods from heavy volumes of traffic or more intense commercial retail activity.

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

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

E. **MC: Marine Commercial District**

1. **Purpose**

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

2. **District-Specific Standards**

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

**21.04.040 DOWNTOWN DISTRICTS**

A. **DT-1: Downtown Core**

B. **DT-2: Downtown Mixed-Use**

C. **DT-3: Downtown Mixed-Use Residential**

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

**21.04.050 MIXED-USE DISTRICTS**

A. **General Purpose/Intent of Mixed-Use Districts**

The mixed-use districts are intended to provide for and encourage development and redevelopment of a mix of residential and nonresidential uses within close proximity to each other

1 within areas so designated in the comprehensive plan. A key feature of all the mixed-use  
2 districts is a pedestrian- and bicycle-friendly network of streets and sidewalks connecting the  
3 nonresidential uses, residential neighborhoods, and transit facilities. The mixed-use districts  
4 specifically are intended to:

- 5 1. Concentrate higher-density residential development and commercial and office  
6 employment efficiently in and around major employment centers, town centers, and other  
7 centers of community activity designated in the comprehensive plan;
- 8 2. Encourage mixed-use and higher-density redevelopment, conversion, and reuse of aging  
9 and underutilized areas, and increase the efficient use of available land in the  
10 municipality;
- 11 3. Provide a transportation network (road, bicycle, pedestrian) designed to provide the  
12 opportunity for direct access to adjacent areas, in lieu of entering and exiting through  
13 arterials and/or collector streets;
- 14 4. Create compact, pedestrian-oriented environments that are safe, convenient, and  
15 attractive for transit and pedestrian use and access;
- 16 5. Concentrate a variety of commercial retail/services and public facilities that serve the  
17 surrounding community;
- 18 6. Encourage the appearance and function of development in mixed-use areas to be  
19 complementary to surrounding residential areas designated in the comprehensive plan;
- 20 7. Promote physical development in mixed-use areas that provides pedestrian scale and  
21 interest through articulation, detail elements, and windows at the ground floor level; and
- 22 8. Protect stream corridors, wetlands, and other important natural resources from the  
23 adverse impacts of mixed-use development.

24 **B. NMU: Neighborhood Mixed-Use District**

25 1. **Purpose**

26 The NMU district is intended for neighborhood retail service centers at a larger scale than  
27 allowed by the B-1A district. NMU centers are intended to be generally between two and  
28 15 acres in size, and are primarily applied to existing commercial areas to encourage  
29 mixed-use housing opportunities, compact redevelopment, and mixed-use urban design.  
30 The emphasis of the district is on commercial uses that primarily serve the daily needs of  
31 nearby neighborhoods (e.g., small-to-medium size grocery/convenience store, drug store,  
32 religious assembly, service station) located in close proximity to one another. This district  
33 typically serves more neighborhoods and can provide a greater collection of commercial  
34 services at a larger scale than does the B-1A district. Multifamily residential and limited  
35 office uses also are allowed. Siting and architectural design and scale of structures in  
36 this district should limit adverse impacts on nearby residential areas. The NMU district  
37 may be used for designated neighborhood centers, commercial corridors, and transit-  
38 supportive development corridors, and may also be used for the “neighborhood  
39 commercial centers” identified in the *Anchorage 2020 Anchorage Bowl Comprehensive*  
40 *Plan*.

41 2. **District-Specific Standards**

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

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

1           **b.       Maximum Building Size**

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

8           **3.       District Location Requirements**

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

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

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

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

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

21          **C.       CMU: Community Mixed-Use District**

22               **1.       Purpose**

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

34               **2.       Relationship to Town Centers**

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

41               **3.       District-Specific Standards**

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

44               **4.       District Location Requirements**

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

- 1           a.     The subject property shall be in an area designated by the comprehensive plan  
2           as a community activity center, town center, or transit-supportive development  
3           corridor that has a commercial or mixed-use designation on the comprehensive  
4           plan map.
- 5           b.     The CMU district shall not be expanded along street corridors or into adjacent  
6           residentially or industrially zoned areas unless consistent with the comprehensive  
7           plan.

8   **D.     RMU: Regional Mixed-Use District**

9       **1.     Purpose**

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

22       **2.     Relationship to Town Centers**

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

29       **3.     District-Specific Standards**

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

32       **4.     District Location Requirement**

- 33       a.     The subject property shall be in an area designated for regional-scale  
34       commercial mixed-use center in the comprehensive plan.
- 35       b.     RMU districts shall be located where there is sufficient transportation and related  
36       infrastructure adequate to accommodate projected needs.

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

38       [RESERVED]

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

40       [RESERVED]

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

42       **1.     Applicability**

43       All development in the NMU, CMU, RMU, MT-1, and MT-2 districts shall comply with the  
44       appropriate development standards in chapter 21.07, and also the standards in this  
45       subsection 21.04.050G. All development in the R-4A district shall comply with the  
46       standards in the subsection 21.04.050G., with the exception of subsection G.2. When

1 the standards of this subsection and sections 21.07.110[100] and 21.07.120[110] are in  
2 conflict, the standards of this subsection shall control.

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

4 **a. Purpose**

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

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

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

18 **i. Housing Bonus**

19 Two square feet of additional floor area is allowed per gross square foot  
20 of dwelling [HOUSING] unit floor area, up to a maximum increase of 0.5  
21 FAR.

22 **ii. Open Space Bonus**

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

26 **iii. Below Grade Parking Bonus**

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

29 **iv. Affordable Housing Bonus**

30 Three square feet of additional floor area is allowed per square foot of  
31 affordable housing unit floor area, up to a maximum increase of 0.5 FAR.  
32 The affordable housing units shall be consistent with the standards of  
33 21.07.110I.[100H.], *Standards for Affordable Housing*.

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

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

37 **3. Reduced Parking Ratios**

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

40 **4. Building Placement and Orientation**

41 **a. Purpose**

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

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

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

5           **c.        Building Entrances**

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

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

13          **5.        Sidewalks and Walkways**

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

16   **21.04.060   INDUSTRIAL DISTRICTS**

17   **A.        General Purpose/Intent**

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

- 19          1.        Create suitable environments for various types of industrial uses;
- 20          2.        Reserve appropriately located areas for industrial purposes, and limit non-industrial uses  
21          that may erode the supply of industrial lands;
- 22          3.        Provide adequate space to meet the needs of future industrial development, including off-  
23          street parking and loading;
- 24          4.        Strengthen and diversify the municipality's economic industrial base and provide  
25          employment opportunities;
- 26          5.        Minimize land use impacts of industrial development on abutting non-industrial districts;  
27          and
- 28          6.        Protect stream corridors, wetlands, and other important natural resources from the  
29          adverse impacts of industrial development.

30   **B.        I-1: Light Industrial District**

31          **1.        Purpose**

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

38   **C.        I-2: Heavy Industrial District**

39          **1.        Purpose**

40          The I-2 district is intended primarily as an industrial activity area and reserve for public  
41          and private heavy manufacturing, warehousing and distribution, equipment and materials  
42          storage, vehicle and equipment repair, major freight terminals, waste and salvage,  
43          resource extraction and processing, and other related uses. Non-industrial uses are  
44          limited to prevent land use and traffic conflicts and to maintain and protect the supply of

1 industrial lands within the municipality. This district is applied to areas designated as  
2 industrial/industrial reserve by the comprehensive plan.

3 **D. MI: Marine Industrial District**

4 **1. Purpose**

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

8 **2. District-Specific Standards**

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

12 **21.04.070 OTHER DISTRICTS**

13 **A. A: Airport District**

14 **[RESERVED]**

15 **B. AF: Antenna Farm District**

16 **1. Purpose**

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

20 **2. District-Specific Standards**

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

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

29 **C. DR: Development Reserve District**

30 **1. Purpose**

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

34 **D. PCD: Planned Community Development District**

35 **1. Purpose**

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

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

7 **2. Application**

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

9 **3. Record-Keeping**

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

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

13 **1. Purpose**

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

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

17 **1. Purpose**

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

20 **2. District-Specific Standards**

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

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

24 **1. Purpose**

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

35 **2. District-Specific Standards**

36 **a. Permitted Uses**

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

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

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

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

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

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

b. **Conditional Uses**

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

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

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

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

H. **WS: Watershed District**

1. **Purpose**

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

**21.04.080 OVERLAY ZONING DISTRICTS**

A. **General Purpose/Intent**

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

1. Airport height overlay district; and

2. Flood hazard overlay district.

B. **Creation, Alteration, or Elimination of Overlay Districts**

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

C. **AHO: Airport Height Overlay District**

1. **Purpose**

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

2. **Specific Airport Height Maps Adopted**

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

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

9           **3.     Establishment or Modification**

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

- 13           a.     The owner or manager of any airport may prepare an airport height map in  
14           accordance with the provisions of this subsection and the stipulations of FAR part  
15           77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25. The owner or  
16           manager of a governmentally operated airport shall prepare and maintain an  
17           airport height map in accordance with FAR part 77, subpart C, paragraph 77.25.  
18           The map shall be filed with the department.
- 19           b.     The map shall be to scale and shall accurately reference the following:
  - 20           i.     Existing subdivisions.
  - 21           ii.    Current zoning districts.
  - 22           iii.   Major reference points in the vicinity of the airstrip or airport.
  - 23           iv.   Existing topography, if available.
  - 24           v.     The airport elevation that shall be the official elevation of the airport or  
25           airstrip upon approval of the map.
- 26           c.     The map required by paragraph a. above, shall accurately depict airspace zones  
27           as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical  
28           increments. Before submission to the Department the map shall be certified by  
29           the Federal Aviation Administration that it depicts the requirements of FAR part  
30           77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in  
31           any way from the requirements of the FAR, each such deviation shall be  
32           indicated in writing on the map and shall be accompanied by a letter of  
33           nonobjection by the Federal Aviation Administration. Any such deviation is  
34           subject to approval of the department.
- 35           d.     Before submission to the department any optional map depicting airspace zones  
36           provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must  
37           be certified by the Federal Aviation Administration indicating that it accurately  
38           depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or  
39           77.23(A)(3).

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

41           Notwithstanding the height limitations in section 21.06.020, *Dimensional Standards*  
42           *Tables*, and in section 21.09.060B., *Dimensional Standards Tables (Girdwood)*, all  
43           development within the airport height overlay district shall comply with the following  
44           height limitations:

- 1           a.       No structure shall be constructed or maintained so that it exceeds the greater of:  
2                   i.       Thirty-five feet above ground elevation; or  
3                   ii.       The maximum height permitted under FAR part 77, subpart C, as  
4                               depicted on any airport height zone map adopted under section  
5                               21.04.080.C., *Airport Height Overlay District*.
- 6           b.       Any structure within three nautical miles of an airport reference point established  
7                   by federal regulation, the height of which exceeds the level of that reference point  
8                   by more than 200 feet, shall present to the building official the results of an  
9                   airspace determination conducted by the Federal Aviation Administration  
10                  pursuant to its regulations.
- 11          c.       The height restrictions of this district do not apply to buildings for which building  
12                  or land use permits were issued prior to June 17, 1986.
- 13          d.       Vegetation shall not be affected by the height limitation of this section.

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

15       **1.       Purpose and Intent**

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

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

36       **2.       Notice**

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

39       **3.       Interpretation of Section; Disclaimer of Liability**

- 40           a.       In the interpretation and application of this section, all provisions shall be:  
41                  i.       Considered as minimum requirements;

- 1                   ii.       Liberally construed in favor of the governing body; and
- 2                   iii.       Deemed neither to limit nor repeal any other powers granted under state
- 3                               statutes.
- 4           b.       The degree of flood protection required by this section is considered reasonable
- 5                   for regulatory purposes and is based on scientific and engineering
- 6                   considerations. Larger floods can and will occur on rare occasions. Flood
- 7                   heights may be increased by manmade or natural causes. This section does not
- 8                   imply that land outside the areas of flood hazard or uses permitted within such
- 9                   area will be free from flooding or flood damages. This section shall not create
- 10                  liability on the part of the municipality, any officer or employee thereof, or the
- 11                  Federal Insurance Administration for any flood damages that result from reliance
- 12                  on this section or any administrative decision lawfully made thereunder.
- 13           4.       **Creation of Flood Hazard Overlay District; Official Flood Hazard Reports and Maps**
- 14           a.       ***Creation of District; Adoption of Reports and Maps***
- 15                   There is hereby created a flood hazard overlay district. This district shall be
- 16                   defined in its territorial extent by the following reports and maps:
- 17                   i.       Flood insurance study for the municipality of Anchorage, prepared by the
- 18                               Federal Insurance Administration, Federal Emergency Management
- 19                               Agency (FEMA).
- 20                   ii.       Flood insurance rate map (FIRM) prepared by the Federal Insurance
- 21                               Administration, FEMA, including the current digital flood insurance rate
- 22                               map (DFIRM) prepared by the Federal Insurance Administration.
- 23                   iii.       Flood boundary and floodway map, prepared by the Federal Insurance
- 24                               Administration, FEMA, including the current digital flood boundary and
- 25                               floodway map prepared by the Federal Insurance Administration.
- 26                   iv.       Flood hazard boundary map (FHBM), prepared by the Federal Insurance
- 27                               Administration, FEMA, including the current digital flood hazard boundary
- 28                               map (DFHBM) prepared by the Federal Insurance Administration.
- 29                   The current editions of each of the maps and reports listed in this subsection are
- 30                   made a part of this section. Subsequent maps and reports prepared by the
- 31                   Federal Insurance Administration or the municipality delineating the flood hazard
- 32                   overlay district, floodway and floodplain areas within the municipality shall
- 33                   become part of this chapter upon publication. A copy of the reports and maps
- 34                   cited in this subsection shall be on file in the department. Definitions of terms
- 35                   appearing on the maps and reports appear in 41 CFR 19.09.1.
- 36           b.       ***Flood Hazard Areas***
- 37                   Within the flood hazard overlay district, areas at a hazard for flooding include:
- 38                   i.       Areas within the limit of the boundary of the base flood;
- 39                   ii.       Areas within the highest extreme tide;
- 40                   iii.       Areas covered in flood hazard studies prepared for the **public works**
- 41                               [PROJECT MANAGEMENT AND ENGINEERING] department that
- 42                               supplement the information prepared by FEMA; and
- 43                   iv.       The stream setback area defined in subsection 21.07.020B.4.

1           c.       **Review of Maps**

2           As necessitated by FEMA or the municipal engineer, the flood hazard district  
3           maps will be reviewed. The review may be conducted by the municipality, the  
4           U.S. corps of engineers, or the Federal Insurance Administration, and any new  
5           map panels or restudies affecting the boundaries of the flood hazard district,  
6           floodway, or floodway fringe area shall then be submitted to the planning and  
7           zoning commission for a recommendation and assembly for final adoption as part  
8           of this chapter.

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

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

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

16           a.       **Applicability**

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

19           b.       **Prohibited Development**

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

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

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

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

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

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

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

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

- 1 (B) All public utilities and facilities such as sewer, gas, electrical and  
2 water systems are to be located and constructed to minimize or  
3 eliminate flood damage;
- 4 (C) Adequate drainage, as required by the *Design Criteria Manual*  
5 (current approved edition), is provided to reduce exposure to  
6 flood hazards. The actions of one project shall not adversely  
7 impact the receiving waters and the rights of other property  
8 owners, as measured by increased flood peaks, flood stage,  
9 flood erosion, and sedimentation through storm waters or  
10 drainage systems; and
- 11 (D) Base flood elevation data has been provided for subdivision  
12 proposals and other proposed development that contains at least  
13 50 lots or five acres, whichever is fewer.
- 14 iv. Construction within floodplains shall require that new and replacement  
15 water supply systems be designed to minimize or eliminate infiltration of  
16 floodwaters into the systems.
- 17 v. Construction within floodplains shall require that:
- 18 (A) New and replacement sewage systems shall be designed to  
19 minimize or eliminate infiltration of floodwaters into the systems  
20 and discharges from the systems into floodwaters; and
- 21 (B) On-site waste disposal systems to be located to avoid  
22 impairment to them or contamination from them during flooding.
- 23 d. ***Storage of Materials or Equipment in the Floodplain***  
24 The storage or processing of equipment or materials that are buoyant,  
25 flammable, explosive or injurious to safety, or which would cause a violation of  
26 state water quality standards upon contact with water, are prohibited in the  
27 floodplain.
- 28 **6. Regulations Applicable to Subdistricts**
- 29 a. ***Floodway Area***  
30 Since the floodway is an extremely hazardous area due to the velocity of  
31 floodwaters, which carry debris and potential projectiles and have erosion  
32 potential, the following provisions apply:
- 33 i. Permitted uses and structures are parks, parkways, greenbelts, land  
34 reserves, golf courses, playgrounds, playfields, and related facilities.
- 35 ii. Permitted accessory uses and structures are picnic tables, playground  
36 equipment, outdoor cooking facilities and like structures.
- 37 iii. The following structures and activities are permitted only by flood hazard  
38 permit including certification by a registered professional engineer  
39 demonstrating that such encroachments shall not result in any increase  
40 in flood levels during the occurrence of the base flood discharge or result  
41 in violation of the state water quality standards: excavation of sand,  
42 gravel and other natural resources, railroad and tramway tracks, streets,  
43 bridges, utility installations and pipelines, storage yards for equipment  
44 and materials, commercial farming, and land reclamation.
- 45 iv. The following uses are prohibited: landfills, storage yards containing  
46 hazardous materials (as defined by the EPA), encroachments not

1 otherwise excepted in this section, including fill, new construction,  
2 substantial improvements and other development.

3 **b. Floodway Fringe Area**

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

6 **i.** Permitted uses and structures are parks, parkways, greenbelts, land  
7 reserves, golf courses, playgrounds, playfields and related facilities.

8 **ii.** Permitted accessory uses and structures are picnic tables, playground  
9 equipment, outdoor cooking facilities and like structures.

10 **iii.** The following uses, structures and activities are permitted only by flood  
11 hazard permit: any use permitted by flood hazard permit as set forth in  
12 subsection a. of this section, and all other uses, structures and activities  
13 which are in accordance with all other land use regulations provided they  
14 are adequately floodproofed as set forth in subsection D.8. below, *Flood*  
15 *Hazard Permit*.

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

19 **7. Construction Requirements**

20 **a. Generally**

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

24 **i.** The lowest floor, including basement or crawl space, of residential  
25 structures shall be elevated to at least one foot above the base flood  
26 level. Within the structure, attendant utility and sanitary facilities shall be  
27 elevated to at least one foot above the base flood or completely  
28 floodproofed.

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

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

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

45 **v.** For new manufactured home parks and manufactured home  
46 subdivisions; for expansions to existing manufactured home parks and  
47 manufactured home subdivisions; for existing manufactured home parks

1 and manufactured home subdivisions where the repair, reconstruction or  
2 improvement of the streets, utilities and pads equals or exceeds 50  
3 percent of value of the streets, utilities and pads before the repair,  
4 reconstruction or improvement has commenced; and for manufactured  
5 homes not placed in a manufactured home park or manufactured home  
6 subdivision, require that the repair, and on all property not within a  
7 manufactured home park or subdivision stands or lots are elevated on  
8 compacted fill or on pilings so that:

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

11 (B) Adequate surface drainage and access for a hauler must be  
12 provided.

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

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

17 vi. All manufactured homes to be placed or substantially improved shall be  
18 elevated on a permanent foundation such that the lowest floor of the  
19 manufactured home is at least one foot above the base flood elevation,  
20 and be securely anchored to an adequately anchored foundation system.

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

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

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

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

37 ii. New construction and substantial improvements of nonresidential  
38 structures within AO zones shall either:

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

43 (B) Together with attendant utility and sanitary facilities, be  
44 completely floodproofed to or above that level so that any space  
45 below that level is watertight with walls substantially  
46 impermeable to the passage of water and with structural  
47 components having the capability of resisting hydrostatic and

1 hydrodynamic loads and effects of buoyancy. If this method is  
2 used, compliance shall be certified by a registered professional  
3 engineer or architect.

- 4 iii. Adequate drainage paths are required around structures on slopes to  
5 guide floodwaters around and away from proposed structures.

6 **8. Flood Hazard Permit**

7 **a. Required**

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

11 **b. Conditions**

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

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

- 18 ii. Structures or uses below the level of the regulatory flood shall be  
19 restricted to those not involving habitual human habitation, such as  
20 working space, living space, sleeping space, etc.

- 21 iii. The anchorage shall be suitable to resist flotation and lateral movement.

- 22 iv. For all construction and substantial improvements, fully enclosed areas  
23 below the lowest floor that are subject to flooding shall be designed to  
24 automatically equalize hydrostatic flood forces on exterior walls by  
25 allowing for the entry and exits of floodwaters. Designs for meeting this  
26 requirement must either be certified by a registered professional  
27 engineer or architect or must meet or exceed the following minimum  
28 criteria: A minimum of two openings having a total net area of not less  
29 than one square inch for every square foot of enclosed area subject to  
30 flooding shall be provided to FEMA specifications. The bottom of all  
31 openings shall be no higher than one foot above grade. Openings may  
32 be equipped with screens, louvers or other coverings or devices provided  
33 that they permit the automatic entry and exits of floodwaters.

- 34 v. All areas below the level of the regulatory flood protection levels shall be  
35 coated with paint, membranes, or mortars substantially impermeable to  
36 the passage of water.

- 37 vi. Water supply and waste treatment systems must prevent infiltration of  
38 water.

- 39 vii. All interior drains must be connected to the sanitary sewer system.

40 **9. Nonconforming Uses**

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

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

- 1           **b.**     If such use is discontinued for 12 consecutive months, any future use of the  
2           structure or premises shall conform to this chapter.
- 3           **c.**     Uses or adjuncts thereof which are or have become nuisances shall not be  
4           entitled to continuance as nonconforming uses.
- 5           **d.**     Any permitted alteration, addition, or repair to any nonconforming structure the  
6           cost of which equals or exceeds 50 percent of the fair market value of the  
7           structure which would result in substantially increasing the flood damage  
8           potential shall be adequately floodproofed in accordance with subsection 8.b.

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

- 11           **a.**     The director of the public works [PROJECT MANAGEMENT AND  
12           ENGINEERING] department shall grant or deny development permit applications  
13           in accordance with the provisions of this chapter, except that the platting board is  
14           directed and authorized to consider this chapter in relation to any matter brought  
15           before that board.
- 16           **b.**     The director of the public works [PROJECT MANAGEMENT AND  
17           ENGINEERING] department shall maintain all records required by the Federal  
18           Insurance Administration and shall file an annual report with the federal  
19           insurance administrator.
- 20           **c.**     Additional duties and responsibilities of the director of the public works  
21           [PROJECT MANAGEMENT AND ENGINEERING] department are as follows:

22           **i.       Permit Review**

23           The director of the public works [PROJECT MANAGEMENT AND  
24           ENGINEERING] department shall:

- 25           **(A)**     Review all flood hazard permits to determine that the permit  
26           requirements of this chapter have been satisfied.
- 27           **(B)**     Review all flood hazard permits to determine that all necessary  
28           permits have been obtained from those federal, state, or local  
29           governmental agencies from which prior approval is required.
- 30           **(C)**     Review all flood hazard permits to determine if the proposed  
31           development is located in the floodway, and, if located in the  
32           floodway, ensure that the encroachment provisions of subsection  
33           6.a. above are met.

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

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

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

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

- 44           **(A)**     Obtain and record the actual elevation, in relation to mean sea  
45           level, of the lowest habitable floor, including basement, of all new

1 or substantially improved structures, and whether or not the  
2 structure contains a basement.

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

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

6 (2) Maintain the floodproofing certifications required in  
7 subsection 7.a.iv. above.

8 (C) Maintain for public inspection all records pertaining to the  
9 provisions of this section.

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

11 The director of the public works [PROJECT MANAGEMENT AND  
12 ENGINEERING] department shall:

13 (A) Notify adjacent communities and the state coordinating agency  
14 prior to any alteration or relocation of a watercourse and submit  
15 evidence of such notification to the Federal Insurance  
16 Administration.

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

20 v. **Interpretation of FIRM Boundaries**

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

28 11. **Appeal Procedure**

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

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

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

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

39 ii. The danger to life and property due to flooding or erosion damage;

40 iii. The susceptibility of the proposed facility and its contents to flood  
41 damage and the effect of such damage on the individual owner;

42 iv. The importance of the services provided by the proposed facility to the  
43 community;

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

- 1 vi. The availability of alternative locations for the proposed use which are  
2 not subject to flooding or erosion damage;
- 3 vii. The compatibility of the proposed use with existing and anticipated  
4 development;
- 5 viii. The relationship of the proposed use to the comprehensive plan and  
6 floodplain management program for that area;
- 7 ix. The safety of access to the property in time of flood for ordinary and  
8 emergency vehicles;
- 9 x. The expected heights, velocity, duration, rate of rise and sediment  
10 transport of the floodwaters and the effects of wave action, if applicable,  
11 expected at the site; and
- 12 xi. The costs of providing governmental services during and after flood  
13 conditions, including maintenance and repair of public utilities and  
14 facilities such as sewer, gas, electrical and water systems and streets  
15 and bridges.
- 16 b. Generally, variances may be issued for new construction and substantial  
17 improvements to be erected on a lot of one-half acre or less in size contiguous to  
18 and surrounded by lots with existing structures constructed below the base flood  
19 level, providing the items in subsections 12.a.i. through xi. of this section have  
20 been fully considered. As the lot size increases beyond one-half acre, the  
21 technical justification required for issuing the variance increases.
- 22 c. The zoning board of examiners and appeals may attach such conditions to the  
23 granting of variances or appeals as it deems necessary to further the purposes of  
24 this chapter.
- 25 d. The director of the public works [PROJECT MANAGEMENT AND  
26 ENGINEERING] department shall maintain the records of all variance and appeal  
27 actions and report any variances to the Federal Insurance Administration upon  
28 request.
- 29 e. Conditions for variances are as follows:  
30 i. Variances may be issued for the reconstruction, rehabilitation, or  
31 restoration of structures listed on the national register of historic places  
32 or the state inventory of historic places, without regard to the procedures  
33 set forth in the remainder of this section.
- 34 ii. Variances shall not be issued within any designated floodway if any  
35 increase in flood levels during the basic flood discharge would result.
- 36 iii. Variances shall only be issued upon a determination that the variance is  
37 the minimum necessary, considering the flood hazard, to afford relief.
- 38 iv. Variances shall only be issued upon:  
39 (A) A showing of good and sufficient cause;  
40 (B) A determination that failure to grant the variance would result in  
41 exceptional hardship to the applicant; and  
42 (C) A determination that the granting of a variance will not result in  
43 increased flood heights, additional threats to public safety, or  
44 extraordinary public expense, create nuisances, cause fraud on

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or victimization of the public, or conflict with existing local laws or ordinances.

- v. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

# 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.

#### 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.

#### 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

1 THROUGH A] cross-reference in the last column of the table identifies the code location  
2 of the definition and any use-specific standards. Any [THESE] standards apply in all  
3 districts unless otherwise specified.

4 **B. Table Organization**

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

13 **C. Unlisted Uses**

14 When application is made for a use type that is not specifically listed in tables 21.05-1 and 21.05-  
15 2, the procedure in section 21.03.220[230], *Use Classification Requests*, shall be followed.

16 **D. Use for Other Purposes Prohibited**

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

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**E. Table of Allowed Uses – Residential Districts**

<b>TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS</b> 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
<b>RESIDENTIAL USES</b>																	
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										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	S	S	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.
<b>PUBLIC / INSTITUTIONAL USES</b>																	
Adult Care	Adult care (3 to 8 persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040A.
	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							21.05.040C.2.
	Neighborhood recreation center	S	S	S	S	S	S	S	S	S	S	S	S	S	S		21.05.040C.6.

**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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 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
	Religious assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040C.7.
Cultural Facility	Library	P	P	P	P	P	P	P	P	P	P						21.05.040D.3.
Educational Facility	Boarding school							M	M	M							21.05.040E.1.
	College or university									M							21.05.040E.2.
	Elementary or middle school	M	M	M	M	M	M	M	M	M	M	M	M				21.05.040E.3.
	High school	M	M	M	M	M	M	M	M	M	M	M	M				21.05.040E.4.
	Instructional services	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	
Health Care Facility	Health services									P							21.05.040F.1.
	Nursing facility							C	C								21.05.040F.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							21.05.040H.1.
Transportation Facility	Airstrip, private	C	C	C	C	C	C				C	C	C				21.05.040I.2.
Utility Facility	Utility substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040J.2.
Telecommunication Facilities	Type 1 tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040K.
	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.
<b>COMMERCIAL USES</b>																	
Agricultural Uses	Commercial horticulture	C	C	C	C	C	C				C	C	C	C	C		21.05.050A.1.
Animal Sales, Service & Care	Kennel, commercial													C	C		21.05.050B.2.
	Large domestic animal facility, principal use										C	C	C	C	C		21.05.050B.3.

**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
	Retail and pet services									P							21.05.050B.4.
	Veterinary clinic									P		C	C	C	C		21.05.050B.5.
Assembly	Club / lodge / meeting hall							C	S	S							21.05.050C.2. 21.05.020A.
Entertainment and Recreation	Fitness and recreational sports center								S	P							21.05.050D.3.
	General outdoor recreation, commercial															C	21.05.050D.4.
	Skiing facility, alpine															C	21.05.050D.10.
Food and Beverage Service	Restaurant								S	P							21.05.050E.3. 21.05.020A.
Office	Financial institution									P							21.05.050F.2.
	Office, business or professional									P							21.05.050F.3
Personal Services	General personal services									P							21.05.050G.3.
Retail Sales	Convenience store							C	S	P							21.05.050H.3.
	General retail									P							21.05.050H.6.
	Grocery or food store								S	S							21.05.050H.7. 21.05.020A
Vehicles and Equipment	Parking lot, principal use							C	C	C	C						21.05.050I.4.
	Parking structure, principal use							C	C	C	C						21.05.050I.5.
Visitor Accommodations	Camper park							C	C								21.05.050J.1.
	Extended-stay lodgings								C	S							21.05.050J.2.
	Hostel					C	C	S	S	S							21.05.050J.3.
	Hotel/motel								C	S							21.05.050J.4.
	Inn									S							21.05.050J.5. 21.05.020A.
	Recreational and vacation camp											C		C	C	C	21.05.050J.6.

**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
<b>INDUSTRIAL USES</b>																	
Manufacturing and Production	Natural resource extraction, organic and inorganic	C	C	C	C	C	C	C			C	C	C	C	C		21.05.060B.5.
Waste and Salvage	Land reclamation	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	21.05.060E.4.
	Snow disposal site	C	C	C	C	C	C	C			C	C	C				20.05.060E.6.

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-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
<b>RESIDENTIAL USES</b>																						
Household Living	Dwelling, mixed-use	P	P				P	C	P	P	P										21.05.030A.1.	
	Dwelling, multifamily		P				P		P	P	P										21.05.030A.2.	
	Dwelling, single-family detached																P				21.05.030A.4.	
	Dwelling, townhouse								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	21.05.030B.2.	
	Habilitative care facility		C				C													C	21.05.030B.3.	
	Roominghouse	P	P				P		S	S	S										21.05.030B.4.	
	Transitional living facility		P																	C	21.05.030B.5.	

**TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**

P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review

For uses allowed in the 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-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
<b>PUBLIC / INSTITUTIONAL USES</b>																						
Adult Care	Adult care facility	P	P				P		P	P	P								P		21.05.040A.	
Child Care	Child care center	P	P				P		P	P	P								P		21.05.040B.1.	
	Child care home	P	P				P		P	P	P										21.05.040B.2.	
Community Service	Cemetery or mausoleum																		P		21.05.040C.1.	
	Community center		S				S		S	S	S							C	S		21.05.040C.2.	
	Crematorium		P										P	P					C		21.05.040C.3.	
	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.5.
	Neighborhood recreation center	S							S	S										S		21.05.040C.6.
	Religious assembly	P	P				P		P	P	P									P		21.05.040C.7.
Cultural Facility	Aquarium						M			M					M			M	M		21.05.040D.1.	
	Botanical gardens																	S	S		21.05.040D.2.	

**TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**

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		B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI		W
	Library	[S/ ]M	[S/ ]M				[S/ ]M		[S/ ]M	[S/ ]M	[S/ ]M									[S/ ]M		21.05.040D.3.
	Museum or cultural center							[S/ ]M		[S/ ]M	[S/ ]M								[S/ ]M	[S/ ]M		21.05.040D.4.
	Zoo																		C	C		21.05.040D.5.
Educational Facility	Boarding school		P							M	M									M		21.05.040E.1.
	College or university		M					M		M	M									M		21.05.040E.2.
	Elementary school		M				M		M	M	M									M		21.05.040E.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.
	Vocational or trade school		C					C		C	C			P	P	C				M		21.05.040E.6.
Health Care Facility	Health services	P	P				P		S	S	S									C		21.05.040F.1.
	Hospital/Health care facility		P				P		S	S	S									C		21.05.040F.2.
	Nursing facility		P				C			S	S											21.05.040F.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.

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Public Safety Facility	Community or police substation	P	P				P	P	P	P	P									P		21.05.040H.1.	
	Correctional institution																			C		21.05.040H.2.	
	Fire station	M	M				M	M	M	M	M			M	M	M				M		21.05.040H.3.	
	Public safety facility		C											P						C		21.05.040H.4.	
Transportation Facility	Airport																			C		21.05.040I.1.	
	Airstrip, private																				C		21.05.040I.2.
	Heliport																				C		21.05.040I.3.
	Rail yard													P	P	P							21.05.040I.4.
	Railroad freight terminal							P						P	P	P							21.05.040I.5.
	Railroad passenger terminal									M	M										M		21.05.040I.6.
	Transit center		S						S	S	S										S		21.05.040I.7.
Utility Facility	Utility facility													C	P	P					C	C	21.05.040J.1.
	Utility substation	S	S				S	S	S	S	S			P	P	P	S	S		S	S		21.05.040J.2.
Telecommunication Facilities	Type 1 tower	P	P				P	P	P	P	P			P	P	P	P	P	S	S	P		21.05.040K.

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	Type 2 tower	C	P				C	P	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	P	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.
<b>COMMERCIAL USES</b>																						
Agricultural Uses	Commercial horticulture		P						P	P				P	P					C		21.05.050A.1.
Animal Sales, Service & Care <sup>g</sup>	Animal shelter <sup>g</sup>		S											P	P					[S/ M]		21.05.050B.1.
	Kennel, commercial <sup>g</sup>		P						P	C	C			P	P							21.05.050B.2.
	Large domestic animal facility, principal use <sup>g</sup>		C											P	C				C	C		21.05.050B.3.
	Retail and pet services <sup>g</sup>	P	P						P	P	P			C								21.05.050B.4.
	Veterinary clinic <sup>g</sup>	P	P				P		P	P	P			P								
Assembly	Civic / convention center																			C		21.05.050C.1. 21.05.020A.
	Club / lodge / meeting hall		P				P			P	P			P						S		21.05.050C.2. 21.05.020A.
Entertainment and recreation <sup>g</sup>	Amusement establishment <sup>g</sup>		P						P	P				P						C		21.05.050D.1. 21.05.020A.

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Entertainment and recreation cont. <sup>g</sup>	Entertainment facility, major <sup>g</sup>		C							C			C						C	C		21.05.050D.2. 21.05.020A.	
	Fitness and recreational sports center <sup>g</sup>	P	P				P		P	P										S		21.05.050D.3.	
	General outdoor recreation, commercial <sup>g</sup>		P							S			P						M	C		21.05.050D.4.	
	Golf course <sup>g</sup>																		C	C		21.05.050D.5.	
	Motorized sports facility <sup>g</sup>												C						C	C		21.05.050D.6. 21.05.020A.	
	Movie theater <sup>g</sup>		M							S	S											21.05.050D.7. 21.05.020A.	
	Nightclub <sup>g</sup>		P							P	P		P									21.05.050D.8. 21.05.020A.	
	Shooting range, outdoor <sup>g</sup>																			C	C		21.05.050D.9.
	Skiing facility, alpine <sup>g</sup>																			C	C		21.05.050D.10.
	Theater company or dinner theater <sup>g</sup>		C							S	S											21.05.050D.11. 21.05.020A.	
Food and Beverage Service <sup>g</sup>	Bar <sup>g</sup>		P					P	P	P	P		P							P		21.05.050E.1. 21.05.020A.	
	Food and beverage kiosk <sup>g</sup>	P	P				P	P		S	S		P	P	P				P	P		21.05.050E.2. 21.05.020A.	
	Restaurant <sup>g</sup>	P	P				P	P	P	P	P		P						P	P		21.05.050E.3. 21.05.020A.	

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Office	Broadcasting facility		P				C			C	P			P						P		21.05.050F.1.
	Financial institution	P	P				P		P	P	P											21.05.050F.2.
	Office, business or professional	P	P				P	P	P	P	P			P						P		21.05.050F.3.
Personal Services, Repair, and Rental	Business service establishment		P				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 <sup>g</sup>	Auction house <sup>g</sup>		P											P	P							21.05.050H.1.
	Building materials store <sup>g</sup>		P								M			P	C							21.05.050H.2.
	Convenience store <sup>g</sup>	P	P						P	P	P											21.05.050H.3. 21.05.020A.
	Farmers market <sup>g</sup>		P							P	P									P		21.05.050H.4.
	Fueling station <sup>g</sup>	C	P					C	C	S	S			P	P	P						21.05.050H.5. 21.05.020A.
	General retail <sup>g</sup>	P	P					P	P	P	P											21.05.050H.6.
	Grocery or food store <sup>g</sup>	P	P						S	S	S											21.05.050H.7. 21.05.020A.

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	Liquor store <sup>a</sup>	P	P						P	P	P											21.05.050H.8. 21.05.020.A.
	Pawnshop <sup>a</sup>		P							P	P											21.05.050H.9.
Vehicles and Equipment	Aircraft and marine vessel sales		P					P						P	P	P						21.05.050I.1.
	Parking lot or structure (50+ spaces)	C	P				C	C		M	M			P	P					C		21.05.050I.2. or I.3.
	Parking lot or structure (less than 50 spaces)	C	P				C	C		S	S			P	P					P		21.05.050I.2. or I.3.
	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		C																	C		21.05.050J.1.
	Extended-stay lodgings		P				S			P	P											21.05.050J.2.
	Hostel		P				S			P	P											21.05.050J.3.

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	Hotel/motel		P				M			S	S												21.05.050J.4. 21.05.020A.	
	Inn		P				S		P	P	P												21.05.050J.5. 21.05.020A.	
	Recreational and vacation camp		P																	C			21.05.050J.6.	
<b>INDUSTRIAL USES</b>																								
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									21.05.060A.3.
	Governmental Service													P	P							C		21.05.060A.4.
	Heavy equipment sales and rental													P	P									21.05.060A.5.
	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.
	Manufacturing, heavy													C	P	C								21.05.060B.3.
	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.5.
	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						21.05.060C.2.
	Marine operations							P							P	P						21.05.060C.3.
	Marine wholesaling							P							P	P						21.05.060C.4.
Warehouse and Storage	Bulk storage of hazardous materials													C	C	C						21.05.060D.1.
	Impound yard													P	P					C		21.05.060D.2.
	Motor freight terminal													P	P	P						21.05.060D.3.
	Self-storage facility		P											P	P							21.05.060D.4.
	Storage yard							P						P	P	P						21.05.060D.5.

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Waste and Salvage	Warehouse													P	P	P				C		21.05.060D.6.	
	Wholesale establishment							P						P	P	P						21.05.060D.7.	
	Composting facility														P					C		21.05.060E.1.	
	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	21.05.060E.5.
	Landfill														C					C		21.05.060E.6.	
	Recycling Drop-Off	P	P						P	P	P			P	P					P		21.05.060E.7.	
	Snow disposal site		C											S	S	S				C		21.05.060E.8.	
	Solid waste transfer facility													C	P					C		21.05.060E.9.	

<sup>9</sup> 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;

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

**3. Compliance with State Standards**

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

**4. Administrative Permit Required**

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

**5. Premises Without Permit**

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

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

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

**A. Household Living**

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

**1. Dwelling, Mixed-Use**

**a. Definition**

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

**b. Use-Specific Standards**

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

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**2. Dwelling, Multifamily**

**a. Definition**

A residential building or multiple residential buildings comprising three or more dwelling units on one lot. The definition includes the terms “apartment” or “apartment building.”

**b. Use-Specific Standards**

- i. Multifamily developments that consist of three or more units in one building shall comply with section 21.07.110C[100G]., *Standards for Multifamily Residential*, except as provided in subsection b.iii. below.
- ii. Dwellings with single-family style and two-family style construction in multifamily developments shall comply with **the residential design standards in subsections 21.07.110E. and F.[100E., STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLINGS.]**
- iii. Dwellings with townhouse style construction in multifamily developments shall comply with section 21.07.110D[100F]., *Standards for Townhouse Residential*.

**3. Dwelling, Single-Family Attached**

**a. Definition**

One dwelling unit in a building on its own lot, with one or more walls abutting the wall or walls of one other single-family dwelling unit on an adjacent lot.

**b. Use-Specific Standards**

- i. *Residential design standards*  
Single-family attached dwellings shall comply with the applicable residential design standards in section 21.07.110[100], *Residential Design Standards*.
- ii. *Common Party Wall Agreement*  
A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the structure and other improvements in good condition, and for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping.
- iii. *Access; No Vertical Stacking*  
Each unit shall have its own access to the outside, and no unit may be located over another unit in whole or in part.
- iv. *Side Setback Requirement*  
Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.

**4. Dwelling, Single-Family Detached**

**a. Definition**

One detached building on its own lot, erected on a permanent foundation, designed for long-term human habitation exclusively by one household, having complete living facilities, and constituting one dwelling unit.

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

1 Single-family detached dwellings shall comply with the applicable residential  
2 design standards in section 21.07.110[100], *Residential Design Standards*.

3 **5. Dwelling, Townhouse**

4 **a. Definition**

5 **A** [ATTACHED] building containing three or more single-family dwelling units  
6 erected in a single row, with each unit on its own lot and having its own separate  
7 entrance.

8 **b. Use-Specific Standards**

9 **i. Residential Design Standards**

10 Townhouse dwellings shall comply with the applicable residential design  
11 standards in section 21.07.110[100], *Residential Design Standards*.

12 **ii. Common Party Wall Agreement**

13 A common party wall agreement shall be recorded. The agreement shall  
14 provide for maintenance of the structure and other improvements in good  
15 condition, and for maintenance of the uniformity and common  
16 appearance of the exterior of all structures and landscaping.

17 **iii. Access; No Vertical Stacking**

18 Each unit shall have its own access to the outside, and no unit may be  
19 located over another unit in whole or in part.

20 **iv. Side Setback Requirement**

21 Detached accessory structures shall comply with the side setback  
22 requirement of the underlying zoning district on the common lot line  
23 between attached residential units.

24 **6. Dwelling, Two-Family**

25 **a. Definition**

26 One detached building on one lot designed for and constituting two dwelling  
27 units. The definition includes the term “duplex.”

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

29 Two-family dwellings shall comply with the applicable residential design  
30 standards in section 21.07.110[100], *Residential Design Standards*.

31 **7. Dwelling, Mobile Home**

32 **a. Definition**

33 A transportable, factory-built dwelling unit designed and intended to be used as a  
34 year-round dwelling, and built prior to the enactment of the Federal Manufactured  
35 Home Construction and Safety Standards Act of 1976.

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

37 Only one mobile home is allowed per lot in the R-5 district, unless the lot is  
38 within a manufactured home community. A mobile home shall be placed on a  
39 permanent foundation unless it is located within a manufactured home  
40 community.

41 **8. Manufactured Home Community (MHC)**

42 **a. Definition**

43 Any parcel or adjacent parcels of land in the same ownership that **are** [IS] utilized  
44 for occupancy by more than two mobile homes or manufactured homes. This  
45 term shall not be construed to mean tourist facilities for parking of travel trailers  
46 or campers, which are classified under “camper park.”

1  
2           **b.        Use-Specific Standards**

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

5           **i.        Compliance with Applicable Regulations**

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

12          **ii.       Responsibility for Compliance**

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

16          **iii.       Minimum Site Size**

17          MHCs shall be on sites of at least two acres.

18          **iv.       Maximum Site Density**

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

20          **v.        Impermanent Foundations**

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

23          **vi.       Mobile Home or Manufactured Home Spaces**

24           **(A)       Occupancy**

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

29           **(B)       Minimum Size**

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

35           **(C)       Mobile Home or Manufactured Home Separation**

36           **(1)**       No part of any mobile home, manufactured home,  
37           accessory building, or its addition shall be placed closer  
38           than 15 feet from any other mobile home, manufactured  
39           home, or its addition, or no closer than ten feet if that  
40           mobile home, manufactured home, accessory building,  
41           or its addition being placed meets NFPA 501A and HUD  
42           #24 CFR 3280 standards.

43           **(2)**       The requirements of sections 21.06.030 **CIA**.2.,  
44           *Projections into Required Setbacks* and 21.05.070,  
45           *Accessory Uses and Structures*, shall not apply to  
46           MHCs. All mobile homes, manufactured homes, and

1 accessory structures shall be placed at least five feet  
 2 from the front space line. Steps shall not be considered  
 3 in determining the separations required by this  
 4 subsection.

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

9 **vii. *Streets and Drainage Facilities***  
 10 All streets within an MHC shall comply with the following standards:

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

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

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

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

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

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

36 (G) *Street Grades*  
 37 Street grades shall not exceed six percent. Street grades within  
 38 100 feet of intersections shall not exceed four percent.

39 (H) *Street Curves and Visibility*  
 40 The radius of street curves (between intersections) shall exceed  
 41 100 feet. Streets shall be constructed to provide clear visibility  
 42 as measured along a centerline of the street for a minimum  
 43 distance of 150 feet.

44 (I) *Crosswalks*

1 Pedestrian crosswalks not less than ten feet in width may be  
 2 required in blocks longer than 330 feet when deemed essential  
 3 to provide reasonable circulation or access to schools,  
 4 playgrounds, shopping centers, convenience establishments,  
 5 service buildings or other community facilities. Signs approved  
 6 by the traffic department shall be provided at crossing locations.

7 **viii. Water and Sewage Systems**

8 All mobile homes in MHCs shall be connected to water and sewage  
 9 systems approved by the appropriate governmental body before they  
 10 may be occupied.

11 **ix. Landscaping**

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

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

23 **x. Additions to Mobile Homes or Manufactured Homes; Accessory**  
 24 **Buildings**

25 **(A) Generally**

26 All additions and accessory buildings shall be subject to the  
 27 spacing and setback requirements for mobile homes and  
 28 manufactured homes. Any addition or accessory building shall  
 29 be constructed in accordance with building safety code  
 30 regulations pertaining to temporary structures, provided that  
 31 additions will not be required to have a permanent foundation.

32 **(B) Height**

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

41 **(C) Exits**

42 The number of exterior exits from additions shall be equal to or  
 43 greater than the number of exits leading from the mobile home or  
 44 manufactured home to the addition. When two exterior exits are  
 45 required from additions, they shall be placed a distance apart  
 46 equal to one-fifth of the total perimeter of the addition.

47 **xi. Refuse Collection**

1 A MHC operator shall provide adequate refuse collection facilities.  
2 Refuse collection facilities shall be constructed and maintained in  
3 accordance with all municipal health regulations and shall be designed to  
4 bar animals from access to refuse. Refuse shall be removed from refuse  
5 collection sites at least once a week. Refuse facilities shall be screened  
6 pursuant to section 21.07.080 **G[H]**., *Screening*.

7 **xii. Fuel Tanks**

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

12 **xiii. Campers and Travel Trailers**

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

21 **xiv. Animals in MHCs**

22 Outdoor keeping of animals other than dogs in MHCs shall be regulated  
23 by subsection 21.05.070D.14., except that “spaces” within MHCs shall  
24 be considered “lots” for the purposes of applying subsection  
25 21.05.070D.14.

26 **xv. Convenience Establishments in MHCs**

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

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

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

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

47 **(B)** Frame ties shall be provided at each corner of the frame, and  
48 five ties per side at intermediate points. Mobile homes or

- 1 manufactured homes more than 50 feet long shall require four  
2 additional ties per side.
- 3 (C) All components of the anchorage system shall be capable of  
4 carrying a force of 4,800 pounds.
- 5 (D) Any additions to the mobile home or manufactured home shall  
6 be similarly anchored.
- 7 (E) All applications for a conditional use for a MHC shall include an  
8 evacuation plan indicating alternate vehicular access and escape  
9 routes during times of flooding.
- 10 **xvii. Sites in Floodplain**  
11 No mobile homes or manufactured homes shall be placed within the  
12 regulatory floodplain, except that MHCs existing before September 25,  
13 1979, shall be permitted to place mobile homes or manufactured homes  
14 within existing unit spaces.
- 15 **xviii. Nonconforming MHCs**  
16 (A) Those MHCs situated within the boundaries of the former City of  
17 Anchorage which existed prior to August 30, 1977, are not  
18 subject to paragraphs 8.b.vi., *Mobile Home or Manufactured*  
19 *Home Spaces*, and 8.b.vii., *Streets And Drainage Facilities*, of  
20 this subsection, provided that such communities meet the  
21 standards set forth in the former City of Anchorage Municipal  
22 Code sections 6.60.010 through 6.60.110.
- 23 (B) Those MHCs situated in any area of the municipality other than  
24 that described in paragraph i. above, which existed prior to 1966,  
25 are not subject to the requirements of paragraphs 8.b.vi., *Mobile*  
26 *Home or Manufactured Home Spaces*, 8.b.vii., *Streets and*  
27 *Drainage Facilities*, and 8.b.x., *Additions to Mobile Homes or*  
28 *Manufactured Homes; Accessory Buildings*, of this subsection,  
29 within the area and to the extent that it was constructed,  
30 operated or maintained prior to that date.
- 31 (C) Any MHC exempt from certain requirements of this subsection  
32 21.05.030A.8., *Manufactured Home Community*, as provided in  
33 paragraphs xviii.(A) and (B) above, shall conform to all  
34 provisions of this subsection 21.05.030A.8. within any area first  
35 constructed, operated, or maintained after the specified date or  
36 within any area that is substantially altered, remodeled,  
37 reconstructed, or rebuilt after that date.

## 38 B. Group Living

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

- 45 1. **Assisted Living Facility**  
46 a. **Definition**

1 A facility that provides housing and ancillary care services on a residential basis  
 2 to three or more adults, and adolescents in appropriate cases as allowed by  
 3 exception. A small assisted living facility is defined as a group of three to eight  
 4 residents. A large assisted living facility is defined as a group of nine or more  
 5 residents.

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

7 **i. Housekeeping Unit**

8 A small assisted living facility serving five or fewer residents shall be  
 9 considered a single housekeeping unit.

10 **ii. Administrative Variance Needed**

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

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

16 Large assisted living facilities shall comply with the use-specific standards set  
 17 forth for “adult care facilities with **nine** [9] or more persons” below.

18 **2. Correctional Community Residential Center**

19 **a. Definition**

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

26 **b. Use-Specific Standards**

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

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

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

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

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

46 **(D)** Each center shall have a minimum of 50 square feet of outdoor  
 47 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 16 and  
14 title 21 of this code and that existed as of January 1, 1995, may continue  
15 to operate under the terms of their existing conditional use permits and at  
16 the occupancy level permitted as of that date. No other beds may be  
17 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 as  
35 an accessory use under section 21.05.070, or a hostel, which is classified as a  
36 "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 title.
- 45 ii. **General Standards**  
46 (A) In residential zones, the design standards for multi-family  
47 residential buildings shall apply.

- 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/INSTITUTIONAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

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

### 32 A. Adult Care

#### 33 1. Definition

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

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

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

42 b. In all residential districts [AND IN THE R-O AND B-1A DISTRICTS,] these  
43 facilities shall be located only in a single family detached structure, excluding  
44 detached condominium units. These facilities shall be prohibited if the only direct  
45 street access is from a private street.

- 1                   c.       These standards shall not apply to any use continuing as a lawful conditional use  
2   on April 18, 2006.
- 3                   **3.       Use-Specific Standards for Adult Care Facilities with Nine or More Persons (also**  
4                   **apply to “Large Assisted Living Facilities” and “Nursing Facility”)**
- 5                   a.       **Access**  
6   The site shall provide for direct access from a street constructed to class A  
7   improvement area standards.
- 8                   b.       **Minimum Lot Size**
- 9   i.       Unless otherwise authorized by the planning and zoning commission, the  
10   minimum lot size for a nursing facility shall be:
- 11   **(A)**     Six to 10 beds: 15,000 square feet.
- 12   **(B)**     Eleven or more beds: 20,000 square feet.
- 13   ii.     The minimum lot size for adult care facilities with nine or more persons,  
14   and for large assisted living facilities shall be:
- 15   **(A)**     Nine to 16 beds: the minimum lot size of the underlying district.
- 16   **(B)**     Seventeen or more beds: 20,000 square feet.
- 17                   c.       **Vegetated Open Space**  
18   A minimum of 15 percent (25 percent in the RO district) of the lot shall remain as  
19   a planted open area, landscaped area, or natural vegetation area, to exclude  
20   buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the decision-  
21   making body determines that retention of less than 15 percent (25 percent in the  
22   RO district) allows for sufficient buffering of adjacent uses.
- 23                   d.       **Parking and Setbacks**  
24   In residential zoning districts, no parking or loading areas shall be placed in any  
25   setback, except in approved driveways.
- 26                   e.       **Adjacent Residential**  
27   A facility in a non-residential district that is adjacent to a residential use or district  
28   shall provide L3 buffer landscaping along the lot line dividing the two.
- 29                   f.       **Ambulance and Delivery Areas**  
30   Ambulance and delivery areas shall be screened from adjacent residential areas  
31   by L3 buffer landscaping or a fence no less than six feet high.
- 32                   g.       **Snow Storage**  
33   Snow storage space adjacent to surface parking lots and pathways shall be  
34   identified on the site plan. In residential districts, to facilitate snow removal, snow  
35   storage areas equal to at least 15 percent of the total area of the site used for  
36   parking, access drives, walkways, and other surfaces that need to be kept clear  
37   of snow, shall be designated on the site plan. Such areas designated for snow  
38   storage shall be landscaped only with grasses and flowers and shall have  
39   positive drainage away from structures and pavements. Except for facilities in  
40   single-family or two-family structures, storage of snow is not allowed in the front  
41   setback. Storage of snow may be in 50 percent of the side and rear setbacks, if  
42   trees and other vegetation designated for preservation will not be damaged. If  
43   snow is to be hauled off-site, temporary snow storage areas shall be shown on  
44   the site plan.

1           **h. Continuing Conditional Uses**

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

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

6           **a. Use-Specific Standards Apply**

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

9           **b. Vegetated Open Space**

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

15           **c. Factors for Consideration**

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

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

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

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

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

38           v.     Whether the proposed size of the facility is necessary for the financial  
39           viability of the facility.

40           vi.    External characteristics and impacts of the proposed facility, including  
41           without limitation appearance, projected contribution to traffic volumes  
42           and on-street parking within the neighborhood, available street lighting,  
43           and sidewalks.

44           vii.   Quantifiable risks to the health, safety, and quality of life of area  
45           residents and users.

1                                   viii. Administrative and economic burden on the municipality, in either  
2 approval or denial of the conditional use.

3                                   ix. Other factors deemed relevant to the applicant or the planning and  
4 zoning commission in review of the application.

5 **B. Child Care**

6 **1. Child Care Center**

7 **a. Definition**

8 Child care center has the same meaning as set forth in AMC chapter 16.55 for  
9 child care and educational center, and may care for nine or more children.  
10 Operation of a child care center is not a home occupation pursuant to subsection  
11 21.05.070D.11[12]. This use includes pre-schools that are not associated or co-  
12 located with an elementary, middle, or high-school.

13 **b. Use-Specific Standards**

14 **i. Access**

15 The site shall have direct access from a street constructed to municipal  
16 standards.

17 **ii. Usable Outdoor Space**

18 Usable outdoor space shall be provided pursuant to AMC section  
19 16.55.450. Exempt child care centers, as per chapter 16.55, are not  
20 required to meet the usable outdoor space requirement.

21 **iii. Vegetated Open Space**

22 In zoning districts where a child care center requires conditional use  
23 approval, a minimum of 25 percent of the lot shall remain as planted  
24 open area, landscaped area, or natural vegetation area, to exclude  
25 buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the  
26 planning and zoning commission determines that retention of less than  
27 25 percent allows for sufficient buffering of adjacent uses. In all other  
28 zoning districts where a child care center is allowed, a minimum of 15  
29 percent of the lot area shall remain as required above, unless the  
30 decision-making body determines that retention of less than 15 percent  
31 allows for sufficient buffering of adjacent uses.

32 **iv. Parking and Setbacks**

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

35 **v. Adjacent Residential**

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

40 **vi. Snow Storage**

41 In residential districts, snow storage areas equal to at least 15 percent of  
42 the total area of the site used for parking, drives, walkways, and other  
43 surfaces that need to be kept clear of snow, shall be designated on the  
44 site plan. Such areas designated for snow storage shall be landscaped  
45 only with grasses and flowers and shall have flat or concave ground  
46 surface with positive drainage away from structures and pavements.  
47 Snow storage is not allowed in front setbacks except in association with

1 single-family or two-family structures. Snow storage is allowed in 50  
 2 percent of side and rear setbacks, if trees and other vegetation  
 3 designated for preservation will not be damaged. If snow is to be hauled  
 4 off-site, temporary snow storage areas shall be shown on the site plan.

5 **vii. Continuing Conditional Uses**

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

8 **c. Additional Standards for Conditional Uses**

9 **i. Use-Specific Standards Apply**

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

12 **ii. Additional Standards**

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

17 **iii. Vegetated Open Space**

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

24 **2. Child Care Home**

25 **a. Definition**

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

31 **b. Use-Specific Standards**

32 **i. Minor Commercial Activity**

33 Licensed child care homes are intended to be minor commercial  
 34 activities, shall not detract from the principal use allowed in the district,  
 35 and shall not place an undue burden on any private or public  
 36 infrastructure greater than anticipated from a permitted development.

37 **ii. Usable Outdoor Space**

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

40 **iii. Continuing Conditional Uses**

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

43 **C. Community Service**

44 This category includes uses of a public, non-profit, or charitable nature providing a local service to  
 45 people of the community. Generally, such uses provide the service on-site or have employees at  
 46 the site on a regular basis. The service is ongoing, not just for special events. The use may

provide special counseling, education, or training. Accessory uses may include offices, meeting, food preparation, parking, [HEALTH,] therapy areas, and athletic facilities. Specific use types include:

1. Cemetery or Mausoleum

a. Definition

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

b. Use-Specific 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.

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

1 pavement surface of gravel for drives and streets that provide direct  
 2 access to graves and burial plots. Internal driveways and streets  
 3 providing direct access to a public right-of-way or connecting to principal  
 4 structures shall be paved with asphalt or concrete.

## 5 2. Community Center

### 6 a. Definition

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

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

#### 12 i. Applicability

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

#### 15 ii. Minimum Lot Area and Width

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

#### 21 iii. Traffic Access

22 Community centers and religious assemblies shall have at least one  
 23 property line of the site that is at least 50 feet in length, and it shall abut a  
 24 street designated as a collector or greater on the Official Streets and  
 25 Highways Plan. All ingress and egress traffic shall be directly onto such  
 26 street.

#### 27 iv. Buffering Standards

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

#### 31 v. Vegetated Open Space

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

#### 38 vi. Parking and Setbacks

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

## 41 3. Crematorium

### 42 a. Definition

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



**6. 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.

**7. 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.

**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.

1           **4.     Museum or Cultural Center**

2           **a.     Definition**

3           A building or place serving as a repository for a collection of natural, scientific,  
4           cultural, historic, or literary curiosities or objects of interest, or works of art, or  
5           sites and buildings, and arranged, intended, and designed to be used by  
6           members of the public for viewing, and which may include demonstrations and  
7           teaching. This use includes planetariums.

8           **5.     Zoo**

9           **a.     Definition**

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

12   **E.     Educational Facility**

13          This category includes any public and private school at the elementary, middle, junior high, or  
14          high school level. This category also includes colleges and other institutions of higher learning  
15          that offer courses of general or specialized study leading to a degree. This category also  
16          includes vocational or trade schools. Accessory uses at schools may include play areas, meeting  
17          areas, cafeterias, recreational and sport facilities, auditoriums, parking, and before- or after-  
18          school day care. Accessory uses at colleges **may** include offices, food service, laboratories,  
19          health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and ancillary  
20          supporting commercial activities. Specific use types include:

21          **1.     Boarding School**

22          **a.     Definition**

23          A school where students are provided with on-site meals and lodging.

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

25          Boarding schools shall comply with the use-specific standards set forth below for  
26          “elementary school.” Any associated dormitories shall comply with the use-  
27          specific standards for “dormitory” in section 21.05.070, *Accessory Uses and*  
28          *Structures*.

29          **2.     College or University**

30          **a.     Definition**

31          A degree-granting institution, other than a vocational or trade school, that  
32          provides education beyond the high school level. The use includes, but is not  
33          limited to, classroom buildings, offices, laboratories, lecture halls, athletic  
34          facilities, and dormitories. Colleges tend to be in campus-like settings or on  
35          multiple blocks.

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

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

41          **3.     Elementary or Middle School**

42          **a.     Definition**

43          A public, private, parochial, or charter school offering academic instruction during  
44          the majority of the days of the week for students typically between the  
45          kindergarten and eighth grade levels, but not higher than the ninth grade. This  
46          classification includes the terms “junior high school” and “intermediate school.”  
47          Pre-schools that are associated and co-located with elementary, middle, or high  
48          schools are considered to be part of the elementary, middle, or high school. Pre-

1 schools without such association and co-location are categorized in this title as  
2 "child care facility."

3 **b. Use-Specific Standards (also apply to "Boarding School" and "High**  
4 **School")**

5 **i. Purpose**

6 The standards of this subsection are intended to ensure the compatibility  
7 of schools with surrounding neighborhoods and to minimize the impacts  
8 of school uses on adjacent properties.

9 **ii. Site Size**

10 Except where established site size criteria are approved by local or state  
11 governmental authority, minimum lot size in residential districts for  
12 schools with capacity of 100 or more students shall be one acre per 100  
13 students.

14 **iii. Setbacks**

15 **(A)** In residential districts, setbacks for schools with capacity for 25  
16 or more students shall be as follows:

17 **(1)** The front setback of the underlying district shall apply.

18 **(2)** Any structure or portion of structure equal to or less than  
19 15 feet high and equal to or less than 50 feet in length  
20 shall be set back at least 15 feet from any side or rear lot  
21 line. Any portion of such structure longer than 50 feet in  
22 length shall be set back at least 20 feet from any side or  
23 rear lot line.

24 **(3)** Any structure or portion of structure that is greater than  
25 15 feet in height shall be set back at least 25 feet from  
26 any side or rear lot line.

27 **(B)** In nonresidential districts, the setbacks of the underlying district  
28 shall apply.

29 **iv. Outdoor Play Space for Elementary and Middle Schools**

30 **(A)** Elementary and middle schools with capacity for 50 or more  
31 students, where students remain for more than four consecutive  
32 hours, shall provide two square feet of outdoor open space play  
33 area for every one square foot of total combined classroom  
34 space.

35 **(B)** The minimum dimension of any required outdoor open space  
36 play area is 20 feet.

37 **(C)** If the school is in close proximity to a park with usable open  
38 space, the park may count as the required outdoor open space  
39 play area. The decision-making body shall determine whether  
40 the nearby park is appropriate in terms of play space and  
41 access, using the following conditions as a guide:

42 **(1)** The park is between an eighth and a quarter mile from  
43 the school.

- 1  
2  
3
- (2) The school and park are not separated by a street of arterial classification or greater on the Official Streets and Highways Plan.
- 4  
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9
- v. **Vehicle and Pedestrian Access**
- (A) In all residential districts, all middle and high schools, and schools without an Anchorage school district attendance boundary shall have at least 100 feet of frontage on a collector or greater classification street, if such schools have capacity of 100 or more students.
- 10  
11  
12
- (B) In all districts, all schools with capacity for 100 or more students shall provide adequate on-site student pick-up and drop-off area to the satisfaction of the decision-making body.
- 13  
14  
15
- (C) Paved pedestrian walkways and trails, exclusive of driveways, shall be provided between the principal buildings and each abutting public right-of-way or trail.
- 16  
17  
18  
19
- vi. **Temporary Structures for School Expansion Space (Relocatables)**  
Temporary structures serving as expansion space for schools are allowed in all districts in which schools are allowed, subject to the following standards:
- 20  
21
- (A) Temporary structures shall not be placed in traffic circulation routes, in required parking, or in required landscaping areas.
- 22  
23  
24
- (B) The temporary structures are exempt from the general requirements for all temporary uses contained in section 21.05.080, *Temporary Uses and Structures*.
- 25  
26
- The decision-making body may grant relief from these standards on a case-by-case basis.
- 27  
28  
29
- vii. **Landscaping**  
L2 visual enhancement landscaping is required along all property lines where the school site abuts a residential use in a residential zone.
- 30  
31  
32  
33  
34
4. **High School**
- a. **Definition**  
A public, private, parochial, or charter school offering academic instruction for students typically in the ninth through twelfth grades, but may include lower grades.
- 35  
36  
37
- b. **Use-Specific Standards**  
High schools shall comply with the applicable use-specific standards set forth for “elementary or middle school” above.
- 38  
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5. **Instructional Services**
- a. **Definition**  
A specialized instructional establishment that provides on-site training of business, artistic, or commercial skills. Examples include, but are not limited to, driving schools for personal vehicles, fine arts schools, dance, music, and computer instructional services. This use does not include establishments that teach skills that prepare students for jobs in a trade (e.g., carpentry), which are classified under “vocational or trade schools.”

1           **6. Vocational or Trade School**

2           **a. Definition**

3           A secondary or higher education facility teaching skills that prepare students for  
4           jobs in a trade to be pursued as an occupation, such as carpentry, welding,  
5           heavy equipment operation, piloting boats or aircraft, repair and service of  
6           appliances, motor vehicles, boats, aircraft, light or heavy equipment,  
7           [ACCOUNTING, DATA PROCESSING] and computer repair. Incidental  
8           instructional services in conjunction with another primary use shall not be  
9           considered a vocational or trade school.

10           **b. Use-Specific Standard**

11           This use [INCLUDES BUSINESS SCHOOLS BUT] excludes establishments  
12           providing training in an activity that is not otherwise permitted in the zoning  
13           district.

14       **F. Health Care Facility**

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

18       **1. Health Services**

19       **a. Definition**

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

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

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

28       **2. Hospital/Health Care Facility**

29       **a. Definition**

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

39       **b. Use-Specific Standards**

40       **i. Minimum Lot Size**

41       Unless otherwise authorized by the planning and zoning commission, the  
42       minimum lot size for a hospital/health care facility shall be as follows:

43           **(A)**     Six to 10 beds: 21,780 square feet.

44           **(B)**     Eleven to 20 beds: 43,560 square feet.

45           **(C)**     Every 10 beds (or fraction thereof) over 20 beds: 21,780 square  
46           feet.

1                                   ii.       ***Vegetated Open Space***

2                                   A minimum of 15 percent of the lot shall remain as a planted open area,  
3                                   landscaped area, natural vegetation area, or usable yard, to exclude  
4                                   buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the  
5                                   director determines that retention of less than 15 percent of the lot as  
6                                   open area, etc., allows for sufficient buffering of adjacent uses.

7                                   iii.       ***Landscaping Buffer***

8                                   L3 buffer landscaping shall be provided along all lot lines adjacent to a  
9                                   residential use or district.

10                                  iv.       ***Institutional Master Plan***

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

15                                  v.       ***Accessible Parking***

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

18                   3.       **Nursing Facility**

19                   a.       ***Definition***

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

23                   b.       ***Use-Specific Standards***

24                   i.       Nursing facilities allowed by right or by site plan review shall comply with  
25                   the use-specific standards set forth for “adult care facilities with nine or  
26                   more persons” above. Facilities allowed by conditional use shall comply  
27                   with the additional standards for conditional uses set forth in “adult care  
28                   facilities” above.

29                   ii.       Nursing facilities shall be subject to the multi-family building development  
30                   and design standards in section 21.07.110C[100].

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

33           G.       **Parks and Open Areas**

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

39                   1.       **Community Garden**

40                   a.       ***Definition***

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

- 1           **2. Park and Open Space, Public or Private**  
2            a.       **Definition**  
3               [RESERVED]

4   **H. Public Safety Facility**

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

9           **1. Community or Police Substation**

10          a.       **Definition**

11               A subsidiary community services or police station providing public services  
12               primarily intended for the immediate geographic area in which the station is  
13               located.

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

15               In residential districts, community or police substations shall be no larger than  
16               3,500 square feet in gross floor area, and shall be architecturally compatible with  
17               the surrounding residential neighborhood in terms of building and roofing design  
18               and materials and lot placement.

19          **2. Correctional Institution**

20          a.       **Definition**

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

26          b.       **Use-Specific Standards**

27               i.       **Traffic Access**

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

30               ii.      **Screening or Buffering**

31                       The planning and zoning commission may require fencing and  
32                       landscaping.

33          **3. Fire Station**

34          a.       **Definition**

35               A station housing fire and rescue personnel including indoor and outdoor space  
36               for administrative offices, storage of equipment, and associated vehicles and  
37               servicing facilities.

38          **4. Public Safety Facility**

39          a.       **Definition**

40               A facility operated by a government agency for the purpose of providing public  
41               safety and emergency services, training for public safety and emergency  
42               personnel, and related administrative and support services. Examples include,  
43               but are not limited to, a police station, an emergency operations center, or a fire  
44               or police training center.

1 **I. Transportation Facility**

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

5 **1. Airport**

6 **a. Definition**

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

9 **2. Airstrip, Private**

10 **a. Definition**

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

12 **b. Use-Specific Standard**

13 Private airstrips are allowed conditionally in residential districts only if approach  
14 and noise buffer areas are provided.

15 **3. Heliport**

16 **a. Definition**

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

20 **4. Rail Yard**

21 **a. Definition**

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

29 **5. Railroad Freight Terminal**

30 **a. Definition**

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

33 **6. Railroad Passenger Terminal**

34 **a. Definition**

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

38 **7. Transit Center**

39 **a. Definition**

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

44 **J. Utility Facility**

45 This category includes [BOTH] major utilities, which are infrastructure services providing regional  
46 or community-wide service, and minor utilities, which are infrastructure services that need to be

1 located in or near the neighborhood where the service is provided. Services may be publicly or  
 2 privately provided. Accessory uses may include parking and control, monitoring, or data  
 3 transmission equipment. Specific uses types include:

4 **1. Utility Facility**

5 **a. Definition**

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

10 **2. Utility Substation**

11 **a. Definition**

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

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

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

21 **K. Telecommunication Facilities**

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

25 **1. Definitions**

26 **a. Type 1 Tower**

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

31 **b. Type 2 Tower**

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

35 **c. Type 3 Tower**

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

39 **d. Type 4 Tower**

40 A support structure, such as an existing building, steeple, spire, or utility pole that  
 41 is not a type 1, 2, or 3 and is used for supporting a disguised, camouflaged, or  
 42 hidden antenna array so that its principal or secondary function as an antenna  
 43 and antenna support structure is imperceptible to an uneducated eye. The  
 44 antennas are mounted on the support structure so that they are located and  
 45 designed to minimize visual and aesthetic impacts to surrounding land uses and  
 46 structures and shall, to the greatest extent practical, blend into the existing  
 47 environment. This definition shall include any antenna or antenna array

- 1 complying with the objective of definition whether it is mounted on tower structure  
2 or not.
- 3 **2. Use-Specific Standards**
- 4 **a. Setbacks**
- 5 i. The minimum distance from any lot line to the vertical axis of the tower  
6 structure shall be as follows:
- 7 **(A)** Types 1: equal to or greater than the setbacks of the underlying  
8 zoning district.
- 9 **(B)** Type 2: equal to or greater than the distance measured from  
10 grade to the first taper transition.
- 11 **(C)** Type 3: equal to or greater than the distance measured from the  
12 tower structure axis to the outermost guy wire anchor. The guy  
13 wire levels and anchor radius must match manufacturer's criteria  
14 for the proposed application.
- 15 **(D)** Type 4: none.
- 16 ii. That portion of guy wire anchor structure that is above grade shall be set  
17 back from any property line in accordance with the following:
- 18 **(A)** Guy wire with a nominal diameter of 0.25 inches or less--25 feet,  
19 provided the setback may be reduced to 0 feet if the anchor  
20 structure is enclosed within a sight obscuring fence.
- 21 **(B)** Guy wire with a nominal diameter greater than 0.25 inches but  
22 less than 0.625 inches--25 feet, provided the setback may be  
23 reduced to five feet if the anchor structure is enclosed within a  
24 sight obscuring fence.
- 25 **(C)** Guy wire with a nominal diameter equal to or greater than 0.625  
26 inches--25 feet.
- 27 **b. Minimum Separation Distance From Protected Land Uses**
- 28 i. The minimum separation distance between the base of the tower and  
29 any principal structure on PLI or residentially-zoned land, or any school  
30 or licensed child care center, shall be two times the allowable tower  
31 height.
- 32 ii. After giving due consideration to the comments of the applicant, the  
33 property owner, and the local community council, the director may  
34 reduce or eliminate the minimum separation distance set forth in the  
35 paragraph b.i. above.
- 36 **c. Tower Structure Height**
- 37 i. Height for a tower structure directly fixed to the ground shall be  
38 determined by measurement from grade to the highest point on the tower  
39 structure, including any installed antennas and lighting and supporting  
40 structures.
- 41 ii. Height for a tower structure not directly affixed to the ground shall be  
42 determined by measurement from the grade of the building to the highest  
43 point on the tower structure, including any installed antennas and lighting

1 and supporting structures. At no time shall the height of a tower installed  
 2 on a building as measured from grade to the highest point on the tower  
 3 structure as set forth above exceed the height of the building multiplied  
 4 by two or the base height, whichever is greater. Tower structures shall  
 5 not exceed the height limits set forth in subsection 21.04.060C. of this  
 6 title nor interfere with Federal Aviation Administration Regulations on  
 7 airport approaches.

8 **iii.** Base height shall be as set forth below:

9 **(A)** Residential districts--65 feet

10 **(B)** Commercial and Mixed-Use districts--130 feet

11 **(C)** Industrial districts--150 feet

12 **(D)** AF district--200 feet

13 **(E)** All other districts--100 feet

14 **iv.** Co-location shall grant an additional 15 feet above the base height for  
 15 each qualifying antenna to a maximum of 30 feet of additional height.  
 16 Increases in tower structure height by operation of this paragraph shall  
 17 not reclassify a tower structure from a local interest tower to a community  
 18 interest tower.

19 **d. *Residential Zoning Districts, RO District, and AF District***

20 **i.** In all residential districts and in the RO district, type 1 and 3 towers,  
 21 antennas without tower structures, and type 4 tower structures and  
 22 antennas are permitted as a secondary and subordinate use with a  
 23 permitted nonresidential use.

24 **ii.** In the R-3, R-4, R-4A, R-5, and RO districts, type 1 and 3 towers,  
 25 antennas without tower structures, and type 4 tower structures are also  
 26 permitted as a secondary and subordinate use with a residential use of  
 27 six dwelling units or more.

28 **iii.** In the AF district, three towers per lot are permitted. More than three  
 29 towers per lot require conditional use approval.

30 **e. *Notice of Site Selection and Site Plan Review***

31 **i. *B-1A and Watershed Zoning Districts***

32 **(A)** Prior to issuance of a building or land use permit for a type 1, 2,  
 33 and 3 tower structures within B-1A and W zoning districts,  
 34 property owners of residential-zoned land within 500 feet of the  
 35 selected tower site and the local community council shall be  
 36 notified in writing of the issuance of a building or land use permit.  
 37 The effective date of the permit shall be no earlier than 30 days  
 38 after the date of mailing of the notification.

39 **(B)** A decision to issue a building or land use permit is final unless  
 40 appealed within the 30 day notice period to the planning and  
 41 zoning commission. An appeal may be filed by the applicant or  
 42 by a petition of at least one-third of the owners (excluding rights-  
 43 of-way) of the privately owned land within 500 feet of the outer  
 44 boundary of the tower site. In the event of appeal, the planning

and zoning commission 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 and zoning commission may be brought in accordance with section 21.03.050A.

ii. ***PLI and Residential Districts***

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

iii. ***Other Zoning Districts***

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

f. ***Co-location***

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

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

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

g. ***General Standards***

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 nonionizing 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

1 structure lighting shall be shielded to the extent permitted by the Federal  
2 Aviation Administration.

3 **iii. Tower Color**

4 The tower structure and any other structure(s) directly related to the  
5 operation of any antenna mounted on the tower structure shall be neutral  
6 in color and, to the extent possible, shall be compatible with the  
7 appearance and character of the neighborhood or location unless  
8 obstruction marking is required by the Federal Aviation Administration.

9 **iv. Notice and Interference**

10 An operator proposing to install or modify an antenna shall provide notice  
11 to all property owners within 500 feet of the date of activation of the new  
12 or modified antenna. Within 90 days of activation the antenna, the  
13 operator shall resolve all reported occurrences of interference.

14 **v. Identification Placard**

15 An identification placard shall be attached to the tower structure or the  
16 security fencing in a location clearly visible at eye level. The placard shall  
17 provide the following information:

- 18 (A) The name and address of the tower structure owner;
- 19 (B) The name and address of the tower structure manager, if  
20 different from the owner;
- 21 (C) The date of erection of the tower structure; and
- 22 (D) The owner's name and address of each antenna on the tower  
23 structure.

24 **h. Administrative Permit Required**

25 An administrative permit shall be obtained from the director. The application shall  
26 identify the antenna(s) on the tower, the legal description of the site, its zoning  
27 and its street address, if any. This permit shall certify that, when granted, the  
28 antenna, or tower structure was in compliance with this section. This permit shall  
29 remain valid so long as that antenna or tower structure remains in continuous  
30 operation or is revoked according to this title.

31 **i. Administrative Permit Revocation**

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

- 34 (A) Construction, maintenance, and/or operation of a tower at an  
35 unauthorized location;
- 36 (B) Construction or operation of a tower in violation of any of the  
37 terms and conditions of this chapter or the conditions attached to  
38 the permit;
- 39 (C) Material misrepresentation by or on behalf of an applicant or  
40 permittee in any application or written statement upon which the  
41 administrative official substantially relies in making the decision  
42 to grant, review, or amend any permit pursuant to this section  
43 and which materially changes the application of the standards of  
44 approval of the permit;

- 1 (D) Abandonment of a tower as set forth in this section; or
- 2 (E) Failure to relocate or remove facilities as required in this section.
- 3 ii. After having a tower permit revoked, no tower shall be re-permitted for
- 4 that property or by that tower owner on any property within the
- 5 municipality for a period of one year except through a conditional use
- 6 permit. This subsection shall apply only with respect to community and
- 7 local interest tower revocations pursuant to this title after the effective
- 8 date of this ordinance.
- 9 j. **Annual Inventory**
- 10 By January 31 of each year, each tower owner who is regulated by this section
- 11 shall provide the municipality with an inventory of all additions and deletions of
- 12 said provider's existing towers or approved sites for such facilities that are within
- 13 the municipality or within one mile of the border thereof as of December 31 of the
- 14 previous year. The first inventory from each provider shall be a comprehensive
- 15 current list of their existing towers and approved sites.
- 16 k. **Time Period for Construction**
- 17 Construction of a tower shall commence within one year from the date of the
- 18 permit's approval, with opportunity for a six-month extension. If not used within
- 19 one year, or within the extension period, the permit shall become null and void.
- 20 l. **Administrative Site Plan Review**
- 21 i. **Applicability**
- 22 When an administrative site plan is required by tables 21.05-1 or 21.05-
- 23 2, this subsection shall apply. A site plan review is required of all such
- 24 towers since they have aesthetic and visual impacts on their neighbors,
- 25 and the public interest is best served by allowing these neighbors and
- 26 the public at large a chance to comment on and provide input concerning
- 27 the location and design of these towers. All such towers shall conform to
- 28 the requirements of this section and to the requirements of the zoning
- 29 district in which the tower is located.
- 30 ii. **General**
- 31 (A) In approving a site plan, the director may impose conditions to
- 32 the extent that he or she concludes are necessary to minimize
- 33 any adverse effect of the proposed tower structure, including all
- 34 associated structures and landscaping, on adjoining properties.
- 35 (B) Any information of an engineering nature that the applicant
- 36 submits, whether civil, mechanical, or electrical, shall be certified
- 37 by a licensed professional engineer.
- 38 iii. **Submittal Information**
- 39 Applicants for an administrative site plan review for a tower structure
- 40 shall submit the information required in the user's guide.
- 41 iv. **Public Participation Process**
- 42 Notwithstanding table 21.03-1, at least 35 days before acting on a tower
- 43 site plan application under this section, the director shall publish notice of
- 44 the application in a newspaper of general circulation in the municipality.
- 45 The notice shall state the name(s) of the applicant(s), a clear and
- 46 concise description of the project, the street address, if any, and the legal
- 47 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 and zoning commission. 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 and zoning commission 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 and zoning commission 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 and zoning commission. 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 to confirm the installation complies with the design standards. If the installation fails to comply, subsequent tower structure and antenna design and installation shall be amended or redesigned as directed by the commission.

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

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

i. **Parking**

Off-street parking space is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved with concrete or asphalt compound or shall be covered with a layer of crushed rock of no more than one inch in

1 diameter to a minimum depth of three inches. Parking space illumination  
 2 shall be provided only to extent that the area is illuminated when the  
 3 parking space is in use. The illumination shall be the lowest possible  
 4 intensity level to provide parking space lighting for safe working  
 5 conditions.

6 **ii. Security**

7 The tower structure and support structures shall be secured to prevent  
 8 unauthorized access.

9 **iii. Separation Distance**

10 If any community interest tower on a site exceeds 200 feet in height, the  
 11 tower site shall be separated from any other principal or conditional use  
 12 community interest or local interest tower site with tower(s) exceeding  
 13 200 feet in height by at least 5,280 feet (one mile).

14 **o. Abandonment**

15 Any antenna or tower structure that is not operated for a continuous period of 12  
 16 months shall be considered abandoned, and the owner of such antenna or tower  
 17 structure shall remove the same within 180 days of receipt of notice from the  
 18 director notifying the owner of such abandonment. Failure to remove an  
 19 abandoned antenna or tower structure within said 180 days shall be grounds for  
 20 the municipality to remove the tower structure or antenna at the owner's  
 21 expense. If there are two or more users of a single tower structure, then this  
 22 provision shall not become effective until all users cease using the tower  
 23 structure.

24 **p. Conditional Use Standards**

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

26 The following provisions shall govern the issuance of conditional use  
 27 permits for tower structures or antennas by the planning and zoning  
 28 commission:

29 **(A)** If the community interest or local interest tower or antenna fails  
 30 to meet the conditions of subsections 2.a. through 2.c and/or 2.e.  
 31 through 2.o. above, then a conditional use permit shall be  
 32 required for the construction of a tower structure or the  
 33 placement of an antenna.

34 **(B)** Applications for conditional use permits under this section shall  
 35 be subject to the conditional use procedures and general  
 36 standards, except as modified in this section.

37 **(C)** In granting a conditional use permit, the planning and zoning  
 38 commission may impose conditions to the extent the commission  
 39 concludes such conditions are necessary to minimize any  
 40 adverse effect of the proposed tower structure or antenna on  
 41 adjoining properties.

42 **(D)** Any information of an engineering nature that the applicant  
 43 submits, whether civil, mechanical, or electrical, shall be certified  
 44 by a licensed professional engineer.



- 1 (C) Existing tower structures or structures do not have sufficient  
2 structural strength to support applicant's proposed antenna and  
3 related equipment.
- 4 (D) The applicant's proposed antenna would cause electromagnetic  
5 interference with the antenna on the existing tower structures or  
6 structures, or the antenna on the existing tower structures or  
7 structures would cause interference with the applicant's  
8 proposed antenna.
- 9 (E) The fees, costs, or contractual provisions required by the owner  
10 in order to share an existing tower structure or structure or to  
11 adapt an existing tower structure or structure for sharing are  
12 unreasonable. Costs exceeding new tower structure  
13 development are presumed to be unreasonable.
- 14 (F) The applicant demonstrates that there are other limiting factors  
15 that render existing tower structures and structures unsuitable.
- 16 (G) The applicant demonstrates that an alternative technology that  
17 does not require the use of tower structures or structures, such  
18 as a cable microcell network using multiple low-powered  
19 transmitters/receivers attached to a wireline system, is  
20 unsuitable. Costs of alternative technology that exceed new  
21 tower structure or antenna development shall not be presumed  
22 to render the technology unsuitable.
- 23 v. **Modifications**  
24 Standards for modifications to community interest and local interest  
25 towers allowed as a conditional use are as follows:
- 26 (A) Repairs and maintenance to the tower structure may be  
27 performed consistent with subsection 21.12.040F.
- 28 (B) The replacement, repair or addition of antennas, dishes and  
29 other transmitting or receiving devices to a tower shall not be  
30 considered a modification of final approval as set forth in  
31 subsection 21.03.080D. and shall be considered a use  
32 contemplated within the original approved or de facto conditional  
33 use where the replacement, repair, or addition of antennas,  
34 dishes, and other transmitting or receiving devices:
- 35 (1) Will serve the same user or successor entity under the  
36 original conditional use;
- 37 (2) Will serve the same general purpose as was served  
38 under the original conditional use;
- 39 (3) Is consistent with the original conditional use.
- 40 q. **Amateur Radio Stations And Receive Only Antennas**  
41 i. Amateur radio stations are exempt from the location, tower type, and  
42 height limitations contained in this title provided:
- 43 (A) The antenna and tower structure are part of a federally-licensed  
44 amateur radio station; and

- 1 (B) In residential zoning districts there is no use of the tower  
2 structure by a third party commercial antenna operator.
- 3 ii. The following are exempt from this title:
- 4 (A) Installation and use of antenna(s) for use by a dwelling unit  
5 occupant for personal, home occupation, or utility telemetry  
6 purposes, or by an electric or gas utility on an existing power  
7 pole or cabinet to monitor or control equipment thereon; and
- 8 (B) Noncommercial receive only antennas.
- 9 iii. Notwithstanding the above, any antenna or tower structure that is not  
10 operated for a continuous period of 12 months shall be considered  
11 abandoned, and the owner of such antenna or tower structure shall  
12 remove the same within 180 days of receipt of notice from the director  
13 notifying the owner of such abandonment. Failure to remove an  
14 abandoned antenna or tower structure within said 180 days shall be  
15 grounds for the municipality to remove the tower structure or antenna at  
16 the owner's expense.
- 17 iv. Any antenna or tower structure erected under this subsection 2.n. shall  
18 not exceed the height limits set forth in subsection 21.04.080C. nor  
19 interfere with Federal Aviation Administration Regulations on airport  
20 approaches.

21 **21.05.050 COMMERCIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

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

27 **A. Agricultural Uses**

28 This category includes activities that primarily involve producing or keeping plants on a  
29 commercial basis. Accessory uses may include dwellings for proprietors and employees, barns,  
30 storage, and sales of products produced on-site. Specific use types include:

31 **1. Commercial Horticulture**

32 **a. Definition**

33 An establishment engaged in the growth and sale of vegetables, produce, fruit  
34 crops, vines, shrubs, trees (including Christmas trees), sod, and nursery plants,  
35 conducted within or outside an enclosed building. This use includes, but is not  
36 limited to, crop farms, orchards, groves, tree plantations, commercial  
37 greenhouses, nurseries, and a temporary stand for the sale of products grown on  
38 the premises.

39 **B. Animal Sales, Service, and Care**

40 This category includes uses that involve the selling, boarding, training, or care of animals on a  
41 commercial basis. Accessory uses may include confinement facilities for animals, parking, and  
42 storage areas. Specific use types include:

- 1           **1.     Animal Shelter**
- 2           **a.     Definition**
- 3           A facility used to house or contain stray, homeless, abandoned, or unwanted
- 4           animals and that is owned, operated, or maintained by a public or nonprofit
- 5           organization devoted to the welfare, protection, and humane treatment of
- 6           animals. This term shall not include residences where animals are fostered while
- 7           awaiting adoption.
- 8
- 9           **b.     Use-Specific Standards (also apply to “Retail and Pet Services”, “Kennel,**
- 10           **Commercial”, and “Veterinary Clinic”)**
- 11           **i.     General Standards when Use is within 100 Feet of a Residential or**
- 12           **Mixed-Use District**
- 13           All facilities, including all treatment rooms, cages, pens, kennels, and
- 14           training rooms, shall be maintained within a completely enclosed
- 15           building. Areas for the care of large animals that are associated with
- 16           veterinary clinics are exempt from this requirement, but shall meet the
- 17           setback standards of subsection 21.05.050B.3.b.iv.
- 18
- 19           **ii.    Standards When Use is Not within 100 Feet of a Residential or**
- 20           **Mixed-Use District**
- 21           Outdoor runs shall be located on site and shall be screened from the
- 22           view of all adjacent streets and properties by fencing or vegetation.
- 23
- 24           **iii.   Waste Management**
- 25           Waste shall be managed in accordance with AMC section 15.20.020.
- 26
- 27           **2.     Kennel, Commercial**
- 28           **a.     Definition**
- 29           A commercial establishment where small domestic animals, such as dogs and
- 30           cats, are boarded. **This use includes animal daycare.**
- 31
- 32           **b.     Use-Specific Standard[S]**
- 33           Commercial kennels shall comply with the use-specific standards above for
- 34           “animal shelter.”
- 35
- 36           **3.     Large Domestic Animal Facility, Principal Use**
- 37           **a.     Definition**
- 38           An establishment for keeping, harboring, riding, boarding, stabling, training,
- 39           exercising, breeding, or related use of four or more large domestic animals, and
- 40           the associated structure(s) such as a paddock or stable. Includes riding stable
- 41           facilities for the care and exercise of horses and related equestrian activities.
- 42           Such establishment may be a commercial establishment or may be in
- 43           conjunction with a residence but exceed the incidental and subordinate nature of
- 44           an accessory use.
- 45
- 46           **b.     Use-Specific Standards**
- i.     Access**
- Traffic access shall be from a street constructed to standards found by
- the traffic engineer to be appropriate to the intensity of the use proposed.
- 
- ii.    Lot Coverage**
- Lot coverage shall be that of the underlying zoning district except that the
- planning and zoning commission may allow up to 10 percent additional
- lot coverage above the maximum allowed in the district.

- 1                                   iii.     **Adjacent Lots**  
2                                   Adjacent lots may be used in square footage calculations for site size  
3                                   only. If the adjacent lots are not under single ownership, the lot owners  
4                                   shall submit a recorded joint usage agreement for review and approval  
5                                   by the director. In such cases, setback requirements shall not apply to  
6                                   the common interior lot lines and a primary use need not be located on  
7                                   the adjacent lot.
- 8                                   iv.     **Setbacks**  
9                                   Notwithstanding the setbacks of the underlying zoning district, covered  
10                                  structures associated with a large domestic animal facility, such as a  
11                                  stable or barn, shall be set back at least 25 feet from any abutting lot  
12                                  line, not including interior lot lines between lots in common ownership.  
13                                  Uncovered enclosures shall meet one of the following setback options:
- 14                                  (A)     Seventy-five feet from residences existing on February 28, 2006,  
15                                  not including any residence in common ownership with the large  
16                                  domestic animal facility; or
- 17                                  (B)     Ten feet from any abutting lot line, not including interior lot lines  
18                                  between lots in common ownership, if the separation area is  
19                                  vegetated with L3 buffer landscaping.
- 20                                  v.     **Fences**  
21                                  Barbed wire shall not be used for fencing of any large domestic animal  
22                                  facilities.
- 23                                  vi.    **Other Requirements**  
24                                  Large domestic animal facilities shall:
- 25                                  (A)     Meet the requirements of AMC chapter 15.20 regarding animal  
26                                  waste, AMC subsection 15.55.060B. concerning separation  
27                                  requirements from water supply wells, and section 21.07.020  
28                                  concerning stream protection setbacks;
- 29                                  (B)     Obtain an animal control facility license;
- 30                                  (C)     Obtain certification of compliance with a state of Alaska,  
31                                  Anchorage soil and water conservation district conservation plan,  
32                                  or obtain a letter from the district showing demonstrated intent to  
33                                  come into compliance with a conservation plan within one year;  
34                                  and
- 35                                  (D)     Comply with licensing and other laws concerning the keeping of  
36                                  animals as set forth in AMC titles 15, 17, and 21.
- 37                                  vii.  **Additional Conditions**  
38                                  The planning and zoning commission may impose additional conditions  
39                                  upon a conditional use permit that are found necessary to protect any  
40                                  person or neighboring use from unsanitary conditions or unreasonable  
41                                  noise or odors, or to protect the public health and safety.
- 42                    4.     **Retail and Pet Services**  
43                    a.     **Definition**  
44                    An establishment primarily engaged in the sale, bathing, and/or grooming of  
45                    domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic

1 animals and farm animals such as horses, goats, sheep, and poultry. Accessory  
2 uses may include overnight stays incidental to the primary use.

3           **b. Use-Specific Standard[S]**  
4           Retail and pet services shall comply with the use-specific standards above for  
5           “animal shelter.”

6           **5. Veterinary Clinic**

7           **a. Definition**  
8           An establishment for the medical care and treatment of animals by a licensed  
9           veterinarian.

10           **b. Use-Specific Standard[S]**  
11           Veterinary clinics shall comply with the use-specific standards above for “animal  
12           shelter.”

13 **C. Assembly**

14           This use includes buildings and facilities owned or operated by associations, corporations,  
15           governments, or other persons for social, educational, or recreational purposes. Facilities are  
16           primarily for members and their guests, or members of the public paying a fee. Accessory uses  
17           may include offices, meeting areas, food preparation areas, concessions, parking, and  
18           maintenance facilities. Specific use types include:

19           **1. Civic/Convention Center**

20           **a. Definition**  
21           An establishment designed to accommodate 500 or more persons and used for  
22           conventions, conferences, seminars, product displays, and entertainment  
23           functions. Accessory uses may include temporary outdoor displays, parking, and  
24           food and beverage preparation and service for on-site consumption.

25           **b. Use-Specific Standard**  
26           Any use that involves the retail sale of alcohol is subject to the special land use  
27           permit for alcohol process; see section 21.05.020A.

28           **2. Club/Lodge/Meeting Hall**

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

33           **b. Use-Specific Standard**  
34           Any use that involves the retail sale of alcohol is subject to the special land use  
35           permit for alcohol process; see section 21.05.020A.

36 **D. Entertainment and Recreation**

37           This category includes uses that provide continuous recreation or entertainment activities,  
38           outdoors or indoors. Accessory uses may include concessions, snack bars, parking, and  
39           maintenance facilities. Specific use types include:

40           **1. Amusement Establishment**

41           **a. Definition**  
42           An establishment offering entertainment, game playing, or similar amusements to  
43           the public within a fully enclosed building. This shall include without limitation  
44           arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, water  
45           parks, miniature golf courses, and indoor shooting ranges.

- 1                   **b.        Use-Specific Standard**  
 2                   Any use that involves the retail sale of alcohol is subject to the special land use  
 3                   permit for alcohol process; see section 21.05.020A.
- 4                   **2.        Entertainment Facility, Major**  
 5                   **a.        Definition**  
 6                   Major entertainment facilities uses are designed to accommodate activities that  
 7                   generally draw 501 persons or more to specific events or shows. Activities are  
 8                   generally of a spectator nature. Examples include amphitheatres, performing  
 9                   arts centers, stadiums, sports arenas, coliseums, auditoriums, and fairgrounds.  
 10                  Accessory uses may include restaurants, bars, concessions, parking, and  
 11                  maintenance facilities.
- 12                  **b.        Use-Specific Standard**  
 13                  Any use that involves the retail sale of alcohol is subject to the special land use  
 14                  permit for alcohol process; see section 21.05.020A.
- 15                  **3.        Fitness and Recreational Sports Center**  
 16                  **a.        Definition**  
 17                  A facility primarily featuring equipment for exercise and other active physical  
 18                  fitness conditioning or recreational sports activities, such as swimming, skating,  
 19                  racquet sports, aerobic dance, gymnasium facilities, yoga, and other kinds of  
 20                  sports and fitness facilities.
- 21                  **4.        General Outdoor Recreation, Commercial**  
 22                  **a.        Definition**  
 23                  Developed recreational uses such as amusement parks, miniature golf courses,  
 24                  dog mushing tracks, golf driving ranges, batting cages, skateboard or skate parks  
 25                  or courses, bicycle motocross courses, water parks or slides, drive-in movie  
 26                  theaters, courses for paramilitary games, and archery facilities.
- 27                  **b.        Use-Specific Standard**  
 28                  L3 buffer landscaping shall be provided wherever this use is adjacent to a  
 29                  residential district.
- 30                  **5.        Golf Course**  
 31                  **a.        Definition**  
 32                  A tract of land laid out with a course having nine or more holes for playing the  
 33                  game of golf, including any accessory clubhouse, driving range, office,  
 34                  restaurant, concession stand, picnic tables, pro shop, maintenance building,  
 35                  restrooms, or similar accessory uses or structures. This term shall not include  
 36                  housing or miniature golf courses as a principal or accessory use, nor shall it  
 37                  include driving ranges that are not accessory to a golf course.
- 38                  **6.        Motorized Sports Facility**  
 39                  **a.        Definition**  
 40                  A facility for the racing of motorcycles, snow machines, race cars, or other  
 41                  motorized vehicles.
- 42                  **b.        Use-Specific Standards**  
 43                  **i.        Special Land Use Permit for Alcohol**  
 44                  Any use that involves the retail sale of alcohol is subject to the special  
 45                  land use permit for alcohol process; see section 21.05.020A.

- 1                                   ii.     **Hours of Operation**  
 2                                   The maximum hours of operation shall be from 8:00 a.m. to 10:00 p.m.  
 3                                   Monday through Saturday, and from 12:00 p.m. to 10:00 p.m. on  
 4                                   Sunday.
- 5                                   iii.     **Additional Site Plan Requirements**  
 6                                   In all districts, as part of the site plan application, the applicant shall  
 7                                   comply with the following requirements:
- 8                                   (A)     If the projected or actual noise level exceeds the standards set at  
 9                                   AMC section 15.70.080A., a noise analysis shall be prepared  
 10                                   identifying noise mitigation measures.
- 11                                  (B)     The applicant shall prepare an operation plan to monitor and  
 12                                   enforce:
- 13                                  (1)     Prohibition on consumption of alcoholic beverage on the  
 14                                   premises; and
- 15                                  (2)     Mandatory transportation of racing machines to the site.
- 16                                  (C)     The applicant shall submit a dust and litter control plan and  
 17                                   describe the methods to be used to collect trash on the site.
- 18                                  (D)     The applicant shall identify one or more individuals who shall be  
 19                                   responsible for enforcement of the noise, operation, and dust  
 20                                   and litter control plans developed pursuant to this subsection.
- 21                                  iv.     **Dimensional Standards**  
 22                                   Notwithstanding the general dimensional standards of chapter 21.06:
- 23                                  (A)     The planning and zoning commission may designate minimum  
 24                                   setback areas around the perimeter of the site as it deems  
 25                                   necessary to minimize glare and noise impact on adjacent uses,  
 26                                   to separate incompatible uses, and to restrict casual access to  
 27                                   the site.
- 28                                  (B)     The maximum height of structures shall be 35 feet.
- 29                                  v.     **Site Location, Development, and Operation**  
 30                                  (A)     No motorized facility shall be located within 500 feet of any  
 31                                   residential or mixed-use district.
- 32                                  (B)     In order to prevent casual access to and from the site or to  
 33                                   mitigate adverse effects of the motorized sports facility upon  
 34                                   adjacent uses, the planning and zoning commission may require  
 35                                   the enclosure of the entire site by a screening structure and/or  
 36                                   landscaping, as described in section 21.07.080.
- 37                                  (C)     Public sanitation facilities (restrooms) shall be provided on-site  
 38                                   and operated in a manner consistent with AMC section  
 39                                   15.20.020.

- 1 vi. ***I-1 District Standard[S]***  
2 Motorized sports facilities are conditionally allowed in the I-1 district on  
3 parcels with a minimum of 20 acres. The maximum engine size allowed  
4 is 250 cc's for wheeled vehicles and 550 cc's for snow machines.
- 5 7. **Movie Theater**  
6 a. **Definition**  
7 An indoor theater for showing motion pictures.
- 8 8. **Nightclub**  
9 a. **Definition**  
10 An enterprise, that, for consideration, provides entertainment to its patrons in the  
11 form of floorshows; dance revues; live, recorded, or electronically enhanced  
12 music; patron dancing; or performances by live or recorded professional or  
13 amateur entertainers. Discotheques, nightclubs, bars, lounges, dance halls,  
14 bistros, teen clubs, and any facility that meets the terms of this definition are  
15 often, but not exclusively, open during one or more of the hours between 11:00  
16 p.m. and 3:00 a.m. This definition excludes theaters or auditoriums with fixed  
17 seating, religious assemblies, adult-oriented establishments as defined by AMC  
18 section 10.40.050, publicly owned and operated recreation centers or parks, and  
19 public and private schools. Nightclubs may be licensed or unlicensed.  
20 Unlicensed nightclubs do not offer or sell to patrons either alcoholic beverages,  
21 as defined by AS 04.21.080, or adult entertainment, as defined by AMC section  
22 10.40.050.
- 23 b. **Use-Specific Standards for Licensed Nightclubs**  
24 i. All facilities adjacent to a residential district shall be maintained within a  
25 completely enclosed building, and shall be sufficiently insulated so that  
26 the standards of AMC section 15.70.080A. are met.
- 27 ii. Licensed nightclubs are subject to the special land use permit for alcohol  
28 process to allow the retail sale of alcohol; see section 21.05.020A.
- 29 c. **Use-Specific Standards for Unlicensed Nightclubs**  
30 i. **Purpose**  
31 Certain types of enterprises have been determined to produce secondary  
32 impacts on surrounding land uses. The impacts include a perceived  
33 decline in property values, and an increase in the level of criminal  
34 activity, including unlawful sales and use of drugs and consumption of  
35 alcoholic beverages, in the vicinity of these types of enterprises. The  
36 purpose of this subsection is to segregate such enterprises from land  
37 uses that are likely to be negatively impacted.
- 38 ii. **Minimum Distance from Certain Uses**  
39 Except for teen nightclubs and underage dances permitted under AMC  
40 chapter 10.55, an unlicensed nightclub shall be located so that all  
41 portions of the lot on which the unlicensed nightclub is located shall be  
42 300 feet or more from the lot line of property on which is located:
- 43 (A) A school or instructional service serving any combination of  
44 grades kindergarten through 12;
- 45 (B) Property zoned residential; or
- 46 (C) TA-zoned property designated as residential in the *Turnagain*  
47 Arm **Comprehensive** [AREA] Plan.



1 **Ski Facility, Alpine** shall not mean such uses as lodges, hotels, dwelling units,  
2 restaurants, retail shops, outdoor carts and vending areas, clinics, day care  
3 centers, offices, and high impact recreational uses such as go carts, golf courses  
4 and driving ranges, paint ball games, rifle ranges, waterslides, and stables.

5 **11. Theater Company or Dinner Theater**

6 **a. Definition**

7 An establishment for live dramatic, operatic, or dance presentations open to the  
8 public, without membership requirements, whose seating capacity does not  
9 exceed 500 seats and seating area does not exceed 3,000 square feet, or any  
10 area for the rehearsal of such live performances. These establishments may  
11 also provide food and beverages for consumption on the premises.

12 **b. Use-Specific Standard**

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

15 **E. Food and Beverage Services**

16 This category includes businesses that serve prepared food or beverages for consumption on or  
17 off the premises. Accessory uses may include food preparation areas, offices, and parking.  
18 Specific use types include:

19 **1. Bar**

20 **a. Definition**

21 An establishment that prepares and retails alcoholic beverages for consumption  
22 on the premises. These establishments may also manufacture malt beverages  
23 and provide limited food services.

24 **b. Use-Specific Standard**

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

27 **2. Food and Beverage Kiosk**

28 **a. Definition**

29 An establishment in a freestanding building, trailer, or vehicle on an impermanent  
30 foundation that sells coffee or other beverages and food from a window to  
31 customers who are either pedestrians or seated in their automobiles, for  
32 consumption off the premises, and that provides no indoor seating.

33 **b. Use-Specific Standards**

34 Kiosks in all districts shall comply with the following standards:

35 i. [ANY F]Food and beverage kiosks [WITH DRIVE-THROUGH SERVICE]  
36 shall comply with the "drive-through service" accessory use standards in  
37 subsection 21.05.070D.6[7].

38 ii. Kiosks shall be on wheels to facilitate movement onto and off the site,  
39 and may not be located on a permanent foundation. The wheels shall be  
40 screened with opaque skirting or screening so as to not be visible.

41 iii. Kiosks may be located on the same lot as another principal use.

42 [KIOSKS SHALL COMPLY WITH THE "DRIVE-THROUGH SERVICE"  
43 ACCESSORY USE STANDARDS IN SECTION 21.05.070D.7.]



1 architecture, design, engineering, accounting, call centers, and similar offices.  
 2 ~~[[Government offices are classified under “governmental administration and civic~~  
 3 ~~buildings” above.]]~~

#### 4 **G. Personal Services, Repair, and Rental**

5 This category includes establishments engaged in the provision of information, instruction,  
 6 personal improvement, personal care, repair, lease, or rent of new or used products, or similar  
 7 services. Accessory uses may include offices, storage of goods, manufacture, or repackaging of  
 8 goods for on-site sale, and parking. Specific use **S** types include:

##### 9 **1. Business Service Establishment**

###### 10 **a. Definition**

11 An establishment that, for consideration, provides other businesses with  
 12 advertising, leased or rented equipment, maintenance, security, management,  
 13 consulting or technical aid, or copying services.

##### 14 **2. Funeral Services**

###### 15 **a. Definition**

16 An establishment providing services involving the display of the deceased,  
 17 preparation of the deceased for burial, and rituals connected therewith before  
 18 burial or cremation. Cremation services are a separate use.

##### 19 **3. General Personal Services**

###### 20 **a. Definition**

21 An establishment, whether for consideration or not, that provides care, advice,  
 22 aid, maintenance, repair, treatment, or similar semi-technical, technical, or  
 23 experienced assistance, other than the practice of a profession and wholesale or  
 24 retail sale of goods. Examples include, but are not limited to: dry-cleaning drop-  
 25 off; photography studios; check cashing; shoe repair; beauty and barber shops;  
 26 locksmith; repair of household appliances; and tanning salons. This use  
 27 excludes maintenance and repair of vehicles and industrial equipment or  
 28 machinery.

##### 29 **4. Small Equipment Rental**

###### 30 **a. Definition**

31 The commercial rental of supplies and equipment primarily intended for personal  
 32 or household use, such as furniture, and minor residential gardening and  
 33 construction projects, but not including car or truck rentals, or rentals of smaller  
 34 motor vehicles not for home care such as motorcycles or snowmobiles. This use  
 35 does not include the rental, storage, or maintenance of large construction or  
 36 other commercial heavy equipment, which are classified under “industrial  
 37 service.”

###### 38 **b. Use-Specific Standard**

39 In mixed-use districts, all maintenance, display, and storage of equipment shall  
 40 be conducted within an enclosed building, or within an area located in the rear of  
 41 the building and screened by a sight-obscuring fence at least six feet in height.

#### 42 **H. Retail Sales**

43 This category includes retail establishments involved in the sale of new or used products to the  
 44 general public. Accessory uses may include offices, parking, storage of goods, assembly,  
 45 repackaging, and repair of goods for on-site sale. Specific use types include:

- 1           1.     **Auction House**  
2           a.     **Definition**  
3                 A structure or enclosure where goods are sold by auction.
- 4           2.     **Building Materials Store**  
5           a.     **Definition**  
6                 An establishment primarily engaged in the sale, distribution, and associated  
7                 storage of lumber and other building materials such as brick, tile, cement,  
8                 insulation, floor covering, roofing materials, and other improvement materials and  
9                 associated tools; and/or the sale and service of plumbing, heating, and/or  
10                electrical equipment.
- 11          3.     **Convenience Store**  
12          a.     **Definition**  
13                 An establishment engaged primarily in the sale of convenience goods, such as  
14                 pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other  
15                 household goods.
- 16          b.     **Use-Specific Standards**  
17                 i.        Any use that involves the retail sale of alcohol is subject to the special  
18                 land use permit for alcohol process; see section 21.05.020A.
- 19                 ii.       In the R-4, R-4A, and B-1A districts, a convenience store shall not sell  
20                 alcoholic beverages.
- 21          4.     **Farmers Market**  
22          a.     **Definition**  
23                 An occasional, periodic, or seasonal market for offering for sale fresh agricultural,  
24                 fresh food, or arts and crafts products directly to the consumer at an open-air  
25                 market, covered structure with multiple stalls, or other pre-designated area,  
26                 where the vendors are generally individuals who have raised the produce or  
27                 made the product, or have taken the same on consignment for retail sale.
- 28          5.     **Fueling Station**  
29          a.     **Definition**  
30                 An establishment engaged in the retail dispensing or sale of gasoline or other  
31                 vehicular fuel products. This use definition does not include convenience store  
32                 or vehicle service and repair uses.
- 33          6.     **General Retail**  
34          a.     **Definition**  
35                 An establishment engaged primarily in the retail sale of goods or merchandise,  
36                 and rendering services incidental to the sale of such goods. Examples may  
37                 include, but are not limited to: general merchandise retailers; warehouse and  
38                 club retailers; superstores; discount stores; catalog showrooms; pharmacies; and  
39                 specialty retail stores specializing in such goods as clothing, home furnishings,  
40                 sporting goods, books, stationary, music, video rentals, or flowers.
- 41          b.     **Use-Specific Standards**  
42                 Any general retail use, such as a pharmacy, with drive-through service shall  
43                 comply with the “drive-through service” accessory use standards in subsection  
44                 21.05.070D.6[7].

- 1           **7. Grocery or Food Store**  
2           **a. Definition**  
3           An establishment primarily engaged in the retail sale of food and/or beverages  
4           primarily to be consumed outside of the retail establishment's premises.  
5           Examples include, but are not limited to: supermarkets, grocery stores,  
6           delicatessens, specialty food shops, and bakeries. Take-out and delivery  
7           establishments are classified under "restaurant".
- 8           **b. Use-Specific Standard[S]**  
9           Any use that involves the retail sale of alcohol is subject to the special land use  
10          permit for alcohol process; see section 21.05.020A.
- 11          **8. Liquor Store**  
12          **a. Definition**  
13          An establishment that is primarily engaged in selling alcoholic beverages for  
14          consumption off the premises.
- 15          **b. Use-Specific Standard[S]**  
16          Any use that involves the retail sale of alcohol is subject to the special land use  
17          permit for alcohol process; see section 21.05.020A.
- 18          **9. Pawnshop**  
19          **a. Definition**  
20          An establishment that loans money on deposit of personal property or deals in  
21          the purchase or possession of personal property on condition of selling the same  
22          back again to the pledger or depositor, or loans or advances money on personal  
23          property by taking chattel mortgage security thereon, and takes or receives such  
24          personal property.
- 25          **I. Vehicles and Equipment**  
26          This category includes a broad range of uses for the sale, rental, and/or repair and maintenance  
27          of motor vehicles and related equipment. Large parking lots [AREAS] and outdoor storage areas  
28          may be included with these uses. Accessory uses may include incidental repair and storage,  
29          offices, and sales of parts and/or tires. Specific use types include:
- 30          **1. Aircraft and Marine Vessel Sales**  
31          **a. Definition**  
32          An establishment primarily engaged in the display and sale of aircraft and/or  
33          marine vessels as well as associated parts and supplies.
- 34          **2. Parking Lot, Principal Use**  
35          **a. Definition**  
36          An off-street, surface parking lot where motor vehicles are parked for not more  
37          than 72 consecutive hours, and the lot is not required parking for another use.
- 38          **b. Use-Specific Standard**  
39          Principal use parking lots shall be designed in accordance with subsection  
40          21.07.090H., *Parking and Loading Facility Design Standards*, and landscaped in  
41          accordance with subsection 21.07.080E[F].6., *Parking Lot Landscaping*.
- 42          **3. Parking Structure, Principal Use**  
43          **a. Definition**  
44          A parking structure with two or more levels or stories where motor vehicles are  
45          parked for not more than 72 consecutive hours, and the spaces are not required  
46          parking for another use. The parking structure may be above and/or below

1 grade, and the levels may be partially or fully enclosed. A parking structure may  
2 occupy a portion of a building which also includes commercial space, such as  
3 offices or retail on the ground floor.

4 **b. Use-Specific Standard**

5 Parking structures shall comply with the requirements of subsection 21.07.090K.

6 **4. Vehicle Parts and Supplies**

7 **a. Definition**

8 The display and sale of new, reconditioned, or rebuilt parts, supplies, or  
9 equipment for automobiles, motorcycles, trucks, vans, trailers, recreational  
10 vehicles, mobile homes, or snowmobiles.

11 **b. Use-Specific Standard**

12 No dismantling or wrecking of vehicles or machinery may occur on site. Uses  
13 that include dismantling and wreckage are classified by this title as “junkyards.”

14 **5. Vehicle-Large, Sales and Rental**

15 **a. Definition**

16 An establishment engaged in the display, sale, leasing, or rental of new or used  
17 motor vehicles. Vehicles include, but are not limited to, automobiles, light trucks,  
18 vans, trailers, recreational vehicles, and mobile homes.

19 **b. Use-Specific Standards**

20 **i.** This use may include the uses “vehicle service and repair, major” and  
21 “vehicle service and repair, minor”, and repair of the vehicle inventory  
22 with a gross vehicular weight rating over 12,000 lbs, in accordance with  
23 subsection b.ii. below, is also allowed.

24 **ii.** At any given time, no more than five percent of the vehicle inventory on  
25 the lot, not including Class A and C recreational vehicles, shall have a  
26 gross vehicular weight rating (GVWR) of more than 12,000 lbs.

27 **6. Vehicle-Small, Sales and Rental**

28 **a. Definition**

29 An establishment engaged in the display, sale, leasing, or rental of small motor  
30 vehicles. Vehicles include, but are not limited to: motorcycles, personal  
31 watercraft (jet skis), utility trailers, snowmobiles, and all-terrain vehicles (ATVs).

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

33 This use may include the uses “vehicle service and repair, major” and “vehicle  
34 service and repair, minor”.

35 **7. Vehicle Service and Repair, Major**

36 **a. Definition**

37 An establishment engaged in the major repair and maintenance of automobiles,  
38 motorcycles, trucks, vans, trailers, recreational vehicles, or snowmobiles.  
39 Vehicles served by this type of establishment, except for recreational vehicles,  
40 shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs.  
41 Services include all activities listed in “vehicle service and repair, minor”, as well  
42 as engine, transmission, or differential repair or replacement; body, fender, or  
43 upholstery work; and painting.

44 **b. Use-Specific Standards**

45 **i.** Vehicle service bays facing a rear or side setback shall be screened from  
46 adjacent residential properties by a screening fence of at least six feet in

1 height. Required landscaping shall be between the fence and the  
2 property line.

- 3 ii. Noise generating equipment shall meet the noise control standards of  
4 AMC section 15.70.

5 **8. Vehicle Service and Repair, Minor**

6 **a. Definition**

7 An establishment engaged in light maintenance activities such as engine tune-  
8 ups; oil change and lubrication; carburetor cleaning; muffler replacement; brake  
9 repair; car washing; tire shops; and detailing and polishing. Vehicle parts are  
10 sold and are ordinarily installed on the premises. Vehicles served by this type of  
11 establishment, except for recreational vehicles, shall have a gross vehicular  
12 weight rating (GVWR) of no more than 12,000 lbs.

13 **b. Use-Specific Standards for Carwash Bays and Vehicle Repair Bays**

- 14 i. Vehicle wash or service bays facing a rear or side setback shall be  
15 screened from adjacent residential properties by a screening fence of at  
16 least six feet in height. Required landscaping shall be between the fence  
17 and the property line.

- 18 ii. Noise generating equipment shall meet the noise control standards of  
19 AMC section 15.70.

20 **J. Visitor Accommodations**

21 This category includes visitor-serving facilities that provide temporary lodging in guest rooms or  
22 guest units, for compensation, and with an average length of stay of less than 30 days.  
23 Accessory uses may include pools and other recreational facilities for the exclusive use of guests,  
24 limited storage, restaurants, bars, meeting facilities, and offices. Specific use types include:

25 **1. Camper Park**

26 **a. Definition**

27 A lot or parcel of land, or portion thereof, temporarily occupied or intended for  
28 temporary occupancy by recreational vehicles or tents for travel, recreational, or  
29 vacation usage for short periods of stay, and containing a potable water source  
30 and washroom facilities. These establishments may provide laundry rooms,  
31 recreation halls, and playgrounds. These uses are not intended for vehicle  
32 storage.

33 **b. Use-Specific Standards**

34 **i. Location and Access**

35 No entrance to, or exit from, a camper park shall be through a residential  
36 district or shall provide access to any street other than a collector or  
37 street of greater capacity.

38 **ii. Occupancy and Length of Stay**

39 Spaces in camper parks may be used by campers, recreational vehicles,  
40 equivalent facilities constructed on automobiles, tents, or short-term  
41 housing or shelter arrangements or devices. The occupants of such  
42 space shall remain in that space a period not to exceed 30 days.

43 **2. Extended-Stay Lodgings**

44 **a. Definition**

45 A visitor lodging establishment with six or more guest rooms offering suites with  
46 kitchens, business traveler communications conveniences, and intended

1 primarily for periods of stay of one week or more. This does not include bed-and-  
2 breakfasts, which are classified as an accessory use under section 21.05.070.

3 **b. Use-Specific Standards**

4 i. A kitchen area shall be provided in all units.

5 ii. The facility shall provide a lobby area with a minimum of 750 square feet.

6 iii. In the R-4 district, extended-stay lodgings shall have a minimum lot size  
7 of 14,000 square feet and shall have principal access from a street of  
8 collector class or greater.

9 **3. Hostel**

10 **a. Definition**

11 An overnight lodging facility in which beds (pillows), rather than rooms, are  
12 rented. Sleeping accommodations are primarily dormitory-style and shared  
13 kitchen facilities may be available to the guests.

14 **b. Use-Specific Standards**

15 i. Hostels in the R-2F and R-2M shall contain no more than 20 pillows.  
16 Hostels in the R-3, R-4, and R-4A shall contain no more than 40 pillows.

17 ii. Hostels in residential zones require an administrative permit pursuant to  
18 subsection 21.03.030.

19 **4. Hotel/Motel**

20 **a. Definition**

21 Any building containing 20 or more guestrooms, rented for compensation by the  
22 day or week, and offered for use by the general public in conjunction with  
23 subordinate services and facilities, such as restaurants and meeting rooms.  
24 Meeting facilities designed to accommodate 1,500 or more persons shall  
25 constitute a separate principal use and be classified as "civic/convention center"  
26 under this title.

27 **b. Use-Specific Standards**

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

30 ii. Establishments in mixed-use districts shall have all their guestrooms  
31 accessible by means of interior corridors.

32 iii. Establishments whose rooms are individually accessible from the  
33 outdoors shall have frontage on a major arterial or street of greater  
34 classification.

35 iv. In the R-4 district, hotels shall have a minimum lot size of 14,000 square  
36 feet and shall have principal access from a street of collector class or  
37 greater.

38 **5. Inn**

39 **a. Definition**

40 A building or group of buildings containing between six and 19 guest rooms, or  
41 up to 60 pillows, for overnight lodging for compensation, where at least one meal  
42 per day may be provided to the guests, there is a central meeting room or lounge  
43 available to all of the guests, and there are no shared kitchen facilities.

1           **b.     Use-Specific Standards**

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

4           ii.    Inns in the R-4A district shall be subject to the [APPLICABLE] multifamily  
5           building [DEVELOPMENT AND] design standards in section  
6           21.07.110C[100]., and the multi-family building parking standards in  
7           section 21.07.090. In the R-4A district, inns shall adhere to the  
8           maximum floor area ratio permitted for multi-family dwellings.

9           **6.     Recreational and Vacation Camp**

10          a.     **Definition**

11           An overnight recreational camp, such as a children's camp, family vacation  
12           camp, or outdoor retreat. These establishments provide accommodation  
13           facilities, such as cabins and fixed camp sites, and incidental recreational and  
14           educational facilities.

15   **21.05.060     INDUSTRIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

16   This section defines the general industrial use categories and specific industrial use types listed in tables  
17   21.05-1 and 21.05-2. This section also contains use-specific standards that apply to specific use types.  
18   The use-specific standards apply regardless of whether the use type is permitted as a matter of right,  
19   subject to a site plan review process, or subject to the conditional use process.

20   **A.     Industrial Service**

21           This category includes establishments engaged in the repair or servicing of agricultural, industrial,  
22           business, or consumer machinery, equipment, products, or by-products. Firms that service  
23           consumer goods do so by mainly providing centralized services for separate retail outlets.  
24           Contractors and building maintenance services and similar uses perform services off-site. Few  
25           customers, especially the general public, come to the site. Accessory activities may include retail  
26           sales, offices, parking, and storage. Specific use types include:

27          1.     **Data Processing Facility**

28           a.     **Definition**

29           An establishment where electronic data is processed by employees, including,  
30           without limitation, data entry, storage, conversion, or analysis, and [,] subscription  
31           and credit card transaction processing.

32          2.     **Dry-Cleaning Establishment**

33           a.     **Definition**

34           An establishment maintained for on-site laundry and/or dry cleaning, including  
35           the use of [USING] a perchlorethylene process or similar nonflammable, non-  
36           aqueous solvent, of fabrics, textiles, wearing apparel, or articles of any sort, and  
37           also including related maintenance or operation of equipment and machinery.

38          3.     **General Industrial Service**

39           a.     **Definition**

40           Establishments engaged in the repair or servicing of agricultural, industrial,  
41           business, or consumer machinery, equipment, products, or by-products.  
42           Examples include: welding shops; machine shops; tool repair; electric motor  
43           repair; repair of heavy machinery; heavy truck servicing and repair; aircraft  
44           servicing and repair; tire retreading or recapping; exterminators; and vending  
45           machine sales and service. Accessory activities may include retail sales, offices,  
46           parking, and storage.

1                   **b.        Use-Specific Standard**

2                                   L4 screening landscaping is required where adjacent to residential zones.

3                   **4.        Governmental Service**

4                   **a.        Definition**

5                                   A facility housing government shops, maintenance, and repair centers, and  
6                                   equipment storage yards.

7                   **b.        Use-Specific Standard**

8                                   L4 screening landscaping is required where adjacent to residential zones.

9                   **5.        Heavy Equipment Sales and Rental**

10                   **a.        Definition**

11                                  An establishment engaged in the display, sale, leasing, or rental of construction  
12                                  equipment and other heavy equipment, including all heavy equipment of 12,000  
13                                  or more pounds gross vehicular weight (GVW). This category does not include  
14                                  recreational vehicles or larger trucks that typically are sold at automobile  
15                                  dealerships; such vehicles are covered by "vehicle-large, sales and rental"  
16                                  above.

17                   **6.        Research Laboratory**

18                   **a.        Definition**

19                                  A facility that is designed or equipped for basic or applied research or  
20                                  experimental study, testing, or analysis in the natural sciences or engineering,  
21                                  including any educational activities associated with and accessory to such  
22                                  research, and including research and analysis facilities operated by public  
23                                  agencies and designed to assure public health and safety. The use does not  
24                                  include facilities for the manufacture or sale of products except as incidental to  
25                                  the main purpose of the laboratory.

26                   **B.        Manufacturing and Production**

27                                  This category includes industrial establishments involved in the manufacturing, processing,  
28                                  fabrication, packaging, or assembly of goods. Natural, synthetic [MAN-MADE], raw, secondary,  
29                                  or partially completed materials may be used in the manufacturing process. Products may be  
30                                  finished or semi-finished and are generally made for the wholesale market, for transfer to other  
31                                  plants, or to order for firms or consumers. Such uses may include industries furnishing labor in  
32                                  the case of the refinishing of manufactured articles. Goods are generally not displayed or sold on  
33                                  site, but if so, they are a subordinate part of total sales. Accessory activities may include limited  
34                                  retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage  
35                                  yards, repair facilities, truck fleets, and caretaker's quarters. Specific uses types include:

36                   **1.        Commercial Food Production**

37                   **a.        Definition**

38                                  An establishment processing and/or producing food for human consumption,  
39                                  including facilities engaged in providing food and/or food services for institutional,  
40                                  governmental, commercial, industrial, and other locations of other businesses; as  
41                                  well as facilities that process meat, game, and seafood. Examples include airline  
42                                  food services[, CAFETERIAS,] and catering companies that prepare food for  
43                                  consumption at an off-premise customer site.

44                   **2.        Cottage Crafts**

45                   **a.        Definition**

46                                  An establishment engaged in small-scale assembly and arts-and-crafts  
47                                  production by hand manufacturing involving the use of hand tools and small-  
48                                  scale equipment. Examples include, but are not limited to: candle making,

1 artisan woodworking, art studio/gallery, artisan pottery, [AND] jewelry production,  
2 and the like. Cottage crafts are less intensive than, and do not have the off-site  
3 impacts often associated with, general industrial uses.

4 **b. Use-Specific Standards**

5 **i. Production and Sale of Cottage Crafts**

6 Cottage crafts may only be produced within a wholly-enclosed  
7 permanent structure. Cottage crafts production may occupy up to 1,500  
8 square feet of gross building area, and may include up to an additional  
9 300 square feet gross building area on the same lot devoted to the  
10 display and retail sale of the crafts produced. The retail/display area  
11 shall be located on the ground floor and in the front part of the building  
12 facing the primary street on which the lot is located.

13 **ii. Prohibitions**

14 **(A)** The outdoor storage of materials related to the production and  
15 sale of cottage crafts is prohibited in non-industrially-zoned  
16 districts.

17 **(B)** The use of equipment, materials, or processes that create  
18 hazards, noise, vibration, glare, fumes, or odors detectable to the  
19 normal senses off-site is prohibited.

20 **3. Manufacturing, Heavy**

21 **a. Definition**

22 An establishment engaged in the manufacture or compounding process of raw  
23 materials. Such activities may involve the storage of large volumes of highly  
24 flammable, toxic matter or explosive materials needed for the manufacturing  
25 process. Examples include, but are not limited to: refining or initial processing of  
26 raw materials; rolling, drawing, or extruding of metals; asphalt batching plants,  
27 [AND] hot-mix plants, and RAP storage and processing; sawmills; manufacture  
28 or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum  
29 products, soap, turpentine, varnish, charcoal, or distilled products, or similar  
30 industrial uses; steel fabrication shops or yards; and manufacture, service, or  
31 repair of railroad equipment.

32 **b. Use-Specific Standard**

33 L4 screening landscaping is required where adjacent to residential zones.

34 **4. Manufacturing, Light**

35 **a. Definition**

36 An establishment engaged in the manufacture, predominantly from previously  
37 prepared materials, of finished products or parts, including processing,  
38 fabrication, assembly, treatment, and packaging of such products, and incidental  
39 storage, sales, and distribution of such products, but excluding basic industrial  
40 processing. Examples include, but are not limited to: airplane, automobile, or  
41 truck assembly; repair of railroad equipment; beverage manufacture and  
42 brewery; boatbuilding; cabinet shops; machine or blacksmith shops;  
43 metalworking or welding shops; paint shops; processing and/or dressing of skins;  
44 [STEEL FABRICATION SHOPS OR YARDS;] and printing, publishing, and  
45 lithography.

46 **b. Use-Specific Standard**

47 L4 screening landscaping is required where adjacent to residential zones.

5. **Natural Resource Extraction, Organic and Inorganic**

a. **Definition**

The development or extraction of organic and/or inorganic material from its natural occurrences on affected land. This use includes placer mining operations in which rock byproduct is removed from the premises. This use [SHALL] also include[s] commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, [OR] rock, or any other mineral, and other operations having similar characteristics. This use includes only operations of a scale involving 50,000 cubic yards or more of material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

b. **Use-Specific Standards (also apply to “Natural Resource Extraction, Placer Mining”)**

i. **General Standards**

The following general standards apply in all districts:

(A) *Limit on Site Size*

Except for placer mining, general natural resource extraction is allowed only on sites of five acres or more.

(B) *Water Discharge Permit*

Placer mining operations are subject to a wastewater discharge permit issued by the state department of environmental conservation.

(C) *Use and Handling of Explosives*

In addition to the requirements of the fire code, the following shall govern the storage, handling, and use of explosive materials:

(1) In addition to the submittal requirements for a conditional use approval, a blasting plan and a safety plan shall be submitted.

(2) Blasting shall be conducted during daylight hours within the operating hours established by the planning and zoning commission.

(3) The handling and firing of explosives shall be performed only by the individual possessing a valid explosives certificate issued by the fire marshal.

(4) Whenever a new storage or magazine site is established the Anchorage police department, Anchorage fire department and the emergency operations center shall be notified.

(5) Quantities of explosives shall be determined by the fire code at AMC title 23.

(6) Blasting operations shall be performed in accordance with the instructions of the manufacturer of the explosive materials being used.

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- (7) Rock fall mitigation methods may be required. When blasting is done in close proximity to a structure, railway, highway, or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.
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- (8) Property owners within 1,000 feet of the site shall be notified at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.
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- (9) All areas subject to blasting operations shall be fenced in a manner to secure the site and to prevent unauthorized access to the site.
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- (10) Notice of blasting operations shall be posted at all entrances to the site and on security fencing in areas subject to blasting operations. Posting shall occur at least 24 hours in advance of blasting.
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- (11) When blasting is being conducted in the vicinity of utilities (gas, water, electric, fire alarm, or telephone), the blaster shall notify the appropriate representatives of the agencies at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.
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- (12) Before a blast is fired, the individual in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover and a loud warning signal has been sounded.
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- (13) The operator of the site shall be responsible for all damages to persons or property which arise from, or are caused by the blasting operations.
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- (D) *Required Submittals*  
In addition to the general submittal requirements applicable to all site plans specified in the title 21 user's guide, additional submittal requirements are specified in that guide for natural resource extraction. The site plan shall be subject to review and approval of the department of **public works** [PROJECT MANAGEMENT AND ENGINEERING] for drainage, erosion, and sedimentation control; for conformance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit and other applicable EPA guidelines; and for compliance with generally accepted sound engineering principles.
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- (E) *Standards for Approval*  
In addition to the conditional use standards of approval at 21.03.080C., the planning and zoning commission may approve a natural resource extraction conditional use only if the commission finds that the use also meets the following standards:

- 1 (1) Principal access to the site shall minimize the use of  
2 residential streets, and access roads shall be treated in  
3 a manner to make them dust free. Where access roads  
4 intersect collectors or arterials, suitable traffic controls  
5 shall be established.
- 6 (2) The extraction operations will not pose a hazard to the  
7 public health and safety.
- 8 (3) The extraction operations will not generate noise, dust,  
9 surface water runoff or traffic that will unduly interfere  
10 with surrounding land uses.
- 11 (4) The restoration plan for the site ensures that, after  
12 extraction operations cease, the site will be left in a safe,  
13 stable, and aesthetically acceptable condition. The site  
14 shall either be restored generally to its pre-excavation  
15 contours, or as appropriate for the future use of the land.
- 16 (5) The proposed use meets such additional standards for  
17 natural resource extraction conditional uses as the  
18 director may establish by regulation pursuant to AMC  
19 chapter 3.40.

20 **6. Natural Resource Extraction, Placer Mining**

21 **a. Definition**

22 Natural resource extraction by means of the placer mining method that does not  
23 involve the removal of any natural resources other than small quantities of  
24 precious metals, such as gold, silver, and platinum, from the premises. Rock  
25 byproduct is not removed from the premises.

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

27 Placer mining shall comply with the use-specific standards set forth above for  
28 "natural resource extraction, organic and inorganic."

29 **C. Marine Facility**

30 This category includes a mix of commercial and light industrial manufacturing, processing,  
31 storage, wholesale, and distribution operations that are water-dependent or water-related. Water-  
32 dependent uses are generally permitted, while water-related uses are generally conditional uses.  
33 Specific use[S] types include:

34 **1. Aquaculture**

35 **a. Definition**

36 An establishment engaged in the hatching, raising, and breeding of fish or other  
37 aquatic plants or animals for sale.

38 **2. Facility for Combined Marine and General Construction**

39 **a. Definition**

40 An establishment engaged in the manufacture, construction, and repair of marine  
41 and non-marine related products.

42 **3. Marine Operations**

43 **a. Definition**

44 Establishments engaged in light industrial manufacturing, processing, or storage  
45 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:

##### 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 Yard

###### 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.

###### b. Use-Specific Standard[S]

Impound yards shall comply with the use-specific standards set forth for "storage yard" below.

1           **3. Motor Freight Terminal**

2           **a. Definition**

3           A facility for freight pick-up, distribution, and storage. This may include  
4           intermodal distribution facilities for truck or shipping transport.

5           **b. Use-Specific Standards**

6           **i.** Loading, parking, and maneuvering space shall be entirely on private  
7           property, which includes private leasehold of public property.

8           **ii.** There shall be a 200 foot buffer zone between the motor freight terminal  
9           operations and property zoned residential. No motor freight trucks,  
10          trailers (including those with refrigeration or heating units), or other  
11          motorized equipment such as fork lifts may be maneuvered, parked, or  
12          operated, nor any associated warehouses be located within 200 feet of  
13          residentially zoned property. The buffer zone may be used for employee  
14          parking, for landscaping, including a required L4 landscape buffer, and  
15          similar uses that do not create noise. The buffer zone shall be posted or  
16          marked in such a manner so as to clearly delineate the areas where  
17          operations are permitted.

18          **iii.** A motor freight terminal which abuts or is directly across a street or alley  
19          from residentially zoned property shall have L4 landscaping on the  
20          boundary of the abutting property, street, or alley.

21          **iv.** A motor freight terminal that is separated from property zoned residential  
22          by the Alaska Railroad main line corridor, or a freeway or expressway as  
23          classified on the *Official Streets and Highways Plan* is not subject to the  
24          provisions of subsections b.ii. and b.iii. above.

25          **4. Self-Storage Facility**

26          **a. Definition**

27          A completely enclosed structure(s) containing three or more areas or rooms  
28          available for lease or rent for the purpose of the general storage of household  
29          goods and business or personal property, where the lessee of the unit is  
30          provided direct access to deposit or store items. Also known as a “ministorage  
31          facility.” A self-storage facility may have associated outdoor vehicle storage, but  
32          a stand-alone vehicle storage establishment is classified under “storage yard”.

33          **b. Use-Specific Standards**

34          The standards below are applicable to self-storage facilities in all districts.

35          **i. Size of Site**

36          The self-storage site shall contain no less than one-half acre and no  
37          more than ten acres.

38          **ii. Traffic Access and Curb Cuts**

39          The site shall have direct driveway access from a street constructed to  
40          appropriate municipal standards as described in chapter 21.08.  
41          Location, number, and width of curb cuts shall be subject to the approval  
42          of the traffic engineer or the state department of transportation and public  
43          facilities.

44          **iii. Dimensional Standards**

45          Notwithstanding the general dimensional standards in chapter 21.06, the  
46          following specific standards apply:

- 1 (A) *Maximum Lot Coverage By All Buildings*  
2 75 percent in industrial districts; 50 percent in all other districts.
- 3 (B) *Maximum Height of Structures*  
4 35 feet. Structures over 35 feet in height shall require  
5 conditional use approval.
- 6 iv. *Paving and Drainage*  
7 (A) All parking **lots [AREAS]** and driveways, interior aisles, and  
8 walkways shall be paved to municipal standards. In class B  
9 areas, the areas may be graveled with D-1.
- 10 (B) Provisions shall be made to prevent any contamination of the  
11 domestic water supply or to prevent excessive or contaminated  
12 surface runoff from the site onto adjacent lands or streams.  
13 Drainage flow patterns shall be shown on the site plan or a  
14 separate approved map. **[IF PLANS INDICATE THAT**  
15 **SURFACE DRAINAGE WILL BE CARRIED OFF SITE, THE**  
16 **SITE PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE**  
17 **DEPARTMENT OF PROJECT MANAGEMENT AND**  
18 **ENGINEERING.]** Drainage shall comply with section 21.07.040.
- 19 v. *Permitted Accessory Uses*  
20 The facility may provide two on-site dwelling units for use by an on-site  
21 caretaker, manager, or owner of the site.
- 22 vi. *Storage of Hazardous Substances*  
23 The storage of explosives, radioactive materials, or any other hazardous  
24 chemicals, or flammable materials as defined by municipal code, is  
25 prohibited.
- 26 vii. *Prohibited Uses Within Storage Units*  
27 Except for work performed ancillary to the operation of the self-storage  
28 facility, the following uses are prohibited from occurring within a self-  
29 storage facility or vehicle storage rental unit or space:
- 30 (A) The servicing, repair, or fabrication of vehicles, boats, trailers,  
31 lawn mowers, appliances, or any other equipment with the  
32 exception of battery or tire removal and replacement. These  
33 must be conducted in accordance with all federal, state, and  
34 local laws. All hazardous materials must be disposed of properly  
35 by the owner of the vehicle.
- 36 (B) The operation of power tools, spray-painting equipment, table  
37 saws, lathes, compressors, welding equipment, kilns, or other  
38 similar equipment.
- 39 (C) Any use that is noxious or offensive because of odors, dust,  
40 noise, fumes, or vibrations.
- 41 viii. *Fencing and Landscaping*  
42 (A) Except as noted below, all site boundaries shall be fenced with a  
43 sight-obscuring fence structure at least eight feet high. No  
44 fencing shall be required on the portion of site boundaries where  
45 a structure, excluding containerized storage units, abuts either  
46 side of the lot line.

1 (B) The fence shall be constructed of concrete, solid wood, or chain  
2 link with a neutral color fabric screening or vinyl covering, and  
3 shall be approved by the department for compatibility with  
4 surrounding properties. The structure shall be maintained in a  
5 safe, sound, and orderly condition, and shall be kept free of any  
6 advertising matter other than signs permitted by this title. Only  
7 one foot of security wire, such as concertina, razor, or barbed  
8 wire, is permitted to be exposed and visible outside the fence.

9 (C) Where a self storage or vehicle storage facility abuts a  
10 commercially zoned district or a street of collector classification  
11 or greater on the *Official Streets and Highways Plan*, L2 visual  
12 enhancement landscaping shall be required external to the sight-  
13 obscuring fence. Where lot lines for these facilities abut a  
14 residential district, L3 buffer landscaping shall be required. No  
15 landscaping shall be required **where a lot line abuts an industrial**  
16 **district, or** on the portion of site boundaries where a structure,  
17 excluding containerized storage units, abuts either side of the lot  
18 line [OR AN INDUSTRIAL DISTRICT], unless otherwise required  
19 by this title.

20 ix. **Vehicle Storage Yards**  
21 The yard may not be used to display or advertise any merchandise for  
22 sale, including vehicles. No salvaging, dismantling, or disassembly of  
23 vehicles is permitted in a vehicle storage yard.

24 x. **Financial Guarantees**  
25 The department may require a financial guarantee to ensure installation  
26 of required landscaping, fencing, paving, or mitigation of any  
27 environmental impacts or contamination to the site or surrounding land in  
28 accordance with section 21.08.060, *Subdivision Agreements*.

29 xi. **Existing Self Storage and Vehicle Storage Operations**  
30 Self-storage and vehicle storage operations existing on or before  
31 October 26, 2004 shall be deemed to have approved site plans and not  
32 be nonconforming uses or structures. Notwithstanding the provisions of  
33 chapter 21.12, *Nonconformities*, where self-storage and vehicle storage  
34 operations exist and have been in continuous existence since October  
35 26, 2004, that use may continue provided the owner thereof complies  
36 with the following:

37 (A) **Site Enhancement Plan Required**  
38 Any self-storage or vehicle storage operation existing prior to  
39 October 26, 2004 that does not comply with the requirements of  
40 this section related to sight-obscuring fencing, required  
41 landscaping external to said fencing, and elimination of security  
42 razor or concertina security wire at the top of a fence shall obtain  
43 approval by the director of, and agree to implement, a site  
44 enhancement plan for the property. This site enhancement plan  
45 shall be submitted to the director before April 26, 2014. The plan  
46 shall be fully implemented by October 26, 2014. The intent of  
47 this site enhancement plan is to bring the property as closely as  
48 reasonably possible into compliance with the above noted  
49 subsection without impeding existing operations.

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- (B)** *Contents of Site Enhancement Plan*  
The site enhancement plan shall include:
- (1)** A graphic and legal description of the plan area.
  - (2)** Existing fencing and fencing types on the site.
  - (3)** Current vegetation external to perimeter fencing, if any.
  - (4)** Vehicular access points, including ingress and egress points, and queuing lanes.
  - (5)** Proposed modifications to bring the property into compliance with the intent of the standards of this section, but only for the following items: sight-obscuring fencing; required landscaping external to said fencing on any side of the property abutting a residential zoning district or an arterial, if the side is not otherwise obscured from view by other landscaping, naturally-vegetated areas, natural features, or buildings located on adjoining properties; and in all instances elimination of barbed, razor, [AND] concertina, or other security wire, unless the security wire is placed in accordance with other sections of this title.
  - (6)** It is the intent of this section that owners of existing facilities not be required to move existing fences or change existing operations.
- (C)** *Narrative Statement Required*  
A narrative statement shall also be submitted with the site enhancement plan. The narrative shall be based on existing conditions and shall detail the following information:
- (1)** The method of securing the area to prevent casual access.
  - (2)** A proposed schedule that specifies the date and methods by which the owner shall come into compliance with the intent of this section.
  - (3)** A description of current operations and uses that take place on the site.
- (D)** *Implementation of Approved Site Enhancement Plan*  
The director shall set a reasonable period of time for implementation of the approved site enhancement plan, but in all cases the implementation shall be complete by October 26, 2014. Adequacy of the site enhancement plan shall be based on evidence presented by the owner, which may include the following:
- (1)** The location and size of the property and the self-storage and/or vehicle storage use, including topography and related physical constraints of the site.

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- (2) History of the use of the property as a self-storage and/or vehicle storage use, including information about the length of time it has existed as that use and any relevant permits or other official regulatory documents related to the use of the property as a self-storage and/or vehicle storage use.
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- (3) A map of the subject property indicating the location of all parcels of real property within a distance of 300 feet from the exterior boundary of the subject property, showing the zoning district boundaries.
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- (4) The compatibility of the operation with surrounding neighborhoods, and with prevention of noise, dust, safety hazards, traffic congestion, aesthetic deterioration, and other adverse environmental effects.
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- (5) Any other information the property owner may wish to submit in order to make his or her case.
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- (E) *Decision by Director*  
Upon receipt of a site enhancement plan pursuant to subsection xii.(A). above, the director shall make a determination within 60 days of submittal of the site enhancement plan. The decision of the director shall be in writing and sent by certified mail to the address listed in the owner's application.
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- (F) *Appeals*  
A decision of the director is final unless appealed within 30 days of its receipt by the owner of the property. Appeal is to the zoning board of examiners and appeals. Only the applicant may appeal the decision of the director. An appeal from a decision of the zoning board of examiners and appeals may be brought in superior court.
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5. **Storage Yard**
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- a. **Definition**  
Any lot or portion of a lot that is used for the sole purpose of the outdoor storage of fully operable motor vehicles; construction equipment; construction materials; sand, gravel, topsoil, or the like; or other tangible materials and equipment.
- b. **Use-Specific Standards (also apply to "Impound Yard" and "Junkyard")**
- i. **Location of Site**
- (A) L4 screening landscaping shall be planted along all lot lines where a storage yard or impound yard abuts any academic school, hospital, residential district, or government administration and civic building.
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- (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].
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- 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.

- 1                                   iii.     **Limits on Outdoor Storage**  
2                                   Outdoor storage shall not exceed 35 feet in height. No outdoor storage  
3                                   shall occur within the required front or side setback as set forth in  
4                                   chapter 21.06.
- 5                                   iv.     **Containerized Storage Units**  
6                                   The following standards shall apply to the use of containerized storage  
7                                   units:
- 8                                   (A)     A containerized storage unit shall be a factory-built shipping  
9                                   container.
- 10                                  (B)     A containerized storage unit shall be subject to the requirements  
11                                  for any required permitting, as set forth in the Anchorage  
12                                  municipal code of ordinances.
- 13                                  v.     **Screening**  
14                                  L4 screening landscaping is required where adjacent to residential  
15                                  districts.
- 16                                  vi.    **Drainage; Protection of Water Supply**  
17                                  Provisions shall be made to prevent any contamination of the domestic  
18                                  water supply or excessive surface runoff from the property into adjoining  
19                                  lands or streams. [THE DRAINAGE PLAN THAT CARRIES WATER  
20                                  OFF THE SITE SHALL BE SUBJECT TO THE APPROVAL OF THE  
21                                  DEPARTMENT OF PROJECT MANAGEMENT AND ENGINEERING.]  
22                                  Failure to prevent such contamination of the domestic water supply or to  
23                                  prevent excessive surface runoff from the site onto adjoining lands or  
24                                  streams shall be cause for the conditional use to be rescinded and the  
25                                  junkyard to be removed at the cost of the owner of the land upon which it  
26                                  is located.
- 27                                  vii.   **Existing Vehicle Storage Yards**  
28                                  Storage yards in existence on October 26, 2004 and that fall under the  
29                                  definition of “vehicle storage yard”, which means “the outdoor storage of  
30                                  vehicles (under 12,000 lbs. gross vehicle weight rating), boats, and  
31                                  recreational vehicles”, may continue to exist pursuant to the  
32                                  requirements of subsection D.4.b.xii. above.
- 33                   6.     **Warehouse**  
34                   a.     **Definition**  
35                   A structure containing an area available for the purpose of storing raw materials,  
36                   goods, or property.
- 37                   b.     **Use-Specific Standard**  
38                   L3 buffer landscaping is required where adjacent to residential districts.
- 39                   7.     **Wholesale Establishment**  
40                   a.     **Definition**  
41                   An establishment primarily engaged in the sale or distribution of goods and  
42                   materials in large quantity to retailers or other businesses for resale to individual  
43                   or business customers. This shall not include heavy manufacturing, resource  
44                   extraction, scrap operations, bulk storage of hazardous materials, or salvage  
45                   operations.

1 **E. Waste and Salvage**

2 This category includes uses that receive solid or liquid wastes from others for disposal on the site  
3 or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or  
4 produce goods or energy from the composting of organic material or processing of scrap or waste  
5 material. Waste and salvage uses also include uses that receive hazardous wastes from others.  
6 Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-  
7 products. Specific use types include:

8 **1. Composting Facility**

9 **a. Definition**

10 A facility where organic matter, including leaves, grass, manures, and non-meat,  
11 non-biosolids waste, amassed primarily from off-site, is processed by composting  
12 and/or processing for commercial purposes. Activities may include management,  
13 collection, transportation, staging, composting, curing, storage, marketing, or use  
14 of collected compost.

15 **b. Use-Specific Standards**

- 16 **i.** Any composting storage area of a composting facility shall be set back at  
17 least 200 feet from any lot line abutting a residential district, mixed-use  
18 district, or any residential use (except a residential use occupied by the  
19 owner, operator, or any employee of such composting facility) that exists  
20 at the time of the establishment of the composting facility.
- 21 **ii.** Composting facilities shall contain and treat on-site, all water run-off that  
22 comes into contact with the feedstocks or compost, in such manner that  
23 the run-off will not contaminate surface or ground water.
- 24 **iii.** Composting facilities shall not be located in any floodway.
- 25 **iv.** No composting facility shall commence operation until a nuisance  
26 condition control plan, specifying all measures to be taken to control  
27 nuisance conditions (such as odor, noise, scattered solid waste, dust)  
28 has been approved by the director.

29 **2. Hazardous Waste Treatment Facility**

30 **a. Definition**

31 The processing of hazardous waste by means other than incineration, for the  
32 purposes of rendering the waste non-dangerous or less dangerous, safer for  
33 transport, amenable for storage, and/or able to be reused for energy production.

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

35 Hazardous waste treatment facilities shall be located at least 1,000 feet from any  
36 residential or mixed-use district.

37 **3. Incinerator or Thermal Desorption Unit**

38 **a. Definition**

39 **i. Incinerator**

40 An establishment that uses thermal combustion processes to destroy or  
41 alter the character or composition of medical waste, hazardous waste,  
42 sludge, soil, or municipal solid waste (not including animal or human  
43 remains). This definition does not include "rag burners" or oil heaters.

44 **ii. Thermal Desorption Unit**

45 A facility that removes volatile and semi-volatile contaminants from soils,  
46 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:

<b>TABLE 21.05-3: MINIMUM SEPARATION DISTANCES BETWEEN INCINERATOR FACILITIES</b>				
<b>Rated Capacity (lbs./hour)</b>	<b>Distance from Nearest Emission Source (feet)</b>			
	<b>1315</b>	<b>2300</b>	<b>3280</b>	<b>3940</b>
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.				

iii. **Standards for Thermal Desorption Units (TDUs)**

TDUs with a rated capacity of under 100 tons per hour shall be 1315 feet from the nearest emission source of another TDU. TDUs with a rated capacity of 100 tons per hour or more shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and meet the standards of subsection iv.(A).(2). below.

iv. **Standards for Both Incinerators and Thermal Desorption Units**

(A) *Distance Requirements*

All new incinerator facilities shall be located at least 1315 feet from an existing TDU, and vice versa, unless one of the following two standards is met:

- (1) It can be demonstrated that the combined percentage rated capacity of all incinerator facilities and thermal

desorption units, existing and proposed, does not exceed 100. The combined percentage rated capacity shall be calculated as follows:

$$((I_1 + I_2 + \dots + I_N) / 500) + (T_1 + T_2 + \dots + T_N) / 100) \times 100 = C$$

Where  $I_1 + I_2 + \dots + I_N$  is the sum of the rated capacities of all incinerator facilities, in pounds per hour, within 1315 feet of the proposed facility, and  $T_1 + T_2 + \dots + T_N$  is the sum of the rated capacities of all thermal desorption units, in tons per hour, within 1315 feet of the proposed facility. The proposed incinerator facility or thermal desorption unit shall be included in the calculation of the combined percentage rated capacity; or

- (2) It can be demonstrated, through an analysis of the health risk described in subsection iv.(B). below, that the combined risk of all incinerators and thermal desorption units operating within 1315 feet of the proposed facility will not pose a lifetime health risk greater than one excess cancer case per 100,000 for individuals living within adjacent residentially zoned areas or attending elementary, middle, or high schools.

**(B) Analysis of Health Risk**

The intent of the analysis is to provide information regarding the health risks of persons living close to the proposed site. The municipality shall select a contractor to conduct the analysis and the cost will be billed to the petitioner. The analysis shall meet the following requirements:

- (1) The analysis shall utilize an EPA-approved dispersion model appropriate for the type of facility, and the given terrain, to estimate the ambient annual average concentration of contaminants from the facility. The model shall be run according to EPA modeling guidelines;
- (2) Models shall utilize a full year of local meteorological data (e.g., National Weather Service observations taken at the Anchorage International Airport). If several years worth of meteorological data are obtained, the year providing the highest ambient concentrations shall be used;
- (3) All emission factors used in conjunction with the model shall be documented. Acceptable emission factors may be obtained from either a source test conducted by the manufacturer of the same or similar model as the one proposed to be used or must reference a published report (e.g., an article in a peer review scientific journal or EPA publication);
- (4) The report shall describe the modeling results in terms of the annual concentration of each identified toxic

1 compound at the boundary of the adjacent residential  
 2 zoning districts as well as the location and magnitude of  
 3 the maximum annual average concentrations found  
 4 within each adjacent residential district; and

- 5 (5) The report shall also describe the health risks  
 6 attributable to these concentration levels based on the  
 7 latest cancer risk values from the EPA's Integrated Risk  
 8 Information System (IRIS) database. Cancer risks shall  
 9 be based on the risk of one additional cancer above the  
 10 background cancer rate per 100,000 individuals.

11 (C) *Standards for Facilities Not Meeting Separation Requirements*

12 The planning and zoning commission may approve a conditional  
 13 use for an incinerator facility or thermal desorption unit that is  
 14 less than 1315 feet from an existing facility, but meets the  
 15 standards of either (A).(1). or (A).(2). above, only if the  
 16 commission finds that the storage plan for the material to be  
 17 burned and the waste generated by the incineration activity is  
 18 adequate to prevent any runoff, groundwater contamination,  
 19 airborne dust, or other means for contaminants to migrate off the  
 20 site.

21 (D) *Additional Submittal Requirements for a Conditional use Permit*

22 In addition to standard materials required for all conditional use  
 23 applications, all applicants for a conditional use for an incinerator  
 24 facility or TDU shall submit the following information pertaining to  
 25 the burning process:

- 26 (1) A description of the operation, including equipment to be  
 27 used.
- 28 (2) The type and quantity of material that will be processed.
- 29 (3) Operating hours and conditions.
- 30 (4) Plans for storing the material to be burned.
- 31 (5) A disposal plan for waste generated from the process.
- 32 (6) The location of points of vehicular access to the site and  
 33 projected traffic counts for each.
- 34 (7) A description of the federal or state permitting process  
 35 required for operation of the incinerator or TDU.
- 36 (8) Such other materials as the director may require by  
 37 regulation pursuant to AMC chapter 3.40.

38 (E) *Additional Conditions of Approval*

- 39 (1) The planning and zoning commission shall attach such  
 40 conditions to the approval of a conditional use for an  
 41 incinerator or TDU as it finds are necessary to conform  
 42 the use to the standards set forth above.

1 (2) All conditional uses granted under this subsection are  
 2 subject to revocation if the planning and zoning  
 3 commission determines, based on a recommendation by  
 4 the municipal department of health and human services,  
 5 that the operator of the incinerator or TDU failed to  
 6 operate according to the specifications shown in the  
 7 plans approved by the planning and zoning commission,  
 8 or operate in conformance with the state department of  
 9 environmental conservation or municipal air quality  
 10 regulations. In order to determine whether or not this  
 11 condition is met, the director of the municipal department  
 12 of health and human services shall have authority to  
 13 require monitoring for compliance with the conditional  
 14 use permit and to annually obtain copies of the  
 15 operator's monitoring or testing records.

16 (3) The petitioner shall obtain all applicable permits from the  
 17 U.S. Environmental Protection Agency, state department  
 18 of environmental conservation, and municipal  
 19 department of health and human services.

20 **4. Junkyard or Salvage Yard**

21 **a. Definition**

22 Any lot, or portion of a lot, that is used for the purpose of the outdoor storage,  
 23 handling, dismantling, salvage, wrecking, keeping, or sale of used, discarded,  
 24 wrecked, or abandoned airplanes, appliances, vehicles, boats, building and  
 25 building materials, machinery or equipment, or parts thereof, including but not  
 26 limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials  
 27 defined under "junk" (see general definitions in chapter 21.14). Auto wrecking  
 28 yards and salvage or scrap yards are included in this use. This does not include  
 29 a composting facility or "vehicle repair/rebuilding, outdoor, hobby".

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

31 Junkyards and salvage yards shall comply with the use-specific standards  
 32 applicable to "storage yard" set forth above.

33 **5. Land Reclamation**

34 **a. Definition**

35 An operation engaged primarily in increasing land-use capability by changing the  
 36 land's character or environment through fill or regrading. Land reclamation shall  
 37 include only operations at a scale involving 5,000 cubic yards or more of fill  
 38 material. Site preparation as part of the development of a subdivision under a  
 39 subdivision agreement is not included.

40 **b. Use-Specific Standards**

41 **i.** If the land reclamation operation will be completed within one year, the  
 42 review and approval procedure shall be an administrative site plan  
 43 review. If the operation will continue for more than one year, the review  
 44 and approval procedure shall be the conditional use process. If an  
 45 operation was approved under the administrative site plan review  
 46 process but is not completed within one year, the operator must then  
 47 apply for a conditional use permit.

48 **ii.** In addition to the submittal requirements in the user's guide, an applicant  
 49 for a land reclamation use shall submit the following:



- 1 (B) The site will not accept materials that are hazardous or  
2 flammable.
- 3 (C) The site will not accept junk as defined in chapter 21.14.
- 4 (D) The site will not accept soils contaminated with petroleum  
5 products or byproducts.
- 6 (E) The reclamation operations will not pose a hazard to the public  
7 health and safety.
- 8 (F) The reclamation operations will not generate noise, dust, surface  
9 water runoff, groundwater pollution, or traffic that will unduly  
10 impact surrounding land uses.
- 11 (G) The restoration plan for the site ensures that, after reclamation  
12 operations cease, the site will be left in a safe, stable, and  
13 aesthetically acceptable condition.
- 14 (H) The proposed use meets such additional standards for land  
15 reclamation conditional uses as the director may establish by  
16 regulation pursuant to AMC chapter 3.40.
- 17 vi. The planning and zoning commission may attach such conditions to the  
18 approval of a land reclamation conditional use as it finds are necessary  
19 to mitigate potential negative impacts on adjacent uses.

20 6. Landfill

21 a. **Definition**

22 The burial of hazardous or non-hazardous agricultural, residential, institutional,  
23 commercial, or industrial waste, including areas for the disposal of building and  
24 organic material and solid waste processing. This use does not include land  
25 reclamation.

26 b. **Use-Specific Standards**

- 27 i. Landfills shall be set back at least 660 feet from any non-industrial use,  
28 and that required setback shall be planted with L4 screening  
29 landscaping.
- 30 ii. Landfills shall contain and treat on-site all run-off that comes into contact  
31 with the waste material, in such manner that the run-off will not  
32 contaminate surface or ground water.
- 33 iii. Landfills shall not be located in any floodway.
- 34 iv. No landfill shall commence operation until a nuisance control plan,  
35 specifying all measures to be taken to control nuisance conditions (such  
36 as odor, noise, scattered solid waste, wildlife) has been approved by the  
37 director.

38 7. Recycling Drop-Off

39 a. **Definition**

40 A lot or portion of a lot where containers are located to collect various materials  
41 for recycling. This use includes drop-off and collection of materials for recycling,  
42 but not processing of such materials.

- 1                   **b.     Use-Specific Standards**  
2                   i.     No recycling drop-off area shall be located in required parking for any  
3                         other uses on the same lot, required landscaping, or pedestrian facilities.  
4                   ii.    Containers shall be screened in accordance with the standards of  
5                         subsection 21.07.080H.2.  
6                   iii.   No collection/pick-up of the accumulated materials shall occur between  
7                         the hours of 10:00 p.m. and 7:00 a.m.  
8                   iv.    If a recycling drop-off area is within 200 feet of a residential district, and  
9                         the drop-off includes containers for collecting glass, the area shall be  
10                         closed between the hours of 10:00 p.m. and 7:00 a.m.

- 11               **8.     Snow Disposal Site**  
12               **a.     Definition**  
13               An area used for the concentrated storage and disposal of snow transported to  
14               that site from other locations. For the purposes of this section, an entire Airport  
15               Management District is considered a single location.

- 16               **b.     Use-Specific Standards**  
17               i.     **Location**  
18               Snow disposal sites shall be located at least 25 feet from a class A or  
19               class B wetland, and at least 100 feet from a stream or water body.

- 20               ii.    **Dimensional Standards**  
21               Notwithstanding the general dimensional requirements of chapter 21.06,  
22               the following specific standards shall apply to this use.

- 23                       **(A)    Minimum Lot Size**  
24                       The minimum lot size shall be 36,000 square feet, unless  
25                       otherwise established by the planning and zoning commission.

- 26                       **(B)    Maximum Height of Snow Piles**  
27                       The maximum height of snow piles shall be 35 feet.

- 28                       **(C)    Minimum Setback Requirement**  
29                       The minimum setback of snow piles shall be 25 feet if adjacent  
30                       to a public right-of-way or to an industrial zoning district, and 50  
31                       feet if adjacent to a non-industrial zoning district.

- 32               iii.    **Snow Storage Area**  
33               The snow storage area shall be well defined on-site in order to prevent  
34               storage of snow on adjacent properties or landscaped areas. This may  
35               be accomplished through location, landscaping, fencing, and/or signs.

- 36               iv.    **Screening Fence or Berm**  
37               An earthen berm or a screening structure, either at least six feet high,  
38               shall be constructed within every setback adjacent to a public right-of-  
39               way or to a non-industrial zoning district. Site enhancement landscaping,  
40               or another ground cover acceptable to the planning and zoning  
41               commission, shall be planted on the berm and within the area between  
42               the berm and the lot line for the site. The planning and zoning  
43               commission may require construction of a berm or fence within other  
44               setback areas in order to restrict casual access, to confine the operations

1 within the site, to reduce noise and glare, and to ensure compatibility of  
2 the operation with adjacent uses.

3 v. ***Drainage and Water Quality Facilities***

4 The on-site and off-site drainage network shall handle water runoff and  
5 snow melt without impacting adjacent properties. Drainage and  
6 meltwater disposal shall comply with the municipal *Design Criteria*  
7 *Manual* sections regarding snow disposal sites and drainage.

8 vi. ***Noise, Dust, and Litter***

9 (A) *Noise*

10 If the level of noise from the activity at the snow disposal site,  
11 measured at the property line of any residential zoning district or  
12 noise-sensitive use such as a public building, academic school,  
13 or hospital [OTHER PLACE OF PUBLIC ASSEMBLY] within one  
14 half mile of the snow disposal site, shall exceed the standards  
15 stated in AMC subsection 15.70.080A., then the site plan shall  
16 identify mitigation measures.

17 (B) *Dust and Litter Control*

18 A dust control and litter plan shall be established and  
19 implemented. Trash collection/removal shall be done in a  
20 manner so that there are no dust or litter impacts to adjacent  
21 properties or public rights-of-way.

22 9. **Solid Waste and/or Recycling Transfer Facility**

23 a. ***Definition***

24 An establishment for the processing, transfer, and/or disposal of hazardous or  
25 non-hazardous solid waste and/or materials for recycling.

26 b. ***Use-Specific Standards***

27 All such uses shall comply with the following standards:

28 i. ***Location of Site***

29 A solid waste transfer facility shall not be located within 500 feet of any  
30 academic school, hospital, governmental facility (except governmental  
31 service), residential subdivision, or place of public assembly.

32 ii. ***Minimum Lot Size and Width***

33 Notwithstanding the general dimensional standards set forth in chapter  
34 21.06, the minimum lot size for a solid waste and/or recycling transfer  
35 facility shall be two acres and the minimum lot width shall be 150 feet,  
36 unless otherwise established by the planning and zoning commission.

37 iii. ***Limits on Outdoor Storage***

38 Outdoor storage shall not exceed 35 feet in height. No outdoor storage,  
39 operations, or donations shall occur within the required front or side  
40 setback as set forth in chapter 21.06.

41 iv. ***Screening***

42 In addition to any landscaping required under section 21.07.080,  
43 *Landscaping, Screening, and Fences*, the facility shall be surrounded by  
44 a solid, opaque fence that is at least eight feet high, located no less than  
45 100 feet from any public right-of-way, and located no less than 50 feet  
46 from an adjacent property.

**21.05.070 ACCESSORY USES AND STRUCTURES**

**A. Purpose**

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards set forth in this section.

**B. General Standards**

All accessory uses shall comply with the general standards in this subsection B.

**1. Approval of Accessory Uses and Structures**

a. All principal uses allowed in a zoning district shall be deemed to include the accessory uses, structures, and activities set forth in this section, unless specifically prohibited.

b. See also sections 21.05.030 through 21.05.060 above, in which incidental or accessory uses are sometimes included in the description of a specific principal use category or use type. When a definition does include permitted accessory or incidental uses, such accessory or incidental uses shall be subject to the general standards set forth in this subsection B., the zoning district limitations in subsection C. below, as well as any use-specific standards set forth in subsections D. and E. below.

**2. Compliance with Ordinance Requirements**

a. All accessory uses and structures shall be subject to the standards set forth in this section and the dimensional standards of chapter 21.06. In the case of any conflict between the standards of this section and any other requirement of this title, the standards of this section shall control.

b. Any use listed in subsections 21.05.030 through 21.05.060 is allowed as an accessory use to a residential use if the accessory use meets the standards of a “home occupation” at subsection 21.05.070D.11[12]. If the use exceeds the standards of a “home occupation”, then the use is no longer considered accessory and shall meet any applicable standards of subsections 21.05.010 through 21.05.060[070], which dictate in which districts the use is allowed, and any use-specific standards.

c. Accessory uses shall comply with all standards of this title applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use, as specified in section 21.07.090, and any additional requirements for the accessory use, if applicable and specified in this section.

**3. Dimensional Standards for Accessory Buildings and Structures**

**a. Same Lot**

The accessory use or structure shall be conducted and/or located on the same lot as the principal use.

**b. Location of Accessory Structures**

No accessory structure shall be erected or maintained in any required setback, except that:

i. Buildings accessory to a residential use and allowed by this section 21.05.070 may be erected in a required side or rear setback that is adjacent to an alley;

- ii. Two sheds or greenhouses, each 150 square feet or less, a maximum of 12 feet in height, and not attached to a foundation, may be erected in a required side or rear setback; and
- iii. Dog runs and dog houses not attached to a foundation [AND ALLOWED BY THIS SECTION 21.05.070] may be erected in a required side or rear setback.

4. **Same Ownership Required**

The principal use and the accessory use shall be under the same ownership.

5. **Temporary Accessory Uses and Structures**

Temporary accessory uses and structures shall be governed by the temporary use standards set forth in section 21.05.080 of this title.

C. **Table of Allowed Accessory Uses**

Tables 21.05-4 and 21.05-5 below list 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*.

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 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 and 21.05-5 shall comply with all standards set forth in subsection B. above.

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**g. Tables of Permitted Accessory Uses and Structures**

<b>TABLE 21.05-4: TABLE OF ACCESSORY USES – RESIDENTIAL DISTRICTS</b>																
Accessory Uses	P = Permitted										S = Administrative Site Plan Review					Definitions and Use-Specific Standards
	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	
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		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.

**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-1	DT-2	DT-3	R-	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											
Bed and breakfast (4 or 5 guestrooms)									S	S												21.05.070D.2.
Beekeeping																		P	P			21.05.070D.3.
Caretaker's residence													P	P				P	P			21.05.070D.4.
Dormitory									S	S			C						P			21.05.070D.5.
Drive-through service	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			21.05.070D.9.
Home- and garden-related use	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			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					21.05.070D.14.
Outdoor display accessory to a commercial use	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.

1 **D. Definitions and Use-Specific Standards for Allowed Accessory Uses and Structures**

2 This section defines the accessory uses listed in tables 21.05-4 and 21.05-5 and also contains  
3 use-specific standards that apply to those uses. Accessory uses shall comply with the applicable  
4 use-specific standards in this subsection, in addition to complying with the general standards in  
5 subsection B.

6 **1. Accessory Dwelling Unit (ADU)**

7 **a. Definition**

8 A subordinate dwelling unit added to, created within, or detached from a  
9 **detached** single-family residence, which provides basic requirements for living,  
10 sleeping, cooking, and sanitation.

11 **b. Use-Specific Standards**

12 **i. Purpose and Intent**

13 The purpose and intent of this section is to:

- 14 **(A)** Fulfill housing policy #15 of *Anchorage 2020: Anchorage Bowl*  
15 *Comprehensive Plan*, which provides that accessory housing  
16 units shall be allowed in certain residential zones;
- 17 **(B)** Provide a means for homeowners, particularly the elderly, single  
18 parents, and families with grown children, to remain in their  
19 homes and neighborhoods, and obtain extra income, security,  
20 companionship, and services;
- 21 **(C)** Allow more efficient and flexible use of existing housing stock  
22 and infrastructure;
- 23 **(D)** Respond to changing family needs and smaller households by  
24 providing a mix of housing;
- 25 **(E)** Stabilize homeownership and enhance property values;
- 26 **(F)** Provide a broader range of accessible and more affordable  
27 housing within the municipality; and
- 28 **(G)** Protect neighborhood stability, property values, and single-family  
29 residential appearance of the neighborhood by ensuring that  
30 ADUs are installed under the provisions of this title.

31 **ii. Application, Review, and Approval Procedures**

- 32 **(A)** Any landowner operating or seeking to establish an ADU shall  
33 obtain a building or land use permit from the building official.  
34 The permit shall constitute an ADU permit.
- 35 **(B)** With the permit application, the landowner shall submit an  
36 affidavit on a form provided by the municipality, affirming that at  
37 least one landowner will occupy the principal dwelling or the  
38 accessory unit, and that the ADU will conform to the  
39 requirements of the permit and the requirements of this section.
- 40 **(C)** The permit and the affidavit shall be filed as a deed restriction  
41 with the Anchorage recording district to indicate the presence of  
42 the ADU, the requirement of owner-occupancy, and conformity  
43 with the requirements of the permit and the requirements of this  
44 chapter.

1 (D) The department shall receive a fee from the applicant pursuant to  
2 the title 21 user's guide.

3 (E) For purposes of securing financing, potential landowners may  
4 request and receive a letter of pre-approval from the municipality  
5 indicating the property is eligible for an ADU permit if the  
6 potential landowner completes the application process and  
7 construction in accordance with this section.

8 iii. **Requirements**  
9 All ADUs shall meet the following requirements:

10 (A) *Purpose*  
11 Requirements for accessory dwelling units address the following  
12 purposes:

13 (1) Ensure that accessory dwelling units maintain and are  
14 compatible with the single-family appearance and  
15 character of the principal residence, lot, and  
16 neighborhood;

17 (2) Ensure that accessory dwelling units are smaller in size  
18 than the principal dwelling on the lot, and preserve yards  
19 and open space;

20 (3) Provide adequate parking while maintaining the single-  
21 family residential character of the neighborhood,  
22 avoiding negative impacts to on-street parking, and  
23 minimizing the amount of paved surface on a site; and

24 (4) Provide clear and flexible standards that make it  
25 practical and economical to develop accessory dwelling  
26 units that are in compliance with this code, and offer an  
27 accessible, affordable housing option to the community.

28 (B) *Requirements for Developing an ADU*  
29 ADUs shall be allowed in all residential zoning districts except R-  
30 1, R-1A, R-3, R-4, and R-4A.

31 (1) ***One Principal Structure***  
32 One ADU may be added to or created within a detached  
33 single family dwelling on a lot, tract, or parcel, but only if  
34 the detached single-family dwelling is the sole principal  
35 structure on that lot, tract, or parcel.

36 (2) ***Detached ADU***  
37 One ADU detached from a single-family dwelling is  
38 permitted on a lot, tract, or parcel, but only if:

39 (a) The lot, tract, or parcel is 20,000 square feet or  
40 greater and the ADU is attached to or above a  
41 garage and the detached single-family dwelling  
42 is the only principal structure; or

43 (b) The lot, tract, or parcel abuts an alley; the ADU  
44 is above a detached garage, the ADU/garage  
45 abuts the alley, and the detached single-family  
46 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.
- (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.
- (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;
- (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
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- 1 principal dwelling unit. Exterior window trim,  
2 window proportions (width to height), patterns,  
3 and orientation (horizontal to vertical) shall  
4 match those of the principal dwelling unit.
- 5 (b) The construction of an additional entry door on  
6 the side of a principal structure facing a street  
7 for entrance into an accessory dwelling unit is  
8 prohibited, unless no other entry door already  
9 exists on that side. Entrances are permitted on  
10 non-street-facing sides of the principal structure.
- 11 (10) *Utilities*  
12 To the extent allowed by law and utility tariff, the ADU  
13 shall be connected to the water, sewer, gas, and electric  
14 utilities of the single family dwelling unit. However, lots  
15 with on-site water or septic systems may have a  
16 separate water and/or septic system for the ADU.
- 17 (C) *Additional Requirements for Detached ADUs*  
18 (1) The ADU shall be at least 60 feet from the primary front  
19 lot line, or at least 10 feet behind the primary façade of  
20 the principal dwelling unit.
- 21 (2) The maximum height of a detached ADU shall be 25  
22 feet.
- 23 (D) *Density*  
24 ADUs are not included in the density calculations for a site.
- 25 (E) *Expiration of Approval of an ADU*  
26 Approval of an ADU expires when:
- 27 (1) The ADU is altered and is no longer in conformance with  
28 this code;
- 29 (2) The property ceases to maintain all required off-street  
30 parking spaces;
- 31 (3) A landowner of the property does not reside in either the  
32 principal or the accessory dwelling unit;
- 33 (4) The ADU is abandoned by the landowner through written  
34 notification to the municipality on a form provided by the  
35 municipality; or,
- 36 (5) The property with an ADU changes ownership.
- 37 (F) *Transfer*  
38 An ADU permit is not transferable to any other property or any  
39 other person. When a property with an ADU is sold or otherwise  
40 transferred, the new landowner shall file an affidavit of owner-  
41 occupancy with the department within 30 days of the transfer,  
42 and pay a processing fee. Failure to file an affidavit by the due  
43 date constitutes failure to have a permit, in violation of this  
44 section. Transfers from one landowner to another landowner do  
45 not require a new affidavit so long as the recipient landowner  
46 signed the original affidavit.

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- (G) *Prior Illegal Use*
- (1) All structures which meet the definition of accessory dwelling unit which are not recognized as legal nonconforming structures or uses of structures under chapter 21.12 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:
- (a) A permit application for an ADU is submitted to the building safety division within six months of [effective date].
- (b) The unit complies with the requirements of this section.
- (2) If the unit does not comply with the requirements of this section at the time the permit application is filed, the building official may grant six months to bring the unit into conformance.
- (3) In addition to any other remedies provided in this code, failure to legalize an existing unit under this subsection shall result in civil penalties as provided at AMC section 14.60.030. All landowners of illegal units shall also be required to either legalize the unit or remove it.
- (4) This subsection does not apply to existing legal nonconforming uses of structures established pursuant to chapter 21.12.
- (H) *Variances*
- Nothing in this section guarantees any property landowner the right to create an ADU unless it conforms to all provisions in this section. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section. No variances shall be granted from the standards and provisions of this section.
2. **Bed and Breakfast**
- a. **Definition**
- A bed and breakfast is a private residence that offers overnight accommodations and limited food service to overnight guests, for which compensation is paid on a 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

- 1 premises, the ADU shall count as one of the allowed  
2 guestrooms. No more than the permitted number of guestrooms  
3 shall be offered for use at any one time.
- 4 (D) Only one daily meal shall be offered to guests at any bed and  
5 breakfast establishment.
- 6 (E) Individual guests are prohibited from staying at a particular bed  
7 and breakfast establishment for more than 30 consecutive days.
- 8 (F) A bed and breakfast shall not be permitted concurrently on any  
9 lot with an child or adult care facility, or assisted living facility.
- 10 (G) The accessory use shall protect and maintain the integrity of the  
11 residential neighborhood. A bed and breakfast shall not detract  
12 from the principal use in the district and shall not place a burden  
13 on any private or public infrastructure (i.e., streets or utilities)  
14 greater than anticipated from permitted development.
- 15 (H) Every bed and breakfast shall meet the off-street parking  
16 requirements stated [IN SECTION 21.07.090 AND] in its  
17 administrative permit.
- 18 (I) Every bed and breakfast supported by on-site well and  
19 wastewater disposal systems shall conform to the requirements  
20 of AMC chapter 15.65, pertaining to wastewater disposal  
21 regulations, and shall obtain a one-time only health authority  
22 certificate.
- 23 ii. **Administrative Permit**  
24 A bed and breakfast shall require an administrative permit pursuant to  
25 section 21.03.030. An application for a bed and breakfast permit shall  
26 not be complete unless it is accompanied by proof of a current business  
27 license, a certificate of on-site systems approval (for on-site systems  
28 only), and a site plan and building floor plans meeting the requirements  
29 of this title.
- 30 3. **Beekeeping**  
31 a. **Definition**  
32 Keeping honey bees, *Apis mellifera*, for the purpose of education and/or  
33 producing honey or other products related to bees.
- 34 b. **Use-Specific Standards**  
35 i. Colonies of *Apis mellifera* shall be managed in such a manner that their  
36 flight path to and from the hive will not bring them into contact with  
37 people on adjacent property. To accomplish this, colonies shall be:
- 38 (A) At least 25 feet from any lot line not in common ownership; or  
39 (B) Oriented with entrances facing away from adjacent property; or  
40 (C) Placed behind a fence at least six feet in height and extending at  
41 least ten feet beyond the hive in all directions.
- 42 ii. No more than four hives shall be placed on lots smaller than 10,000  
43 square feet.

- 1           **4. Caretaker’s Residence**  
2           **a. Definition**  
3           A dwelling unit on the site of a non-residential use and occupied only by a guard  
4           or the person who oversees the operation of the non-residential facility (and  
5           his/her family).
- 6           **5. Dormitory**  
7           **a. Definition**  
8           A facility intended or used as group living quarters for students, religious orders,  
9           employees, and the like, directly affiliated with a permitted principal use such as  
10          a school, college, convent, or similar institutional use.
- 11          **b. Use-Specific Standards**  
12          i. Dormitories in residential and mixed-use districts shall comply with the  
13          [APPLICABLE] multifamily residential design standards in subsection  
14          21.07.110C[100].
- 15          ii. L2 visual enhancement landscaping is required when dormitories abut  
16          residential lots in a residential district.
- 17          **6. Drive-Through Service**  
18          **a. Definition**  
19          The physical facilities of an establishment that encourage or permit customers to  
20          receive services or obtain goods while remaining in their motor vehicles. A drive-  
21          through facility consists of two parts—the queuing lane and a service station  
22          where the service occurs. The queuing and service facilities of motor vehicle-  
23          related uses such as fueling stations, car washes, and vehicle service and repair  
24          are not included in the definition “drive-through service” as an accessory use,  
25          and are addressed elsewhere in this title.
- 26          **b. Use-Specific Standards**  
27          The purpose of these standards is to allow for drive-through facilities by reducing  
28          the impacts they may create, such as noise, glare, and fumes from idling cars,  
29          noise from voice amplification equipment, or traffic interferences with vehicle and  
30          pedestrian circulation. Drive-through services are allowed as accessory uses to  
31          the following primary uses: restaurant, pharmacy, financial institution, general  
32          personal services and food and beverage kiosk. The following standards apply  
33          to all drive-through services:
- 34          i. **Queuing Spaces**  
35          Vehicle queuing spaces shall be provided pursuant to section  
36          21.07.090L.
- 37          ii. **Impact on Adjacent Uses**  
38          **(A)** A drive-through that abuts a residential or NMU zoned property  
39          shall be located, sized, and designed to minimize traffic, noise,  
40          air emissions, and glare impacts on surrounding properties,  
41          based on the findings of an administrative site plan review.
- 42          **(B)** No drive-through queuing spaces shall be located directly  
43          between the building and an abutting right-of-way unless  
44          otherwise allowed by the director.
- 45          **(C)** When a drive-through service facility abuts a residential or NMU  
46          zoned lot, a six-foot high screening fence or wall shall be  
47          provided along that lot line between the drive-through facility and  
48          required perimeter landscaping.

1 (D) To the maximum extent feasible, talk boxes shall be located so  
2 that the principal structure on the site is between the talk box and  
3 any abutting residential zoning district, and shall meet the noise  
4 control standards in AMC section 15.70.

5 7. **Family Self-Sufficiency Service**

6 a. **Definition**

7 A governmentally operated or sponsored social service agency that provides  
8 aide to economically disadvantaged families in finding training, employment, and  
9 housing and/or access to personal computer equipment for use in self-  
10 instruction. The use is accessory to housing facilities run by public or non-profit  
11 agencies.

12 b. **Use-Specific Standards**

13 i. **General Standards**

14 The following general standards apply to these uses in all districts:

15 (A) *Building*

16 The structure used to house the facility shall maintain at least  
17 twenty residential units and devote at least 85 percent of the  
18 building's maximum gross floor area to residential use.

19 (B) *Ownership*

20 The operating agency shall have ownership of the structure. No  
21 other entity may rent, lease, buy, or otherwise obtain space in  
22 the building for the purposes of operating facilities regulated  
23 under this subsection.

24 (C) *Staff*

25 During the **hours of** operation **[HOURS]**, there shall be at least  
26 one instructor/monitor on-site and responsible to the operating  
27 agency.

28 (D) *Clients*

29 Facility users are not required to be residents of the building  
30 housing the facility. The facility users shall be restricted to the  
31 tenants of the operating agency or beneficiaries of assisted  
32 housing from the operating agency.

33 8. **Farm, Hobby**

34 a. **Definition**

35 The production of crops for sale. This may include a temporary stand for sales  
36 on the premises.

37 9. **Garage or Carport, Private Residential**

38 a. **Definition**

39 A detached accessory or portion of a principal structure that is used for the  
40 parking and storage of vehicles owned and operated by the residents thereof.

41 b. **Use-Specific Standards**

42 i. Garages may encroach into the rear or side setback when that setback  
43 abuts an alley.

44 ii. Such accessory uses shall serve only the residents of the property and  
45 shall not be used for commercial purposes except as part of a home  
46 occupation approved under subsection D. **11[12]**. below.

- 1                   iii.     In class A improvement areas and in the R-7 district, all garages or  
2                   carports accessory to a single residential use, whether attached to or  
3                   detached from the principal structure, shall cumulatively be no larger  
4                   than 50 percent of the total gross floor area of the principal structure.
- 5                   iv.     In class B improvement areas, except for the R-7 district, all garages or  
6                   carports accessory to a single residential use, whether attached to or  
7                   detached from the principal structure, shall cumulatively be no larger  
8                   than five percent of the lot area, up to a maximum of 5,000 square feet.

9           **10. Home- and Garden-Related Use**

10           a.     **Definition**

11                   Accessory uses subordinate to the use of a residential dwelling. Examples  
12                   include, but are not limited to, greenhouses, gardens, storage sheds, garden  
13                   sheds, tool sheds, workshops, private barbeque pits, spas, and hot tubs.

14           b.     **Use-Specific Standards**

- 15                   i.     All spas and hot tubs shall be set back a minimum of 10 feet from all  
16                   property lines, and shall not be counted in calculating lot coverage.
- 17                   ii.    In class A improvement areas and in the R-7 district, all detached  
18                   accessory structures under this use shall cumulatively be no larger than  
19                   50 percent of the total gross floor area of the principal structure.
- 20                   iii.   In class B improvement areas, except for the R-7 district, all detached  
21                   accessory structures under this use shall cumulatively be no larger than  
22                   five percent of the lot area, up to a maximum of 5,000 square feet.

23           **11. Home Occupation**

24           a.     **Definition**

25                   An activity that results in a product or service, carried out for consideration or not,  
26                   and conducted as a customary, incidental, and accessory use in a dwelling unit.  
27                   This use expressly does not include bed and breakfasts, hobby farms, **large**  
28                   **domestic animal facilities**, small and large assisted living facilities, or adult or  
29                   child care homes.

30           b.     **Use-Specific Standards**

31                   A home occupation may be conducted in a dwelling unit or in a building  
32                   accessory to a dwelling unit provided that:

- 33                   i.     A permanent resident of the dwelling unit is engaged in the home  
34                   occupation on the premises;
- 35                   ii.    Only one nonresident may be engaged in the home occupation on the  
36                   premises;
- 37                   iii.   The use of a dwelling unit for a home occupation shall be clearly  
38                   incidental and subordinate to its residential use. This standard is met by  
39                   and limited to one of the following in class A areas:
- 40                            **(A)**    No more than the lesser of 25 percent or 500 square feet of the  
41                            floor area of the principal dwelling is devoted to any home  
42                            occupation; or
- 43                            **(B)**    No more than 300 square feet of an accessory building is  
44                            devoted to any home occupation; or

- 1 (C) No more than 250 square feet of the principal dwelling and 250  
2 square feet of the accessory building are devoted to any home  
3 occupation.
- 4 iv. The use of a dwelling unit for a home occupation shall be clearly  
5 incidental and subordinate to its residential use. This standard is met by  
6 and limited to one of the following in class B areas:
- 7 (A) No more than the lesser of 40 percent [%] or 650 square feet of  
8 the gross floor area of the primary structure is devoted to the  
9 home occupation use; or
- 10 (B) No more than 600 square feet of an accessory structure is  
11 devoted to the home occupation; or
- 12 (C) No more than 325 square feet of the principal dwelling and 350  
13 square feet of the accessory building are devoted to any home  
14 occupation.
- 15 v. Except for as provided [IN B.VII. BELOW AND] in chapter 21.11, *Signs*,  
16 there shall be no change to the outside of the building or premises, nor  
17 shall there be other visible evidence of the conduct of such home  
18 occupation;
- 19 vi. Vehicles making deliveries shall not be parked at the site for a period  
20 exceeding one hour;
- 21 vii. No traffic or deliveries shall be generated by such home occupation in  
22 greater volume than would normally be expected in a residential  
23 neighborhood;
- 24 viii. All vehicles used in connection with the home occupation shall, except  
25 for delivery vehicles allowed above, be of the type commonly used for  
26 personal non-commercial transportation. Home occupations shall  
27 comply with the requirements of subsection D.17. below;
- 28 ix. The peace and quiet of the neighborhood shall not be disturbed. No  
29 equipment or process shall be used in such home occupation that  
30 creates noise, vibration, glare, fumes, or odors detectable to the normal  
31 senses at the property line. No equipment or process shall be used  
32 which creates visual or audible interference in any radio or television  
33 receivers off the premises, or causes a fluctuation in line voltage off the  
34 premises. No hazardous or toxic materials shall be stored on the  
35 property as part of the home occupation;
- 36 x. The hours of operation during which an employee or co-worker, clients,  
37 or customers are allowed to come to the home in connection with the  
38 business activity are limited to between 7:00 a.m. and 10:00 p.m.  
39 Monday through Saturday. Care and feeding of animals is exempted  
40 from this provision;
- 41 xi. A home occupation shall not be permitted on any lot with an adult or  
42 child care facility, or assisted living facility; and
- 43 xii. Any storage of wholesale or retail stock in trade in conjunction with the  
44 home occupation shall not exceed 10 [TEN] percent of the area devoted  
45 to the home occupation, except on lots 40,000 sf or larger in class B  
46 districts as defined in 21.08.050B. On lots meeting this exception,

1 storage of stock in trade may equal the area devoted to the home  
2 occupation, if the storage is screened from neighboring lots and  
3 separated from the neighboring lot line by at least the established district  
4 setback.

5 **c. Uses Prohibited as Home Occupations**

6 A home occupation shall not include, but is not limited to excluding, the following:  
7 veterinary or animal hospital; restaurant; and vehicle repair, unless allowed  
8 below under “vehicle repair/rebuilding, outdoor, hobby.”

9 **12. Intermodal Shipping Container (Connex Unit)**

10 **a. Definition**

11 A pre-fabricated, standardized, reusable, metal container designed and intended  
12 for transporting cargo on ocean-going ships, trains, or tractor trailers, also  
13 commonly called cargo containers, transport containers, or marine cargo  
14 containers. This use includes similar structures, such as railroad cars.

15 **b. Use-Specific Standards**

16 The use of a connex unit is allowed in all zoning districts subject to the following:

17 **i.** Except in the industrial, commercial, and airport districts, connex units  
18 shall be screened on all sides by structures, landscaping, and/or fences  
19 at least as high as the unit, or alternately, shall be sided and roofed with  
20 materials substantially similar to the siding of the primary structure.

21 **ii.** In commercial districts, connex units shall be located to the rear of all  
22 principal structures or alternately, meet either the screening or the siding  
23 and roofing requirements of section b.i. above.

24 **iii.** In residential districts, connex units are only permitted on lots equal to or  
25 greater than 40,000 square feet. Except as restricted in b.vii. below,  
26 connex units existing as of [effective date] on any size lot may continue  
27 as long as the screening requirements of b.i. above and the number  
28 limitations of b.iv. below are met within one year of [effective date], in  
29 which case such connex unit(s) shall be deemed conforming. Failure to  
30 comply with this provision shall not result in a legal nonconformity, but  
31 rather shall result in an illegal structure.

32 **iv.** In residential districts where the primary use of the lot is residential, no  
33 more than one unit is allowed per every 40,000 square feet of property  
34 up to a maximum of three units. In conjunction with nonresidential uses  
35 in residential districts, no more than three units are allowed.

36 **v.** Self-storage establishments in compliance with the development  
37 standards of 21.05.060D.4., *Self-Storage Facility*, are exempt from this  
38 section.

39 **vi.** Loading or unloading a connex unit, or the use of a connex during  
40 construction is exempt from this section.

41 **vii.** In residential districts on lots of less than 40,000 square feet, connex  
42 units existing on [effective date] that are located between the front plane  
43 of the principal structure and the front property line shall be removed or  
44 relocated within one year of [effective date].

1           **13. Large Domestic Animal Facility (4 or more animals)**

2           **a. Definition**

3           The keeping, harboring, riding, boarding, stabling, training, exercising, breeding,  
4           or related use of four or more large domestic animals regardless of animal  
5           ownership, and the associated structure(s) such as a paddock, stable, or barn.  
6           Operation of a large domestic animal facility is not a home occupation.

7           **b. Use-Specific Standards**

8           **i. Lot Size**

9           The minimum lot size for a large domestic animal facility of four animals  
10           is 40,000 square feet. An additional 10,000 square feet is required for  
11           each animal over four. Application for an administrative variance from  
12           the minimum lot size may be made to the planning department pursuant  
13           to subsection 21.03.240L. [THROUGH THE ADMINISTRATIVE  
14           VARIANCE PROCESS, THE DIRECTOR MAY APPROVE A  
15           DEVIATION OF NO MORE THAN 10 PERCENT, WITH THE  
16           CONCURRENCE OF THE DEPARTMENT OF HEALTH AND HUMAN  
17           SERVICES AND THE DEVELOPMENT SERVICES DEPARTMENT.]

18           **ii. Adjacent Lots**

19           Adjacent lots may be used in square footage calculations for site size  
20           only. If the adjacent lots are not under single ownership, the lot owners  
21           shall submit a recorded joint usage agreement for review and approval  
22           by the director. In such cases, setback requirements shall not apply to  
23           the interior lot lines between the applicable lots, and a primary use need  
24           not be located on the adjacent lot.

25           **iii. Setbacks**

26           Notwithstanding the setbacks of the underlying zoning district, covered  
27           structures associated with a large domestic animal facility, such as a  
28           stable or barn, shall be set back at least 25 feet from any abutting lot  
29           line, not including interior lot lines between lots in common ownership.  
30           Uncovered enclosures shall meet one of the following setback options:

31           **(A)**     Seventy-five feet from residences existing on February 28, 2006,  
32           not including any residence in common ownership with the large  
33           domestic animal facility; or

34           **(B)**     Ten feet from any abutting lot line, not including interior lot lines  
35           of lots in common ownership, if the separation area is vegetated  
36           with L3 buffer landscaping.

37           **iv. Structures**

38           The square footage of any single large domestic animal facility structure  
39           shall not exceed 10 percent of the lot size, up to a maximum of 8,000  
40           square feet.

41           **v. Fences**

42           Barbed wire shall not be used for fencing of any large domestic animal  
43           facility.

44           **vi. Commercial Activity**

45           Commercial activity associated with large domestic animal facilities, such  
46           as boarding or riding lessons, is permitted.

47           **vii. Other Requirements**

48           Large domestic animal facilities shall:

- 1 (A) Meet the requirements of AMC chapter 15.20 regarding animal  
2 waste, AMC subsection 15.55.060B. concerning separation  
3 requirements from water supply wells, and section 21.07.020  
4 concerning stream protection setbacks;
- 5 (B) Obtain an animal control facility license;
- 6 (C) Obtain certification of compliance with a state of Alaska,  
7 Anchorage soil and water conservation district conservation plan,  
8 or obtain a letter from the district showing demonstrated intent to  
9 come into compliance with a conservation plan within one year;  
10 and
- 11 (D) Comply with licensing and other laws concerning the keeping of  
12 animals as set forth in AMC titles 15, 17, and 21.
- 13 c. **Large Domestic Animal Facilities That Do Not Meet These Standards**  
14 Large domestic animal facilities that exceed the use-specific standards listed  
15 above for site area, structure size, or number of animals, may be allowed by  
16 conditional use, pursuant to subsection 21.03.080. In such case, the facility shall  
17 be considered a second principal use on the lot and shall comply with subsection  
18 21.05.050B.3.
- 19 14. **Outdoor Keeping of Animals**
- 20 a. **Definition**  
21 Restraining or restricting the movement of animals outside of a principal  
22 structure, by any means not involving the continued presence and/or participation  
23 of a human being.
- 24 b. **Use-Specific Standards**
- 25 i. One to three large domestic animals may be kept outdoors on lots of  
26 20,000 square feet or greater, but any structures or enclosures for  
27 keeping such animals shall meet the setback standards of subsection  
28 21.05.070D.13.b.iii.
- 29 ii. The following standards apply to the outdoor keeping of all animals  
30 except for dogs, domestic cats, and large domestic animals:
- 31 (A) On lots of 40,000 square feet or greater, structures for the  
32 outdoor keeping of animals shall not encroach into the setbacks  
33 of the zoning district and shall be at least 10 feet from any lot  
34 line.
- 35 (B) On lots smaller than 40,000 square feet, the following shall  
36 apply:
- 37 (1) The outdoor keeping of roosters, turkeys, guinea fowl,  
38 peacocks, or geese is prohibited.
- 39 (2) Up to five animals may be kept on lots of 6,000 square  
40 feet or less, with an additional one animal per additional  
41 1,000 square feet of lot area. A facility license may be  
42 required pursuant to title 17.
- 43 (3) Structures for the outdoor keeping of animals shall not  
44 encroach into the setbacks of the zoning district and  
45 shall be at least 10 feet from any lot line.

(4) It shall be unlawful for any owner or custodian of an animal under this section to permit it to make chronic animal noise, as defined in AMC section 17.05.010.

15. **Outdoor Display Accessory to a Commercial Use**

a. **Definition**

Outdoor display of goods and/or materials for sale, accessory to a commercial principal use. Merchandise may be directly available to the consumer for purchase.

b. **Use-Specific Standards**

No materials may be displayed in areas intended for vehicular circulation, required parking, required open space, required unobstructed clear width of pedestrian walkways, or required landscaping.

16. **Outdoor Storage Accessory to a Commercial Use**

a. **Definition**

Outdoor storage, but not display for sale, of goods, equipment, and/or materials accessory to a commercial principal use. Merchandise in outdoor storage shall not be directly available to the consumer without the assistance of an employee.

b. **Use-Specific Standards**

Except in industrial districts and except for outdoor storage associated with a large commercial establishment which is governed by subsection 21.07.130A.5.m.[120E.10.], outdoor storage of goods, equipment, and/or materials accessory to a commercial principal use shall be allowed subject to the following standards:

i. Each outdoor storage area shall not be located closer to the front property line than the front façade of the principal building.

ii. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.

iii. Equipment stored in an approved outdoor storage area shall be limited to equipment used for property maintenance, such as snow removal equipment. The number of pieces of equipment shall not exceed three. Such equipment storage is only allowed on lots of three acres or greater.

iv. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials used in the principal structure. The fence or wall may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area. Materials may not be stored higher than the height of the principal structure. The outer perimeter of the fence or wall shall be landscaped with L2 visual enhancement landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.

v. If the outdoor storage area is covered, then the covering shall include at least one of the predominant roofing materials and exposed roofing colors on the principal structure.

vi. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.



1           **3. Outdoor Storage of Inoperative Vehicles**

2           In all zoning districts, the outdoor storage of any vehicle that meets the definition of “junk  
3           vehicle” at AMC section 15.20.010 is prohibited except as provided in section  
4           21.05.070D.19, *Vehicle Repair/Rebuilding, Outdoor, Hobby*; section 21.05.060E.4.,  
5           *Junkyard or Salvage Yard*; and section 21.05.050I.7. or I.8., *Vehicle Repair, Major and*  
6           *Minor*.

7           **4. Use of Mobile Home, Recreational Vehicle, or Travel Trailer as Residence**

8           Except as allowed by 21.05.080B.3.e., in all zoning districts, mobile homes, recreational  
9           vehicles, and travel trailers may not be used as an accessory use for a permanent or  
10          temporary residence. However, an RV or travel trailer may be used as visitor  
11          accommodation for not more than 90 days in any calendar year.

12          **5. Use of Motor Vehicle for Sales**

13          In all zoning districts, the use of any motor vehicle or trailer as a structure in which, out of  
14          which, or from which any goods are sold or stored, any services performed, or other  
15          businesses conducted is prohibited. However, the following shall not be prohibited by  
16          this subsection:

- 17           a.       The sale of food products at a municipal-approved or -sponsored event;
- 18           b.       Use of a motor vehicle in connection with an approved recycling operation;
- 19           c.       Approved food and beverage kiosks that comply with the use-specific standards  
20               in section 21.05.050E.2., *Food and Beverage Kiosk*; and
- 21           d.       Use of a trailer in connection with an approved vehicle sales use.

22          **6. Commercial Motor Vehicle Repair**

23          Commercial motor vehicle repair, including engine, body, or other repair or repainting of  
24          more than one vehicle at any one time or owned by a person not residing at that address,  
25          is prohibited in all residential districts.

26          **7. Parking of Commercial Vehicles, Outdoor**

27          The outdoor storage or parking of a vehicle or trailer is prohibited in all residential  
28          districts, for a period of one or more nights, if the vehicle or trailer is licensed or regularly  
29          used for business purposes, and is either:

- 30           a.       A vehicle for which a commercial driver's license is required by state law;
- 31           b.       A vehicle or trailer having more than two axles;
- 32           c.       Any trailer bearing commercial signage, logo, or carrying commercial or industrial  
33               equipment or materials;
- 34           d.       A vehicle or trailer having a height in excess of 90 inches; or
- 35           e.       A vehicle with a gross vehicle weight rating (GVWR) of more than 12,000 lbs.

36   **21.05.080 TEMPORARY USES AND STRUCTURES**

37   **B. Purpose**

38          This section allows for the establishment of certain temporary uses of limited duration, provided  
39          that such uses do not negatively affect adjacent properties or municipal facilities, and provided  
40          that such uses are discontinued upon the expiration of a set time period. The construction or  
41          alteration of any permanent building or structure is not considered a temporary use.

1 **C. General Temporary Use Standards**

2 **1. Required Permits**

3 All temporary uses shall obtain any permits required by other municipal departments,  
4 such as the clerk's office, the health department, the building safety department, or the  
5 police department.

6 **2. Uses Allowed**

7 Except as specified below, any use allowed in a district, pursuant to tables 21.05-1 and  
8 21.05-2, is allowed on a temporary basis in that district. Such temporary uses shall  
9 comply with the requirements of subsection D. below. Any such temporary use that is  
10 established for more than the allowed time limit as determined in subsection  
11 21.05.080D.3[4]. shall be considered a permanent use and shall make all improvements  
12 required by this title.

13 **3. Other Uses and Structures Allowed**

14 The following temporary uses and structures shall be allowed in any zoning district or as  
15 specified below, in accordance with the standards of this section.

16 **a. Licensed Commercial Uses**

17 Temporary licensed commercial uses and associated temporary structures are  
18 allowed in any non-residential zoning district, for not more than 90 days total  
19 (consecutive or intermittent) within a 12 month period.

20 **b. Real Estate Sales Offices**

21 Sales offices are allowed on residential development sites in any zoning district  
22 until all lots or houses are sold. Use of the sales office to market sites outside of  
23 the project is prohibited.

24 **c. Special Events**

25 Amusement, athletic, charitable, cultural, entertainment, and/or political events or  
26 similar temporary and transitory gatherings are allowed in all zoning districts,  
27 subject to the standards of this section.

28 **d. Temporary Parking of Construction Equipment During Construction**

29 Temporary use of non-loading areas for tractor trailers, office trailers,  
30 construction equipment or materials, construction worker parking, or intermodal  
31 shipping container (connex) trailers, during construction or renovation **is allowed**  
32 **in all zoning districts, subject to the standards of this section.**

33 **e. Temporary Living in a Mobile Home, Motor Home, or Other Recreational**  
34 **Vehicle**

35 Notwithstanding title 23, one mobile home, motor home, or other recreational  
36 vehicle with a fully operable self-contained sanitation system may be used on a  
37 lot in the R-5, R-6, R-7, R-8, R-9, R-10, and TA districts as temporary living  
38 quarters for not more than 18 months while a permanent dwelling is being  
39 constructed or repaired, if the following requirements are met:

- 40 i. The property owner or person intending to occupy the temporary living  
41 quarters during construction or repair of the permanent dwelling shall  
42 secure a permit from the building official before a motor home or other  
43 recreational vehicle is used on site as temporary living quarters. A  
44 permit issued under this subsection shall not be renewed and only one  
45 permit shall be issued for the same parcel within any 10 year period.  
46 The permit may be granted only upon the applicant's written certification,  
47 with attachments, that:

- 1 (A) The self-contained sanitation system is fully operable and shall  
2 be used with zero on-site discharge, including no on-site gray  
3 water discharge, except through an approved septic system;
- 4 (B) Site access is sufficient and shall be used to transport refuse and  
5 excess waste year-round for proper off-site disposal;
- 6 (C) Electrical utility service is on-site for use during the permit period  
7 and no generators shall be used;
- 8 (D) The applicant has a current building or land use permit, a copy of  
9 which shall be attached to the certification; and
- 10 (E) If temporary connection to an on-site septic system is to be used,  
11 proof is attached that an approved septic system is in place.
- 12 ii. Only one motor home or other recreational vehicle shall be permitted for  
13 use as temporary living quarters on any parcel of land during the  
14 construction or repair of a permanent dwelling.
- 15 iii. The motor home or recreational vehicle placement on the lot shall  
16 comply with the setbacks of the underlying zoning district.
- 17 f. **Other Allowed Temporary Uses**
- 18 i. Up to nine one-day garage/yard sales per year per dwelling unit.
- 19 ii. Gatherings of less than 100 people, such as block parties, nonprofit  
20 bazaars, and fundraisers; and
- 21 iii. Temporary uses that occur wholly within an enclosed permanent  
22 building.
- 23 iv. Frame-supported, arch-supported, or inflated tension fabric or membrane  
24 structures, fabricated off-site and assembled on-site, and typically used  
25 for garages, sheds, warehouses, or temporary or permanent shelters for  
26 automobiles, boats, or other items, shall be allowed for 30 days within a  
27 12 month period in all residential districts.

28 **D. Prohibited Temporary Uses and Structures**

29 The following temporary uses and structures are prohibited:

- 30 1. **RESERVED [FABRIC STRUCTURES**  
31 **FRAME-SUPPORTED, ARCH-SUPPORTED, OR INFLATED TENSION FABRIC OR**  
32 **MEMBRANE STRUCTURES, FABRICATED OFF-SITE AND ASSEMBLED ON-SITE,**  
33 **AND TYPICALLY USED FOR GARAGES, SHEDS, WAREHOUSES, OR TEMPORARY**  
34 **OR PERMANENT SHELTERS FOR AUTOMOBILES, BOATS, OR OTHER ITEMS,**  
35 **SHALL BE ALLOWED FOR 30 DAYS WITHIN A 12 MONTH PERIOD IN ALL**  
36 **RESIDENTIAL DISTRICTS.]**

37 **E. General Requirements for All Temporary Uses and Structures**

38 All temporary uses or structures shall meet the following general requirements, unless otherwise  
39 specified in this title:

- 40 1. The temporary use or structure shall not have substantial adverse or noise impacts on  
41 nearby residential neighborhoods.

- 1           **2.**     The temporary use shall comply with all applicable general and specific regulations of this  
2           section unless otherwise expressly stated.
- 3           **3.**     Unless otherwise stated in this title, temporary uses in residential districts shall last no  
4           longer than 90 days. Temporary uses in nonresidential districts shall last no longer than  
5           180 days, with a possible 180 day extension, in accordance with AMC 23.10.104.
- 6           **4.**     All temporary signs associated with the temporary use or structure shall be removed  
7           when the activity ends.
- 8           **5.**     The temporary use or structure shall not violate any applicable conditions of approval that  
9           apply to a principal use on the site.
- 10          **6.**     The temporary use regulations of this section do not exempt the applicant or operator  
11          from any other required permits, such as health department permits.
- 12          **7.**     If the property is undeveloped, it shall contain sufficient land area to allow the temporary  
13          use or structure to occur, as well as any parking and traffic movement that may be  
14          associated with the temporary use, without disturbing sensitive or protected resources,  
15          including required buffers, 100-year floodplains, stream protection setbacks, wetlands,  
16          areas of slope greater than 20 percent, and required landscaping.
- 17          **8.**     If the property is developed, the temporary use shall be located in an area that is not  
18          actively used by an existing approved principal use, and that would support the proposed  
19          temporary use without encroaching or creating a negative impact on existing buffers,  
20          open space, landscaping, traffic movement, pedestrian circulation, or parking space  
21          availability.
- 22          **9.**     Tents and other temporary structures shall be located so as not to interfere with the  
23          normal operations of any permanent use located on the property.
- 24          **10.**    Off-street parking shall be adequate to accommodate the proposed temporary use.
- 25          **11.**    Applications for temporary structures to be located in or near the 100-year floodplain shall  
26          be required to submit a plan to the director for the removal of such structure(s) in the  
27          event of a flood notification. The plan shall include the following information:
- 28                **a.**     The name, address, and phone number of the individual responsible for the  
29                removal of the temporary structures;
- 30                **b.**     The time frame prior to the event at which a structure will be removed;
- 31                **c.**     A copy of the contract or other suitable instrument with a trucking company to  
32                insure availability of removal equipment when needed; and
- 33                **d.**     Designation, accompanied by documentation, of a location outside the floodplain  
34                to which the temporary structure will be moved.

35

36

# 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, 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.

### 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 development. All primary and accessory structures are subject to the dimensional standards set forth in the following tables. <sup>Superscript</sup> [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. In particular, some uses have use-specific standards in chapter 21.05 that impose stricter requirements than set forth in these tables.

**A. Table of Dimensional Standards: Residential Districts**

<b>TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS</b>									
<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 <sup>1</sup>		Max lot Coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)	
	Area (sq ft)	Width (ft)		Front	Side	Rear			
<b>R-1: Single-Family Residential District</b>									
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		
<b>R-1A: Single-Family Residential District (larger lot)</b>									
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		
<b>R-2A: Two-Family Residential District (larger lot)</b>									
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		
<b>R-2D: Two-Family Residential District</b>									
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 <sup>1</sup>		Max lot Coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	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	
<b>R-2F: Mixed Residential District 1</b>								
Dwelling, single-family detached	6,000 min. 12,000 max.	50	40	20	5	10	1	
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	Principal: 30, not to exceed two and one-half stories Accessory garages/carports: 25 Other accessory: 12
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		10	1	Accessory garages/carports: 25 Other accessory: 12
Dwelling, multiple-family (up to 4 units permitted)	8,500 for 3 units; 11,000 for 4 units	50	40	20	10	10	1	
All other uses	6,000	50	40	20	5	10	N/A	
<b>R-2M: Mixed Residential District 2</b>								
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	Accessory garages/carports: 25 Other accessory: 12
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		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 <sup>1</sup>		Max lot Coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	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	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	10		
All other uses	6,000	50	40	20	5	10		
<b>R-3: Multifamily Residential District 1</b>								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	20	N/A on common lot line; otherwise 5	10	1	35
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 tract; no portion of any structure may be closer than 10 feet to any other structure.	
All other uses	6,000	50	40	20	10	20		

**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 <sup>1</sup>		Max lot Coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
<b>R-4: Multifamily Residential District 2</b>								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60		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	10	5 plus one foot for each five feet in height exceeding 35 feet	10		45 <sup>3</sup>
All other uses	6,000	50	50			10		45
<b>R-4A: Multifamily Residential Mixed-Use District</b>								
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					45 <sup>4</sup>
Dwelling, multi-family	6,000	50	65					45
All other uses	6,000	50	65					45
<b>R-5: Low-Density Residential District</b>								
Dwelling, single-family, or one mobile home	7,000	50	30	20	5	10	1	Principal: 30 Accessory

**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 <sup>1</sup>		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, two-family	13,000	100	30	20	5	10	1	garages/carports: 25 Other accessory: 12
All other uses	7,000	50	30	20	5	10	N/A	
<b>R-6: Low-Density Residential District (1 acre)</b>								
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	
<b>R-7: Single-Family Residential District (20K)</b>								
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	
<b>R-8: Low-Density Residential District (4 acres)</b>								
Dwelling, single-family	174,240	300	5	25	15	25	1	Principal: 35 Accessory

**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 <sup>1</sup>		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, two-family	261,360	300	5	25	15	25	1	garages/carports: 30 Other accessory: 25
All other uses	174,240	300	5	25	15	25	N/A	
<b>R-9: Low-Density Residential District (2 acres)</b>								
Dwelling, single-family	87,120	180	5	25	15	25	1	Principal: 35
Dwelling, two-family	130,680	180	5	25	15	25	1	Accessory garages/carports: 30 Other accessory: 25
All other uses	87,120	180	5	25	15	25	N/A	
<b>R-10: Low-Density Residential Alpine/Slope District</b>								
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

<sup>1</sup> For other lot dimensional standards, see section 21.08.030K.

<sup>2</sup> For those residential uses where only one principal structure is allowed on a lot, no additional nonresidential principal structures are allowed.

<sup>3</sup> See subsection 21.04.020I.2.d. for information regarding possible height increases.

<sup>4</sup> See subsection 21.04.020J.2.d. for information regarding possible height increases.

**B. Table of Dimensional Standards: Commercial and Industrial Districts**

<b>TABLE 21.06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS</b> <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 <sup>3</sup>			Minimum setback requirement (ft)			
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	Maximum height (ft)
<b>B-1A: Local and Neighborhood Business</b>							
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
<b>B-3: General Business</b>							
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	45
<b>DT-1, DT-2, and DT-3: Downtown Districts (to be determined through Downtown Plan process)</b>							
<b>RO: Residential Office District</b>							
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
<b>MC: Marine Commercial District</b>							
All uses	6,000	50	N/A	10	0 or at least 5	0 or at least 5	90 feet above mean sea level
<b>I-1: Light Industrial District</b>							
All uses	6,000	50	N/A	10	20 if adjacent to a residential district; otherwise 0 or at least 5		50 <sup>6</sup>
<b>I-2: Heavy Industrial District</b>							
All uses	6,000	50	N/A	10	40 if adjacent to a residential district; otherwise 0 or at least 5		none

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 <sup>5</sup>			Minimum setback requirement (ft)		
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear
<b>MI: Marine Industrial</b>						
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

<sup>5</sup> For other lot dimensional standards, see section 21.08.030K.

<sup>6</sup> Non-building industrial structures and industrial appurtenances are exempt from the maximum allowed height.

C. Table of Dimensional Standards: Mixed-Use Districts

Uses	Minimum lot dimensions <sup>7</sup>		Setbacks				Max height (ft)	Max floor area ratio (FAR) <sup>8</sup>
	Area (sq ft)	Width (ft)	Front	Side	Rear			
						TABLE 21.06-3: TABLE OF DIMENSIONAL STANDARDS - MIXED-USE DISTRICTS (Additional Standards May Apply. See district-specific standards in chapter 21.05.)		
<b>NMU: Neighborhood Mixed-Use District</b>								
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. <sup>9</sup>	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	
<b>CMU: Community Mixed-Use District</b>								
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. <sup>9</sup>	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	
<b>RMU: Regional Mixed-Use District</b>								
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. <sup>9</sup>	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	
<b>MT-1: Midtown District Core</b>								
<b>MT-2: Midtown District General</b>								

<sup>7</sup> For other lot dimensional standards, see section 21.08.030K.

<sup>8</sup> See FAR incentives for mixed-use districts at 21.04.050G.2.[0300.2.]

<sup>9</sup> See subsection 21.06.030A.5., Maximum Setbacks.

1 D. Table of Dimensional Standards: Other Districts

<b>TABLE 21.06-4: TABLE OF DIMENSIONAL STANDARDS - OTHER DISTRICTS</b> <i>(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.)</i>							
Uses	Minimum lot dimensions <sup>10</sup>		Max lot coverage (%)	Minimum setback requirements (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
<b>AF: Antenna Farm District</b>							
All	87,120	120	50	50	25	25	Unlimited, except that structures shall not interfere with FAA regulations on airport approaches
<b>DR: Development Reserve District</b>							
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
<b>PR and PLI: Parks and Recreation, and Public Lands and Institutions Districts</b>							
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.8[7]. shall apply
<b>TA: Turnagain Arm District</b>							
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	
<b>W: Watershed District</b>							
All	N/A	N/A	5	N/A	N/A	N/A	50

<sup>10</sup> 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:

- 1 a. **Paved Terraces**  
2 Paved terraces may project into any required setback, provided that no  
3 structures placed there shall violate other requirements of this title.
- 4 b. **Unroofed Landings, Decks, and Stairs**  
5 Except as provided in subsection 2.c. below, unroofed landings, decks, and stairs  
6 may project into required front and rear setbacks only, provided that no portion  
7 other than a handrail shall extend higher than 30 inches above the finished grade  
8 level.
- 9 c. **Roofs Over Porches and Other Exterior Approaches**  
10 Roofs over porches, stairways, landings, terraces, or other exterior approaches  
11 to pedestrian doorways may encroach up to five feet into a front setback,  
12 provided that, where such roof projections encroach within the setback, the roof  
13 projections shall comprise no more than 50 percent of the total length of a  
14 building's front elevation. The covered porch or entrance area encroaching into  
15 the setback shall remain exterior to the building, and unenclosed or only partly  
16 enclosed, as by a handrail.
- 17 d. **Incidental Architectural Features**  
18 Windowsills, fireplace chases, belt courses, cornices, eaves, and similar  
19 incidental architectural features may project up to two feet into any required  
20 setback.
- 21 e. **Bay Windows**  
22 Bay windows, measuring no more than eight feet in width where the projection  
23 breaks the plane of the wall, may project up to two feet into any required setback,  
24 so long as there is a minimum of eight feet between the bay window and any  
25 opposing encroachment on an adjacent lot.
- 26 f. **Private Garage or Carport**  
27 A private garage or carport may project into a required side or rear setback  
28 abutting an alley.
- 29 g. **Accessory Structures**  
30 Accessory structures may encroach into a required setback a[A]s allowed in  
31 subsection 21.05.070B.3.b. Refuse collection receptacles and their enclosures  
32 that are less than 150 square feet may encroach in any side or rear setback.
- 33 h. **Accessibility Ramps**  
34 The director may allow the installation of accessibility ramps with handrails in any  
35 required setback if they meet the following criteria:
- 36 i. The ramp is neither roofed nor enclosed;  
37 ii. There are no switchbacks over 30 inches in height; and  
38 iii. The width of the ramp does not exceed 48 inches.
- 39 i. **Fire Exits**  
40 For buildings existing on [effective date], open fire exits may project not more  
41 than four feet six inches into any required setback [YARD].
- 42 j. **Covered Stairways and Walkways**  
43 Stairways and walkways that are roofed but not fully enclosed, and are installed  
44 to provide public access between grade-separated areas, but are not intended to  
45 provide access to the entrance of any particular structure, may encroach into  
46 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.

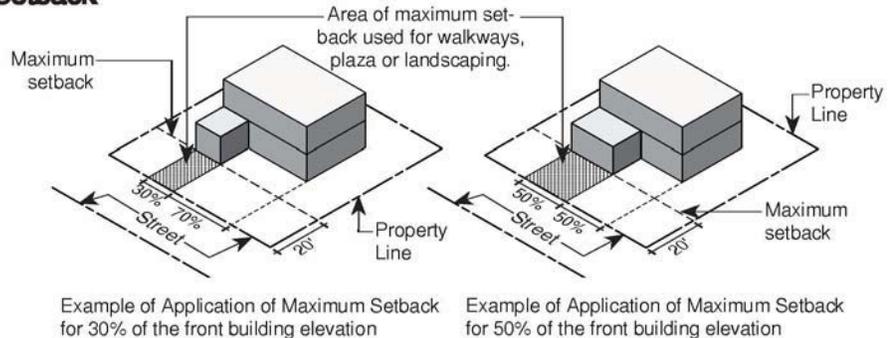
5. **Maximum Setbacks**

Maximum setbacks are intended to help create an environment that is inviting to pedestrians and transit users, and a more active streetscape. 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.

a. **Measurement and Applicability**

i. The maximum setback applies to the ground-floor, street-facing elevation of the building, as depicted below.

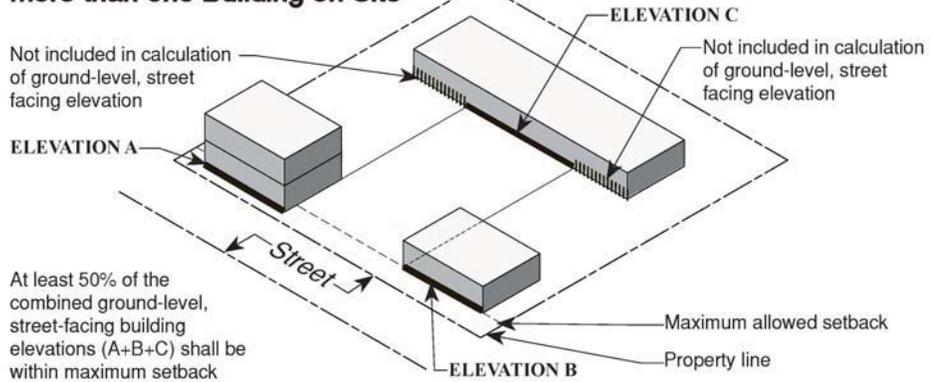
**Application of Maximum Setback**



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 designated in the comprehensive plan as a main street, a transit street, a mixed-use street, or a derivation of these street typologies,

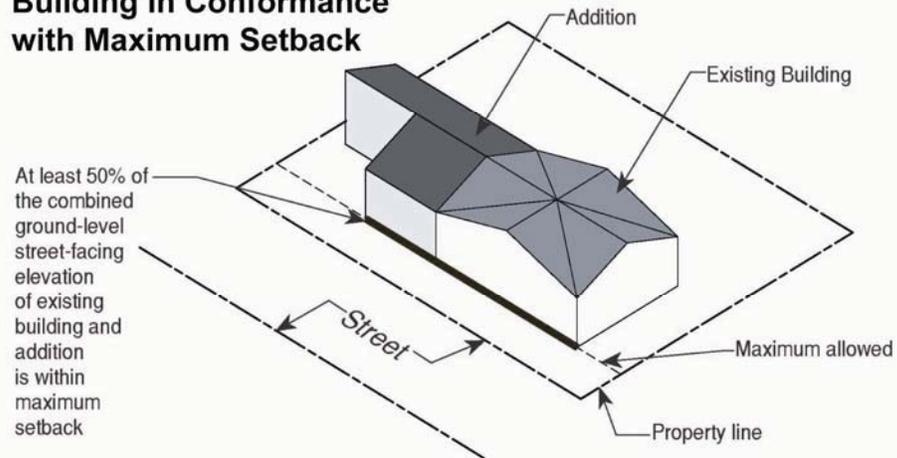
- 1 the location of the maximum setback may be changed to such street with  
2 the concurrence of the director.
- 3 iii. Where there is more than one building on the site, the maximum setback  
4 standard applies to the combined ground-floor, street-facing elevations of  
5 all the buildings, as depicted below.

### Maximum Building Setback with more than one Building on Site

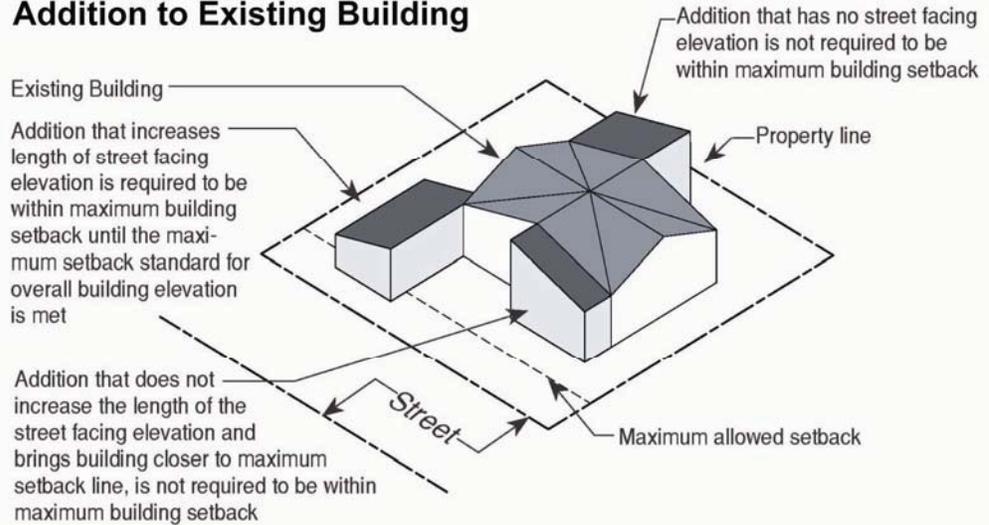


- 6 iv. The maximum setbacks shall apply only to new buildings and any  
7 building addition that increases the length of the building elevation facing  
8 the applicable street, as depicted below.

### Addition to Existing Building In Conformance with Maximum Setback



**Addition to Existing Building**



- 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 is required for
- 17 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.
  
- 30 **d. Exemptions**
- 31 The following uses are exempt from the maximum setback requirement:

- 1                   i.       Food and beverage kiosks;
- 2                   ii.       Fueling stations; and
- 3                   iii.       Vehicle service and repair, major or minor.
- 4       **6.       Setback from Planned Utility Transmission Facilities**
- 5       a.       No new structural or land development activity requiring a building or land use
- 6               permit shall be permitted within the minimum area stated in the *Utility Corridor*
- 7               *Plan* for planned electrical or telecommunication transmission facilities for which
- 8               there is a projected easement or right-of-way, except as allowed under
- 9               [PARAGRAPH] 6.b., below.
- 10       b.       The following uses and activities are permitted, with written acknowledgement of
- 11               coordination with the affected utilities, within the setbacks described in
- 12               [PARAGRAPH] 6.a., above:
- 13               i.       Sidewalks, walkways, **pathways**, and trails;
- 14               ii.       Bus shelters and bus turnouts;
- 15               iii.       Kiosks and seating units;
- 16               iv.       Utilities, utility easements and utility-related structures;
- 17               v.       Landscaping required by section 21.07.080, *Landscaping, Screening,*
- 18               *and Fences*, and consisting of ground cover, shrubs and understory
- 19               trees whose maximum height does not exceed 30 feet;
- 20               vi.       Surface parking required by section 21.07.090, *Off-Street Parking and*
- 21               *Loading*;
- 22               vii.       Temporary parking as described in section 21.05.080;
- 23               viii.       Additional parking to that required by this title;
- 24               ix.       Open space;
- 25               x.       Fences and signs;
- 26               xi.       Retaining walls;
- 27               xii.       Remodeling of or addition to structures existing as of February 27, 1990,
- 28               so long as it does not further intrude within the setback area after that
- 29               date; and
- 30               xiii.       Driveways and vehicular access points.
- 31       c.       Applicable setback requirements stated elsewhere in this title may include the
- 32               area of setback for electrical transmission facilities.
- 33       **7.       Setbacks from Projected Rights-of-Way**
- 34       a.       ***Minimum Setback***
- 35               Except as allowed under subsection 7.b. below, no new structural or land
- 36               development activity requiring a building or land use permit shall be permitted
- 37               within the minimum setback set forth in the table below from the existing or
- 38               projected centerline of a street designated on the *Official Streets and Highways*
- 39               *Plan* (OSHP), or within 30 feet from the centerline of a road reservation or public
- 40               use easement not so designated on the OSHP.

TABLE 21.06-5: SETBACKS FROM PROJECTED RIGHTS-OF-WAY CENTERLINE		
Street Class <b>in</b> <b>[ON]</b> Official Streets and Highways Plan		Setback from Centerline (feet)
<b>IC</b>	Neighborhood Collector	30
<b>IIA</b>	Minor Arterial	
<b>IIIC</b>	Undivided Major Arterial	
<b>IB</b>	Neighborhood Collector	35
<b>I</b>	Residential Collector	40
<b>IA</b>	Industrial Commercial Collector	
<b>II</b>	Minor Arterial	
<b>III</b>	Divided Major Arterial	50
<b>IIIB</b>	Undivided Major Arterial	
<b>IIIA</b>	Divided Major Arterial	65
<b>IV</b>	Expressway	
<b>V</b>	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 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;
- 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

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- 1 xi. Driveways and vehicular access.
- 2 c. **Additional Setback Requirements**
- 3 Applicable setback requirements stated elsewhere in this chapter shall be in
- 4 addition to those stated in this subsection 21.06.030C.7.
- 5 d. **Temporary Features**
- 6 As used in this subsection 21.06.030C.7.d., the term "temporary" or "temporarily"
- 7 means that period of time between the issuance of a building or land use permit
- 8 and the right of entry conveyed to the municipality or other government entity for
- 9 a road project that affects the setback area required by this subsection
- 10 21.06.030C.7.d. Parking, fences and signs, and retaining walls required by this
- 11 title may be provided temporarily within a setback area described in this
- 12 subsection 21.06.030C.7.d. only if the director and the traffic engineer first find
- 13 that:
- 14 i. The temporary features to be used on the lot conform to all other
- 15 applicable requirements of this title;
- 16 ii. An alternate site plan has been submitted with an application for a
- 17 building or land use permit for permanent required features on the lot,
- 18 excluding all setback areas thereon, in conformance with all applicable
- 19 requirements of this title; and
- 20 iii. An agreement between the owner of the lot and the municipality has
- 21 been executed and recorded so as to give notice of the temporary
- 22 requirements to be applied to the lot and of the date or event by which
- 23 the temporary features shall be abandoned in favor of the permanent
- 24 configuration stated in the alternate site plan.
- 25 8. **Sight Distance Triangles**
- 26 Sight distance triangles shall be unobstructed as required by **the traffic engineer** [TITLE
- 27 9].
- 28 D. **Height**
- 29 1. **Allowable Height**
- 30 The maximum allowable height for buildings and structures in each district shall be as
- 31 provided in section 21.06.020, *Dimensional Standards Tables*, except where specifically
- 32 modified by this subsection D. and/or other provisions of this title.
- 33 2. **Airport Height Overlay District**
- 34 Nothing in this section allows a building, structure, or appurtenance to exceed the height
- 35 limitations of the airport height overlay district (21.04.080C.).
- 36 3. **Rules for Measuring Height**
- 37 a. Building height for most building types shall be measured as the vertical distance
- 38 from grade plane to the midpoint (median height) of the highest roof surface, as
- 39 shown in the illustration at the end of the chapter, subject to D.4. and D.5. below.
- 40 Exceptions for curved roof surfaces are illustrated at the end of the chapter.
- 41 b. Structures that are not buildings shall be measured as the vertical distance from
- 42 grade plane to the highest point of the structure. Fences on top of retaining walls
- 43 shall be measured from grade plane on the highest side of the retaining wall.
- 44 c. Where tables 21.06-1 and 21.06-2 measure maximum height in terms of stories,
- 45 any story below grade plane shall be excluded from calculation of the number of
- 46 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, 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.

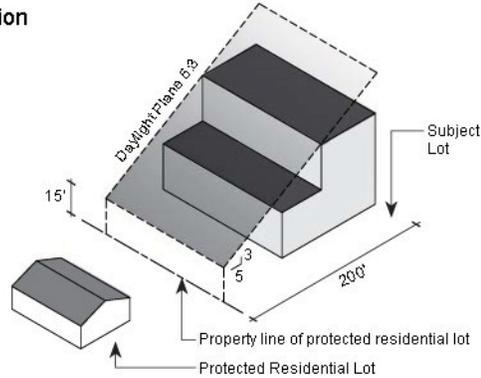
28 b. **Applicability**

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.

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. 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.

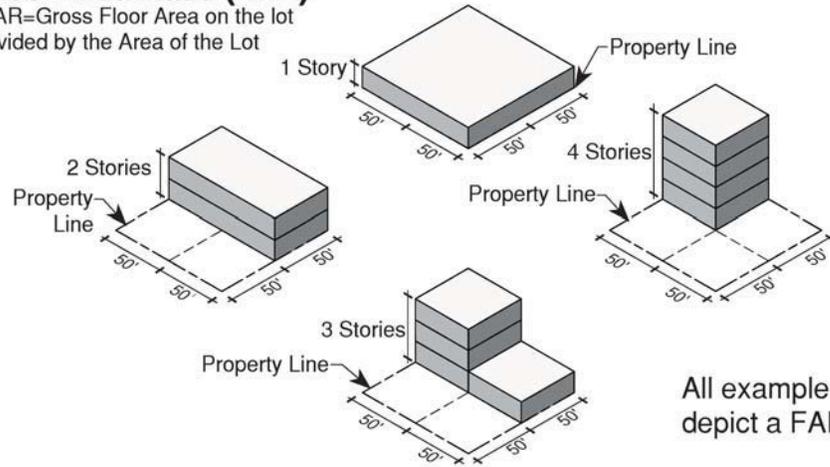
E. **Floor Area Ratio (FAR)**

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 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



All example figures  
depict a FAR of 1.0.

1           2.   **Areas Not Considered in Measuring Floor Area Ratio [(FAR)]**

2           Unless otherwise provided in this title, all gross floor area shall be considered in  
3           determining FAR except for the following:

- 4           a.    Uninhabitable attics;
- 5           b.    Residential space in an attic under a roof slope of between 8:12 and 12:12,  
6           provided the residential space is limited to one story;
- 7           c.    Crawl spaces less than 5 feet from floor to ceiling;
- 8           d.    Floor area in stories below grade plane that is devoted to parking or loading;
- 9           e.    Detached accessory structures; and
- 10          f.    Private open space that meets the standards of 21.07.030.

11          3.   **Maximum Floor Area Ratios**

12          a.    **Mixed-Use Districts**

13          For the NMU, CMU, RMU, MT-1 and MT-2 zoning districts, table 21.06-3  
14          establishes the maximum FAR for each district. Increases in allowable FAR are  
15          available through incentives provided in the mixed-use district standards at  
16          21.04.050G.[0300.]

17          b.    **Downtown and Other Districts**

18          Maximum FAR in the DT-1, DT-2, DT-3, R-4, R-4A, and other districts in which  
19          FARs may apply are established within the district-specific standards in chapter  
20          21.04. Increases in allowable FAR are available through incentives also  
21          provided in the district-specific standards.

22          c.    **FAR Bonus Review**

23          An administrative site plan review shall be conducted on all developments  
24          proposed for a floor area ratio bonus, unless exempted in writing by the director.

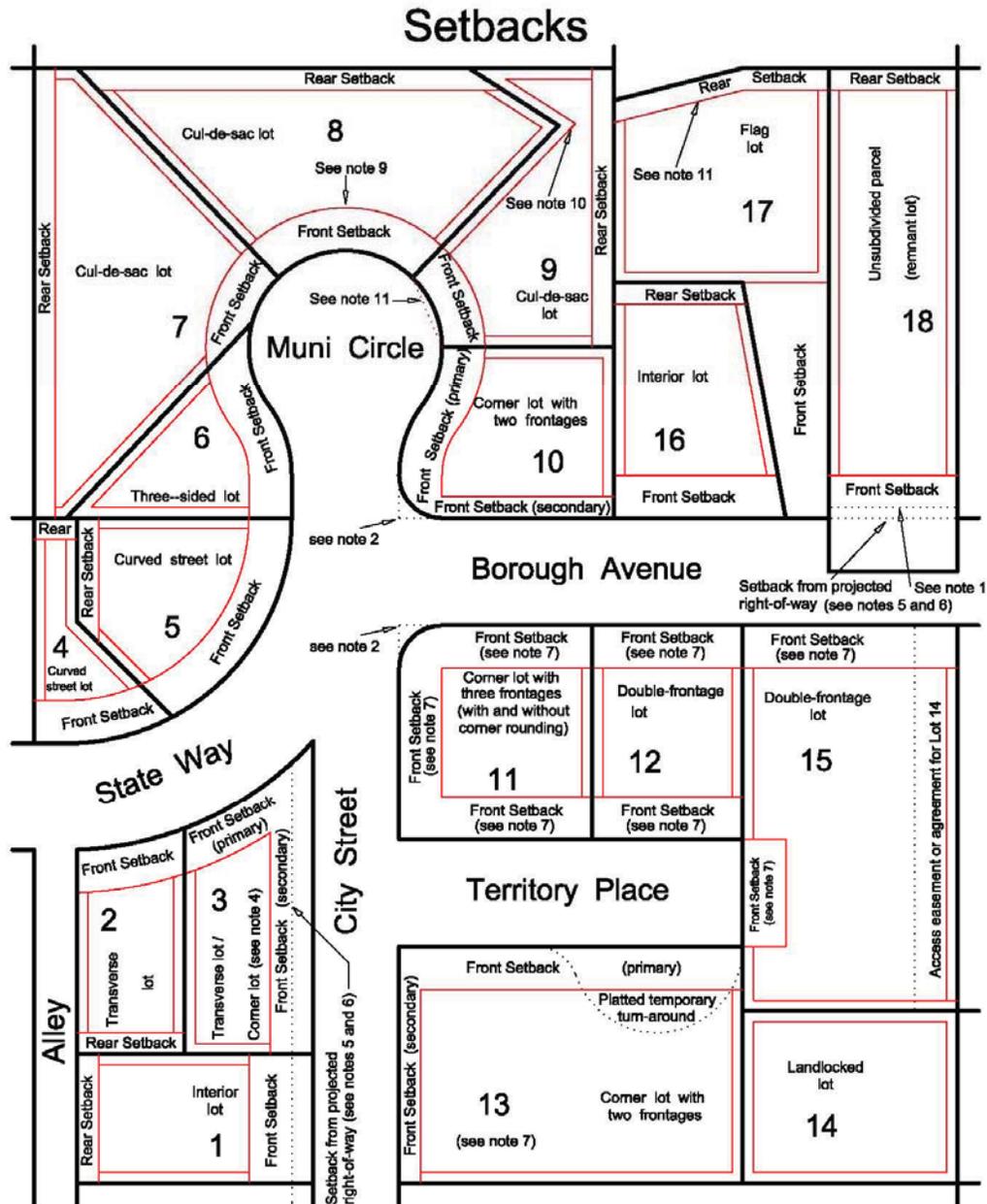
25          d.    **FAR Bonus Agreement**

26          Where a special feature is to be provided in order to receive an FAR bonus, the  
27          owner shall enter into a written agreement with the municipality ensuring the  
28          continued provision of the special feature for as long as the development uses

1 the FAR bonus. The municipality shall record the agreement at the district  
2 recorder's office as a covenant running with the land, binding upon the owner  
3 and all successors and assigns, and enforceable by the municipality.  
4 Recordation of the agreement shall take place prior to the issuance of any  
5 entitlement for the development.

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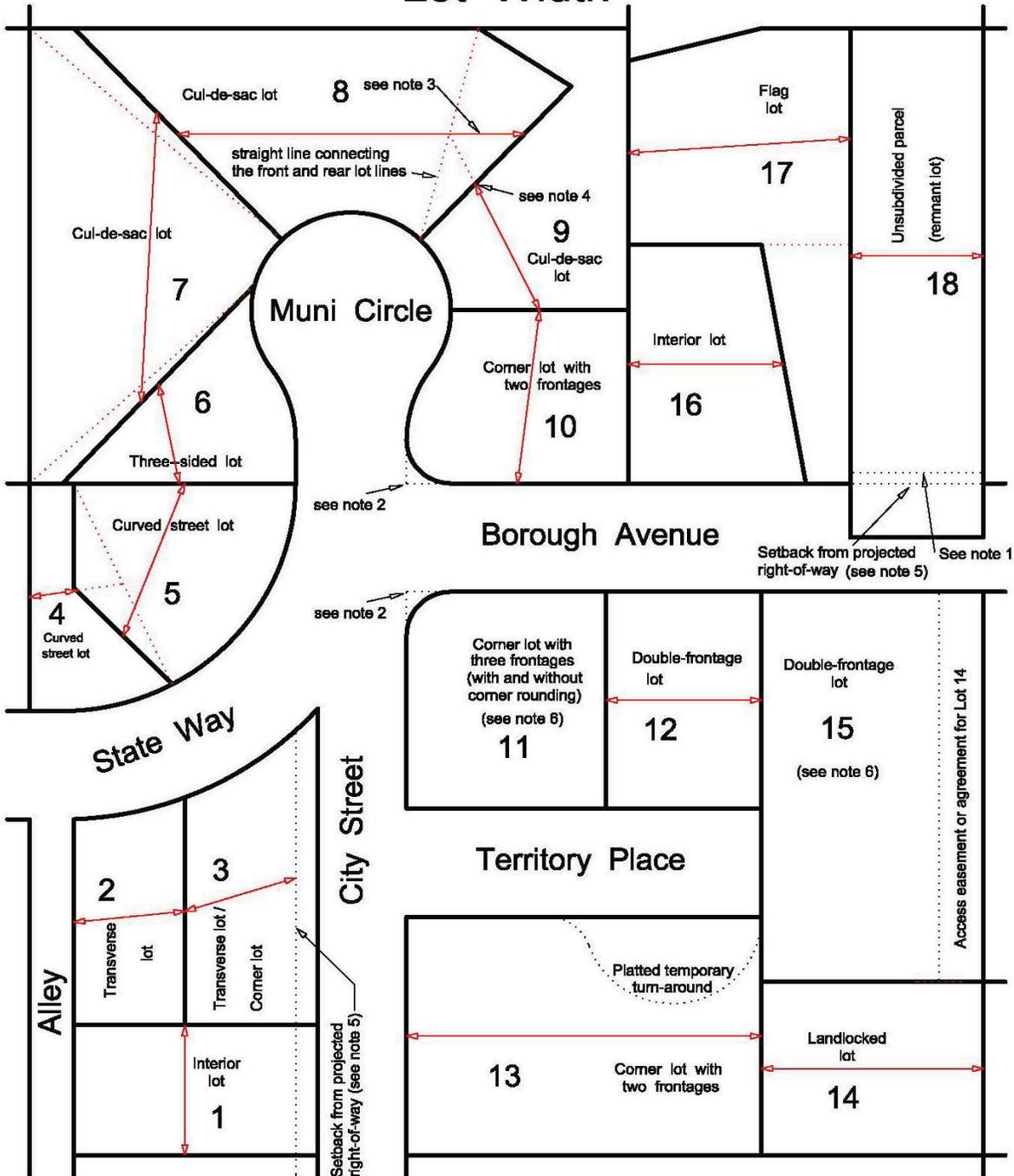


**Notes:**

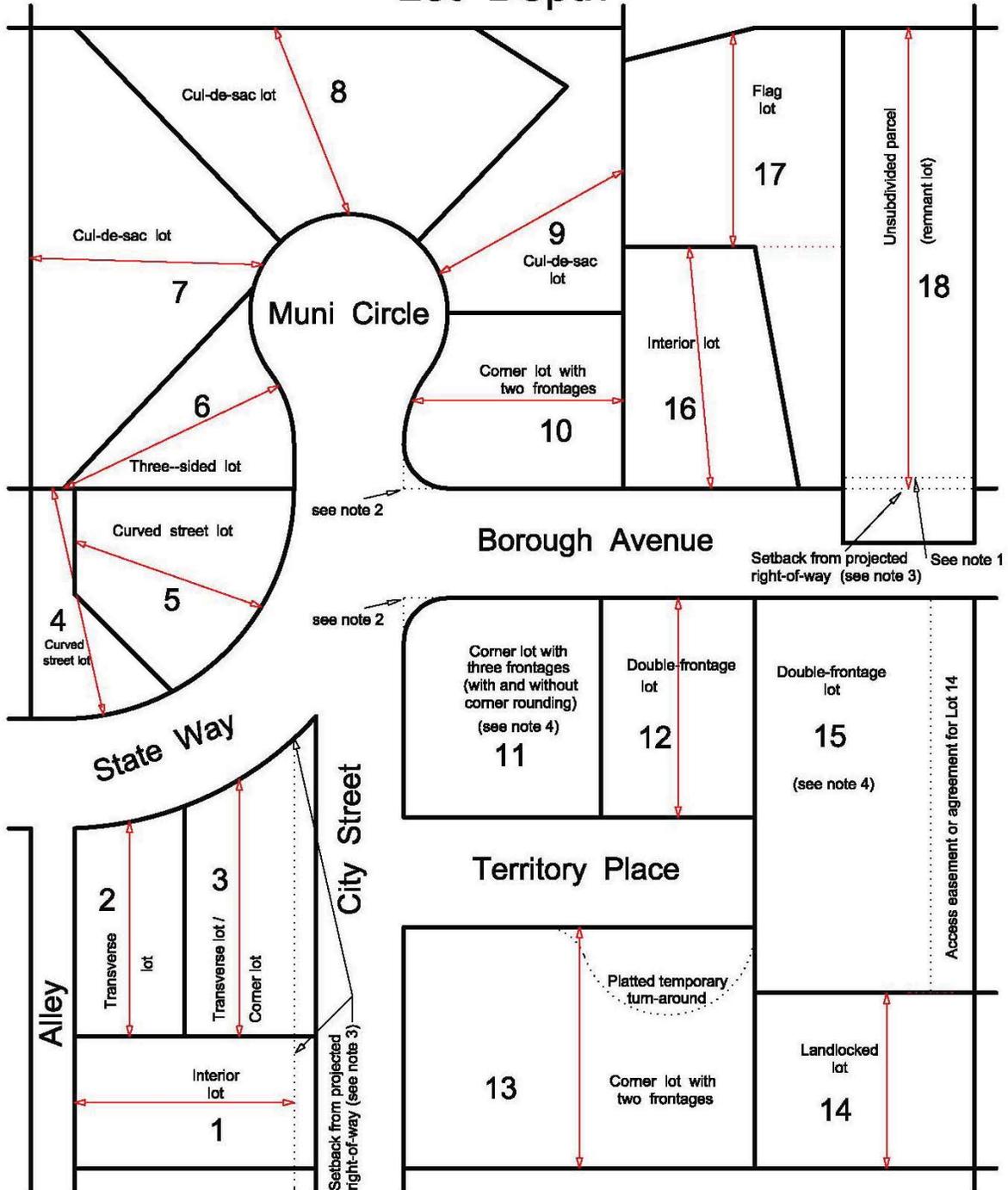
All setbacks not called out in the illustration are side setbacks.

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.

## Lot Width

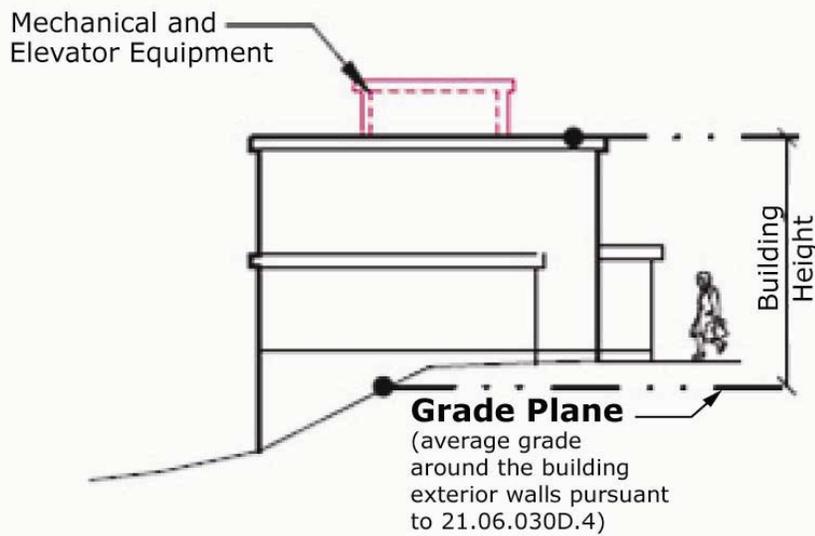
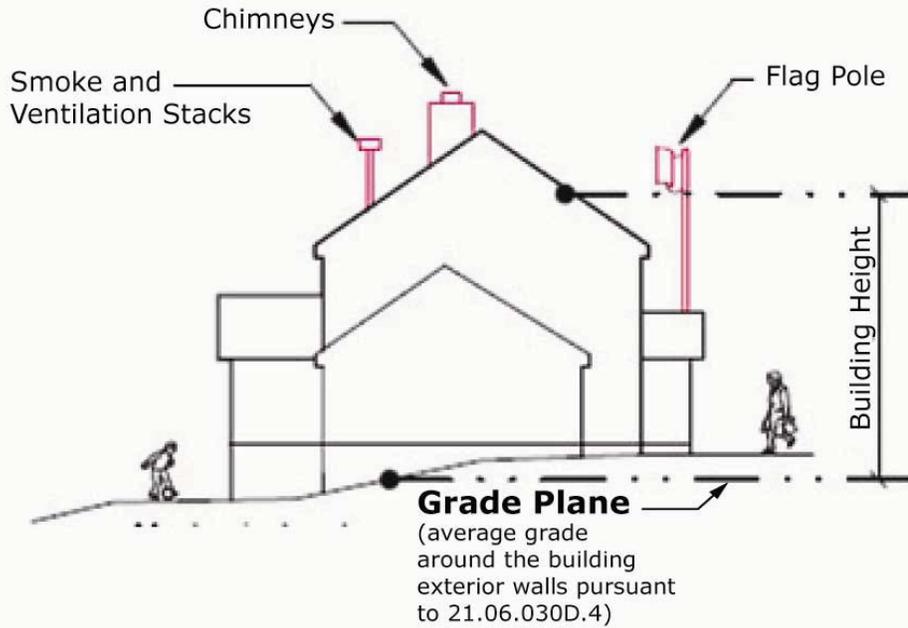


## Lot Depth

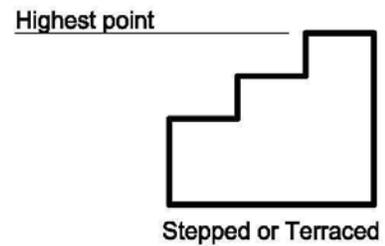
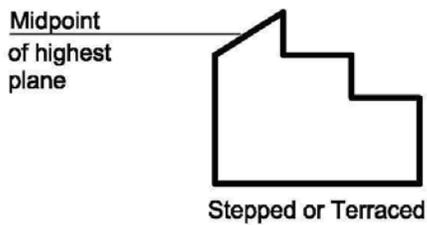
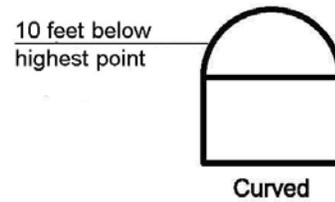
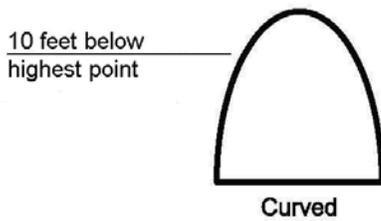
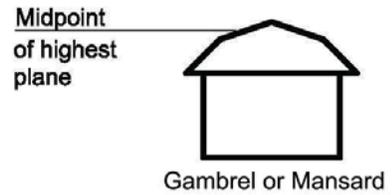
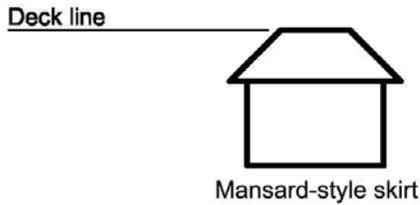
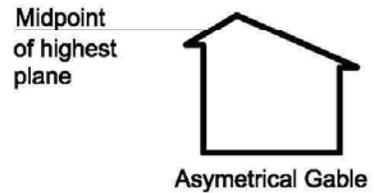
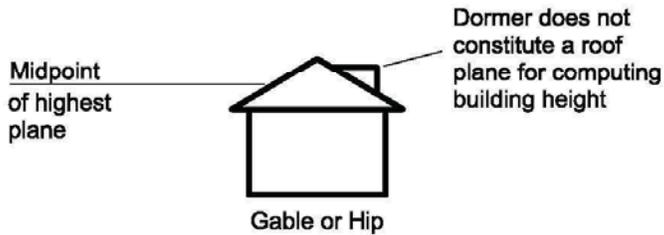
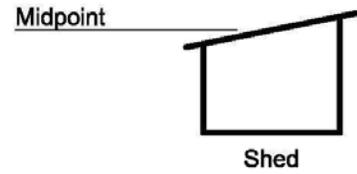
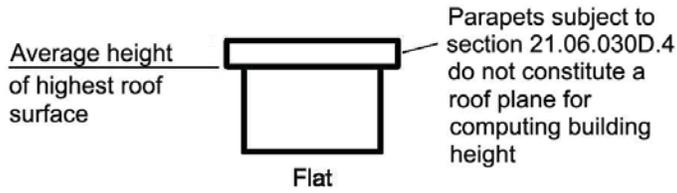


Notes:

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.



## Grade Plane for Measurement of Building Height



# CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS

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## 21.07.010 GENERAL PROVISIONS

### A. Purpose

The development and design standards set forth in this chapter shall apply to the physical layout and design of development in the municipality. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community. The specific purposes of this chapter include:

1. To encourage the proper use of the land by promoting an appropriate balance between the built environment and the preservation and protection of open space and natural resources;
2. To provide standards that reasonably balance community goals, economic growth, quality of life, and development costs;
3. To protect public and private investment through preservation of open spaces, protection of natural resources including existing trees, providing buffers between incompatible uses and along roadways, and encouraging the planting of new trees and vegetation as deemed appropriate;
4. To promote sound management of water quality and quantity through preservation of natural areas and their hydrological functions and by encouraging soil management and the use of native plant materials;
5. To provide a healthy, sustainable living and working environment by encouraging design and development that reduces energy use and costs; minimizes pollution; provides natural, cultural, and recreational amenities; and uses land and other resources efficiently and sustainably;
6. To provide appropriate standards to ensure a high quality appearance for the municipality and promote good design while also allowing flexibility, individuality, creativity, and artistic expression;
7. To provide development and design standards that address and are tailored to the municipality's northern climate and winter city character;
8. To strengthen and protect the image, identity, and unique character of the municipality and thereby to enhance its business economy;
9. To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of the surrounding area;
10. To encourage developments that relate to adjoining public streets, open spaces, and neighborhoods with building orientation and physical connections that contribute to the surrounding network of streets, walkways, **pathways**, and trails; and
11. To provide multimodal connectivity for the safe and efficient movement of people, goods, and services, including roads, transit, and pedestrian facilities.

1 **B. Buildings to Have Access**

2 Every building shall be on a lot abutting on a constructed public street with principal access to  
3 such street, or with access to a constructed private street approved by the appropriate fire  
4 authority, **public works** [PROJECT MANAGEMENT AND ENGINEERING] department,  
5 development services department, traffic department, and planning department. This standard  
6 may be waived by approval of the municipal engineer, traffic engineer, and the director.

7 **C. Addresses**

8 It is the responsibility of the property owner to affix street address numbers assigned by the  
9 municipality to the affected building(s) or on another structure (natural or otherwise) nearer to the  
10 street, to be plainly visible and legible from the street named in the address. Sub-addresses **shall**  
11 **[MUST]** also be visible when approaching the building and on each applicable entrance.

12 **D. Alternative Equivalent Compliance**

13 **1. Purpose**

14 Alternative equivalent compliance is a procedure that allows development to meet the  
15 intent of the design-related provisions of this chapter through an alternative design. It is  
16 not a general waiver or weakening of regulations. Rather, the procedure permits a site-  
17 specific plan that is equal to or better than the strict application of a design standard  
18 specified in this title. This procedure is not intended as a substitute for a variance or  
19 administrative modification or as a vehicle for relief from standards in this chapter.

20 **2. Applicability**

21 The alternative equivalent compliance procedure shall be available only for the following  
22 sections of this chapter:

- 23 a. Section 21.07.100, *Residential Design Standards*;
- 24 b. Section 21.07.110, *Public/Institutional and Commercial Design Standards*;
- 25 c. Section 21.07.120, *Large Commercial Establishments*; **and** .]
- 26 **d. Subsection 21.09.080, *Building Design Standards (Girdwood)*.**

27 **3. Pre-Application Conference Required**

28 An applicant proposing to use alternative equivalent compliance under this section shall  
29 request and attend a pre-application conference prior to submitting the site plan for the  
30 development, to determine the preliminary response from the director. Based on that  
31 response, the site plan application shall include sufficient explanation and justification, in  
32 both written and graphic form, for the alternative compliance requested.

33 **4. Decision-Making Responsibility**

34 Final approval of alternative equivalent compliance under this section shall be the  
35 responsibility of the decision-making body responsible for deciding upon the application.  
36 For example, proposed alternative equivalent compliance on a major site plan application  
37 shall be considered and decided upon by the urban design commission. By-right projects  
38 that would not ordinarily require review under this title, yet which are proposing  
39 alternative equivalent compliance, shall receive written approval of the alternative  
40 equivalent compliance from the director.

41 **5. Timing of Decision**

42 If the director is the decision-making body, the director shall render a written decision  
43 within 30 days of receipt of an application for alternative compliance. Should a decision  
44 not be rendered within 40 days, the application shall stand as approved.

1           **6.     Criteria**

2           To grant a request for alternative equivalent compliance, the decision-making body shall  
3           find that all of the following criteria are met:

4           **a.**       The proposed alternative design achieves the intent of the subject design  
5           standard to the same or better degree than the subject standard.

6           **b.**       The proposed alternative design achieves the goals and policies of the  
7           comprehensive plan to the same or better degree than the subject standard.

8           **c.**       The proposed alternative design results in benefits to the community that are  
9           equivalent to or better than compliance with the subject design standard.

10          **7.     Effect of Approval**

11          Alternative compliance shall apply only to the specific site for which it is requested and  
12          does not establish a precedent for assured approval of other requests.

13   **21.07.020    NATURAL RESOURCE PROTECTION**

14   **A.     Purpose**

15          The municipality contains many natural amenities, including streams, natural drainages, wildlife  
16          habitat areas, water bodies, scenic features such as mountains and coastal areas, wetlands, and  
17          hillsides, as well as significant amounts of native forest, tree cover, and open space, all of which  
18          contribute to the municipality's character, public health, quality of life, and property values. The  
19          requirements of this section are intended to ensure that the natural character of the municipality is  
20          reflected in patterns of development and redevelopment, and significant natural features are  
21          incorporated into open space areas.

22   **B.     Stream, Water Body, and Wetland Protection**

23          **1.     Purpose**

24          The following requirements are intended to promote, preserve, and enhance the  
25          important hydrologic, biological, ecological, aesthetic, recreational, and educational  
26          functions provided by streams, associated riparian areas, water bodies, and wetlands,  
27          particularly by minimizing impervious surface and by reducing erosion and the  
28          contamination of streams, wetlands, and water bodies by pollutants or invasive plants.

29          **2.     Applicability**

30          This subsection 21.07.020B. shall apply to new development, except for the following  
31          development or activities:

32          **a.**       Maintenance and repair of existing public roads, utilities, and other public  
33          facilities within an existing right-of-way or easement, or otherwise within a  
34          setback;

35          **b.**       Flood prevention or rehabilitation work carried out by a government agency or  
36          approved by a government agency;

37          **c.**       Maintenance and repair of flood control structures and activities in response to a  
38          flood emergency; and

39          **d.**       Wetland, stream channel, and wildlife habitat restoration, construction, and/or  
40          enhancement that improves or restores the wetland or stream functions, provided  
41          that the proposed activity is approved by the appropriate agency such as the  
42          U.S. Corps of Engineers or the Alaska department of fish and game.

1           **3. Relationship to Other Regulations**

- 2           **a.** This subsection 21.07.020B. does not repeal or supersede any existing federal,  
3 state, or local laws, easements, covenants, or deed restrictions. When this  
4 subsection imposes a higher or more restrictive standard than found in another  
5 applicable ordinance, statute, or regulation, this subsection shall apply.
- 6           **b.** No person shall engage in any activity that will disturb, remove, drain, fill, dredge,  
7 clear, destroy, or alter any area, including vegetation, within a wetland that falls in  
8 the jurisdiction of the federal government and its agencies, except as may be  
9 expressly allowed under a permit issued by the appropriate federal agency.
- 10           **c.** The decision-making body shall not grant final approval to any development or  
11 activity, including subdivisions, in a wetland that falls within the federal  
12 government's jurisdiction until all necessary federal approvals and permits have  
13 been obtained.

14           **4. Buffer/Setback Requirements**

15           **a. Water Courses**

- 16           **i.** In all zoning districts, buildings, accessory structures, and parking lots  
17 shall be set back at least 50 feet horizontally from the ordinary high-  
18 water mark on each side of streams or, if not readily discernible, from  
19 each side of the defined bank of the stream. Except as provided in B.6.  
20 below, no disturbance is permitted in the 50-foot setback area.
- 21           **ii.** In all zoning districts, buildings, accessory structures, and parking lots  
22 shall be set back at least 10 feet horizontally from the edge of each side  
23 of drainageways and ephemeral channels defined or verified by the  
24 **public works** [PROJECT MANAGEMENT AND ENGINEERING]  
25 department. Except as provided in B.6. below, no disturbance is  
26 permitted in the 10-foot setback area. The **public works** [PROJECT  
27 MANAGEMENT AND ENGINEERING] department may require a greater  
28 setback, if in their professional judgment, the additional setback is  
29 necessary to provide for groundwater discharge zones or infiltration  
30 areas, the disturbance of which would alter natural flow characteristics.
- 31           **iii.** Segments of streams or tributaries that are contained underground in  
32 pipes or culverts have no setback.
- 33           **iv.** For parcels where there are wetlands contiguous with a stream, setback  
34 requirements are listed in table 2 of the *Anchorage Wetlands*  
35 *Management Plan*.

36           **b. Alternate Setback Option for Stream Corridor**

- 37           **i.** A stream channel alteration project may develop a "stream corridor"  
38 containing appropriate meander widths distributed based on topographic  
39 design. Where established, the "stream corridor" shall be the stream  
40 setback for the purposes of municipal code.
- 41           **ii.** The stream corridor width shall be subject to **public works** [PROJECT  
42 MANAGEMENT AND ENGINEERING] department approval.
- 43           **iii.** Stream corridor widths shall be based on appropriate reference stream  
44 reaches, considering slope, soils, discharge, elevation, and channel  
45 pattern and function and shall not be less than 100 feet wide.

- 1                   iv.     The design of the stream channel alteration may meander within this  
2                   corridor. Channel alteration design shall comply with subsections 6.c.  
3                   and 6.d. below. The ordinary high water mark of the designed channel  
4                   shall not come within 25 feet of the edge of the corridor, and not more  
5                   than 20 percent of its length shall be within 25 to 35 feet of the edge of  
6                   the corridor.
- 7                   v.     Before site work begins, the stream corridor shall be established by a  
8                   recorded survey or an approved plat.
- 9                   c.     **Wetlands**
- 10                  i.     To the maximum extent feasible, class A and those class B wetlands  
11                  which, as a result of a U.S. Corps of Engineers decision or permit  
12                  condition, are not authorized for development, shall be platted into  
13                  separate tracts and not included as part of a development lot. Wetland  
14                  classes are defined and delineated in the *Anchorage Wetlands*  
15                  *Management Plan*.
- 16                  ii.    Except as provided in B.6. below, all buildings, accessory structures, fills  
17                  and other storage of materials, and parking lots shall be set back at least  
18                  15 feet horizontally from the delineated edge of all class A wetlands, and  
19                  all portions of class B and C wetlands not authorized for development; no  
20                  disturbance is permitted in the 15-foot setback area.
- 21                  d.     **Water Bodies**
- 22                  In all districts, buildings, accessory structures, and parking lots shall be set back  
23                  at least 25 feet horizontally from the edge of water bodies. The setback shall be  
24                  vegetated, except for minimal areas to allow for access to those uses such as  
25                  docks, boathouses, and floatplane storage that require direct access to a water  
26                  body by their very nature or function.
- 27                  e.     **Credit for Other Requirements of this Title**
- 28                  Stream, water body, and wetland setback areas shall be credited toward any  
29                  applicable private open space requirements or landscaping requirements only if  
30                  such setback areas serve the purposes of those requirements as set forth in this  
31                  title.
- 32                  5.     **Boundary Delineation**
- 33                  a.     **Official Definitions and Standards**
- 34                  i.     In cases where water courses or water bodies are not mapped and  
35                  recorded in official plans or other documents, delineation of such  
36                  features shall be made according to **public works** [PROJECT  
37                  MANAGEMENT AND ENGINEERING] department procedures, and shall  
38                  be subject to formal verification by the **public works** [PROJECT  
39                  MANAGEMENT AND ENGINEERING] department.
- 40                  ii.    In cases where wetlands are not mapped and recorded in official plans  
41                  or other documents, including the *Anchorage Wetlands Management*  
42                  *Plan*, delineation of such features shall be performed using procedures  
43                  as described by the U.S. Corps of Engineers. Delineations shall be  
44                  subject to formal verification by the department and/or the U.S. Corps of  
45                  Engineers.
- 46                  b.     **Water Course Boundaries**
- 47                  Water course boundaries shall be delineated at the ordinary high-water mark or,  
48                  if not readily discernible, the defined bank of the stream, as those terms are

1 defined in chapter 21.14. In those instances where the defined bank of the water  
2 course is not readily discernable, the **public works** [PROJECT MANAGEMENT  
3 AND ENGINEERING] department shall establish the effective ordinary high-  
4 water mark. The **public works** [PROJECT MANAGEMENT AND ENGINEERING]  
5 department shall maintain the official record of all water course boundaries.

6 **c. Wetland Boundaries**

7 **i. Mapped Wetlands**

8 Boundary delineation of wetlands shall be established by reference to  
9 the *Anchorage Wetlands Management Plan*, which is available for  
10 reference in the department and which is hereby adopted and  
11 incorporated into this title by reference. Plats shall depict class A and B  
12 wetland boundaries, and boundaries of class C wetlands that are not  
13 authorized for development.

14 **ii. Unmapped Wetlands**

15 The review of a development proposal may discover a potential wetland  
16 that has not been mapped or for which the boundaries have not been  
17 clearly established. In such instances, the boundaries of the wetland  
18 shall be delineated according to subsection 5.a.ii. above. Any new  
19 wetland boundaries delineated herein shall be submitted to the U.S.  
20 corps of engineers for approval.

21 **6. Development Standards**

22 **a. Activities, Uses, and Structures Allowed in a Required Water Course or**  
23 **Wetland Setback With Prior Approval, As Noted**

24 **i.** With the appropriate approvals and/or permits and in accordance with  
25 the conditions of subsection 6.c. below, maintenance, including  
26 placement of riprap, debris removal, glaciation control, sediment  
27 removal, protection of adjacent or downstream property from flooding,  
28 soil stabilization, and erosion control, may be performed within the water  
29 course and/or the setbacks described in B.4. above. Appropriate  
30 approvals and/or permits may include a U.S. Corps of Engineers permit,  
31 a municipal flood hazard permit, or a storm water treatment plan  
32 approval.

33 **ii.** Channel alteration, including restoration and relocation projects, with  
34 appropriate state and federal permits and in accordance with the  
35 conditions of 6.c. below, are allowed.

36 **iii.** Culvertization of water courses, with any appropriate permits, is allowed.

37 **iv.** Redevelopment of structures or uses existing on [effective date] is  
38 allowed in the setback where:

39 **(A)** The director determines there is no practical or feasible  
40 alternative to encroaching into the setback; and

41 **(B)** The redevelopment does not increase the encroachment over  
42 the existing situation.

43 **v.** On undeveloped platted lots existing before [effective date] where the  
44 director determines the setback precludes practical or feasible  
45 development of the lot, the director shall approve a site plan that allows  
46 but minimizes encroachment into the setback.

- 1                   **b.     *Activities, Uses, and Structures Allowed in a Required Water Course or***  
2                   ***Wetland Setback Without Prior Approval, Unless Specifically Noted***  
3                   i.       The following structures and uses of land or structures are permitted  
4                   generally perpendicular to the setback or stream edge within the stream,  
5                   drainageway, ephemeral channel, wetland, and water body setback,  
6                   where it is necessary in order to cross or enter the feature:
- 7                   (A)     Roads, driveways, trails, and other transportation and public  
8                   recreation facilities;
- 9                   (B)     Utility facilities pursuant to 6.d. below;
- 10                  (C)     Drainage facilities, in accordance with subsection 21.07.040 and  
11                  approved by the **public works** [PROJECT MANAGEMENT AND  
12                  ENGINEERING] department.
- 13                  ii.     The following structures and uses of land or structures are permitted  
14                  parallel to the stream within the outer 15 feet of the setback:
- 15                  (A)     Public recreation facilities other than trails;
- 16                  (B)     Utility facilities pursuant to 6.d. below;
- 17                  (C)     Drainage facilities, in accordance with subsection 21.07.040 and  
18                  approved by the **public works** [PROJECT MANAGEMENT AND  
19                  ENGINEERING] department; and
- 20                  (D)     Lawns, landscaping, play equipment, fences, pervious decks,  
21                  unpaved patios, and other similar features that are based on a  
22                  pervious surface.
- 23                  iii.    Trails are permitted parallel to the stream within the outer 35 feet of the  
24                  setback. Through the design and permitting process, trails may be  
25                  located closer to the stream for a justified reason, such as overcoming a  
26                  physical, topographical, or land ownership constraint, or taking  
27                  advantage of a viewpoint.
- 28                                   *[Illustration to be added]*
- 29                  iv.     All disturbed areas associated with permitted activities shall be  
30                  revegetated with landscaping similar to the natural vegetation of the  
31                  area. Revegetation shall occur during the same growing season as the  
32                  permitted activity, unless otherwise permitted by the director.
- 33                  **c.     *Conditions***  
34                  All work within a water course or water course setback, whether permitted by-  
35                  right or allowed through a specific approval process, shall meet the following  
36                  conditions, along with any other required permits:
- 37                  i.       Materials used or the removal of ground cover shall not create turbidity  
38                  or other water quality problems;
- 39                  ii.     There shall be no increase in flooding or erosion problems upstream or  
40                  downstream;

- 1                           iii.     If applicable, flow lines of the altered section of the water course shall  
2    match those in the existing water course at the endpoints of the  
3    alteration;
- 4                           iv.     If applicable, the gradient/meander balance, grade control, and bed  
5    stability shall be adequate to maintain the natural stream function of  
6    water conveyance and sediment transport, in accordance with the  
7    judgment of the **public works** [PROJECT MANAGEMENT AND  
8    ENGINEERING] department; and
- 9                           v.     If applicable, the alteration shall have no negative effect on fish habitat.
- 10                       d.     **Prohibited Activities**
- 11                           i.     No person shall engage in any activity that will disturb, remove, fill, drain,  
12    dredge, clear, destroy, or alter an area, including vegetation, within water  
13    courses, water body edges, wetlands, or their associated setback areas,  
14    except as may be expressly allowed in this section or title.
- 15                           ii.    Except as allowed in 6.a. and 6.b. above, channel alteration is prohibited  
16    unless required in emergency situations. In emergency situations, the  
17    municipal engineer shall be notified on the next business day after  
18    channel alteration has begun. After inspection, the municipal engineer  
19    shall prescribe any measures necessary to meet the conditions of 6.c.  
20    above. For the purposes of this standard, an "emergency" is a situation  
21    which would result in an unacceptable hazard to life, a significant loss of  
22    property, or an immediate, unforeseen, and significant economic  
23    hardship if corrective action requiring a permit is not undertaken  
24    immediately.
- 25                           iii.    No storage or processing of hazardous materials or other substances  
26    that would constitute a violation of AMC chapter 15.40 is permitted.
- 27                       e.     **Utilities**
- 28    Utilities and potable water wells, may be allowed in a setback area only if the  
29    decision-making body determines that there is no practical alternative. Any  
30    disturbance of the setback area shall be reclaimed by regrading to original  
31    contours and revegetation with native species. Provisions for reclamation of the  
32    disturbed area shall be included in any development or improvements agreement  
33    for the project, with adequate collateral to guarantee the reclamation will be  
34    completed. Utility corridors in setback areas shall be located at the outside edge  
35    of the area or if crossing the setback laterally shall disturb only the minimum area  
36    necessary to install the utility. Access roads for maintenance of utilities shall be  
37    located outside the setback area to the maximum extent feasible. Access for  
38    maintenance of utilities in setback areas shall be at specific points rather than  
39    parallel to the utility corridor whenever possible.
- 40                       f.     **Recreation, Education, or Scientific Activities**
- 41    Structures and improvements for recreational, educational, or scientific activities  
42    such as trails, swimming beaches, docks, fishing access, and wildlife  
43    management and viewing may be permitted in a setback area by the appropriate  
44    government agency.
- 45                       7.     **Preservation and Restoration of Vegetation**
- 46    All existing vegetation within the stream or wetland setback area shall be preserved and,  
47    where necessary to repair damaged riparian areas, supplemented with additional native  
48    planting and landscaping. The removal of trees or vegetation that are a threat to the

1 public health, safety, or welfare; the removal of species identified as invasive by the state  
2 of Alaska; or the removal of dead or naturally fallen trees or vegetation, shall be exempt  
3 from this requirement.

4 **8. Implementation of Anchorage Wetlands Management Plan**

5 **a. Zoning and Platting Actions**

6 Zoning and platting actions taken under this title shall be consistent with the  
7 *Anchorage Wetlands Management Plan* and the applicable standards described  
8 below.

9 **i. "A" Wetlands**

10 Wetlands designated "A" in the *Anchorage Wetlands Management Plan*  
11 and in table 2 of that plan shall be protected as indicated in that table  
12 and in chapter 4 of the *Anchorage Wetlands Management Plan*.

13 **ii. "B" Wetlands**

14 New development plans in "B" wetlands shall obtain a U.S. Corps of  
15 Engineers permit, concurrent with or prior to necessary approval by the  
16 platting board and/or the planning and zoning commission. In order to  
17 maximize protection of wetlands designated "B," in addition to the criteria  
18 normally considered in subdivision, site plan, and conditional use  
19 applications, the platting authority or the planning and zoning  
20 commission shall, prior to approval, make explicit findings that, or the  
21 applicant shall certify with their U.S. Corps of Engineers permit that:

22 **(A)** The proposed design and placement of roadways, utility lines,  
23 and structures will not interfere with the natural drainage function  
24 indicated in the required hydrologic studies or that such  
25 interference can be adequately mitigated to maintain the natural  
26 drainage function;

27 **(B)** The soils in the area proposed for development shall adequately  
28 support roadways and structures, or that properly designed  
29 roads and foundations will be provided; and

30 **(C)** Habitat areas identified in federal, state, or municipal documents  
31 shall be adequately protected.

32 Maintenance of open space in its natural state shall be required where  
33 the platting authority or the planning and zoning commission determines  
34 that such open space is necessary to protect the hydrologic and habitat  
35 values of wetlands on the property being developed or on adjacent  
36 property. Areas where open space is to be preserved in its natural state  
37 shall be indicated on the plat or approved site plan. The platting  
38 authority and planning and zoning commission may require such land  
39 development techniques and such additional conditions as may be  
40 appropriate to carry out the intent of the *Anchorage Wetlands*  
41 *Management Plan* and such other wetlands studies as may be relevant.

42 **iii. "C" Wetlands**

43 When approving plats or conditional use permits in wetlands designated  
44 "C" under the plan, the platting authority or the planning and zoning  
45 commission shall, whenever applicable, include the recommended  
46 construction mitigation techniques and conditions and enforceable  
47 policies in table 2 of the *Anchorage Wetlands Management Plan*.

1           **b.     Application of Plan to Approved Projects**

2           Conditional uses and preliminary plats approved prior to March 12, 1996, the  
3           date of adoption of the revised *Anchorage Wetlands Management Plan*, shall not  
4           have additional conditions imposed upon them as a result of requirements of the  
5           plan except as follows:

6                   i.       The "A" designation shall apply regardless of prior approvals.

7                   ii.      Approved plats or conditional uses in wetlands that are returned to the  
8                   planning authority or planning and zoning commission for major  
9                   amendment may be examined for conformity with goals and enforceable  
10                  policies of the *Anchorage Wetlands Management Plan*.

11                  iii.     A new U.S. Corps of Engineers permit is required.

12 **C.     Steep Slope Development**

13       **1.     Purpose**

14       The purpose of this subsection 21.07.020C. is to establish standards that help achieve  
15       the following objectives for development on steep slopes:

16           a.       Prevent soil erosion and landslides;

17           b.       Provide safe circulation of vehicular and pedestrian traffic to and within hillside  
18           areas and to provide access for emergency vehicles necessary to serve the  
19           hillside areas;

20           c.       Encourage only minimal grading that relates to the natural contour of the land  
21           and discourage mass grading of large pads and excessive terracing;

22           d.       Encourage building types, grading design, lot sizes, site design, density,  
23           arrangement, and spacing of buildings in developments in sloped areas that  
24           integrate into the natural terrain with minimal re-contouring, in accordance with  
25           adopted goals and policies;

26           e.       Encourage innovative architectural, landscaping, circulation, and site design;

27           f.       Encourage the protection of visually significant and/or prominent natural features,  
28           such as ridgelines and rock outcroppings;

29           g.       Incorporate drainage design that does not adversely impact neighboring or  
30           nearby properties, downstream properties, receiving waters, and public  
31           infrastructure; and

32           h.       Encourage the retention of natural, indigenous vegetation that provides wildlife  
33           habitat, helps retain runoff, and maintains the area's visual character.

34       **2.     Applicability**

35       Any lot with an average slope of 20 percent or greater, or where adverse conditions  
36       associated with slope stability, erosion, or sedimentation are present as determined by  
37       the municipal engineer, shall comply with the standards of this subsection 21.07.020C.  
38       Lots being subdivided shall comply with chapter 21.08, including subsection 21.08.030H.,  
39       *Subdivisions on Slopes*, if applicable.

40       **3.     Standards**

41       Except as allowed in subsection C.4. below, all proposed development subject to this  
42       section shall comply with the following standards.

- 1           a.     **Determination of Original/Natural Grade**  
2           Original/natural grade shall be as defined in chapter 21.14. If there has been  
3           previous development on the lot (e.g., gravel extraction), the director shall  
4           determine original/natural grade, taking into account the previous development,  
5           the existing grade of surrounding lots, the availability of information on pre-  
6           development grade, and the feasibility of using pre-development grade.
- 7           b.     **Slopes Greater than 30 Percent**  
8           That contiguous portion of any lot which is 5,000 square feet or larger with slopes  
9           steeper than 30 percent shall remain undisturbed, except as allowed in  
10          subsection C.4. below.
- 11          c.     **Site Disturbance Envelope**  
12          i.     There shall be a site disturbance envelope on each applicable lot. Earth  
13          disturbance and vegetation clearing shall be limited to the site  
14          disturbance envelope. Clearing, grubbing, or grading outside the site  
15          disturbance envelope is prohibited except to modify fuels in order to  
16          reduce fire risk, or to accommodate utility service connections.
- 17          ii.    The size of the site disturbance envelope shall be as follows:
- 18                  (A)    Lots less than 40,000 square feet: 60 percent of the lot area  
19                  maximum.
- 20                  (B)    Lots 40,000 square feet to two acres in area: 20,000 square feet  
21                  maximum.
- 22                  (C)    Lots over two acres but less than five acres: 30,000 square feet  
23                  maximum.
- 24                  (D)    Lots five acres or greater: 40,000 square feet maximum.
- 25          iii.   Areas outside the site disturbance envelope shall not be used for  
26          stockpiling materials or excess fill, construction vehicle access, storage  
27          of vehicles during construction, or similar uses. Temporary construction  
28          fencing shall be installed around the perimeter of the site disturbance  
29          envelope, to be removed after the final certificate of zoning compliance is  
30          issued.
- 31          iv.    The front setback of the lot may be reduced to 10 feet.
- 32          v.     If the average slope of the site disturbance envelope is less than 20  
33          percent, the development is exempt from subsections 3.e., 3.f., 3.g., 3.h.,  
34          and 3.i.
- 35          d.     **Cutting, Grading, and Filling**  
36          i.     Cutting and grading to create benches or pads for buildings or structures  
37          shall be limited to within the site disturbance envelope.
- 38          ii.    Cut and fill slopes shall be entirely contained within the site disturbance  
39          envelope. The toe of any fill slope not utilizing an engineered retaining  
40          structure, and any engineered retaining structure shall be a minimum of  
41          15 feet from any property line, except for the property line abutting the  
42          street from which driveway access is taken.

- 1  
2
- iii. Cut and fill slopes shall be designed to provide a natural transition into the existing terrain by feathering and rounding.
- 3  
4  
5
- e. ***Raising or Lowering of Natural Grade***  
The original, natural grade of a lot shall not be raised or lowered more than four feet at any point for construction of any structure or improvement, except:
- 6  
7  
8  
9
- i. The site's original grade may be raised or lowered a maximum of six feet if retaining walls are used to reduce the steepness of constructed slopes, provided that the retaining walls comply with the requirements set forth in this subsection.
- 10  
11  
12
- ii. As necessary to construct a driveway from the street to a garage or parking lot [AREA], grade changes or retaining walls up to six feet may be allowed.
- 13  
14  
15
- iii. For the purposes of this subsection 21.07.020C.3.e., basements and buildings set into a slope are not considered to lower the natural grade within their footprint.
- 16  
17  
18  
19  
20  
21  
22
- f. ***Retaining Walls***  
Retaining walls may be used to maximize the usable area on a lot within the site disturbance envelope. Generally, a retaining wall shall be no higher than six feet, except that a wall varied in height to accommodate a variable slope shall have an average height no greater than six feet and a maximum height no greater than eight feet in any 100-foot length. Parallel retaining walls may be used to overcome steep slopes, provided the following standards are met:
- 23  
24  
25  
26  
27
- i. The minimum distance between walls shall be six feet;
- ii. The maximum allowable slope between walls shall be 3H:1V; and
- iii. The area between the walls shall be landscaped with trees, shrubs, or both at a rate of 0.5 landscape units per linear foot measured along the length of the lower retaining wall.
- 28
- A higher wall is permitted:
- 29  
30
- i. Where used internally at the split between one- and two-story portions of a building; and
- 31  
32
- ii. Where substantially hidden from public view at the rear of a building, where it may not exceed the eave height of the building.
- 33  
34  
35
- g. ***Natural Drainage Patterns***
- i. Site design shall not change natural drainage patterns, except as provided below.
- 36  
37  
38
- ii. All grading and drainage shall comply with section 21.07.040, title 23, the *Design Criteria Manual* (current approved edition), and the municipality's *Storm Water Treatment Plan Review Guidance Manual*.
- 39  
40  
41  
42
- iii. Except where otherwise provided in this section, development shall preserve the natural surface drainage pattern unique to each site as a result of topography and vegetation. Grading shall ensure that drainage flows away from all structures. Natural on-site drainage patterns may be

- 1 modified on site only if the applicant shows that there will be no  
2 significant adverse environmental impacts on site or on adjacent  
3 properties. If natural drainage patterns are modified, appropriate  
4 stabilization techniques shall be employed.
- 5 iv. Development shall not adversely impact adjacent and surrounding  
6 drainage patterns.
- 7 h. **Ground Cover and Revegetation**  
8 Ground cover and vegetation shall be maintained to control erosion and  
9 sedimentation. All areas that are denuded for any purpose shall be revegetated  
10 or the soils stabilized to prevent erosion and sedimentation prior to November 1  
11 of the year of construction. No excavation shall be permitted after November 1  
12 or before May 1 except under emergency conditions, as determined by the  
13 building official.
- 14 i. **Building Design Standards**  
15 The purpose of the building design standards is to minimize site disturbance,  
16 avoid extreme grading required by large building pads on steep slopes, and  
17 reduce the risk of damage from natural hazards.
- 18 i. All buildings and structures shall have a foundation which has been  
19 designed by a professional engineer, architect, or other qualified  
20 professional.
- 21 ii. At any given point, the height of the structure shall not exceed 25 feet  
22 above the original (natural) grade.
- 23 4. **Slopes Greater Than 30 Percent**  
24 a. **Purpose**  
25 The requirements of this section are intended to allow consideration of  
26 development on slopes up to 50 percent. In order to assure the safety and  
27 stability of such development and to reduce offsite impacts, additional submittals  
28 are required as described in this subsection. Nothing in this subsection  
29 guarantees approval to disturb slopes greater than 30 percent.
- 30 b. **Applicability**  
31 If the site disturbance envelope as defined in C.3.c. above contains slopes over  
32 30 percent, the standards of this section shall apply.
- 33 c. **Slopes Greater Than 50 Percent**  
34 All slopes greater than 50 percent shall remain undisturbed.
- 35 d. **Existing Lots**  
36 Notwithstanding other standards of this section, lots existing on [effective date]  
37 that, due to the prevalence and/or distribution of slopes over 50 percent, are not  
38 able to meet these standards, are allowed a site disturbance envelope of 20,000  
39 square feet. Within this site disturbance envelope, slopes over 50 percent are  
40 allowed to be disturbed.
- 41 e. **Administrative Site Plan Review Required**  
42 Development on slopes greater than 30 percent but not exceeding 50 percent  
43 requires an administrative site plan review. In addition to the site plan approval  
44 criteria set forth in subsection 21.03.180E., the approval criteria in subsection  
45 4.g. below shall apply.

1                   **f.     Additional Submittal Requirements**

2                   In addition to the submittal requirements for an administrative site plan review,  
3                   the following information is required:

4                   i.       A geotechnical engineering report, stamped by an engineer licensed in  
5                   the state of Alaska, to include the following:

6                   **(A)**    Nature, distribution, strength, and stability of soils; conclusions  
7                   and recommendations for grading procedures; recommendations  
8                   for frequency of soil compaction testing, design criteria for  
9                   corrective measures; and opinions and recommendations  
10                  covering the adequacy of the site to be developed.

11                  **(B)**    Slope stability analysis: conclusions and recommendations  
12                  concerning the effects on slope stability of excavation and fill,  
13                  introduction of water (both on and offsite), seismic activity, and  
14                  erosion.

15                  **(C)**    Foundation investigation: conclusions and recommendations  
16                  concerning the effects of soil conditions on foundation and  
17                  structural stability, including permeability, bearing capacity, and  
18                  shear strength of soils.

19                  **(D)**    Specific recommendations for cut and fill slope stability, seepage  
20                  and drainage control, or other design criteria to mitigate geologic  
21                  hazards, slope failure, and soil erosion.

22                  **(E)**    Depth to groundwater in the wettest seasonal conditions, and to  
23                  bedrock, if less than 15 feet.

24                  **(F)**    Complete description of the geology of the site, a complete  
25                  description of bedrock and subsurface conditions and materials,  
26                  including artificial fill, soil depth, avalanche and mass wasting  
27                  hazard areas, fractures, or other significant features.

28                  **(G)**    A summary of field exploration methods and tests on which the  
29                  report is based, such as probings, core drillings, borehole  
30                  photography, or test pits. The public works [PROJECT  
31                  MANAGEMENT AND ENGINEERING] department shall confirm  
32                  that the analysis methods and age of data are a reliable gauge of  
33                  the site conditions and the potential impacts.

34                  ii.     A site development plan showing the following:

35                   **(A)**    Site disturbance envelope as set forth in C.3.c. above.

36                   **(B)**    Location of all driveways, and utility lines and installations.

37                   **(C)**    Location of all structures.

38                   **(D)**    Elevation drawings of all structures.

39                  iii.    Grading and drainage plans that provide the following:

- 1 (A) Topographic survey of existing conditions depicting at a  
2 minimum two foot contour intervals on a legible site map of one  
3 inch equaling 50 feet, or better.
- 4 (B) Proposed grading plan indicating limits of disturbed area,  
5 finished grade at minimum two foot contour intervals, proposed  
6 elevations of improvements, driveway grading at minimum 10  
7 foot intervals measured on centerline, delineation of cut and fill  
8 areas, constructed slopes, proposed drainage features, and  
9 related construction.
- 10 (C) Drainage plans showing approximate locations for all surface  
11 and subsurface drainage devices, retaining walls, dams,  
12 sediment basins, storage reservoirs, and other protective  
13 devices to be constructed with, or as part of, the proposed work,  
14 together with a map showing drainage area, how roof and other  
15 impervious surface drainage will be disposed, the complete  
16 drainage network, including outfall lines and natural drainage  
17 ways which may be affected by the proposed development, and  
18 the estimated volume and rate of runoff of the area served by the  
19 drains.
- 20 (D) A plan for erosion control and other specific control practices to  
21 be employed on the disturbed area where necessary.
- 22 iv. A revegetation plan that shows:
- 23 (A) The type, size, location, and grade of vegetation that will be used  
24 to complete the development plan and restore areas disturbed  
25 during construction, on a scaled plan of one inch equaling 30  
26 feet, or better.
- 27 (B) Slope stabilization measures to be installed.
- 28 g. **Standards**  
29 The following subsections apply to development under this subsection C.4.:
- 30 i. 21.07.020C.3.c., *Site Disturbance Envelope*;
- 31 ii. 21.07.020C.3.d., *Cutting, Grading, and Filling*;
- 32 iii. 21.07.020C.3.g., *Natural Drainage Patterns*;
- 33 iv. 21.07.020C.3.h., *Ground Cover and Revegetation*; and
- 34 v. 21.07.020C.3.i., *Building Design Standards*.
- 35 h. **Approval Criteria**  
36 i. The proposed development minimizes disruption of the natural  
37 topography and protects natural features on the site in their natural state  
38 to the greatest degree possible.
- 39 ii. The principal and accessory structures have been sited in such a  
40 manner as to protect natural features of the site, minimize grading,  
41 preserve the appearance of scenic vistas, and minimize the risk of  
42 property damage and personal injury from natural hazards.



- 1                   **b.**     All applicable discretionary approvals under this section shall be referred to the  
2                   Alaska department of fish and game, wildlife division, for their review, comments,  
3                   and recommendations, which shall be considered by the decision-making body.

4 **21.07.030 PRIVATE OPEN SPACE**

5 **A. Purpose**

- 6           1.     In residential development, private open space is intended to provide residents with  
7           opportunities for active and passive outdoor recreation, relaxation, and enjoyment. Open  
8           space enhances the quality and livability of new development and can preserve  
9           vegetation, access to light and air, and scenic views.
- 10          2.     In nonresidential development, private open space is intended to contribute to the  
11          walkability and general quality of the public realm, and to provide employees and  
12          customers with space for active or passive recreation and relaxation.

13 **B. Applicability and Open Space Requirement**

14     Development shall be required to set aside private open space according to the following  
15     minimum requirements. Single-family, two-family, and townhouse residential uses are exempt.  
16     For the purposes of this section, gross floor area shall not include floor area devoted to parking or  
17     loading, or indoor private open space that meets the standards of C.4. below.

- 18          1.     R-2M and R-2F districts: 480 square feet of private open space per dwelling unit, or an  
19          area equal to five percent of the gross floor area of group living uses or nonresidential  
20          development.
- 21          2.     R-3 district: 400 square feet of private open space per dwelling unit. At least half of the  
22          private open space shall be shared in common among the units. Group living uses and  
23          nonresidential development shall provide an area equal to five percent of the gross floor  
24          area for open space.
- 25          3.     R-4 and R-4A districts: For a multifamily use with townhouse-style construction, 225  
26          square feet of private open space per dwelling unit, to be provided for the exclusive use  
27          of each dwelling unit per C.2. below; for non-townhouse-style multifamily uses, 125  
28          square feet of private open space per dwelling unit, and at least half of the private open  
29          space shall be shared in common among the units. Group living uses and nonresidential  
30          development shall provide an area equal to five percent of the gross floor area for open  
31          space.
- 32          4.     B-1A, B-3, RO, NMU, CMU, and RMU, and nonresidential development in residential  
33          districts:
- 34                  **a.**     Private open space equal to five percent of the gross floor area of the  
35                  nonresidential portion of the development shall be provided.
- 36                  **b.**     Where dwelling units are part of the development, an additional 120 square feet  
37                  of private open space per dwelling unit shall be provided, which shall not be  
38                  combined with private open space for the nonresidential portion of the  
39                  development.
- 40          5.     DT and MT districts: [to be determined through Downtown Plan and Midtown Plan and  
41          regulations processes]

42 **C. Exemptions**

43     The following are exempt from the private open space requirement:

- 1           1.     Parks and Open Areas, Public Safety Facility, Transportation Facility, Utility Facility,  
2                     Telecommunication Facility, Agricultural Uses, Vehicles and Equipment, Manufacturing  
3                     and Production, Warehouse and Storage, and Waste and Salvage use categories;
- 4           2.     Any building floor area devoted to parking and/or loading; and
- 5           3.     Any building with less than 1,000 square feet of gross floor area.

6   **D.     Standards**

7           1.     **Areas Not Credited**  
8                     Lands within the following areas shall not be counted towards required private open  
9                     space areas:

- 10           a.     Setbacks with average slopes over 10 percent;
- 11           b.     Drainage easements, ditches, swales, and other areas intended to collect and  
12                     channel water;
- 13           c.     Required site perimeter and parking lot landscaping;
- 14           d.     Public or private streets or street rights of way;
- 15           e.     Parking facilities, driveways, other motor vehicle circulation areas, loading areas,  
16                     and refuse collection areas; and
- 17           f.     Land covered by structures not intended solely for recreational uses.

18           2.     **Use of Private Open Space Areas**  
19                     Required private open space may be private yard, garden, patio, deck, balcony, or other  
20                     open space reserved for the exclusive use of a single dwelling unit. It shall be designed  
21                     for the occupants of a specific dwelling, and provided immediately adjacent to, and with  
22                     direct access from the dwelling. The minimum inside dimension for such an area used to  
23                     meet the private open space requirement shall be no less than 15 feet for ground level  
24                     spaces such as yards, or six feet for above ground level spaces such as balconies.  
25                     Individual private open space for the exclusive use of each dwelling unit shall have an  
26                     average slope of less than five percent.

27           3.     **Physical Delineation**  
28                     A fence, hedge, earth berm, railings on decks, and/or other continuous linear landscaping  
29                     features shall define and separate ground-level private open space from abutting street  
30                     rights-of-way. Such features may be incorporated as part of required perimeter  
31                     landscaping. Private open space shall be separated from refuse collection areas by L2  
32                     visual enhancement landscaping.

33           4.     **Common Private Open Space**  
34                     Private open space areas to be used in common by residents and/or associated with  
35                     nonresidential uses or mixed uses are intended to be usable spaces that incorporate user  
36                     amenities facilitating passive or active recreation and relaxation. These areas shall meet  
37                     the following standards:

- 38           a.     At least half of the common private open space shall be contiguous.
- 39           b.     Common private open space shall be conveniently accessible to residents or  
40                     users of the development. The nearest building façade to the open space, any  
41                     façade sharing a corner with the nearest building façade, or any façade directly

- 1 facing the open space, shall have a primary entrance. A walkway shall connect  
2 common private open space to primary building entrances.
- 3 c. The minimum inside dimension for an area used to meet the requirement shall be  
4 20 feet for residential uses and 15 feet for nonresidential uses.
- 5 d. Common private open space may include lawn areas; picnic areas; gardens;  
6 natural vegetation; equipped recreation areas; sports courts; hard surfaced  
7 pedestrian spaces such as patios, decks, courtyards, housing courtyards, or  
8 plazas; indoor private open space pursuant to C.5. below; and/or roof tops or  
9 terraces.
- 10 e. Up to 25 percent of the total required open space area may be developed for  
11 active recreation, such as with play equipment or delineated sports field.
- 12 **5. Indoor Private Open Space Option**  
13 Up to 25 percent of the total required private open space for residential uses, and up to  
14 50 percent of the total required private open space for nonresidential uses, may be  
15 indoors. Such space:
- 16 a. Shall be located and designed to maximize sunlight access by providing one  
17 square foot of transparent window and/or skylight area for each two square feet  
18 of floor area of the indoor private open space;
- 19 b. Shall be climate controlled and furnished with features and amenities that  
20 encourage its use;
- 21 c. Shall be accessible to all residents, or to all employees and customers of the  
22 development; and
- 23 d. Shall not be combined with some other function, such as laundry or storage.
- 24 **6. Incentive for High Quality Spaces**  
25 The total open space area requirement may be reduced by 25 percent if the largest  
26 common open space area meets all the other requirements of this section and the  
27 following standards:
- 28 a. Has less than an average five percent slope;
- 29 b. Is well-drained and not wetlands;
- 30 c. Has a minimum inside dimension of 25 feet; and
- 31 d. Receives sunlight access on the majority of the open space for at least four  
32 hours per day between the spring and fall equinox.
- 33 **7. Ownership**  
34 All private open space areas not reserved for the exclusive use of a single dwelling unit  
35 shall be owned jointly or in common by the owners of the development or permanently  
36 preserved through some other mechanism satisfactory to the director. While private  
37 open space may be platted into separate tracts, those tracts which provide required  
38 private open space shall not be sold separately from the development.
- 39 **8. Fee In Lieu Prohibited**  
40 The payment of fees in lieu of the set-aside of land for private common open space is  
41 prohibited.

**21.07.040 DRAINAGE, STORM WATER TREATMENT, EROSION CONTROL, AND PROHIBITED DISCHARGES**

**A. Purpose**

1. Drainage plans and the requirements of this section and the *Design Criteria Manual* are intended to implement the following principles of drainage planning:

- a. The design of a drainage system shall not transfer a problem from one location to another.
- b. Adequate space shall be provided for drainage conveyance and storage.
- c. Good drainage design incorporates the effectiveness of the natural systems, rather than negating, replacing, redirecting, or ignoring them. The features, capacity, and function of the existing natural system shall be considered and utilized.
- d. Drainage and storm water management facilities shall be designed with ease of maintenance, long-term function, sub-arctic climate function, protection of public safety, and accessibility as primary considerations.

2. Other purposes of this section include:

- a. Regulating development preparation and land-disturbing activity in order to control erosion and sedimentation and accordingly to prevent water pollution from sedimentation, to prevent accelerated erosion and sedimentation of lakes and natural watercourses; and to prevent damage to public and private property by erosion and/or sedimentation during and after construction;
- b. Regulating storm water discharge to improve the quality of the environment for residents of the municipality, administer the Municipal Separate Storm Sewer permit, and manage impacts to the watersheds in the municipality; and
- c. Minimizing point and non-point source pollution into the water bodies of the municipality.

**B. Guidance Documents**

The municipal engineer shall develop, implement, and maintain various guidance manuals which shall provide standards and guidelines for this section 21.07.040. The *Design Criteria Manual* and the *Storm Water Treatment Plan Review Guidance Manual* are examples of such manuals.

**C. Emergencies**

Where site work [MUST] deviate<sup>s</sup> from approved plans due to an emergency, the municipal engineer shall be notified on the next business day. Changes to an approved plan shall be submitted within 14 days to the public works [PROJECT MANAGEMENT AND ENGINEERING] department. For the purposes of this section, an “emergency” is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken immediately.

**D. Drainage**

1. **Intent**

A drainage plan shall show the post-development drainage patterns of the site.

- 1           **2.     Applicability**  
2           This section applies to all development within the municipality.
- 3           **3.     Drainage Plan Required**  
4           **a.**     Applications for the following entitlements shall include a drainage plan:
- 5                     **i.**     A permit from the development services department, for projects that  
6                     include land disturbance;
- 7                     **ii.**    Subdivision plat (both preliminary and abbreviated plats);
- 8                     **iii.**   Site plan review (administrative and major); and
- 9                     **iv.**    Conditional use.
- 10                    The drainage plan submittal requirement may be waived by the director and the  
11                    municipal engineer if both agree that such a plan is not necessary.
- 12           **b.**     The drainage plan shall show the area affected by the application, as well as  
13                    watercourses, drainage and water quality easements, appropriate drainage  
14                    outfall for surface water, roof drainage, and other impervious surfaces, and any  
15                    other pertinent information, and shall address surface and subsurface drainage.  
16                    The drainage plan shall also indicate impacts, if any, on adjacent, up-gradient,  
17                    and down-gradient properties.
- 18           **c.**     An approved drainage plan is required before any site work commences.
- 19           **4.     Standards**  
20           Drainage plans shall comply with the requirements of municipal code and the guidance of  
21           the *Design Criteria Manual*. Post-development drainage plans shall be designed in a  
22           manner such that there will be no adverse off-site impacts. Any net increase of water  
23           volumes shall [MUST] be mitigated and/or directed to an adjacent drainage system or  
24           receiving water that has the demonstrated capability to handle the new flows. The  
25           municipality may require a dedicated drainage easement(s) to ensure the drainage is  
26           consistent and compatible with surrounding drainage patterns.
- 27           **5.     When No Permit is Required**  
28           **a.**     In situations where a building or land use permit is not required, all design and  
29                    construction activities shall comply with municipal code.
- 30           **b.**     If the municipal engineer reasonably believes that a project is significant in nature  
31                    or that it will have negative impacts on surrounding property, water quality,  
32                    drainage, or the roadways, the municipal engineer may require submittal of a  
33                    drainage plan and a full review of the project. The applicant shall pay the  
34                    appropriate review fees for the review. If the project is under construction, the  
35                    municipal engineer may issue a stop work order until the project has been  
36                    reviewed and approved.
- 37           **c.**     If a project has been completed and there are negative impacts on surrounding  
38                    property, water quality, drainage, or the roadways, the municipal engineer may  
39                    pursue enforcement actions under chapter 21.13.
- 40           **6.     Exposure of Subsurface Flows**  
41           If, during site work, unexpected subsurface flows are exposed, the municipality shall be  
42           informed immediately. If the subsurface flow cannot be contained within the site and has  
43           a significant off-site impact, work shall cease immediately and shall not be resumed until

1 a temporary flow management plan has been submitted to and accepted by the  
2 municipality. In addition, the developer shall amend the drainage plan to address the  
3 exposed flows and potential for glaciation and shall submit it to the municipality and  
4 receive approval before resuming site work other than temporary flow management.

5 **E. Storm Water Treatment and Erosion and Sediment Control**

6 **1. Intent**

7 A storm water treatment plan shall show both the controls put in place during construction  
8 and any needed post-development controls to prevent erosion and protect water quality.

9 **2. Applicability**

10 Storm water treatment plan approval is required prior to commencement of land clearing  
11 or ground disturbing activities; the discharge of surface water (including from snow  
12 disposal sites); the construction, alteration, installation, modification, or operation of a  
13 storm water treatment or disposal system; demolition or utility work; connection to the  
14 municipal separate storm sewer system; work in water bodies, wetlands, or  
15 watercourses; or dewatering activities, except as listed in E.3. below. All construction,  
16 development, and maintenance activities shall be in accordance with the approved storm  
17 water treatment plan.

18 **3. Nonconformities**

19 No nonconforming rights are granted for this section 21.07.040E.

20 **4. Exceptions**

21 A storm water treatment plan shall not be required for the following. An erosion control  
22 plan may still be required if the discharge is so concentrated as to cause soil disturbance.  
23 The municipal engineer may waive the requirement for a storm water treatment plan for  
24 other activities that, in his or her judgment, will not create erosion or impair water quality.

- 25 **a.** Building improvements where no earth is disturbed;
- 26 **b.** Any earth disturbance that is less than 500 square feet in area;
- 27 **c.** Agricultural activities (not including site landscaping). Discharges from  
28 agricultural activities are still subject to water quality standards and potential  
29 enforcement for illicit discharges to watercourses or the storm sewer system;
- 30 **d.** Discharges of the following into the municipal separate storm sewer system:
- 31 **i.** Uncontaminated water line flushing;
- 32 **ii.** Residential irrigation water;
- 33 **iii.** Rising ground waters;
- 34 **iv.** Uncontaminated ground water infiltration;
- 35 **v.** Uncontaminated discharges from potable water sources;
- 36 **vi.** Foundation drains;
- 37 **vii.** Air conditioning condensate;
- 38 **viii.** Springs;
- 39 **ix.** Uncontaminated water;

- 1                   x.       Individual residential car washing;
- 2                   xi.       Flows from riparian habitats and wetlands;
- 3                   xii.      De-chlorinated swimming pool discharges;
- 4                   xiii.     Street wash waters; or
- 5                   xiv.      Flows from emergency fire fighting activity.

6           **5.       Submittal Requirements and Review Procedure**

7       Storm water treatment plans shall be submitted to the **public works** [PROJECT  
8       **MANAGEMENT AND ENGINEERING**] department on the form provided. The submittal  
9       shall include plans for both temporary (during construction) and permanent storm water  
10      treatment and erosion control, and any supplementary information required in the user's  
11      guide or the *Design Criteria Manual*.

12           **a.       Storm Water Treatment Plan Review Guidance Manual**

13       The *Storm Water Treatment Plan Review Guidance Manual* shall be used to  
14       develop, review, and approve storm water treatment plans. Applicants  
15       submitting plans under this subsection shall comply with the manual regarding  
16       plan requirements and reviews, and if necessary shall gather data to confirm  
17       storm water conditions.

18           **b.       Changes to an Approved Storm Water Treatment Plan**

19       Any changes to permanent storm water controls from an approved storm water  
20       treatment plan require approval by the municipal engineer. Changes in  
21       temporary or construction storm water treatment controls or best management  
22       practices necessary to maintain effective storm water treatment do not require  
23       municipal approval but shall be documented.

24           **c.       New Application Required**

25       If dewatering, land clearing, construction, alteration, installation, modification, or  
26       operation has not begun within one year after issuance of a storm water  
27       treatment plan approval, the approval is void, and a new application shall be  
28       submitted to the **public works** [PROJECT MANAGEMENT AND ENGINEERING]  
29       department for review and approval.

30           **d.       Project-Wide Approval**

31       The municipal engineer may issue a project-wide approval to an applicant who  
32       plans to conduct an operation with the same runoff characteristics at various  
33       discharge locations. He or she may require the submittal of site-specific plans,  
34       including a schedule and description of all planned discharge activities, for  
35       approval, and may restrict that approval to certain proposed discharge activities.

36           **6.       Land Clearing**

37       Mechanized land clearing requires an approved storm water treatment plan. Until a  
38       subsequent use is approved, a temporary native vegetation buffer shall be retained on  
39       the perimeter of the lot being cleared, equal to or greater than the specified minimum  
40       setback required in the zoning district. This buffer shall be at least 15 feet wide on the  
41       perimeter of lots in commercial and industrial zoning districts, except where these are  
42       adjacent to PLI and/or residential zoning districts, where the temporary buffer shall be a  
43       minimum of 30 feet wide. Those areas of native vegetation in commercial and industrial  
44       zoning districts not essential to the parcel's development and situated on the perimeter of  
45       the site shall be retained and protected from disturbance as specified in subsection  
46       21.07.080G.3.

1           **7.     Erosion and Sediment Control Administrator**

2           A qualified erosion and sediment control administrator, who shall be responsible for the  
3           erosion, sedimentation, and best management practices during construction, shall be  
4           identified in each storm water treatment plan submitted for approval, except for storm  
5           water treatment plans for owner-built single- and two-family dwellings. Evidence of  
6           contractual liability shall be provided when requested.

7           **a.**       In order to be identified as a qualified administrator, a person shall successfully  
8           complete a training course and associated test for certification from a training  
9           program approved by the **public works** [PROJECT MANAGEMENT AND  
10          ENGINEERING] department.

11          **b.**       The qualified administrator shall maintain their certification in active status  
12          throughout the length of the project. In the case where the qualified  
13          administrator's certification becomes expired or revoked, a new qualified person  
14          shall be selected to be the erosion and sediment control administrator and shall  
15          be identified on the storm water treatment plan.

16           **8.     Alternate Materials, Design, and Method of Construction**

17          **a.**       The provisions of this section are not intended to prevent the use of any alternate  
18          material, design, or method of construction not specifically prohibited by this  
19          code, provided any alternate has been approved and its use authorized by the  
20          municipal engineer.

21          **b.**       The municipal engineer may approve any such alternate, provided that he or she  
22          finds that the proposed design complies with the intent and purpose of this code,  
23          and that the material, method, or work offered is, for the purpose intended, at  
24          least the equivalent of that required in this code in suitability, effectiveness,  
25          durability, safety, sanitation, and degree of structural integrity. The details of any  
26          action granting modifications or the acceptance of a compliance alternative shall  
27          be recorded and entered in the **public works** [PROJECT MANAGEMENT AND  
28          ENGINEERING] department's files.

29          **c.**       Whenever there is insufficient evidence of compliance with any of the provisions  
30          of this code or evidence that any material or construction does not conform to the  
31          requirements of this code, the municipal engineer may require tests as proof of  
32          compliance to be made at no expense to the municipality. Test methods shall be  
33          as specified by this code or by other recognized test standards. If there are no  
34          recognized and accepted test methods for the proposed alternative, the  
35          municipal engineer shall determine test procedures. All tests shall be made by  
36          an approved agency. Reports of such tests shall be retained by the municipal  
37          engineer for the period required for the retention of public records.

38           **9.     Inspections**

39          **a.       Required Inspections**

40          Prior to the commencement of or during land clearing or ground disturbing  
41          activities, the discharge of surface water, or dewatering activities subject to this  
42          section, an inspection of approved best management practices associated with  
43          the storm water treatment plan shall be conducted. Prior to the issuance of a  
44          certificate of zoning compliance, permanent site controls shall be verified by  
45          inspection or other means, as determined by the municipal engineer. The owner  
46          or contractor of record is responsible for requesting the required inspections at  
47          the appropriate times.

- 1                   **b.     Other Inspections Authorized**
- 2                    i.     A municipal official, upon presentation of proper identification, may enter
- 3                         the premises at reasonable times to inspect or perform duties imposed
- 4                         by this code, for the purpose of determining whether the owner or
- 5                         operator thereof is in compliance with the specific requirements of this
- 6                         section. If such premises are unoccupied, the official shall first make a
- 7                         reasonable effort to locate the owner or other person having charge or
- 8                         control of the premises and request entry. If entry is refused, any
- 9                         approvals issued under this section may be immediately suspended until
- 10                        an inspection is conducted, and the official shall have recourse to the
- 11                        remedies provided by law to secure entry. Permittees, owners, or
- 12                        operators shall immediately stop all work upon the site being posted with
- 13                        a stop work order for failure to allow inspection.
  
- 14                    ii.    A municipal official may inspect any property or facility suspected as the
- 15                         source of illicit discharges in violation of 33 USC 1342 (1987) as
- 16                         amended.
  
- 17                    iii.   No inspection for which a warrant would be required under the
- 18                         constitution of this state or the United States may be conducted under
- 19                         this section without the proper warrant.
  
- 20                   **c.     Availability and Production of Plans and Records**
- 21                         Approved plans and specifications shall be available on site for review by
- 22                         municipal inspectors at the time of requested inspections. At the request of
- 23                         municipal officials and during normal working hours, owners or operators of
- 24                         facilities, construction sites, premises, or areas shall produce and make available
- 25                         for inspection or copying all records or information required to be maintained or
- 26                         reported under the provisions of this section.
  
- 27 **F.     Prohibited Discharges**
- 28                    **1.     Applicability**
- 29                         This section applies throughout the municipality.
  
- 30                    **2.     Prohibited Discharges or Acts**
- 31                         No person shall cause or permit illicit discharges:
  
- 32                    a.     Into any waters of the state, or waters of the United States, unless such is first
- 33                         treated in a manner approved by the federal, state, or other agencies having
- 34                         jurisdiction; or
  
- 35                    b.     Into a storm sewer of the municipality, other than pursuant to a dewatering
- 36                         permit, an approved storm water treatment plan, a national pollutant discharge
- 37                         elimination system permit, or a permit issued by a local, state, or other agency
- 38                         having jurisdiction. Examples of discharges that are prohibited include:
  
- 39                         i.     Grease, fatty materials, offal, or garbage;
- 40                         ii.    Sand, sand dust, dirt, gravel, sawdust, metal filings, broken glass, or any
- 41                         material which may cause or create an obstruction in the sewer;
- 42                         iii.   Gasoline, benzene, fuel oil, or a petroleum product or volatile liquid;
- 43                         iv.   Milk or any liquid milk waste product in quantities in excess of ten gallons
- 44                         during any 24-hour period;

- v. Wax, cyanide, phenols, or other chemical or substance that may cause damage to materials of which the sewer system is constructed; or
- vi. Wastewater, as defined in AMC section 15.20.010.

For the purposes of this section, "illicit discharges" means pollutants or any materials other than storm water.

### 3. Dumping in Watercourses and Water Bodies

No person shall deposit, dump, abandon, throw, scatter, or transport solid waste, garbage, rubbish, junk, fill, soil, dirt, snow, ice, vegetation, or other material in such a manner as to obstruct, impound, or cause siltation of any river, stream, creek, watercourse, water body, stream or water body or wetland setback, water quality easement, storm sewer, ditch, drain, or gutter except as otherwise allowed by valid federal, state, and other permits or licenses relative to water pollution, water impoundment, or water quality control.

## G. Hazardous Sites

1. For the purposes of this section, any site meeting any or all of the conditions and defects described below shall be deemed to be hazardous, provided that such conditions or defects exist to the extent that the health of the watershed, the requirements of the Municipal Separate Storm Sewer System permit, or the safety of the public are endangered, as determined by the municipal engineer.
  - a. Any site that causes sediment to be discharged in such a way that it may be delivered directly or indirectly to the storm sewer or receiving waters;
  - b. Any site that causes pollution to be discharged in such a way that they may be delivered to the watershed;
  - c. Any property for which the owner, manager, or tenant fails to install and/or maintain properly permitted BMPs; or
  - d. Any site where actions are causing soil masses to be in danger of sloughing, destabilizing, failing, or collapsing as a mass wasting event.
2. All sites which are determined after inspection by the municipal engineer to be a hazardous shall be abated as determined by the municipal engineer.

## H. Violations and Penalties

### 1. Violations

- a. Any person who violates any provisions of this section shall report such violation to the project management and engineering department and shall make available any information or records related to the contents of the substance discharged.
- b. In addition to any other remedy or penalty provided by this title, any person who violates any provision of this title or regulations adopted there under shall be subject to the civil penalties or injunctive relief, or both, as provided by AMC section 1.45.010B.
- c. In any action under this section, the municipality, if not a party, may intervene as a matter of right.

2. Penalties

- a. All sites operating without approval under this section may be immediately posted with a stop work order and shall pay double fees for all required permits or inspections under this section, as well as any fines which may be assessed. In addition to any other remedy permitted by law, fines may be assessed for failure to have a permit or approved plan, failure to allow inspections, or failure to obey a properly issued stop work order. Violators of this section may also be charged \$1,000 per day until the violation(s) is corrected.
- b. Any person who negligently or intentionally permits or causes a discharge in violation of this section shall, upon conviction, be subject to a civil fine penalty of \$5,000 to \$10,000 per day, or injunctive relief to cease the violation, or both. In addition to any fine assessed under this section, any person who violates any provision of this section or any rule or regulation adopted pursuant to this section shall be subject to a further civil penalty of up to double the cleanup and remediation costs incurred as a result of the violation.
- c. Any person who permits or causes a discharge in violation of this section shall be strictly liable, regardless of intent, for the full amount of any fines or other liquidated penalties incurred by the municipality for any violations of federal law which are caused by the discharge.
- d. No certificate of zoning compliance shall be issued until all fines levied under this section have been paid.

I. Appeals

- 1. Appeals of orders, decisions, or determinations made by the municipal engineer shall be heard by the zoning board of examiners and appeals, pursuant to subsection 21.03.050B.
- 2. The zoning board of examiners and appeals shall have no authority over the interpretation of the administrative provisions of this section, nor shall the board be empowered to waive requirements of this section.

**21.07.050 UTILITY DISTRIBUTION FACILITIES**

A. Underground Placement Required for New or Relocated Lines

- 1. Except as provided in subsection B. below, all newly installed or relocated utility distribution lines shall be placed underground.
- 2. Utility distribution lines owned or operated by utilities that are parties to a joint trench agreement shall be placed underground in a joint trench.
- 3. Nothing in this section restricts the maintenance, repair, or reinforcement of existing overhead utility distribution lines.

B. Exceptions

- 1. Except where an assessment district has been formed to convert overhead utility distribution lines as provided in title 19.60, utility distribution lines need not be placed underground in the class B improvement area defined in subsection 21.08.050B., or in the I-2 zoning district. However, in the following areas newly installed or relocated utility distribution lines shall be placed underground: Lower Hillside, between and including Abbott Road, Rabbit Creek Road, Hillside Drive and the New Seward Highway.

- 1           2.       Except where an assessment district has been formed to convert overhead utility  
2           distribution lines as provided in AMC chapter 19.60, CATV utility distribution lines need  
3           not be placed underground where there are other overhead utility distribution lines;  
4           provided that, when all of the other overhead distribution lines are placed underground,  
5           the CATV utility distribution line shall also be placed underground.
  
- 6           3.       A new utility distribution line may be placed overhead when necessary immediately to  
7           restore service interrupted by accident or damage by flood, fire, earthquake or weather;  
8           provided that the utility distribution line shall be replaced by a utility distribution line  
9           conforming to this chapter within 12 months of its placement.
  
- 10          4.       A utility distribution line or service connection may be placed on the surface of frozen  
11          ground, provided that it is placed underground within 12 months thereafter.
  
- 12          5.       New facilities may be added to existing overhead utility distribution facilities located  
13          outside target areas.
  
- 14          6.       A temporary utility distribution line may be placed overhead in connection with new  
15          construction if the utility's tariff approved by the state public utilities commission expressly  
16          provides for removal of that line by a date certain, not to exceed 12 months thereafter.

17   **C.       Variances**

- 18          1.       The director may grant a variance from subsection A. above when any of the following is  
19          found:
  - 20               a.       Placing a utility distribution line underground would cause an excessive adverse  
21               environmental impact;
  - 22               b.       Placing a utility distribution line underground would threaten public health and  
23               safety, because the placement cannot be shown to meet acceptable technical  
24               standards for safety; or
  - 25               c.       Placing a utility distribution line underground in an environmentally sound and  
26               safe manner would cost more than three times the cost of placing the line  
27               overhead, where the applicant demonstrates the relative cost to the satisfaction  
28               of the director.
  
- 29          2.       The director may grant a variance from subsection A. above when he or she finds that  
30          the utility distribution line is being placed overhead temporarily for one of the reasons  
31          listed in this subsection:
  - 32               a.       The line is being placed to provide service when weather conditions do not allow  
33               excavation for underground placement;
  - 34               b.       A permanent location for underground placement is not available because of  
35               construction in progress; or
  - 36               c.       The line is being placed to provide service to a temporary use or structure.
  
- 37          A variance issued under this subsection C.2. shall expire within two years of its issuance.

38   **D.       Relationship to Chapter 21.12, Nonconformities**

39       Existing overhead utility distribution lines located where this title requires new or relocated utility  
40       distribution lines to be placed underground are nonconforming utility distribution lines and are  
41       subject to the provisions of this subsection. A utility distribution line is not a nonconforming

1 structure or use under chapter 21.12, *Nonconformities*, solely because it is a nonconforming  
2 overhead line under this section.

3 **E. Designation of Target Areas**

4 1. An electric utility that owns poles that support nonconforming utility distribution lines shall  
5 prepare or otherwise include as part of its annual capital improvement plan, a five-year  
6 undergrounding program consistent with subsection F. below. This five-year program  
7 shall be updated on an annual basis. Priorities shall be based on undergrounding in  
8 conjunction with the electric utility's essential system improvements and then by target  
9 area as set forth below in no particular order of priority. The director shall review and  
10 provide comment for consideration by the electric utilities on these five-year programs.  
11 When reviewing and commenting on these programs, the director shall consider the  
12 following factors in no particular order of priority:

13 a. Whether undergrounding will avoid or eliminate an unusually heavy concentration  
14 of overhead distribution facilities.

15 b. Whether the street or general area is extensively used by the general public and  
16 carries a heavy volume of pedestrian or vehicular traffic.

17 c. Whether the appearance of grounds and structures adjacent to the roadway is  
18 such that the removal of the overhead facilities will substantially improve the  
19 general appearance of the area.

20 d. Whether the street or area affects a public recreation area or an area of scenic  
21 interest.

22 e. Whether there is a significant opportunity to achieve economies due to the  
23 anticipated relocation or replacement of overhead lines or the widening or  
24 realignment of streets within a given area.

25 f. Whether the five-year program sufficiently addresses the objectives of subsection  
26 F. below.

27 g. Whether the area under consideration is within a zone where new and relocated  
28 distribution lines are required to be placed underground.

29 h. Whether the installation of underground distribution lines is economically,  
30 technically and environmentally feasible, including the effect on the attached  
31 utility.

32 2. The director shall confirm annually that the electric utilities have developed project  
33 undergrounding implementation plans. The director shall consult with the utilities and  
34 public agencies affected by any implementation plan. In reviewing implementation plans,  
35 the director shall consider the factors stated in subsection E.1. above.

36 3. The following shall be target areas:

37 a. Central Business District: between and including Third Avenue and Tenth  
38 Avenue and L Street and Ingra Street.

39 b. Midtown area: between and including New Seward Highway and Minnesota  
40 Drive and International Airport Road and Fireweed Lane.

41 c. All municipal and state street improvement projects except for those which do not  
42 require relocation of utility distribution facilities.

- 
- 1           **d.**     The following major traffic corridors:
- 2                   **i.**       Old Seward Highway.
- 3                   **ii.**      Ingra and Gambell Streets between and including Ninth Avenue and  
4                                   Fireweed Lane.
- 5                   **iii.**     Northern Lights Boulevard and Benson Boulevard between and including  
6                                   Glenwood Street and Arlington Drive.
- 7                   **iv.**      Muldoon Road between and including New Glenn Highway and  
8                                   Patterson Street.
- 9                   **v.**       Tudor Road between and including Patterson Street and Arctic  
10                                   Boulevard.
- 11                  **vi.**      Boniface Parkway between and including 30th Avenue and New Glenn  
12                                   Highway.
- 13                  **vii.**     Spenard Road between and including Hillcrest Drive and International  
14                                   Airport Road.
- 15                  **viii.**    Arctic Boulevard between 17<sup>th</sup> Avenue and Tudor Road.
- 16                  **ix.**      Lake Otis Parkway between Tudor Road and Abbott Loop
- 17
- 18           **e.**     All park, recreational use, and scenic interest areas.
- 19           **f.**     Eagle River Central Business District between and including the New Glenn  
20                                   Highway, North Eagle River Access Road, Aurora Street as extended to the Old  
                                  Glenn Highway, and the Old Glenn Highway.
- 21           **g.**     Any area where utility distribution facilities are provided by more than one utility  
22                                   as a result of mergers and boundary changes approved by the state public  
23                                   utilities commission.
- 24           **h.**     School and university areas.

25 **F.     Nonconforming Overhead Lines**

- 26           **1.**     An electric utility that owns poles that support nonconforming utility distribution lines shall  
27                                   remove the poles and place those lines underground. Any other utility that attaches to  
28                                   such poles shall place its lines underground at the same time that the pole owner places  
29                                   lines underground.
- 30                  **a.**     The electric utility that owns poles shall, in each fiscal year, expend at least two  
31                                   percent of a three-year average of its annual gross retail revenues derived from  
32                                   utility service connections within the municipality, excluding toll revenues,  
33                                   revenues from sales of natural gas to third parties, and revenues from sales of  
34                                   electric power for resale for purposes of undergrounding nonconforming lines.  
35                                   An electric utility's expenditures, pursuant to AS 42.05.381(h), within the  
36                                   municipality, shall be counted toward satisfaction of the two percent expenditure  
37                                   required by this subsection.
- 38                  **b.**     A utility with lines attached to a pole that is to be removed under this subsection  
39                                   shall place its lines underground at the same time that the pole owner places its  
40                                   lines underground. To underground nonconforming utility lines, an attached

1 utility shall not be required to expend more than two percent of its annual gross  
2 retail revenues derived from utility service connections within the municipality,  
3 excluding toll revenues. For the purpose of satisfying subsection 21.07.050F.,  
4 the utility's expenditures pursuant to AS 42.05.381(h) within the municipality are  
5 counted toward this two percent expenditure limit.

6 c. The electric utility that owns poles may choose which existing lines to  
7 underground in order to fulfill the two percent expenditure requirement, in  
8 consultation with appropriate public agencies and any other utilities.

9 d. An electric utility that owns poles that does not expend the amount required in  
10 subsection F.1. of this section, or that expends more than that amount, may carry  
11 over the under expenditure or over expenditure as an adjustment to the following  
12 year's obligation.

13 2. The electric utility that owns poles shall notify the director, and utilities or entities with  
14 lines attached to such poles, of the approximate date that the owner plans to remove the  
15 poles. Such notice, where possible, shall be given at least four months in advance of the  
16 undergrounding except where an emergency or other unforeseen circumstances  
17 preclude such notice, in which case such advance notice as is reasonable under the  
18 circumstances shall be provided.

19 3. A utility shall annually submit a report of its undergrounding projects and expenditures for  
20 non-conforming lines to the director within 120 days of the end of the preceding calendar  
21 year.

22 4. All new service connections shall be placed underground in the same manner as required  
23 for utility distribution lines under subsections A. and B. above. New service lines may be  
24 temporarily installed above ground from October through May, if placed underground  
25 prior to the next October.

26 **G. Lines in Municipal Right-of-Way**

27 1. The department of **public works** [PROJECT MANAGEMENT AND ENGINEERING] shall  
28 furnish to a utility owning or operating utility distribution lines all planning documents for  
29 municipal road construction that will require the relocation of those utility distribution lines.

30 2. Once a utility installing a utility distribution line underground in material compliance with a  
31 right-of-way permit issued by the department of **public works** [PROJECT MANAGEMENT  
32 AND ENGINEERING] and in accordance with this chapter, the municipality shall  
33 reimburse the cost of any subsequent relocation of the utility distribution line required by  
34 municipal road construction.

35 3. If municipal road construction requires the relocation of a nonconforming utility  
36 distribution line, the municipality, as part of the road construction project cost, shall  
37 reimburse the cost of the relocation. Reimbursable costs under this subsection include  
38 engineering and design, inspection, construction, and general overhead costs, but  
39 exclude utility plant betterment costs. Plant betterment costs are the costs of providing  
40 utility distribution line capacity or quality beyond what current industry standards require  
41 for the capacity or level of service existing before the relocation.

42 **H. Conversion of Service Connections**

43 A utility that places a nonconforming utility distribution line underground as required by subsection  
44 F. above shall bear the cost of placing underground any related service connections or other  
45 utility facilities on a customer's premises, in accordance with the utility's applicable tariff or rules  
46 or regulations of operation.

**21.07.060 TRANSPORTATION AND CONNECTIVITY**

**A. Purpose**

The purpose of this section 21.07.060 is to support the creation of a safe and highly connected transportation system within the municipality in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of municipal service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; support the pattern of designated land uses; mitigate the traffic impacts of new development; create road and trail connectivity to free up arterial capacity while protecting neighborhood identity and safety; and, in high-volume traffic corridors, maintain an adequate degree of crossings for local circulation and minimize road and traffic impacts on adjacent uses.

**B. Applicability**

The standards of this section 21.07.060 shall apply to all development in the municipality.

**C. Traffic Impact Mitigation**

**1. Traffic Impact Analysis Required**

The transportation system for new development shall be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation of system capacity shall be undertaken through a traffic impact analysis (TIA), which should consider the following factors without limitation: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety. Unless the traffic engineer issues a substantiated written finding, based on location of the project and professional judgment, that there is no need for a TIA, a traffic impact analysis (TIA) shall be required with applications for development review and approval when:

- a. Thresholds established in the traffic department's *Policy on Traffic Impact Analyses* are met;
- b. A TIA is required by the planning and zoning commission or assembly as a condition of any land use application approved pursuant to the requirements of this title;
- c. Any case where the traffic engineer determines that the previous TIA for the property is out of date and no longer accurate—in such case the TIA shall not be less than two years old;
- d. Any case where increased land use intensity will result in substantially increased traffic generation or reduction of the existing level of service on affected streets by at least one service level; or
- e. Any case in which the traffic engineer determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.

**2. TIA and Development Review Process**

- a. Prior to the development of a required TIA, there shall be a scoping meeting that includes the traffic department, the applicant, and all other relevant parties.
- b. The development and review of a TIA shall be according to the traffic department's *Policy on Traffic Impact Analyses*.

- 1           c.       When state-owned roads are involved, the applicant shall coordinate with the  
2                   state department of transportation and public facilities, and the development of a  
3                   TIA shall follow state regulations as defined in 17 AAC 10.095.

4           **3.       Traffic Mitigation Measures**

5           The applicant shall, as part of the traffic impact analysis, recommend measures to  
6           minimize and/or mitigate the anticipated impacts and determine the adequacy of the  
7           development's planned access points. Mitigation measures shall be acceptable to the  
8           traffic engineer and may include, without limitation: an access management plan;  
9           transportation demand management measures; a reduction in the intensity or size of the  
10           proposed development; street improvements on or off the site; phasing of the proposed  
11           development to coincide with, and not outpace, the necessary upgrades to off-site  
12           infrastructure; placement of pedestrian, bicycle, or transit facilities on or off the site; or  
13           other capital improvement projects such as traffic calming infrastructure or capacity  
14           improvements.

15   **D.       Streets and On-Site Vehicular Circulation**

16           **1.       Street Standards**

17           All streets shall meet the standards and requirements set forth in subsections  
18           21.08.030F.2., *Street Grades*, 21.08.030F.3., *Street Alignment*, and 21.08.030F.4. *Street*  
19           *Intersections*.

20           **2.       Parking Lots**

21           In addition to complying with the standards in this subsection 21.07.060D., parking **lots**  
22           **[AREAS]** shall comply with the standards set forth in section 21.07.090, *Off-Street*  
23           *Parking and Loading*.

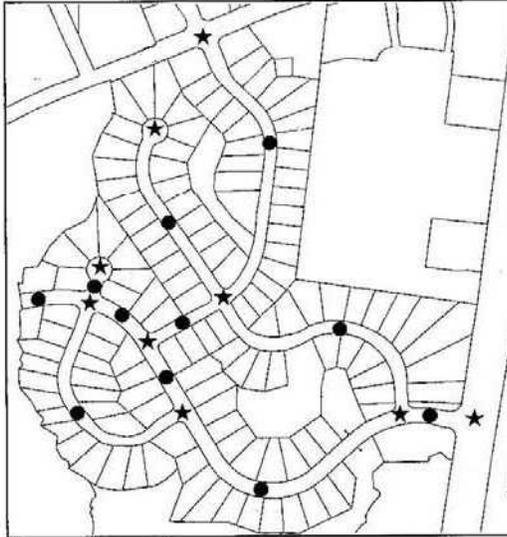
24           **3.       Street Connectivity**

25           **a.       Purpose**

26           Street and block patterns should include a clear hierarchy of well-connected  
27           streets that distribute local traffic over multiple streets, providing multiple direct  
28           connections for neighborhood residents to and between local destinations, and  
29           avoid traffic congestion on principal routes. Within each residential development,  
30           the access and circulation system should accommodate the safe, efficient, and  
31           convenient movement of vehicles, bicycles, and pedestrians through the  
32           development; provide ample opportunities for linking adjacent neighborhoods,  
33           properties, and land uses; and be designed in such a way as to limit and  
34           discourage cut-through traffic and protect the new development and adjacent  
35           development from adverse impacts. This section is not intended to increase  
36           speed limits in neighborhoods, create opportunities for cut-through traffic, or  
37           encourage freight movement through residential areas.

38           **b.       Internal Street Connectivity (Connectivity Index)**

- 39           i.       All development shall achieve a connectivity index of 1.2 or greater.
- 40           ii.     The connectivity index for a development is calculated by dividing its  
41                   links by its nodes. Figure 21.07-1, *Calculation of Connectivity*, provides  
42                   an example of how to calculate the connectivity index. Nodes (stars)  
43                   exist at street intersections and cul-de-sac heads within the  
44                   development. Links (circles) are stretches of road that connect nodes.  
45                   Street stub-outs are considered as links. In the diagram, there are 11  
46                   links (circles) and nine nodes (stars); therefore the connectivity index is  
47                   1.22 (11/9 = 1.22).



**FIGURE 21.07-1: CALCULATION OF CONNECTIVITY**

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- iii. The connectivity index standard of 1.2 or greater may be reduced by the director if the developer demonstrates it is impossible or impracticable to achieve due to topographic conditions, natural features, or adjacent existing development patterns.
  - iv. Whenever cul-de-sac streets are created, at least one 10 foot wide pedestrian access easement shall be provided, to the extent reasonably feasible, between each cul-de-sac head or street turnaround and the closest adjacent street or pedestrian walkway. This requirement shall not apply where it would result in damage to or intrusion into significant natural areas such as stream corridors, wetlands, and steep slope areas, or if the configuration of existing adjacent development prevents such a connection.
- c. **External Street Connectivity**
- i. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjacent lands in those cases in which the adjacent lands are undeveloped and intended for future development or in which the adjacent lands are developed and include opportunities for such connections. Vehicular and/or pedestrian connections to adjacent municipal parks or municipal lands designated as parks shall be required as determined or unless waived by the director of the parks and recreation department.
  - ii. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development at least every 1,500 feet for each direction (north, south, east, and west) in which development abuts vacant lands. The director may waive this requirement where the configuration of existing adjacent development, topography, or the presence of sensitive natural areas makes compliance impractical.

1            **d.      *Vehicular Access to Public Streets***

2            Any development of more than 100 residential units or additions to existing  
3            developments such that the total number of units exceeds 100 shall be required  
4            to provide vehicular access to at least four public streets to the extent reasonably  
5            feasible as determined by the director and the traffic engineer, due to  
6            topography, natural features, or the configuration of existing adjacent  
7            developments.

8            **e.      *Connections to Vacant Land***

9            Where new development is adjacent to land likely to be developed or  
10            redeveloped in the future, all streets, sidewalks, **pathways**, trails, walkways, and  
11            access ways in the development's proposed street system shall continue through  
12            to the boundary lines of the site of new development, as determined by the  
13            director and the traffic engineer, to provide for the orderly subdivision of such  
14            adjacent land or the transportation and access needs of the community. In  
15            addition, all redevelopment and street improvement projects shall take advantage  
16            of opportunities for retrofitting existing streets to provide increased vehicular and  
17            pedestrian connectivity.

18            **f.      *Neighborhood Protection from Cut-through Traffic***

19            Street connections shall connect neighborhoods to each other and to local  
20            destinations such as schools, parks, greenbelt trail systems, and shopping areas,  
21            while minimizing neighborhood cut-through vehicle traffic movements that are  
22            non-local in nature. Configuration of local and internal streets and traffic calming  
23            measures shall be used to discourage use of the local street system for cut-  
24            through collector or arterial vehicle traffic.

25    **E.      Standards for Pedestrian Facilities**

26            **1.      Purpose**

27            The purpose of this section is to provide convenient, safe, and regular pedestrian  
28            facilities along streets and within and between developments. Such facilities create a  
29            healthful built environment in which individuals have opportunities to incorporate physical  
30            activity, such as walking or bicycling, into their daily routine. Injuries and fatalities are  
31            reduced when interactions between pedestrians and vehicles are minimized. Adequate  
32            pedestrian facilities meet community goals for mobility and access, as well as for  
33            providing transportation choices. Safe pedestrian access for students to their schools is  
34            also an essential purpose of these standards.

35            **2.      Sidewalks**

36            **a.**      All sidewalks shall be designed to comply with the standards of the *Design*  
37            *Criteria Manual* (DCM) and *Municipality of Anchorage Standard Specifications*  
38            (MASS).

39            **b.**      In all class A zoning districts, sidewalks shall be installed on both sides of all new  
40            streets (local, collector, arterial, public or private, including loop streets and cul-  
41            de-sacs). Where indicated in the comprehensive plan, a **pathway** [TRAIL] may  
42            replace a sidewalk on one side.

43            **c.**      In class B [RESERVED SUBSECTION TO ESTABLISH THAT WHERE CLASS  
44            A AND CLASS B DISTRICTS ARE INTERSPERSED, IF THE CLASS B  
45            DISTRICTS ARE PREDOMINANT IN THE AREA THEN CLASS B DISTRICT  
46            PROVISIONS SHALL APPLY] zoning districts, sidewalks, walkways, **pathways**,  
47            and trails shall be provided in accordance with the comprehensive plan. In all  
48            cases, pedestrian facilities shall be provided on at least one side of collector and  
49            arterial streets.

- 1                   d.     The requirements of 2.b. and 2.c. shall not apply in steep-slope areas where  
2                   sidewalks on one side of the street may be approved by the director to reduce  
3                   excessive slope disturbance, adverse impacts on natural resources, and  
4                   potential soil erosion and drainage problems.
- 5                   e.     Development on lots along existing streets in class A zoning districts shall install  
6                   sidewalks in the following situations:
- 7                   i.     In R-4, R-4A, commercial, and mixed-use districts.
- 8                   ii.    Along streets identified in Appendix A of the *Anchorage Pedestrian Plan*  
9                   as “missing sidewalk” or “inadequate sidewalk”, with a total point rating of  
10                  five or higher.
- 11                3.     **Through-Block Connections**  
12                Within new developments, pedestrian walkways, crosswalks, or multi-purpose trails no  
13                less than five feet in width shall be constructed near the center and entirely through any  
14                block that is 900 feet or more in length. This standard may be waived during a site plan  
15                review, if justified by the decision-making body.
- 16                4.     **On-Site Pedestrian Walkways**
- 17                a.     **Continuous Pedestrian Access**  
18                Pedestrian walkways are intended to form a convenient on-site circulation  
19                system that minimizes conflict between pedestrians and traffic at all points of  
20                pedestrian access to on-site parking and building entrances. This subsection E.4.  
21                does not apply to single- and two-family development. (Illustrate)
- 22                b.     **On-Site Pedestrian Connections**  
23                The following walkways shall be provided. Where one walkway fulfills more than  
24                one requirement, only one walkway need be provided. If they can provide a  
25                relatively direct route, public pedestrian facilities such as public sidewalks shall  
26                satisfy any or all of the requirements below.
- 27                i.     A walkway shall connect the primary entrance to the abutting primary  
28                street frontage. No walkway need be provided if that frontage is a  
29                restricted access street or a frontage road, unless there is a pathway  
30                [TRAIL] or other pedestrian facility to which access can be provided  
31                along the restricted access street or frontage road, in which case a  
32                walkway shall connect to that pedestrian facility. The walkway shall be  
33                the shortest practical distance between the entrance and the street, and  
34                generally no more than 133 percent of the straight line distance.
- 35                ii.    All primary building entrances on a site shall be connected by a walkway.  
36                This includes multiple primary entrances into one building, and primary  
37                entrances in separate buildings on a site.
- 38                iii.   A walkway shall connect all primary entrances to all bus stops adjacent  
39                to the site.
- 40                iv.   Where abutting property has developed or is likely to develop with a  
41                compatible use, the decision-making body may require a walkway from  
42                all primary entrances to the lot line nearest the abutting lot, in a location  
43                most likely to provide convenient pedestrian access to the (existing or  
44                anticipated future) development on the adjacent lot.

- 1                   c.     **Walkway Clear Width**  
2                   The minimum width of a required pedestrian walkway shall be five feet of  
3                   unobstructed clear width, excluding vehicular overhang, except where otherwise  
4                   stated in this title. A walkway that provides access to no more than four  
5                   residential dwelling units may provide an unobstructed clear width of three feet.
- 6                   d.     **Walkways and Parking**  
7                   i.     Where an on-site pedestrian walkway system or required pedestrian  
8                   area abuts a parking lot or internal street or driveway, the pedestrian  
9                   facility shall be clearly marked and physically separated from the parking  
10                  lot or drive, through the use of an upright curb of six inches in height,  
11                  bollards spaced a maximum of six feet apart, or other physical buffer  
12                  approved by the traffic engineer; and a change of paving materials  
13                  distinguished by color, texture, textured edge, or other edge, or striping.
- 14                  ii.    The vehicle overhang established in table 21.07-9, *Parking Angle, Stall*  
15                  *And Aisle Dimensions*, shall not encroach into the minimum required  
16                  walkway width or area.
- 17                  iii.   Where an on-site pedestrian walkway crosses an internal street or  
18                  driveway, the crosswalk shall be clearly marked and delineated through  
19                  a change in paving materials distinguished by color, texture, textured  
20                  edge, other edge, or striping, and shall meet the requirements of the  
21                  Americans with Disabilities Act.
- 22                  5.     **Trails**  
23                  All trails shall meet the following requirements in addition to the standards contained in  
24                  the *Areawide Trails Plan, Design Criteria Manual (DCM)*, and *Municipality of Anchorage*  
25                  *Standard Specifications (MASS)*:
- 26                  a.     All trail connections shall be well-signed with destination and directional signing  
27                  as approved by the traffic engineer or the parks director as appropriate.
- 28                  b.     Trails shall be designed in such a manner that motor vehicle crossings can be  
29                  eliminated or significantly minimized.
- 30                  c.     Trails that connect to the street system shall do so in a safe and convenient  
31                  manner as determined by the traffic engineer.
- 32                  6.     **Use and Maintenance of Sidewalks, Walkways, Pathways, and Trails**  
33                  a.     **Restrictions on Use**  
34                  Sidewalks, walkways, pathways, and trails are intended to provide pedestrian  
35                  access. Vehicle parking, snow storage, garbage containers, merchandise  
36                  storage or display, utility boxes and poles, signs, trees, and other obstructions  
37                  shall not encroach into the required minimum clear width of any required  
38                  sidewalk, walkway, pathway, trail, or other pedestrian way. Pedestrian amenities  
39                  including bollards are exempt from this requirement.
- 40                  b.     **Maintenance and Snow Removal**  
41                  Walkways required by this title shall be maintained in usable condition throughout  
42                  the year, including snow and ice removal as appropriate. Sidewalks shall be  
43                  maintained in a usable condition in accordance with AMC title 24.

1 **F. Pedestrian Amenities**

2 **1. Purpose**

3 The purpose of this section is to define and provide standards for pedestrian amenities  
4 that may be required or included in a menu of choices to meet a requirement, or listed as  
5 a special feature that can count toward a bonus incentive anywhere in this title. For  
6 example, another section of this title may list a pedestrian amenity as a special feature for  
7 which bonus floor area may be granted. The standards contained in this section give  
8 predictability for applicants, decision-makers, and the community for the minimum  
9 acceptable standards for pedestrian amenities. It also ensures the amenities will improve  
10 and enhance the community to the benefit of all, and respond to the northern latitude  
11 climate. This title provides flexibility to encourage and allow for creativity and unique  
12 situations through the alternative equivalent compliance and minor modifications process.

13 **2. Applicability**

14 Pedestrian amenities shall meet the minimum standards of this section in order to be  
15 credited toward a requirement, menu choice, or as a special feature bonus incentive of  
16 this title.

17 **3. Walkway**

18 A walkway is a surface, either improved or not, for the purpose of pedestrian and other  
19 non-motorized use, which connects two points and is not aligned along a vehicular public  
20 right-of-way. A walkway may be in a publicly dedicated pedestrian easement. Examples  
21 include pedestrian connections within one development site, mid-block, between  
22 subdivisions, or leading from streets to public amenities, such as schools or parks.

23 **a.** A walkway shall have a minimum unobstructed clear width of five feet, except  
24 where otherwise stated in this title. A walkway that provides access to no more  
25 than four residential dwelling units may have an unobstructed clear width of three  
26 feet.

27 **b.** Walkways shall be improved in accordance with subsection 21.08.050H.

28 **4. Primary Pedestrian Walkway**

29 A primary pedestrian walkway is intended to provide an unobstructed clear width of at  
30 least eight feet for pedestrian movement with additional space incorporating features  
31 along the walkway such as storefront sidewalk space, room for residential stoops or  
32 building foundation plantings, and peripheral space that accommodates landscaping,  
33 furniture, and utilities. As established generally in subsection F.1 and F. 2 above, the  
34 standards of this subsection apply only where the specific term "primary pedestrian  
35 walkway" is listed as a requirement, menu choice, or special feature that counts toward a  
36 bonus. Thus subsection is not a generally applicable requirement for other large  
37 walkways.

38 **a.** A primary pedestrian walkway shall be developed as a continuous pedestrian  
39 route extending for at least 50 feet.

40 **b.** A primary pedestrian walkway shall have an unobstructed clear width of at least  
41 eight feet. Where adjacent to a ground-floor building elevation it shall also have  
42 a sidewalk storefront or building interface zone a minimum of two feet in width for  
43 foundation landscaping or three feet in width of sidewalk space for opening doors  
44 or seating and transition pedestrian spaces. In addition, a buffer space of at  
45 least four feet in width shall be incorporated as part of the walkway when abutting  
46 any street or vehicle area, to accommodate street trees, landscaping beds, light  
47 poles, utilities, benches, and other objects to be kept clear of the walkway.

- 1                   c.       At least one [OF THE FOLLOWING] pedestrian feature[S] **as defined by this title**  
2                   shall be provided for every 50 feet of length along a primary pedestrian walkway[:  
3                   FORMAL SEATING, SUCH AS BENCHES, WHICH ACCOMMODATES AT  
4                   LEAST TWO PEOPLE; INFORMAL SEATING, SUCH AS STEPS OR LOW  
5                   WALLS, WHICH ACCOMMODATES AT LEAST FOUR PEOPLE; AND SPACES  
6                   SUITABLE FOR STANDING AND TALKING WHICH INCLUDE OBJECTS TO  
7                   LEAN AGAINST OR EDGE SPACES ALONG IRREGULAR BUILDING  
8                   FACADES].
- 9                   d.       A primary pedestrian walkway shall be illuminated with pedestrian scale lighting.
- 10                  e.       A primary pedestrian walkway shall directly connect to surrounding public streets  
11                  and sidewalks, and be publicly accessible at all times.
- 12                  5.       **Ice-Free (Snow Melting [HEATED]) Walkway**  
13                  An ice-free (snow melting [HEATED]) walkway has a heated surface for the full extent of  
14                  the walkway clear width. The walkway shall be maintained as ice-free at all times in  
15                  areas required to be publicly accessible, and otherwise during all hours of operation of an  
16                  establishment.
- 17                  6.       **Plaza or Courtyard**  
18                  A plaza is an open space which is designed to be used for relaxation, conversation,  
19                  eating, or other outdoor activities.
- 20                  a.       A plaza shall contain at least one pedestrian feature **as defined by this title** for  
21                  each 200 square feet of plaza or courtyard area. [PEDESTRIAN FEATURES  
22                  INCLUDE FORMAL SEATING SUCH AS BENCHES OR CHAIRS WHICH  
23                  ACCOMMODATE AT LEAST TWO PEOPLE; INFORMAL SEATING SUCH AS  
24                  STEPS, PEDESTALS, LOW WALLS, AND SIMILAR AREAS SUITABLE FOR  
25                  SITTING, WHICH ACCOMMODATE AT LEAST FOUR PEOPLE; 10  
26                  LANDSCAPING UNITS; AND OBJECTS SUCH AS FOUNTAINS, KIOSKS (NO  
27                  MORE THAN ONE), AND ART WORK.]
- 28                  b.       A plaza shall be visible and directly accessible from the public sidewalk and at no  
29                  point be more than five feet above nor more than 12 feet below the curb level of  
30                  the nearest street.
- 31                  c.       A plaza shall be unobstructed to the sky except for certain permitted obstructions  
32                  such as canopies or awnings, landscaping, or ornamental features such as  
33                  fountains and flag poles.
- 34                  d.       A plaza shall be positioned so that at least two-thirds of its area receives at least  
35                  four hours of direct or reflected sunlight on March 21 and September 21. A plaza  
36                  or courtyard may be credited towards a requirement, menu choice, or bonus as  
37                  long as it meets this standard. The director may reduce this requirement in  
38                  cases where topography or vegetation shadow the site. Reductions shall be the  
39                  minimal action that would address these factors.
- 40                  7.       **Housing Courtyard**  
41                  A housing courtyard may be created when a multifamily building or buildings are  
42                  arranged or configured to enclose and frame a common private open space. To receive  
43                  credit as a housing courtyard, the space shall achieve the following:
- 44                  a.       The residential building(s) shall enclose a clearly defined courtyard open space.  
45                  The structure(s) surrounding the housing courtyard may, for example, form an O,  
46                  L, or U shaped enclosure.

- 1                   **b.**     A courtyard shall incorporate at least 50 percent of the common private open  
2                   space required for the development by section 21.07.030, up to a maximum  
3                   requirement of 2,000 square feet.
- 4                   **c.**     The minimum inside dimension of a housing courtyard shall be 15 feet on lots up  
5                   to 60 feet wide, and 20 feet on all other lots, exclusive of balconies, porches, or  
6                   private open spaces exclusively serving individual dwelling units.
- 7                   **d.**     A courtyard shall comply with the plaza requirement for pedestrian features, and  
8                   with the common private open space standards of section 21.07.030.
- 9                   **e.**     All individual dwelling units around the perimeter of a courtyard shall have  
10                  windows, entrances, and/or transitional spaces such as porches or balconies that  
11                  face the courtyard.
- 12                  **f.**     For purposes of sunlight access and wind protection, the height of the enclosing  
13                  or surrounding building(s) shall not exceed 45 feet. A perimeter structure may be  
14                  taller if stepped back at a ratio of at least five feet of run for every three feet of  
15                  rise above 45 feet, on at least 65 percent of the courtyard perimeter.
- 16                  **g.**     A courtyard shall have a solar orientation as defined by this title in terms of  
17                  openings in the courtyard and the lower height of surrounding buildings.
- 18                  **h.**     To attain wind protection benefits of enclosed space, the width and length  
19                  dimensions of a courtyard shall be no greater than four times the height of the  
20                  surrounding building(s).
- 21                  **8.     Transit Stop or Transit Shelter**  
22                  A transit stop or transit shelter shall meet or exceed the minimum design standards  
23                  established by the transit facilities design guidelines in the *Design Criteria Manual*.
- 24                  **9.     Pedestrian Shelter such as a Canopy, Awning, or Marquee**  
25                  A pedestrian shelter is a roof-like structure extending out from the building face that  
26                  provides year round overhead protection from precipitation and wind, and that can  
27                  provide visual interest and wayfinding orientation to primary entrances, passenger  
28                  loading areas, or waiting areas. Pedestrian shelter may be composed of awnings,  
29                  canopies, marquees, cantilevered overhangs, colonnades, or similar overhangs along the  
30                  pedestrian route.
- 31                  **a.**     A pedestrian shelter shall have a minimum dimension of six feet measured  
32                  horizontally from the building wall, or shall extend to a line two feet from the curb  
33                  line of the street or nearest motor vehicle area, whichever is less.
- 34                  **b.**     A pedestrian shelter shall have a minimum vertical clearance of eight feet and a  
35                  maximum vertical clearance of 12 feet, except that a pedestrian shelter that  
36                  projects out more than eight feet measured horizontally from the building wall  
37                  shall have a maximum vertical clearance of 16 feet.
- 38                  **c.**     A pedestrian shelter may be indented as necessary to accommodate street trees,  
39                  landscaping beds, street lights, bay windows, or similar building accessories. A  
40                  pedestrian shelter shall not extend out to within three feet of the center of the  
41                  main trunk of a street tree.
- 42                  **d.**     A pedestrian shelter shall incorporate architectural design features of the building  
43                  from which it is supported.

10. **Arcade (or Building Recess)**

An arcade is a covered passageway created by the overhanging upper portion of the building along a sidewalk or walkway to provide a sheltered area at grade level. An arcade is usually separated from the adjacent street, sidewalk/walkway, or pedestrian space by a line of supporting columns or arches. A ground level building recess without supporting columns may also receive credit if it achieves the following standards:

- a. An arcade shall be developed as a continuous covered space extending along a street, plaza, or courtyard or other pedestrian open space. An arcade shall be open for its entire length to the street or pedestrian open space, except for building columns.
- b. An arcade shall have a minimum vertical clearance of no less than 12 feet, and on average no greater than 18 feet.
- c. An arcade shall have a minimum horizontal walkway clear width of eight feet between the building and any supporting columns, and a maximum covered width of 20 feet.
- d. An arcade shall not at any point be above the level of the adjacent sidewalk, walkway, or pedestrian open space (whichever is higher). The width and spacing of the supporting columns shall be such that maximum visibility is maintained.
- e. The spacing and rhythm of the supporting columns shall relate to the structural or architectural pattern of the building and shall be consistent along the length of the arcade.
- f. No off-street parking spaces, passenger loading zones, driveways, or off-street loading berths are permitted anywhere within an arcade or within 10 feet of any portion thereof, unless the decision-making body determines that such activity will not adversely affect the air quality or functioning of the arcade. In no event shall such vehicular areas be eligible for credit as part of the arcade.
- g. An arcade shall be publicly accessible at all times.

11. **Atrium, Galleria, or Winter Garden**

An atrium, galleria, or winter garden is a publicly accessible sunlit interior space suited for year-round public use, and which takes advantage of windows and sunlight access to provide brightness, orientation, and visual connections to the outdoors.

- a. An atrium, galleria, or winter garden shall be developed and maintained as a temperature controlled, publicly accessible space furnished with features and amenities that encourage its use.
- b. An atrium, galleria, or winter garden shall contain at least one pedestrian feature as defined by this title for each 200 square feet of [GROSS] floor area. [PEDESTRIAN FEATURES INCLUDE FORMAL SEATING SUCH AS BENCHES OR CHAIRS WHICH ACCOMMODATE AT LEAST TWO PEOPLE; INFORMAL SEATING SUCH AS STEPS, PEDESTALS, LOW WALLS, AND SIMILAR AREAS SUITABLE FOR SITTING WHICH ACCOMMODATE AT LEAST FOUR PEOPLE; 10 LANDSCAPING UNITS; AND OBJECTS SUCH AS FOUNTAINS, KIOSKS (NO MORE THAN ONE), AND ART WORK.]
- c. An atrium, galleria, or winter garden shall be co-located with primary entrances and pedestrian activity areas, and either adjoin or directly connect to a publicly accessible sidewalk or open space.

- d. The publicly accessible portion of the atrium, galleria, or winter garden shall be at least 400 square feet, with a minimum dimension of 16 feet.
- e. At least half of an atrium, galleria, or winter garden's ceiling area and at least a portion of its wall area shall consist of transparent glazing.
- f. An atrium, galleria, or winter garden shall be exposed to direct an/or reflected sun for at least four hours daily for eight months of the year.

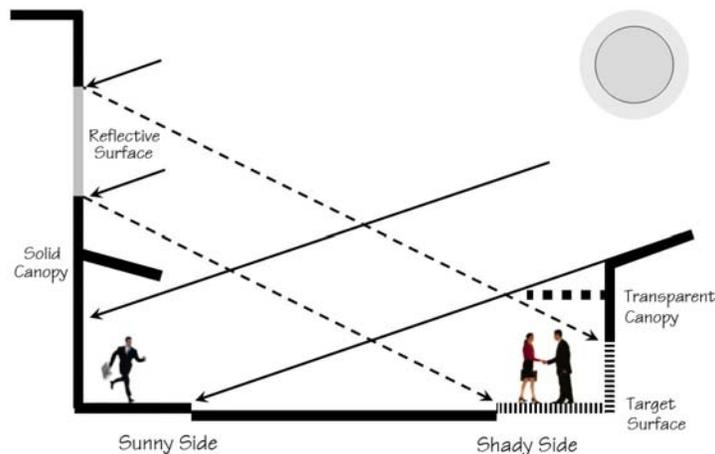
**12. Sun Pocket (or Sun Trap)**

A sun pocket or sun trap is a pedestrian space that captures direct and reflected sunlight. A sun pocket shall be a clearly defined open space partly sheltered by building walls, fences, or landscape features, such as a C, L, or U shaped semi-enclosure. The protected space shall contain at least 250 square feet of pedestrian area that is exposed to direct and reflected sunlight access for at least six hours on March 21 and September 21.

**13. Reflected Sunlight**

Reflected sunlight as a pedestrian amenity is created by a light-colored, partially reflective, upper-story façade surface that redirects sunlight radiation to pedestrian spaces and walkways to brighten or increase the comfort level in those spaces.

- a. The reflective façade surface shall have a solar orientation.
- b. The reflective façade surface shall have a reflectance of at least 50 percent and no greater than 75 percent in order to avoid excessive glare.
- c. The reflective façade surface shall be an upper floor above ground-level.
- d. Reflected sunlight shall fall on at least 400 square feet of a publicly accessible walkway, open space, and/or abutting ground-level wall area for at least four hours on March 21 and September 21.



**14. Sheltered Transition Space**

A sheltered transition space is an outdoor or glass covered space such as café seating along a building façade that provides a comfortable transition between indoor areas and unsheltered outdoor spaces.

- 1 a. A sheltered transition space shall be a minimum of 400 square feet.
- 2 b. A sheltered transition space shall comply with the dimensional standards for  
3 pedestrian shelter or arcade.
- 4 c. A sheltered transition space shall contain a minimum of one pedestrian feature  
5 as defined by this title, [ SUCH AS FORMAL SEATING, INFORMAL SEATING, A  
6 TREE, PLANTER, FOUNTAIN, KIOSK, BOLLARD TO LEAN ON, BIKE RACK,  
7 OR ART WORK FOR EACH 80 SQUARE FEET OF GROSS FLOOR AREA.]
- 8 d. A sheltered transition space shall not obstruct the minimum clear width of the  
9 adjoining walkway or sidewalk.
- 10 **15. Bicycle Parking Facilities**
- 11 a. Required bicycle parking or a sign leading thereto shall be located in an area  
12 visible from a primary entrance area and no farther from a primary entrance than  
13 the closest motor vehicle parking space, not including designated accessible  
14 parking, carpool, or vanpool spaces. It may also be located inside the building  
15 served, in a location that is easily accessible for bicycles.
- 16 b. A required bicycle parking space shall include a securely fixed structure that  
17 allows the bicycle wheel and frame to be locked to the facility, and that supports  
18 the bicycle frame in a stable position without damage to the bicycle, or shall be in  
19 a bicycle locker, lockable bicycle enclosure, or lockable room.
- 20 c. A required bicycle parking space shall be a minimum of six feet long and two feet  
21 wide.
- 22 d. The surfacing of bicycle parking facilities shall be designed and maintained to be  
23 clear of mud and snow.
- 24 e. Bicycle parking shall not obstruct pedestrian walkways, building access, or use  
25 areas.

26 **21.07.070 NEIGHBORHOOD PROTECTION STANDARDS**

27 **A. Purpose and Relationship to Other Requirements**

28 This section provides for transitions between nonresidential and residential uses, through  
29 discretionary approval criteria that may be applied in combination with other development  
30 standards in this chapter 21.07, in order to provide significantly more protection for  
31 neighborhoods from the impacts of adjacent development and to conform to the goals and  
32 policies of the comprehensive plan. This section makes available a menu of additional tools to  
33 use in discretionary approvals to protect residential neighborhoods from potential adverse  
34 impacts of adjacent nonresidential uses, including limitations on hours of operation, noise, and  
35 lighting.

36 **B. Discretionary Conditions**

37 A decision-making body through application of this section shall:

- 38 1. Make findings regarding the potential adverse impact that is anticipated by the proposed  
39 development;
- 40 2. Propose conditions that are specifically related and commensurate to the anticipated  
41 impacts identified in the findings; and

- 1 3. Propose conditions that are the minimum necessary to avoid or mitigate the anticipated  
2 impacts identified in the findings.

3 **C. Nonresidential Development Adjacent to Existing Residential Use**

4 As a condition of the approval of any conditional use permit, site plan review, subdivision, or  
5 variance of any nonresidential use located in or within 300 feet of any residential district, the  
6 decision-making body shall be authorized to impose conditions that are necessary to reduce or  
7 minimize any potential adverse impacts on residential property. Such conditions shall [MUST] be  
8 based on findings which support the imposed condition as required by subsection 21.07.070B.,  
9 and may include but are not limited to the following:

- 10 1. Hours of operation and deliveries;
- 11 2. Location on a site of activities that generate potential adverse impacts on adjacent uses,  
12 such as noise and glare;
- 13 3. Placement of trash receptacles, compactors, or recycling;
- 14 4. Location and screening of loading and delivery areas, garages, vehicle fleet parking, or  
15 vehicle maintenance areas;
- 16 5. Lighting location, intensity, and hours of illumination;
- 17 6. Placement and illumination of outdoor vending machines, telephones, or similar outdoor  
18 services and activities;
- 19 7. Additional landscaping and screening to mitigate adverse impacts;
- 20 8. Height restrictions to preserve light and privacy;
- 21 9. Ventilation and control of odors and fumes;
- 22 10. Paving to control dust; and
- 23 11. Location and orientation of changeable type or illuminated signs, to protect residential  
24 character and privacy and views from residential units.

25 **D. Residential Development Adjacent To Existing Nonresidential Use**

26 When a residential development is proposed adjacent to an existing commercial or industrial use,  
27 the decision-making body may impose neighborhood protection standards, including but not  
28 limited to increased landscaping, traffic calming measures, and requiring the residential  
29 development to be configured and dwelling units located to minimize potential conflicts with or  
30 adverse impacts from the existing nonresidential development. Any required mitigation measures  
31 shall be installed and maintained by the residential development, not the existing commercial or  
32 industrial use.

33 **21.07.080 LANDSCAPING, SCREENING, AND FENCES**

34 **A. Purpose**

35 This section is intended to ensure that new landscaping and the retention of existing vegetation is  
36 an integral part of all development and that it contributes added high quality to development,  
37 retains and increases property values, and improves the environmental and aesthetic character of  
38 the community. It is also the intent of this section to provide flexible requirements that encourage  
39 and allow for creativity in landscape design. Specific purposes include to:

- 1 1. Improve the general appearance of the municipality, its aesthetic appeal and identity, and  
2 the image of its street corridors and urban districts;
- 3 2. Encourage a pleasant visual character for new development which recognizes aesthetics  
4 and safety issues;
- 5 3. Unify development and enhance and define public and private spaces;
- 6 4. Improve compatibility between land uses by reducing the visual and operational impacts  
7 of more intensive uses upon adjacent properties;
- 8 5. Promote the use of existing vegetation and retention of trees, woodlands, habitat, and  
9 urban forest;
- 10 6. Reduce runoff and erosion, control dust, and preserve air and water quality; and
- 11 7. Encourage use of native plants or provide landscaping that is compatible with the climate  
12 and natural setting of the municipality and can provide desired effects even during harsh  
13 urban and winter conditions.

14 **B. Exemption for Temporary Uses**

15 Unless required under section 21.05.080, temporary uses in accordance with section 21.05.080  
16 are exempt from the requirements of this section.

17 **C. Landscape Plan**

18 All landscaping and screening required under this section 21.07.080 shall be reflected on a  
19 landscape plan. All development, except for single-family, two-family, three-family, and four-  
20 family homes on individual lots, shall have a landscape plan prepared by a licensed landscape  
21 architect registered by the state of Alaska or another design professional as allowed by state  
22 legislation. The landscape plan shall be reviewed and approved by the decision-making body. A  
23 landscape plan may be combined with any land clearing, vegetation protection, erosion control, or  
24 snow storage and disposal [REMOVAL] plan required for compliance with other sections of this  
25 title. Where a landscape plan is required under this title, the plan shall include the information  
26 specified in the title 21 user's guide.

27 **D. Cross-reference to Other Requirements**

28 Any use required to provide landscaping or screening pursuant to the district-specific standards of  
29 chapter 21.04 or the use-specific standards of chapter 21.05 shall provide such landscaping or  
30 screening. In the event of a conflict between the requirements of chapter 21.04 or 21.05 and the  
31 requirements of this section 21.07.080, the more restrictive provisions shall govern.

32 **E. Landscaping**

33 **1. General Description of Minimum Landscaping Requirements**

34 Four types of landscaping may be required for a development, depending on the use and  
35 zoning district of the property and adjacent properties, and the portion of the property  
36 involved. These types of landscaping are: (1) site perimeter landscaping, (2) parking lot  
37 landscaping, (3) site enhancement landscaping, and (4) tree requirements for new  
38 residential development. Minimum requirements for these landscaping types are set  
39 forth in subsections 21.07.080F.5., 6., 7., and 8. below.

40 **2. Determining Required Landscaping**

- 41 a. Both existing and installed landscaping are assigned a unit value in table 21.07-  
42 1. Table 21.07-3 provides the number of units per linear foot of frontage that is  
43 required for each level of site perimeter landscaping, as well as the minimum

- 1 width and minimum average widths of the landscaped areas. Other types of  
 2 landscaping state the units per square foot that is required to be installed in a  
 3 certain area.
- 4 **b.** By multiplying the applicable frontage or area by the units required per linear or  
 5 square foot, the total number of required units is calculated. If the resultant  
 6 number contains a fraction, the next highest whole number shall be used.  
 7 Applying any secondary requirements of the landscaping type (for example, a  
 8 minimum number of units required to be trees), the landscape designer may  
 9 choose the allocation of landscape units from table 21.07-1 and arrange them in  
 10 the landscape area.
- 11 **c.** In some instances, landscaping or screening requirements for a particular area,  
 12 such as a fence requirement, may result in exceeding the minimum perimeter  
 13 unit requirement listed in table 21.07-3.
- 14 **3. Shared Credit among Landscaping Types**  
 15 Credit for one type of landscaping may be applied to another, within the following  
 16 parameters:
- 17 **a.** Landscaping provided to meet a site perimeter landscaping requirement may be  
 18 used to satisfy a requirement for parking lot perimeter landscaping, or vice versa,  
 19 along the same lot line or street frontage;
- 20 **b.** Trees retained or planted as part of a tree requirement under subsection  
 21 21.07.080F.8. may count toward other types of landscaping required under  
 22 subsections 21.07.080F.5 through F.7., where the tree location coincides with the  
 23 required landscape areas;
- 24 **c.** Where one type of required landscaping area coincides with another, the stricter  
 25 provisions shall apply unless otherwise specified in this section; and
- 26 **d.** Site enhancement and interior parking lot landscaping **shall** **[MAY]** not be  
 27 counted toward site perimeter or parking lot perimeter landscaping. Interior  
 28 parking lot landscaping requirements **shall** **[MAY]** not be met by any other type of  
 29 landscaping.
- 30 **4. Landscape Units Awarded**  
 31 To provide for flexibility, allow design creativity, and encourage retention of existing trees  
 32 on a site, the required amount of planting material for site enhancement, site perimeter,  
 33 parking lot, or tree retention landscaping is based on a "landscape units" point system.  
 34 The number of units awarded to each landscaping element is listed in table 21.07-1  
 35 below.

TABLE 21.07-1: LANDSCAPE UNITS AWARDED		
Landscape Material <sup>1</sup>	Landscape Units Awarded	
	Newly Installed	Existing Retained <sup>2</sup>
Landmark tree <sup>3</sup>	n/a	25
Evergreen tree, >10 ft high	12	15
Evergreen tree, >8 – 10 ft high	9	11
Evergreen tree, 6 – 8 ft high	6	8
Deciduous tree, >4" caliper <sup>4</sup>	20	20
Deciduous tree, >3" to 4" caliper <sup>4</sup>	12	15

TABLE 21.07-1: LANDSCAPE UNITS AWARDED		
Deciduous tree, 2.5" caliper <sup>4</sup>	8	10
Deciduous Tree, 2" caliper or multi-stem (at least one stem at 2" caliper) <sup>4</sup>	4	5
Deciduous shrub, 36" to 48" high	1	1.2
Deciduous shrub, 24" to 35" high	0.8	1
Deciduous shrub, 18" to 23" high	0.5	0.6
Evergreen shrub, 10" to 18" high	1	1.2
Perennials/ground cover (per #1 container)	0.25 per container	
Topsoil (4" depth) and lawn seeding	1.2 per 100 sq ft	
Earthen berm (seeding or cover), minimum 18" high	0.15 per linear foot	
Hardscape Material		Units Awarded
Ornamental screening fence (between 4 ft. and 6 ft. high)	0.3 per linear foot	
Ornamental metal fence (3 to 4 feet high)	1.7 per linear foot	
Ornamental wall (approx. 3 feet high)	1.6 per linear foot	
Decorative seat walls (approx. 18" high)	2 per linear foot	
Ornamental pavers	0.12 per sq ft	
Landscape boulders, with at least 3' x 3' above grade level	2 per boulder	
Landscape lighting, sculpture, art, water feature, winter city feature, and/or gazebo or similar structure/landmark	As determined by UDC	
Retained Existing Vegetation Mass <sup>5</sup>		Bonus Landscaping Units Awarded <sup>6</sup>
300+ square feet with a minimum of 3 trees including deciduous trees of 4" caliper or greater and/or evergreen trees of at least 6 feet in height		15 percent
500+ square feet with a minimum of 5 trees including deciduous trees of 4" caliper or greater and/or evergreen trees of at least 6 feet in height		20 percent
800+ square feet with a minimum of 8 trees including deciduous trees of 4" caliper or greater and/or evergreen trees of at least 6 feet in height		25 percent
<b>NOTES:</b>		
<sup>1</sup> See subsection 21.07.080G.1. for information about plant materials.		
<sup>2</sup> Points awarded for retained vegetation may only be applied to the lot line, street frontage, or interior area where the vegetation is found. A pre-inspection and written statement from a municipal arborist or other qualified individual designated by the director is required to indicate if the retained trees are healthy and will likely survive given the activities that will be occurring around them.		
<sup>3</sup> Refer to the definition of a "landmark tree" in chapter 21.14. A written statement from a municipal arborist or other qualified individual designated by the director is required to qualify a tree as a landmark tree and to indicate if the tree is healthy and will likely survive given the activities that will be occurring around it.		
<sup>4</sup> Measurements of caliper are described in the definition of "caliper" in chapter 21.14. If a tree caliper measurement is in-between the tree caliper categories of this table, the next lower tree caliper category shall be used.		
<sup>5</sup> In order to receive landscaping units for a retained existing vegetation mass, the complete mass including the native undergrowth shall be preserved in its current condition.		
<sup>6</sup> To calculate bonus landscaping units, determine the total landscape unit value of eligible trees within a retained vegetation mass. Multiply this total landscape unit value times the percentage indicated to obtain the number of bonus landscaping units.		

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**5. Site Perimeter Landscaping**  
**a. Purpose**

Site perimeter landscaping separates land uses of different characteristics or intensities, to minimize the effects of one land use on another. It reduces

1 unwanted views and other impacts of a land use on adjacent properties.  
2 Perimeter landscaping can also mark the interface between public streets and  
3 individual property, soften the visual impacts of development on public streets,  
4 and help to frame the municipality's streetscapes with trees and vegetation. Four  
5 levels of site perimeter landscaping are provided to accommodate a variety of  
6 land uses at a variety of intensities. Refer to table 21.07-3 for specifications  
7 regarding each landscaping level. The intent of each level is described below:

8 **i. L1 Edge Treatment**

9 Edge Treatment perimeter landscaping is used to define the perimeter of  
10 small parking lots located within the DT districts. It is applied where a  
11 minimal visual break or buffer is adequate to soften the impacts of a use.  
12 It consists of ground covers, perennials, wildflowers, shrubs, trees,  
13 fencing, walls, and/or other hardscape elements.

14 **ii. L2 Visual Enhancement**

15 Visual enhancement perimeter landscaping uses a combination of  
16 distance and low level landscaping to soften the visual impacts of a use  
17 or development, or where visibility between areas is more important than  
18 a visually obscuring screen. It is applied between certain land uses, on  
19 the perimeter of parking lots [AREAS], and along streets, where it helps  
20 to frame the municipality's streetscapes with consistent treatments of  
21 trees and vegetation.

22 **iii. L3 Buffer**

23 Buffer perimeter landscaping is intended to provide physical and visual  
24 separation between uses or developments. It provides enough width so  
25 that trees may be clustered to provide greater visual buffering.

26 **iv. L4 Screening**

27 L4 screening perimeter landscaping is employed as the highest level  
28 separation where there are incompatible land uses or land uses that are  
29 sharply different in terms of scale, type of use, or pattern of use. It is  
30 also used along freeways where there are incompatible uses. L4  
31 screening landscaping is intended to provide a substantial visual barrier  
32 between incompatible or sharply different land uses and to protect major  
33 visual corridors and entrance gateways into the community.

34 **b. Applicability of Site Perimeter Landscaping**

35 Site perimeter landscaping shall be provided along the perimeter property line of  
36 development sites in accordance with table 21.07-2, except for the following:

37 **i.** At approved points of pedestrian or vehicle access;

38 **ii.** On individual single-family and two-family lots that are not being  
39 developed as part of a subdivision, unless required elsewhere in this title.

40

**TABLE 21.07-2: APPLICABILITY OF SITE PERIMETER LANDSCAPING**  
Required Level of Site Perimeter Landscaping (Levels 2, 3, or 4)

Abutting District or Street	R-6, R-8, R-9, R-10, TA	R-1, R-1A, R-2A, R-2D, R-5, R-7	R-2M, R-2F	R-3	R-4, R-4A	PLI	NMU, CMU, B-1A	RMU	B-3, RO	I-1, MC	I-2, MI	PR	Freeway
District Of Proposed Development													
R-6, R-8, R-9, R-10, TA	L3	L3	L3	L3	L3	L3	L3	L3	L3	L3	L3		L4
R-1, R-1A, R-2A, R-2D, R-5, R-7	L3		L3	L3	L3	L3	L3	L3	L3	L3	L3		L4
R-2M, R-2F	L3	L3		L2	L3	L3	L3	L3	L3	L3	L3		L4
R-3	L3	L3	L2 <sup>4</sup>		L2 <sup>4</sup>	L3	L2	L3	L2	L3	L3		L4
R-4, R-4A	L3	L3	L3	L2 <sup>4</sup>		L3	L2	L3	L2	L3	L3		L4
PLI	L3	L3	L3	L3	L3		L2	L2	L2	L2	L2	L2 <sup>5</sup>	L4
NMU, CMU, B-1A <sup>2</sup>	L3	L3	L3	L2	L2	L2		L2	L2	L2	L2	L3	L4
RMU <sup>2</sup>	L3	L3	L3	L3	L3	L2	L2		L2	L2	L2	L2	L4
B-3, RO <sup>2,3</sup>	L3	L3	L3	L2	L2	L2	L2	L2		L2	L2	L3	L4
I-1, MC	L3	L3	L3	L3	L3	L2	L2	L2	L2			L3	L4
I-2, MI	L3	L3	L3	L3	L3	L2	L2	L2	L2			L3	L4
PR						L2	L3	L3	L3	L3	L3		L4
AF	L3	L3	L3	L3	L3	L2	L2	L2	L2			L3	

**NOTES:** <sup>1</sup> Refer to subsection 21.07.080E.5.d.

<sup>2</sup> Refer to subsection 21.07.080E.5.e.

<sup>3</sup> [APPLICABILITY OF PREDOMINANT ZONING PROVISION – RESERVED]

<sup>4</sup> The L2 requirement only applies on lots greater than one acre.

<sup>5</sup> L2 landscaping shall be required only when the use on the PLI land is a commercial use, an industrial use, or a use from the public safety facility, or utility facility use categories.

<sup>6</sup> Refer to subsection 21.07.080E.5.f.

**c. Specifications for Site Perimeter Landscaping**

In any area where site perimeter landscaping is required according to table 21.07-2, the planting requirements in table 21.07-3 shall apply. The amount of landscaping required in table 21.07-3 is measured per linear foot of property line or street frontage. Vehicular and pedestrian access points shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining site perimeter landscaping area.

**d. L4 Screening Landscaping Requirements along Freeways**

i. L4 screening landscaping requirements along freeways shall apply to any lot abutting the right-of-way of a freeway designated in the Official Streets and Highways Plan, on roadway sections built to freeway design standards with full grade separations of intersecting streets, or to streets functioning as frontage roads for such freeways. Lots abutting the following freeway segments are subject to L4 screening landscaping requirements of this section:

(A) Seward Highway between Tudor Road and Potter Valley Road;

(B) Glenn Highway between Boniface parkway and the municipal boundary; and

(C) Minnesota Drive/O'Malley Road between International Airport Road and the Old Seward Highway.

ii. The L4 screening landscaping requirements are replaced with the L3 buffer landscaping requirements in the following situations:

(A) Any lot whose area, less the 30 foot setback area for the L4 screening area, is less than the minimum lot area required in the zoning district; or

(B) Any lot whose depth, excluding all setbacks required by this title, is less than 100 feet.

**TABLE 21.07-3: SPECIFICATIONS FOR SITE PERIMETER LANDSCAPING**

Requirement	L1 Edge Treatment	L2 Visual Enhancement	L3 Buffer	L4 Screening
Total landscape units required per linear foot of property line or street frontage	0.40 units per linear foot	0.60 units per linear foot	1.1 units per linear foot	2.2 units per linear foot
Minimum number of landscape units that shall be trees	0.10 units per linear foot unless waived by the decision-making body	0.30 units per linear foot	0.50 units per linear foot	1.2 units per linear foot
Minimum number of landscape units that shall be evergreen trees	none	Allowed but not required	0.30 units per linear foot	0.9 units per linear foot

**TABLE 21.07-3: SPECIFICATIONS FOR SITE PERIMETER LANDSCAPING**

Requirement	L1 Edge Treatment	L2 Visual Enhancement	L3 Buffer	L4 Screening
Minimum number of landscape units that shall be shrubs	0.20 units per linear ft, utilizing a hedge, ornamental fence, and/or ornamental wall	0.12 units per linear foot	0.25 units per linear foot	0.6 units per linear foot
Planting area width (minimum average)	3 ft	8 ft	15 ft	30 ft.
Planting area width (minimum at any point)	3 ft except a minimum 100 sq ft area is required for each tree	8 ft	12 ft	25 ft

<sup>7</sup> The petitioner shall demonstrate to the approving authority that the space on the site is too constrained to install trees. If trees are not required by the approving authority, the landscaping units that would otherwise be used for trees shall be applied to other items listed in table 21.07-1.

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- e. **Residential Uses in Commercial and Mixed-Use Districts**  
 Household living uses in the NMU, CMU, RMU, R-O, and B-3 districts shall be subject to the R-4 and R-4A districts' site perimeter landscaping requirements in table 21.07-2, except that mixed-use dwellings may adhere to the site perimeter landscaping requirements of either the underlying commercial or mixed-use zoning or the R-4 and R-4A districts.
  
- f. **Alternate Street Frontage Landscaping**  
 As an alternative to the street frontage site perimeter landscaping requirements of table 21.07-2, nonresidential and mixed-use development in the NMU, CMU, RMU, B-1A, R-4, and R-4A districts may instead comply with the mixed-use district sidewalk streetscape landscaping standards in subsection 21.04.050G.
  
- g. **Additional Standards for Site Perimeter Landscaping**
  - i. Minimum width of planting beds shall be measured from back of curb to back of curb or landscape edging.
  - ii. Vehicle overhang allowance area, as measured in table 21.07-9, shall not extend into the minimum required planting bed width.
  - iii. In order to reduce solar shadowing of abutting residential properties in the spring and fall months, the director may waive evergreen tree requirements along north lot lines that abut residential or mixed-use districts, where the lot line runs within 30 degrees of east-west. In such case, the landscape units that would otherwise be used for evergreen trees shall be applied to deciduous trees.
  - iv. If perimeter landscaping includes a fence or wall and abuts a public street right-of-way, the landscape bed shall be located between the fence or wall and the street right-of-way.

- 1 v. No sign of any kind, other than one real estate sign per site no larger  
2 than six square feet, is permitted along freeways within the planting area  
3 of L4 screening perimeter landscaping.
- 4 vi. Existing natural vegetation in the required L4 screening perimeter  
5 landscaping area shall not be disturbed and shall be augmented with  
6 additional landscaping if L4 screening requirements are not met. If  
7 existing vegetation is disturbed, it shall be restored, to the extent  
8 possible, to its original condition.
- 9 vii. When L3 perimeter landscaping is being applied along a lot line which  
10 abuts residential development, evergreen trees shall be placed to  
11 visually buffer the points at which obtrusive elements such as on-site  
12 storage could otherwise be seen from the abutting residential use. Trees  
13 and shrubs shall also provide continuous coverage along the length of  
14 the landscape bed.
- 15 viii. When L4 screening landscaping is being applied along a lot line which  
16 abuts residential development, freeways, and associated frontage roads,  
17 evergreen trees shall be used to visually screen the most obtrusive  
18 elements such as storage areas from view of the abutting residential use  
19 or freeway. Trees and shrubs shall also provide continuous coverage  
20 along the length of the landscape bed.

21 **6. Parking Lot Landscaping**

- 22 a. **Purpose**  
23 Parking lot landscaping softens the view and breaks up the visual impact of  
24 extensive paved surfaces associated with multifamily residential and  
25 nonresidential development. It also contributes to storm water management,  
26 provides orientation to entrances, increases outdoor comfort levels, and mitigates  
27 wind and dust in large parking lots [AREAS]. Parking lot landscaping is intended  
28 as a visual buffer that softens visual impacts, not a barrier that eliminates natural  
29 surveillance. It consists of perimeter and interior parking lot landscaping.
- 30 b. **Applicability of Parking Lot Landscaping**  
31 Parking lot perimeter landscaping requirements shall apply to parking lots with  
32 six or more parking spaces that are accessory to any multifamily or  
33 nonresidential building or use, and to parking lots that are the principal use on a  
34 site. Parking lot interior landscaping requirements shall apply to parking lots of  
35 40 [20] or more parking spaces.
- 36 c. **Parking Lot Perimeter Landscaping**  
37 Parking lot perimeter landscaping shall be required for all applicable parking lots  
38 which are adjacent to a lot line as provided below. This landscaping shall be  
39 provided along applicable lot lines except at approved points of vehicular or  
40 pedestrian access, although the entire parking lot frontage, including vehicular or  
41 pedestrian access points shall be used to calculate the required landscaping.
- 42 i. **General Requirement**  
43 The perimeter of a parking lot [AREA], which includes its appurtenant  
44 driveways, shall utilize the following schedule at the lot line indicated:

<b>TABLE 21.07-4: PARKING LOT PERIMETER LANDSCAPING REQUIREMENTS</b>	
<b>Use Of Development Site Based On The Use Of Abutting Or Adjacent Sites</b>	<b>Landscaping Requirement Along The Indicated Lot Line</b>
(A) Nonresidential use abutting a residential use or a nonresidential use adjacent to a residential use directly across an alley.	L3 buffer landscaping <sup>8</sup>
(B) Multifamily residential use abutting a single-family residential use	L3 buffer landscaping <sup>9</sup>
(C) Any side of a parking lot perimeter not addressed in (A) or (B) above.	L2 visual enhancement landscaping <sup>10</sup>
<p><b>NOTE:</b> <sup>8</sup> For the side of a parking lot adjacent to a residential use across an alley, an ornamental screening fence and L2 landscaping may be used in the place of L3 buffer landscaping.</p> <p><sup>9</sup> For the side of a parking lot adjacent to a single-family residential use across an alley, an ornamental screening fence and L2 landscaping may be used in the place of L3 buffer landscaping.</p> <p><sup>10</sup> For parking lots with less than 40 spaces located in the DT districts, L1 edge treatment landscaping may be used to meet parking lot perimeter landscaping requirements.</p>	

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ii. **Continuous Low Visual Buffer and Edge**

To ensure a defined parking lot edge along community streets and sidewalks, and a more consistent low visual buffer against parked vehicles, a continuous planting of shrubs, a low ornamental fence/wall and/or a landscaped berm shall be provided along the length of the landscape bed where parking lot perimeter landscaping is applied along a public street or abutting a residential property. In such cases, a minimum of 0.25 landscape units per linear foot shall be shrubs, earthen berm, or an ornamental fence/wall for parking lot perimeter landscaping abutting a street or residentially zoned lot. Such installation shall be no less than three feet and no more than four feet in height along streets, and no less than four feet and no more than six feet in height abutting a residentially zoned lot.

iii. **Multiple Lots Developed Together**

Where multiple lots are being developed under a common site plan or a joint parking/circulation plan, the parking lot perimeter landscaping along an interior lot line may be allowed to be shared between the two abutting uses or waived altogether, subject to approval by the director.

iv. **Standards for Parking Lot Perimeter Landscaping**

Parking lot perimeter landscaping shall meet the specifications and standards of perimeter landscaping in 21.07.080F.5.c. and 5.g.

d. **Parking Lot Interior Landscaping**

i. **Amount Required**

Parking lot interior landscaping shall be required for all development with 40 or more exterior surface parking spaces, as follows:

(A) **40 to 70 spaces**

An area equal to at least five percent of the surface of the parking lot [AREA] on the site, including appurtenant driveways, shall be devoted to landscaping.

- 1 (B) 71 to 100 spaces  
2 An area equal to at least seven and one half percent of the  
3 surface of the parking lot [AREA] on the site, including  
4 appurtenant driveways. shall be devoted to landscaping.
- 5 (C) More than 100 spaces  
6 An area equal to at least 10 percent of the surface of the parking  
7 lot [AREA] on the site, including appurtenant driveways shall be  
8 devoted to landscaping.
- 9 ii. **Minimum Landscaping Area Size**  
10 The minimum size of any interior planting area shall average eight feet  
11 wide (minimum seven feet wide at any point) measured from back-of-  
12 curb and shall be 150 square feet in area. Vehicle overhang allowance  
13 area as measured in table 21.07-9 shall not extend into the minimum  
14 required planting bed.
- 15 iii. **More Than 25 Spaces in a Single Line**  
16 Where there are more than 25 parking spaces in a single line, a parking  
17 lot interior landscaping area averaging at least eight feet in width  
18 (minimum seven feet wide at any point) and at least the depth of a  
19 parking space shall be used to break up these lines of parking into  
20 component parts of no more than 25 parking spaces in a single line.
- 21 iv. **Landscaping Break for Every Three Drive Aisles**  
22 In parking lots over 100 spaces, for every three parking [DRIVE] aisles  
23 within the lot, there shall be a landscaping bed averaging at least eight  
24 feet wide (minimum seven feet wide at any point), parallel to the parking  
25 [DRIVE] aisles, and which extends the length of the abutting parking  
26 [DRIVE] aisles. Landscaped peninsulas or end islands shall not be  
27 included in the calculation of the average width.
- 28 v. **Minimum Stocking Requirements**  
29 In any required interior parking lot landscaping area, a minimum of eight  
30 landscape units per 100 square feet (0.08 units per square foot) of  
31 planting area shall be provided, with at least half of the landscape units  
32 being trees.
- 33 vi. **Natural Surveillance and Safety**  
34 Good visibility in parking lots is important for both security and traffic  
35 safety reasons. Plants and trees that restrict visibility, such as tall shrubs  
36 and low branching trees, should be avoided. Therefore, parking lot  
37 interior landscaping shall, to the extent reasonably feasible, minimize  
38 vegetation and solid or semi-open fences between three feet and seven  
39 feet above grade. Berms used as part of interior landscaping areas shall  
40 not exceed three feet in height.
- 41 7. **Site Enhancement Landscaping**  
42 a. **Purpose**  
43 Site enhancement landscaping increases the number of plant materials and  
44 seasonal color on open areas of a site, prevents erosion and dust by covering  
45 bare or disturbed areas, and reduces and cleans storm water runoff. It includes  
46 foundation plantings, front, side and rear-yard plantings, common area plantings,  
47 and allowable hardscape materials. It enhances the appearance and function of  
48 the building and site and reinforces its continuity with the surrounding properties.

1           **b.     *Applicability of Site Enhancement Landscaping***  
2           All ground surfaces on any development site that are not devoted to buildings,  
3           structures, drives, walks, off-street parking or other authorized uses or  
4           installations, and not otherwise devoted to landscaping required by this chapter,  
5           shall be provided with site enhancement landscaping.

6           **c.     *Specifications for Site Enhancement Landscaping***  
7           In any area where site enhancement landscaping is required, a minimum of one  
8           landscape unit per 50 square feet (0.02 units per square foot) of planting area  
9           shall be provided. However, all applicable areas shall, at a minimum, be covered  
10          with landscape or hardscape material as provided in table 21.07-1.

11          **8.     Trees in Residential Developments**

12          **a.     *Purpose***  
13          This section is a tree requirement for residential development. It encourages the  
14          retention of trees, minimizes the impact of tree loss during construction, and  
15          promotes a sustained presence of trees and woodlands in urbanized areas of the  
16          municipality. Trees are an important characteristic of the municipality, providing  
17          economic support of local property values; enhancing the municipality's natural  
18          beauty and identity; reinforcing the pleasant physical character of residential  
19          neighborhoods; protecting anadromous fish and wildlife habitat; ameliorating  
20          impacts of development on drainage, soil erosion, air quality, and water quality;  
21          sheltering from inclement weather; providing shade and transpiration cooling in  
22          summer; and providing visual buffering of urban development.

23          **b.     *Applicability of Tree Requirement***  
24          The tree requirement applies to residential development except for single- and  
25          two-family lots that were platted before [effective date of this title]. It does not  
26          apply to the removal of dead, diseased or naturally fallen trees or vegetation, or  
27          trees or vegetation that are a threat to the public health, safety, or welfare.

28          **c.     *Minimum Tree Density***  
29          As defined in table 21.07-1, 165 tree landscape units per acre are required in  
30          new residential developments.

31                  **i.**       Up to 35 percent of the total number of required units may be located  
32                  within a separate tract or tracts held in common ownership by a  
33                  homeowners association or comparable entity.

34                  **ii.**       All individual lots in a subdivision shall have at least three trees, with at  
35                  least one tree located in the front yard of each lot.

36          **d.     *Tree Retention and Planting***  
37          Tree density may consist of retained trees, installed trees, or a combination of  
38          retained and installed trees. Trees to be retained shall be depicted on the  
39          landscape plan. Where site characteristics or construction preferences do not  
40          support tree preservation, tree plantings may be used to satisfy this standard.

41          **F.     General Landscaping Requirements and Standards**

42          All required landscaping, screening or fences shall comply with the following standards:

43                  **1.     Plant Materials**

44                  **a.     *Plant Choices and Quality***  
45                  All plant material utilized in meeting landscaping and screening requirements  
46                  shall be hardy for its site in terms of wind, temperatures, soils, light, and moisture

1 requirements as referenced in the title 21 user's guide. In all cases the plant  
2 materials shall be living and free of defects and of normal health, height, and  
3 spread as defined by the *American Standard for Nursery Stock, ANSI Z60.1*,  
4 latest available edition, American Nursery and Landscaping Association. Plants  
5 may be nursery grown or transplanted from the wild or native stands, provided  
6 the plants meet all ANSI Z60.1 standards. Non-native plant species identified as  
7 invasive by the state of Alaska or U.S. Department of Agriculture shall not be  
8 used. Plants, seeds, and soils shall be from sources that screen for invasive  
9 species and diseases.

10 **b. Tree Plantings**

11 Planted and transplanted trees shall be mulched with shredded bark mulch or  
12 rock mulch two to four inches in depth, with no bark mulch within four inches of  
13 the base of the trunk. Species selection and spacing of trees to be planted shall  
14 be such that it provides for the eventual mature size of the trees. Soil type, soil  
15 conditions, and other site constraints shall be considered when selecting species  
16 for planting or transplanting. Evergreen trees installed shall meet a minimum 5:3  
17 height to spread ratio.

18 **2. Planting Location**

19 Tree planting shall take into consideration the growth habits of each species and shall  
20 allow adequate space for healthy growing conditions.

21 **a. Utility Easements**

22 **i.** Required landscaping areas may overlap with utility easements if all  
23 applicable landscaping requirements of this title are met within these  
24 areas.

25 **ii.** The utility shall [MUST] make a good faith effort to provide written notice  
26 to the affected residents at least one week prior to disturbance of the  
27 landscaping, except for power restoration or in case of emergencies  
28 involving life or safety. The utility is not responsible for replacement of  
29 disturbed landscaping within the utility easements, but the utility shall  
30 stabilize the disturbed area to prevent erosion.

31 **b. Visibility Clearance Areas**

32 All landscaping and screening materials shall comply with the visibility clearance  
33 requirements of AMC title 9.

34 **3. Planting Beds and Vegetation Areas**

35 **a. Protection of Landscaping**

36 All required landscaped areas, particularly trees and shrubs, shall be protected  
37 from potential damage by adjacent uses such as parking and storage areas.  
38 Concrete barrier curbs or other approved barriers at least six inches high shall be  
39 provided between vehicular use areas and landscaped areas. Landscaped  
40 areas shall be marked or otherwise made to be visible during snow removal  
41 operations.

42 **b. Tree Retention Area Protection**

43 Tree retention areas used toward landscaping requirements under this section  
44 21.07.080 shall be adequately protected from damage through adherence to the  
45 following:

46 **i. Construction Fence**

47 A construction fence shall be placed around each tree or grouping of  
48 trees to be retained at or beyond the edge of the tree protection zone,

1 defined as outside the critical root zones of the trees to be retained (refer  
2 to definition of *tree protection zone* in section 21.14.030). The fence  
3 shall be placed before construction starts and remain in place until  
4 construction is complete. The fence shall be a minimum of four feet high  
5 and of materials suitable to remain for the duration of construction.

6 **ii. *Development Limitations in Tree Retention Areas***

7 Within the tree protection zone of each tree or grouping of trees, the  
8 following development is not allowed:

- 9 (A) Grade change, excavations, or cut and fill, either during or after  
10 construction;
- 11 (B) New impervious surfaces;
- 12 (C) Utility or drainage field placement;
- 13 (D) Attachment of objects to a tree designated for retention;
- 14 (E) Staging or storage of materials and equipment, vehicle  
15 maneuvering areas, or other activities likely to cause soil  
16 compaction or above-ground damage;
- 17 (F) Placement, storage, or dumping of solvents, soil deposits,  
18 excavated material, concrete washout, or the like.

19 **iii. *Subsequent Landscaping Work***

20 Any landscaping done in the tree protection zone subsequent to the  
21 removal of construction barriers shall be accomplished with light  
22 machinery or hand labor.

23 **c. *Ground Cover and Mulches***

- 24 **i.** Planting beds containing trees and shrubs shall use mulches. These  
25 mulches may consist of shredded bark or mineral mulches that do not  
26 become compacted. The mulch shall [MUST] be selected to: moderate  
27 soil temperatures and reduce freeze-thaw cycles; keep soil from  
28 compacting; conserve soil moisture; reduce weed competition; and keep  
29 trunks safer from mowers and weed-trimmers. The mulched area should  
30 not incorporate non-permeable sheeting or any material that repels  
31 water.
- 32 **ii.** For areas of the site outside of planting beds and subject to site  
33 enhancement landscaping, ground cover plants such as lawn grasses  
34 shall be planted to provide continuous ground coverage within three  
35 years.

36 **d. *Berms***

37 Berms may be incorporated into any required landscaping or screening area.  
38 Berms for on-site landscaping shall not be placed in a public right of way, and  
39 shall not interfere with natural drainage or cause water to be drained onto streets.  
40 No installed berm shall have a slope of greater than 3:1 for mown areas or  
41 greater than 2:1 for planted berms.

1           **4.     Installation of Landscaping**

2           **a.     *Timing***

3           All required landscaping and screening shall be installed by the developers. All  
4           landscaping shall be installed before a certificate of zoning compliance is issued.  
5           If a certificate of zoning compliance is requested between September and May,  
6           then the certificate shall be conditioned upon the landscaping being installed  
7           before the following August 31.

8           **b.     *Surety***

9           A letter of credit, escrow, performance bond, or other surety approved by the  
10          municipal attorney for proper installation of the landscaping and equal in value to  
11          120 percent of the value of the installed landscaping, as determined by a  
12          bonded, licensed landscape contractor, shall be provided to the director prior to  
13          the installation of the landscaping. This bond shall remain in place with the  
14          director for at least 24 months after installation to ensure survival and proper  
15          maintenance of the landscaping in accordance with this section. After the  
16          landscaping has been installed for 24 months, and an inspection has found that  
17          the required landscaping is in good health, the surety shall be released. The  
18          bonding requirement established in this subsection may be waived for a  
19          landscaping area that meets the irrigation standards of subsection G.6.b. below.

20          **c.     *Survival***

21          Any landscape element that dies, is removed, or is seriously damaged shall be  
22          replaced based on the requirements of subsection 21.07.080G.6.a. before the  
23          following August 31.

24          **5.     Use of Landscaped Areas**

25          Except as specifically allowed elsewhere in this title, no structure, motor vehicle area,  
26          snow storage, or paved area may be located in areas required for landscaping.

27          **6.     Maintenance and Replacement**

28          **a.     *Maintenance***

29          Trees, shrubs, other vegetation, irrigation systems, fences, and other  
30          landscaping, screening, and fencing elements shall be considered as elements of  
31          a development in the same manner as other requirements of this title. The  
32          property owner shall be responsible for regularly maintaining all landscaping  
33          elements in good condition. All landscaping shall, to the extent reasonably  
34          feasible, be maintained free from disease, weeds, and litter. Any landscape  
35          element that dies, is removed, or is seriously damaged shall be replaced with the  
36          same type and size landscape element that is shown on the approved landscape  
37          plan for the site. In addition, the landscape units lost with a dead or removed  
38          tree shall be recovered through a replacement tree and other plantings as  
39          needed to recapture the total landscape units that were lost. All landscaping,  
40          screening, and fencing materials and structures shall be repaired and replaced  
41          when necessary to maintain them in a structurally sound condition.

42          **b.     *Irrigation***

43          To ensure that plants will survive, particularly during the critical two-year  
44          establishment period when they are most vulnerable to lack of watering, the  
45          bonding requirement established in subsection 21.07.080G.4. above may be  
46          waived by the director for any landscaping area that will be irrigated by one of the  
47          following:

48          i.       A below-ground irrigation system with automatic controller that has been  
49          installed in compliance with an approved permit or by a certified irrigation

1 contractor who certifies that the irrigation system was constructed to  
2 national standards; or

- 3 ii. An irrigation system designed and approved by a licensed landscape  
4 architect as part of the landscape plan, which provides sufficient water to  
5 ensure that the plants will become established.

6 **G. Screening**

7 **1. Purpose**

8 Screening consists of landscaping, the retention of natural vegetation, or the use of  
9 physical structures to block views of specific activities or specific parts of a property or  
10 structure. Applicants are encouraged to locate the types of features listed in this section  
11 where they are not visible from abutting streets and abutting uses or lots as specified  
12 below, so that screening is unnecessary.

13 **2. Refuse Collection**

14 In order to improve the image of the municipality's streets and neighborhoods, refuse  
15 collection receptacles shall be adequately screened from abutting streets. These  
16 receptacles shall also be located where they can be conveniently and safely accessed by  
17 the intended users and by refuse collection vehicles.

18 **a. Applicability**

19 The following standards shall apply to all refuse collection receptacles of all  
20 development, except for the Chugiak-Eagle River area where this section is  
21 reserved for inclusion in chapter 21.10. Refuse collection receptacles that abut  
22 an alley are exempted from the screening standards of this subsection. For  
23 purposes of this section, the term "refuse collection receptacles" includes  
24 dumpsters, garbage cans, debris piles, or grease containers, but does not  
25 include public trash receptacles for pedestrians placed in the right-of-way, public  
26 drop-off recycling receptacles, or waste receptacles for temporary uses such as  
27 construction sites. This section also does not apply to refuse collection  
28 receptacles that are stored indoors and brought outdoors on garbage pickup  
29 days.

30 **b. Residential Dwellings**

31 i. In class A districts:

32 **(A)** Except as allowed below, single-family **[(ATTACHED AND**  
33 **DETACHED)]**, two-family, townhouse, and three-unit multifamily  
34 dwellings on lots less than 40,000 square feet shall not have  
35 dumpsters.

36 **(B)** A group of three or more dwellings may share a dumpster if the  
37 following criteria are met:

38 **(1)** The dumpster is bear-proof;

39 **(2)** The Alaska Department of Fish and Game determines  
40 that a bear-proof dumpster would reduce the potential  
41 for problem bears in the neighborhood; and

42 **(3)** The dumpster is located and screened in accordance  
43 with the standards below.

- 1 (C) Single-family, two-family, townhouse, or three-unit multifamily  
2 dwellings on lots less than 40,000 square feet may have a  
3 dumpster if the dumpster is serviced from an alley.
- 4 ii. In class B districts, dumpsters are permitted and shall be screened in  
5 accordance with the standards below. [RESERVED—PREDOMINANT  
6 ZONING PROVISION]
- 7 iii. Notwithstanding all other requirements of this section, garbage cans and  
8 recycling bins that are 96 cubic feet or smaller are considered screened  
9 if they are not visible (except on garbage pickup days) from the abutting  
10 street from which vehicular access to the residence is taken.
- 11 c. **Site Plans**  
12 Site plans for applicable development shall include the proposed location and  
13 type of refuse receptacle screening that will be used and the access provisions  
14 for service trucks. If a screening enclosure is necessary pursuant to G.2.e.  
15 below, the site plan shall include the construction details of the enclosure to  
16 ensure the dimensions comply with the service provider's standards. Site plans  
17 with refuse receptacles in alleys shall identify the location of the refuse  
18 receptacle and the methods with which the receptacle shall be contained in its  
19 identified location.
- 20 d. **Location**  
21 Outdoor refuse collection receptacles shall not be located in any required front  
22 setback and shall, to the extent reasonably feasible and depending on the size,  
23 location, and configuration of the site, and need for access by refuse collection  
24 vehicles, be set back from the front plane of the principal structure. Refuse  
25 collection receptacles shall not be located within any area used to meet the  
26 minimum landscaping or parking requirements and loading berth requirements of  
27 this chapter, or be located in a manner that obstructs or interferes with any  
28 designated vehicular or pedestrian circulation routes onsite.
- 29 e. **Screening**  
30 i. Each refuse collection receptacle shall be screened from view from  
31 abutting streets. The screening may be achieved by buildings, fences,  
32 landscaping, or a refuse collection receptacle screening enclosure.
- 33 ii. If a screening enclosure is necessary to meet the standards of this  
34 subsection, the screening enclosure shall consist of a durable, three-  
35 sided, screening structure. If the refuse collection receptacle is visible  
36 through the open side of the screening structure from the abutting  
37 streets, the opening shall be screened with a sight-obscuring gate. The  
38 enclosure and any gate shall be maintained in working order to function  
39 as a screening structure. The gate shall remain closed except to allow  
40 for trash pick-up.
- 41 f. **Maintenance of Refuse Collection Receptacle**  
42 The lids of receptacles in screening enclosures without roof structures shall  
43 remain closed except when being accessed by users or refuse service trucks,  
44 and shall be maintained in working order.
- 45 g. **Procedure for Obtaining an Administrative Variance for Refuse Receptacle**  
46 **Location**  
47 i. If a site was developed prior to [effective date] and compliance with the  
48 location requirements of subsection 2.d. above is either physically

- 1 impossible or would result in noncompliance with other requirements of  
2 this title, the property owner may apply for an administrative variance  
3 from this section.
- 4 ii. An applicant for an administrative variance from this section shall submit  
5 the information specified in the user's guide.
- 6 iii. The director may grant an administrative variance from the location  
7 requirements of subsection 2.d. above with the following limitations:
- 8 (A) The director may allow the reduction of no more than two  
9 required parking spaces.
- 10 (B) The director shall not waive any requirements of subsection 2.e.,  
11 *Screening*.
- 12 (C) If the variance allows a refuse receptacle to be placed in  
13 required landscaping, the total required landscape units for the  
14 area shall not be reduced.
- 15 (D) Any variance shall not result in an encroachment into a public  
16 right-of-way.
- 17 iv. The director shall make written findings and conclusions for each  
18 administrative variance request.
- 19 v. If the request for an administrative variance is denied, the applicant may  
20 apply for a variance under section 21.03.240.
- 21 h. ***Amortization of Nonconforming Refuse Collection Receptacles***  
22 Existing dumpsters that are located at residential uses indicated in subsection  
23 21.07.080G.2.b. shall be removed within 18 months from the effective date of this  
24 title. Sites with refuse collection receptacles that are subject to the location and  
25 screening requirements of subsections 21.07.080G.2.d. and G.2.e. shall meet  
26 the requirements of this section within five years from the effective date of this  
27 title.
- 28 3. **Service and Off-Street Loading Areas**
- 29 a. ***Applicability***  
30 This standard is intended to mitigate visual and noise impacts of service and off-  
31 street loading areas on abutting residential uses and neighborhoods, and streets.  
32 The standards shall apply to all service and off-street loading areas serving  
33 nonresidential uses that are visible from a street or a nonindustrial zoning  
34 district.
- 35 b. ***Standard***  
36 Applicable non-enclosed service and off-street loading areas shall be screened  
37 as follows:
- 38 i. A wall or fence at least eight feet high shall be located along at least one  
39 exposed edge of the service or loading area that is parallel to  
40 vehicles/trailers parked in the service or loading area. The wall or fence  
41 shall extend the length of the longest vehicle/trailer anticipated to be  
42 parked in the service or loading area.

- 1                   ii.     Additional landscaping shall be provided along the site perimeter at the  
2                   location of the service or loading area to visually obscure the area from  
3                   the abutting street or property.
- 4                   iii.     An alternate screening plan may be approved by the director if the  
5                   proposed plan effectively screens the service or loading area from  
6                   abutting streets and nonindustrial districts.

7 **H.     Fences**

8           **1.     Applicability**

9           The provisions of this subsection 21.07.080H. shall apply to all construction, substantial  
10           reconstruction, or replacement of fences, retaining walls not required for support of a  
11           principal or accessory structure, or any other linear barrier intended to delineate different  
12           portions of a lot or to separate lots from each other. The provisions of this subsection do  
13           not apply to temporary fencing for construction, emergencies, or special public events or  
14           performance areas.

15           **2.     Location**

16           A fence may be constructed within property boundaries, or at the lot line, subject to the  
17           limitations in this section. No fence shall be installed so as to block or divert a natural  
18           drainage flow onto or off of any other property.

19           **3.     Maximum Height**

20           Unless specifically required elsewhere in this title for screening fences, fences shall not  
21           exceed the maximum heights set forth below. Such maximum heights shall be measured  
22           from the top of any retaining wall, or if no retaining wall has been constructed, then from  
23           natural grade. Unless specifically allowed by this title, no fence shall exceed eight feet in  
24           height.

25           a.     In the R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-3, R-4, R-4A, R-5, and R-7  
26           districts, fences in front setbacks shall not exceed four feet in height. Fences in  
27           secondary front setbacks that abut a street of arterial or greater classification  
28           may be up to eight feet in height. Fences in side or rear setbacks shall not  
29           exceed six feet in height.

30           b.     In the R-6, R-8, R-9, and R-10 districts, fences in front setbacks shall not exceed  
31           six feet in height if the **fence** [FENCING MATERIAL] is **a screening or** sight-  
32           obscuring **fence**. [EXAMPLES OF NON-SIGHT OBSCURING FENCING  
33           **INCLUDE CHAIN-LINK AND SPLIT RAIL FENCING.**]

34           c.     In the B-1A, R-O, NMU, CMU, and RMU districts, fences in front setbacks shall  
35           not exceed four feet in height.

36           d.     In the B-3 and MC districts, fences in front setbacks shall not exceed six feet in  
37           height.

38           e.     Fences in front setbacks in nonresidential districts shall be located interior to any  
39           required landscaping.

40           f.     Enclosures provided as a part of a permitted tennis court, ball field, or other  
41           recreational facility shall be exempt from the height restrictions of this section.

42           **4.     Finished Appearance Outward**

43           Whenever any fence will be visible from adjacent streets, and whenever a fence is  
44           installed as part of required site perimeter or parking lot perimeter landscaping and is

1 visible from adjacent properties, it shall be installed so that the more finished side (i.e.,  
2 the side with fewer or no visible structural framing or bracing elements) faces outward  
3 from the lot on which it is installed.

4 **5. Prohibited Materials**

5 Fences made of debris, junk, or waste materials are prohibited, unless such materials  
6 have been recycled and reprocessed into building materials marketed to the general  
7 public and resembling new building materials, unless approved by the director.

8 **21.07.090 OFF-STREET PARKING AND LOADING**

9 **A. Purpose**

10 This section establishes off-street parking and loading requirements as a necessary part of the  
11 development and use of land, to ensure the safe and adequate flow of traffic in the public street  
12 system, and to ensure that parking **lots [AREAS]** are designed to perform in a safe, efficient  
13 manner. It is also the intent of this section to attenuate the adverse visual, environmental, and  
14 economic impacts of parking **lots [AREAS]**, and to achieve a compact and efficient land use  
15 pattern. Specific purposes include to:

- 16 1. Ensure that off-street parking, loading, and access demands will be met without  
17 adversely affecting other nearby land uses and neighborhoods;
- 18 2. Provide for safe and orderly circulation and parking in parking and loading facilities, and  
19 minimize conflicts between pedestrians and vehicles;
- 20 3. Encourage the efficient use of land and avoid the encumbrance of more space than is  
21 necessary for parking;
- 22 4. Improve the visual appearance of public street corridors by encouraging buildings and  
23 other attractive site features to become more prominent relative to parking **lots [AREAS]**;
- 24 5. Provide for better pedestrian movement and encourage alternative modes of  
25 transportation by reducing the expanses of parking that must be traversed between  
26 destinations;
- 27 6. Support a balanced transportation system that is consistent with cleaner air and water,  
28 greater transportation choices, and efficient infill and redevelopment; and
- 29 7. Allow flexibility in addressing vehicle parking, loading, and access, including providing for  
30 reductions and alternatives to minimum parking requirements.

31 **B. Applicability**

32 **1. Generally**

- 33 a. The off-street parking and loading standards of this section 21.07.090 shall apply  
34 to all development in the municipality, including changes of use.
- 35 b. Except for the off-street loading requirements of subsection 21.07.090G., all  
36 other requirements of this section shall apply to Girdwood unless specifically  
37 preempted in chapter 21.09.
- 38 c. Except when specifically exempted, the requirements of this section shall apply  
39 to all temporary parking lots and parking lots that are a principal use on a site.

40 **2. Expansions, Relocations, and Enlargements**

41 A site to which a building is relocated shall provide the required parking and loading  
42 spaces. An expansion or enlargement that is an increase in the floor area or other

1 measure of off-street parking and loading requirements shall provide spaces as required  
2 for the increase.

3 **3. Use of Required Parking Spaces**

4 Required parking spaces shall be available for the parking of passenger automobiles by  
5 residents, occupants, customers, visitors, or employees of the use. Required parking  
6 spaces may not be assigned, leased, or rented in any way to a use on another site, or to  
7 anyone who is not a resident, occupant, customer, guest, or employee, except for shared  
8 parking situations. See subsection 21.07.090F.16. Also, required parking spaces shall  
9 not be used for the parking of equipment or for storage of goods or inoperable vehicles.

10 **4. Regulation of Parking Space Use**

11 The providers of required off-street parking spaces may reasonably control the users  
12 thereof by means that may include, but are not limited to, restricting all parking to the  
13 users of the facility; parking lot attendants; control gates; tow-away areas; areas for  
14 exclusive use by employees, tenants or staff; areas restricted for use by customers or  
15 visitors; and imposing time limitations on users. Fees may be charged for the use of  
16 required parking, subject to approval of the traffic engineer. Prior to approval of the  
17 permit the traffic engineer may review all methods of control and may disapprove of any  
18 restriction such as fees that adversely affects the purpose of this section. The  
19 municipality may enforce any approved parking plan or restrictions through any of the  
20 code enforcement provisions set forth in chapter 21.13, *Enforcement*.

21 **5. Parking Nonconformities**

22 When a site is out of compliance as to the number of required or allowed parking spaces,  
23 section 21.12.060, *Characteristics of Use*, applies.

24 **C. Computation of Parking and Loading Requirements**

25 **1. Fractions**

26 When measurements of the number of required or allowed parking spaces result in a  
27 fractional number after subtracting for parking reductions or alternatives, the fraction shall  
28 be rounded as provided in section 21.14.020M., *Fractions*.

29 **2. Multiple Uses**

30 The number of parking spaces is computed based on the uses on the site. When there  
31 are two or more uses on a site, the required or allowed parking for the site is the sum of  
32 the required or allowed parking for the individual uses. For shared parking, see  
33 subsection 21.07.090F.16. below.

34 **3. Area Measurements**

35 Unless otherwise specified in table 21.07-5, all square footage-based parking and loading  
36 standards shall be computed on the basis of gross floor area of the use in question. For  
37 the purposes of this section, all gross floor area shall be counted in such measurement,  
38 except for floor area dedicated for parking spaces; driveways; circulation aisles; loading  
39 areas; or enclosed and isolated floor area exclusively for HVAC mechanical equipment  
40 serving the building, provided such area is located in a mechanical penthouse or topmost  
41 floor of a multistory building. The traffic engineer may also waive the floor area for HVAC  
42 mechanical equipment occupying another story in the building, provided the majority of  
43 such story (including the mechanical equipment) is non-habitable floor area.

44 **4. Occupancy Load Factors**

45 Where parking requirements for assembly rooms or other uses are based on maximum  
46 capacity under provisions of AMC title 23, the occupancy load factors of AMC title 23  
47 shall not be adjusted.

1           **5. Additional Computation Standards**

2           **a. Off-Street Loading Space**

3           Required off-street loading space shall not be included as off-street parking  
4           spaces in computation of required or allowed number of off-street parking  
5           spaces, unless approved by the traffic engineer pursuant to subsection G.5.  
6           below.

7           **b. Fleet Vehicle Parking**

8           For the purpose of calculating parking requirements, fleet vehicle parking shall  
9           not count against either the minimum or maximum requirements.

10          **c. Areas that Count Toward Minimum but Not Maximum Parking**  
11          **Requirements**

12          For the purpose of calculating parking requirements, the following types of  
13          parking spaces shall not count against the maximum parking requirement, but  
14          shall count toward the minimum requirement:

15           i. Accessible parking spaces;

16           ii. Passenger loading zones including taxi cab stands;

17           iii. Vanpool and carpool parking spaces;

18           iv. Parking spaces provided as the required parking for a use on another  
19           parcel through a municipally approved shared parking or off-site parking  
20           agreement; and

21           v. Parking structures, underground parking, and parking within, above, or  
22           beneath the building(s) it serves.

23          **D. Parking Lot Layout and Design Plan**

24          **1. Applicability**

25          For all commercial, industrial, institutional, multifamily and townhouse residential  
26          developments, the applicant shall submit a parking facility layout, circulation, and design  
27          plan for review and approval by the traffic engineer. The plan shall contain sufficient  
28          detail to enable the traffic engineer and the director to verify compliance with this section  
29          21.07.090. Subject to approval of the traffic engineer, the parking layout and design plan  
30          may be combined with other plans required under this title, such as the landscaping plan  
31          required in 21.07.080, *Landscaping, Screening, and Fences*.

32          **2. Minimum Plan Requirements**

33          a. The parking facility layout, circulation, and design plan shall be prepared by a  
34          design professional and stamped by a professional registered with the Alaska  
35          State Board of Registration for Architects, Engineers, and Land Surveyors,  
36          except that parking lots with fewer than 20 parking spaces shall be exempt.

37          b. The director and traffic engineer shall establish the minimum submittal  
38          requirements for such plans that will enable staff to adequately review and  
39          ensure compliance with the standards and requirements of this section  
40          21.07.090. Such submittal requirements, to be included in the user's guide, shall  
41          include but not be limited to elements such as placement and dimensions of  
42          spaces, landscaping, pedestrian and vehicle circulation, snow storage, lighting,  
43          loading and trash collection areas, and drainage.

c. The traffic engineer shall ensure that provisions have been made for minimum interference with street traffic flow and safe interior vehicular and pedestrian circulation, transit, and parking.

**E. Off-Street Parking Requirements**

**1. Minimum Number of Spaces Required**

Unless otherwise expressly stated in this title, off-street parking spaces shall be provided in accordance with table 21.07-5, *Off-Street Parking Spaces Required* and subsection E.2. below. Reductions, exemptions, and alternatives to the required minimum number of parking spaces are provided in subsection 21.07.090F. below.

**2. Minimum of Three Parking Spaces**

Where a use is required to provide off-street parking and the amount specified in table 21.07-5 would result in fewer than three spaces being required for the use, the use shall provide at least three parking spaces including one van-accessible parking space pursuant to subsection 21.07.090J. Where there are multiple uses located on a site, the uses may share the accessible space as long as the requirements of subsection 21.07.090J.1. are met. Parking reductions in subsection 21.07.090F. shall also comply with this subsection E.2. The minimum of three parking spaces shall not apply to residential household living uses, community gardens, parks and open space, utility substations, or fueling stations and food and beverage kiosks that are exclusively for drive-through customers.

TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)			
Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
<b>RESIDENTIAL USES</b>			
Household Living	Dwelling, mixed-use, multiple-family, single-family attached, two-family, and townhouse	1 per studio or efficiency or one bedroom du Add 0.5 spaces for each additional bedroom Add 0.25 guest parking spaces for each multifamily du with single-family or two-family style construction Add 0.15 guest parking spaces for each multifamily du with townhouse style construction	<b>X</b>
	Dwelling, single-family detached	2 per du up to 2,400 square feet; 3 per du over 2,400 square feet, including any unfinished area which may be converted to living area	
	Accessory dwelling unit (ADU)	See subsection 21.05.070D.	
	All other household living uses	2 per du	
Group Living	Assisted living facility (9+ client capacity)	1 per 4 beds plus 1 per 350 sf of office area plus requirement for dwelling, if located in a dwelling	<b>X</b>
	Correctional community residential center	1 per 2,000 sf gfa	<b>X</b>

<b>TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED</b> (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)			
<b>Use Category</b>	<b>Use Type</b>	<b>Minimum Spaces Required</b>	<b>See Loading Subsection 21.07.090G.</b>
	Habilitative care facility	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of adults, per 800 sf gfa	<b>X</b>
	Roominghouse	0.6 per guestroom	
	Transitional living facility	1 per 2 beds plus 1 per 4 persons in principal assembly area based on maximum occupancy provisions of AMC title 23	
<b>PUBLIC/INSTITUTIONAL USES</b>			
Adult Care	Adult care facility, 3-8 persons	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of adults, per 2,000 sf gfa (plus requirement for principal use, if approved as accessory use)	
	Adult care facility, 9+ persons	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of adults, per 2,000 sf gfa	<b>X</b>
Child Care	Child care home	No additional requirements beyond those required for the dwelling unit If the establishment is for fewer than 9 children and is not located in a dwelling, then the requirement is as provided in subsection 21.07.090E.2.	
	Child care center, 9-15 children	1 space in addition to what is required for the dwelling	
	Child care center, more than 15 children	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of children, per 800 sf gfa	
Community Service	Cemetery or mausoleum	See subsection 21.07.090E.3.	<b>X</b>
	Community center or religious assembly	1 per 4 persons in principal assembly area based on maximum occupancy provisions of AMC title 23	
	Crematorium	1 per 4 persons in the main chapel based on maximum occupancy provisions of AMC title 23	
	Family self-sufficiency service	1 per 300 sf gfa	
	Government administration and civic buildings	1 per 300 sf gfa	<b>X</b>
	Homeless and transient shelter	1 per 300 sf administrative area, and 1 per 20 pillows	
	Neighborhood recreation center	See subsection 21.07.090E.3.	
Cultural Facility	Aquarium	1 per 500 sf gfa	<b>X</b>
	Botanical gardens	See subsection 21.07.090E.3.	<b>X</b>

<b>TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED</b> (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)			
<b>Use Category</b>	<b>Use Type</b>	<b>Minimum Spaces Required</b>	<b>See Loading Subsection 21.07.090G.</b>
	Library	1 per 400 sf gfa	<b>X</b>
	Museum or cultural center	1 per 400 sf gfa	<b>X</b>
	Zoo	1 per 5,000 sf of site area	<b>X</b>
	All other uses	1 per 400 sf gfa or 1 per 10,000 sf of site area for outdoor uses	<b>X</b>
Educational Facility	Boarding school	See subsection 21.07.090E.3.	<b>X</b>
	College and university	See subsection 21.07.090E.3.	<b>X</b>
	Computer-aided learning center	1 per 300 sf of enclosed floor space	<b>X</b>
	Elementary school and middle school	1 per 6 students, based on State of Alaska EED capacity provisions	<b>X</b>
	High school	6 per classroom Where the traffic engineer has reason to believe that, based on similar or comparable schools, parking study data, or other information, that parking demand for the proposed high school development is likely to exceed the requirement, the traffic engineer may require up to 1 parking space per 3 students, based on State of Alaska EED capacity provisions.	<b>X</b>
	Instructional services	6 per classroom, plus 1 per 300 square feet of dance or other training area	<b>X</b>
	Vocational or trade school	1 per 2 students based on maximum occupancy provisions of AMC title 23	<b>X</b>
Health Care Facility	Health services, including outpatient medical and dental offices, co-located with a hospital/ hospital campus Other health services, including outpatient medical and dental offices	1 per 250 sf gfa  1 per 300 sf gfa	<b>X</b>
	Hospital/ health care facility	1 per 2 beds, based on maximum capacity, plus 1 per 350 sf of office and administrative area	<b>X</b>
	Nursing facility	1 per 4 beds, based upon maximum capacity.	<b>X</b>
Park and Open	Community garden	1 per 5,000 sf of lot area	

<b>TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED</b> (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)			
<b>Use Category</b>	<b>Use Type</b>	<b>Minimum Spaces Required</b>	<b>See Loading Subsection 21.07.090G.</b>
Area	Park and open space, public or private	See subsection 21.07.090E.3. Playfields (soccer, baseball, etc.) shall have minimum of 25 spaces per field, unless otherwise approved by the traffic engineer, for up to four fields. Facilities with more than four fields shall be subject to the determination of the traffic engineer.	
Public Safety Facility	All uses	See subsection 21.07.090E.3.	
Transportation Facility	All uses	See subsection 21.07.090E.3.	
	Railroad freight terminal	See subsection 21.07.090E.3.	
	Railroad passenger terminal	See subsection 21.07.090E.3.	
Utility Facility	Utility facility	1 per 1,000 sf gfa	
	Utility substation	See subsection 21.07.090E.3.	
Communication Structures	All uses	None	
<b>COMMERCIAL USES</b>			
Agricultural Uses	Commercial horticulture	See subsection 21.07.090E.3.	
Animal Sales, Service & Care	Animal shelter	1 per 400 sf gfa	
	Kennel, commercial	1 per 800 sf gfa	
	Large domestic animal facility, principal use	1 per 4 seats or 1 per stall, whichever is greater	
	Retail and pet services	1 per 300 sf gfa	
	Veterinary clinic	1 per 600 sf gfa	
Assembly	Civic/convention center	1 per 4 persons in assembly areas based on maximum occupancy provisions of AMC title 23	<b>X</b>
	Club/lodge/meeting hall	1 per 4 persons in assembly areas based on maximum occupancy provisions of AMC title 23.	<b>X</b>
Entertainment and Recreation	Amusement establishment	Indoor entertainment facility: 1 per 300 sf gfa	
	Bowling alley	4 per bowling lane	
	Bingo parlor	1 per 4 persons in assembly areas based on maximum occupancy provisions of AMC title 23.	

<b>TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED</b> (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)			
<b>Use Category</b>	<b>Use Type</b>	<b>Minimum Spaces Required</b>	<b>See Loading Subsection 21.07.090G.</b>
	Entertainment facility, major	See subsection 21.07.090E.3.	
	Fitness and recreational sports center	1 per 300 sf gfa	
	General outdoor recreation, commercial	See subsection 21.07.090E.3.	<b>X</b>
	Golf course	4 per green	
	Golf driving range	0.5 per tee	
	Motorized sports facility	1 per 2 spectator seats in a structure such as a grandstand, stadium; or 1 per 2,000 sf of site area; whichever is greater	<b>X</b>
	Movie theater	1 per 4 persons based on maximum occupancy provisions of AMC title 23	
	Nightclub	1 per 3 persons based on maximum capacity under provisions of AMC title 23	<b>X</b>
	Shooting range, outdoor	1 per target area, or 1 per 5 seats, whichever is greater	
	Skiing facility, alpine	See subsection 21.07.090E.3.	
	Theater company or dinner theater	1 per 4 persons based on maximum capacity under provisions of AMC title 23	
Food and Beverage Service	Bar	1 per 100 sf gfa	<b>X</b>
	Food and beverage kiosk	0 per establishment, plus vehicle queuing spaces	
	Restaurant	1 per 100 sf gfa and outdoor seating area 1 per 125 sf gfa for drive-through restaurants (plus vehicle queuing spaces)	<b>X</b>
Office	Financial institution	1 per 350 sf gfa (plus vehicle queuing spaces if drive-through is provided)	
	Office, business or professional	1 per 350 sf gfa	<b>X</b>
	Broadcasting facility	1 per 350 sf gfa	
Personal Service, Repair, and Rental	Business service establishment	1 per 500 sf gfa	<b>X</b>
	Pharmacy/Drugstore and Video Rental Store	1 per 400 sf gfa (plus vehicle queuing spaces if drive-through is provided)	
	Dry-cleaning drop-off site/Mail Package Service/Locksmith Shop	1 per 600 sf gfa, (plus vehicle queuing spaces if drive-through is provided)	

<b>TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED</b> (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)			
<b>Use Category</b>	<b>Use Type</b>	<b>Minimum Spaces Required</b>	<b>See Loading Subsection 21.07.090G.</b>
	Funeral services	1 per 4 persons in main assembly areas based on maximum occupancy provisions of AMC title 23	<b>X</b>
	Small equipment rental	1 per 400 sf gfa	
	All other uses	1 per 300 sf gfa	<b>X</b>
Retail Sales	Auction house	1 per 300 sf gfa	<b>X</b>
	Convenience store	1 per 350 sf gfa	<b>X</b>
	Farmers market	1 per 250 sf, with a minimum of 6	
	Fueling station	1 per attendant for stand-alone fueling stations; also refer to subsection 21.07.090H. for queuing requirement	
	Retail sales of large or bulky merchandise such as furniture, home appliance, or flooring store	1 per 800 sf gfa	<b>X</b>
	General retail	1 per 350 sf gfa	<b>X</b>
	Grocery or food store	1 per 250 sf gfa	<b>X</b>
	Liquor store, bicycle shop	1 per 400 sf gfa	<b>X</b>
	Building materials store	1 per 600 sf gfa and outdoor display area	<b>X</b>
	Pawnshop	1 per 350 sf gfa	<b>X</b>
Vehicles and Equipment	Aircraft and marine vessel sales	1 per 7,000 sf outdoor display/sales area; 1 per 400 sf indoor floor area	<b>X</b>
	Vehicle parts and supplies	1 per 400 sf gfa; 1 per 7,000 sf outdoor display/sales area	<b>X</b>
	Vehicle – large and small, sales	1 per 7,000 sf outdoor display/sales area; 1 per 400 sf indoor floor area	<b>X</b>
	Vehicle – large and small, rental	1 per 400 sf of indoor floor area	
	Vehicle service and repair, major and minor	0.5 per car wash bay; 4 per other service bay (provided that all vehicles in custody of operator of business for purpose of service, repair or storage shall be stored on premises or on a separate off-street parking lot or building)	
Visitor Accommodations	Camper park	1 space per 10 recreational vehicle or tent camping spaces	

<b>TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED</b> (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)			
<b>Use Category</b>	<b>Use Type</b>	<b>Minimum Spaces Required</b>	<b>See Loading Subsection 21.07.090G.</b>
	Extended-stay lodgings	1 per guestroom or one bedroom unit; 1.25 per two bedroom unit; 1.5 per three bedroom or more unit, plus 1 per 4 persons in meeting rooms based on maximum occupancy provisions of AMC title 23.	<b>X</b>
	Hostel	1 per 600 sf gfa	
	Hotel, motel and inn	0.9 per guestroom, plus 1 per 4 persons in meeting rooms based on maximum occupancy provisions of AMC title 23.	<b>X</b>
	Recreational and vacation camp	See subsection 21.07.090E.3.	
<b>INDUSTRIAL USES<sup>11</sup></b>			
Industrial Service <sup>11</sup>	Data processing facility	1 per 1,000 sf gfa	<b>X</b>
	Dry cleaning establishment	1 per 750 sf dry cleaning plant area plus 1 per 600 sf of customer service area	
	General industrial service	1,000-3,000 sf gfa: 1 per 750 sf gfa; Add 1 space per each 1,000 sf gfa above 3,000 sf gfa, up to 5,000 sf gfa; Add 1 space per each 1,500 sf gfa above 5,000 sf gfa, up to 50,000 sf gfa; Add 1 space per each 2,000 sf gfa above 50,000 sf gfa	
	Governmental service	1 per 600 sf gfa	<b>X</b>
	Heavy equipment, sales and rental	1 per 400 sf indoor floor area	<b>X</b>
	Research laboratory	1 per 300 sf gfa	
	Manufacturing and Production <sup>11</sup>	Commercial food production	1 per 400 sf gfa for catering; 1 per 800 sf gfa for food processing
Cottage Crafts		1 per 600 sf gfa	
Manufacturing (heavy and light)		1,000-3,000 sf gfa: 1 per 750 sf gfa; Add 1 space per each 1,000 sf gfa above 3,000 sf gfa, up to 5,000 sf gfa; Add 1 space per each 1,500 sf gfa above 5,000 sf gfa,	
Natural resource extraction		See subsection 21.07.090E.3.	
Marine Facility <sup>11</sup>	Aquaculture	See subsection 21.07.090E.3.	
	Facility for combined marine and general construction	See subsection 21.07.090E.3.	

TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED (“du” = dwelling unit; “sf” = square feet; “gfa” = gross floor area)			
Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
	Marine operations	See subsection 21.07.090E.3.	
	Marine wholesaling	1 per 800 sf gfa	
Warehouse and Freight Movement <sup>11</sup>	Bulk storage of hazardous materials	See subsection 21.07.090E.3.	
	Impound yard	1 per 500 sf gfa, plus 1 per 5,000 sf of outdoor storage area	
	Motor freight terminal	see Warehouse	
	Self-storage facility	1 per 75 units, plus vehicle queuing spaces for security gate. Aisles suitable for temporary loading and unloading may be counted as required parking stalls in accordance with table 21.07-5 as determined by the traffic engineer.	<b>X</b>
	Storage yard	1 per 2,000 sf of outdoor storage area	
	Warehouse	1,000-10,000 sf gfa: 1 per 1,000 sf gfa; Add 1 space per each 1,250 sf gfa above 10,000 sf gfa, up to 50,000 sf gfa; Add 1 space per each 1,500 sf gfa above 50,000 sf gfa,	
	Wholesale establishment	1 per 800 sf gfa	
Waste and Salvage	All uses	See subsection 21.07.090E.3.	
<b>NOTES:</b> <sup>11</sup> The off-street parking requirements for industrial uses in this schedule A shall not include space devoted to office or other non-industrial related use. Where a warehousing or industrial facility contains office or other non-industrial related use, off-street parking for such spaces shall be computed using the requirements set forth in this table.			

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**3. Uses Not Listed or that Have No Specific Requirement**

In the case of a use or category of uses not listed in table 21.07-5, or that is listed without a specific requirement, the requirements for off-street parking facilities shall be determined by the director and the traffic engineer. Such determination shall be based upon the requirements for the use specified in table 21.07-5 that is most nearly comparable to the unspecified use, traffic engineering principles, and/or parking studies. Any parking study prepared by the applicant shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the traffic engineer, and shall include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

4. **Maximum Number of Spaces Permitted**

a. **Purpose**

The purpose of this subsection is to establish an upper limit on the number of parking spaces allowed in order to promote efficient use of land, enhanced urban design, a safe and walkable pedestrian environment, alternative modes of transportation, and to protect air and water quality. Exceptions and flexibility procedures are provided where the required limit on the number of parking spaces is problematic for a certain use.

b. **Applicability**

For any use categorized as a public/institutional or commercial use in table 21.05-1 or table 21.05-2, *Tables of Allowed Uses*, the maximum number of off-street vehicle parking spaces shall be as provided below. Temporary parking, the uses “parking lot, principal use” and “parking structure, principal use”, and uses in the Educational Facility, Parks and Open Areas, Transportation Facility, and Utility Facility use categories are exempt.

c. **Maximum Number of Spaces**

Developments may provide a maximum of one parking space per 250 square feet of gross floor area, or 125 percent of the minimum number of parking spaces required in table 21.07-5, whichever is greater.

d. **Increased Landscaping in Large Parking Lots**

Development sites with more than 160 parking spaces required in table 21.07-5 and that are proposed to have more than the minimum number of parking spaces required in table 21.07-5 shall increase the overall amount of area devoted to parking lot interior landscaping area in the parking lot as provided in table 21.07-6 below. This shall apply to uses which utilize the exceptions offered in subsection 4.e. below.

TABLE 21.07-6: INCREASE IN PARKING LOT INTERIOR LANDSCAPING	
Number of Off-Street Parking Spaces Provided as a Percentage of the Required Minimum Number of Spaces	Required Amount of Parking Lot Interior Landscaping as a Percentage of the Surface of the Parking Lot AREA on the Site Including Appurtenant Driveways
111 to 125 percent	10 percent
Greater than 125 percent	13 percent

e. **Exceptions**

i. Restaurants without a drive-through, dinner theaters, and bars may provide up to 200 percent of the minimum number of parking spaces required in table 21.07-5.

ii. If application of the maximum parking standard would result in fewer than six parking spaces, the development shall be allowed six parking spaces.

iii. Exceptions to the maximum parking requirement may be allowed by the traffic engineer and the director in situations that meet all of the following criteria:

(A) The applicant provides a parking demand study of similar sites in the municipality that demonstrates that parking demand cannot be accommodated within the maximum number of parking

spaces allowed or through any of the available parking reductions and alternatives such as on-street parking, shared parking with nearby uses, or incentives for alternatives to single-occupancy vehicle use;

(B) The request is the minimum necessary variation from the standards; and

(C) If located in a mixed-use district, the proposed site plan is, in the judgment of the director, supportive of high levels of existing or planned transit and pedestrian activity.

**5. Parking Location**

Except as provided in subsection 21.07.090F., all required parking shall be on the same lot as the use served. However, required parking may be on an abutting or adjacent lot provided the zoning district in which the lot is located allows for off-street parking as a permitted principal use, site plan review use, or conditional use; in which case there shall be a parking agreement which meets the requirements of subsection F.1. below.

**F. Parking Reductions and Alternatives**

The traffic engineer and director may approve reductions and alternatives to providing the number of off-street parking spaces required by table 21.07-5, and/or to the circulation and dimensional standards of subsections H.9. and H.10., in accordance with the following standards.

**1. Parking Agreements**

A parking reduction or alternative shall require a written parking agreement between the property owner(s) and the municipality, except where expressly stated otherwise.

**a. Recordation**

The municipality shall record the parking agreement at the district recorder's office as a covenant that runs with the land and is binding on the owner and all successors and assigns for as long as the required number of off-street parking spaces is not provided as a result of the parking reduction or alternative. All parties involved in the parking reduction or alternative shall participate in the parking agreement. Recordation of the agreement shall take place before issuance of an entitlement requiring a parking reduction or alternative.

**b. Content**

The form and content of the parking agreement shall be approved by the director. It shall guarantee installation and maintenance of any required improvements by the owner, and/or the owner's continued participation in any parking management strategy required for a parking reduction. The parking agreement shall assure future implementation of a contingency plan by the owner if so ordered by the traffic engineer. The contingency plan may include strategies such as installation of parking, payment to the municipality for the full cost of providing the required parking, transportation demand management programs, or other parking management strategies identified in the parking reductions or alternatives of this section.

**c. Termination**

If for any reason the parking agreement terminates, owners and all successors and assigns who are parties to the parking agreement shall comply with all provisions of this title governing the required number of off-street parking spaces.

- 1           **2.     Calculation of Parking Reductions**  
2           **a.     Multiple Reductions**  
3           A development may be eligible for multiple reductions from the required number  
4           of parking spaces. The total impact of parking reductions shall be calculated as  
5           being multiplicative and not additive where a development is eligible for more  
6           than one. For example, if one reduction is 20 percent, and a second reduction is  
7           an additional 15 percent, their combined reduction shall be calculated as 80  
8           percent times 85 percent equals 68 percent, or a 32 percentage point total  
9           reduction, rather than adding 20 percent plus 15 percent equals 35 percent. This  
10          is because the 15 percent reduction applies to a base that is already reduced 20  
11          percent.
- 12          **b.     Minimum Reduction Credit of One Space**  
13          If the total approved reduction from the required number of parking spaces for a  
14          development is calculated to be a reduction of less than one parking space, it  
15          shall be credited as a reduction of one parking space.
- 16          **3.     Qualifying Site Development**  
17          Uses shall provide the following enhancements to be eligible for any reduction in the  
18          number of required parking spaces, except where stated otherwise. The qualifying site  
19          criteria shall not be required for the following parking reductions and alternatives: land  
20          banking, stacked and tandem parking, or smaller parking spaces for low-turnover uses.  
21          Industrial uses, public safety facilities, transportation facilities, and utility facilities are  
22          exempt from the qualifying site development criteria.
- 23          **a.     Street Oriented Building**  
24          Primary entrances and/or windows providing visual access shall comprise at  
25          least 15 percent of the area of any street facing building elevation. For  
26          nonresidential uses, windows providing visual access and/or primary entrances  
27          shall comprise at least 50 percent of the length and 25 percent of the ground-  
28          floor wall area of any street facing building elevation.
- 29          **b.     Walkway to the Street**  
30          A walkway meeting the requirements of section 21.07.060 shall connect at least  
31          one primary entrance to a street.
- 32          **c.     Parking Facility Location**  
33          For buildings constructed after [effective date], parking facilities including  
34          driveways shall comprise no more than one-third of the area between the street  
35          property line and the street facing building elevation, and garage doors shall  
36          comprise no more than one-third of the length of the street facing building  
37          elevation. These requirements apply to no more than two street frontages.
- 38          **d.     Private Open Space**  
39          For developments that are required to provide private open space, an additional  
40          40 square feet of private open space that meets the requirements of subsection  
41          21.07.030 shall be provided for each reduction of one parking space. This shall  
42          be common private open space in the case of multifamily and mixed-use  
43          dwellings.
- 44          **e.     Cross Access to Adjacent Properties**  
45          The director and the traffic engineer may determine there is potential for  
46          driveway or walkway cross-access to abutting properties and may require a  
47          cross-access facility and/or easement within the subject property to the site  
48          boundary.

- 1           **4. Downtown**  
2           Uses located in DT-1, DT-2, and DT-3 districts are exempt from providing off-street  
3           parking spaces. However, if parking is provided, all other standards of this section shall  
4           apply in the DT districts. Notwithstanding the provisions of F.1. and F.2. above, parking  
5           agreements and qualifying site criteria shall not be required for this exemption.
- 6           **5. Residences in Walking Distance to Downtown**  
7           Residential household uses located north of 15<sup>th</sup> Avenue, west of Orca Street, east of L  
8           Street, and south of Ship Creek are eligible for a reduction of up to 25 percent of the  
9           minimum number of required parking spaces.
- 10          **6. Mixed-Use Districts**  
11          Uses located in the NMU, CMU, RMU, MT-1, MT-2, and R-4A districts are eligible for a  
12          reduction of up to 10 percent of the minimum number of required parking spaces.
- 13          **7. Residences in Center City Neighborhoods**  
14          **a.** Residential household uses located in center city neighborhoods are eligible for a  
15          reduction of up to 10 percent of the minimum number of required parking spaces.
- 16          **b.** For the purposes of this provision, the center city area is bounded to the north by  
17          Elmendorf Air Force Base, to the south by Tudor Road, to the east by Ingra  
18          Street and the Seward Highway, and to the west by Minnesota Drive. Any part of  
19          Fairview, South Addition, Government Hill, or Mountain View community council  
20          is also in the eligible area.
- 21          **c.** This reduction recognizes proximity to employment centers, characteristics such  
22          as traditional street grids and development patterns, household characteristics,  
23          emphasis on walkable northern city environments, and lower parking demand in  
24          these areas.
- 25          **8. Uses Adjacent to Transit Service**  
26          A use is eligible for a reduction of up to five percent of the minimum number of required  
27          parking spaces if it is located within 800 feet of the street right-of-way centerline of any  
28          municipal public transit route, subject to approval by the traffic engineer and the director.  
29          The public transportation department may require a public use easement or transit stop  
30          and/or transit shelter improvements if the subject property abuts an existing or planned  
31          transit stop. If the public transportation department requires such an easement or  
32          improvements, then the use is eligible for an additional reduction of two percent or one  
33          more parking space, whichever is greater.
- 34          **9. Rideshare Programs**  
35          A nonresidential use is eligible to substitute participation in municipal rideshare programs  
36          for up to a maximum of five percent of the minimum number of required parking spaces.  
37          The land area that would otherwise be needed in order to provide the required number of  
38          parking spaces shall be set aside on the site to provide for the future construction of a  
39          parking **lot** [AREA] in conformance with subsection 21.07.090F.12., *Land Banking*.
- 40          **a. Carpool**  
41          Every designated carpool space may count as 1.8 spaces toward meeting the  
42          minimum number of required spaces. The carpool spaces shall be those closest  
43          to the primary entrance or elevator, but not closer than accessible spaces or  
44          those signed for exclusive customer/visitor use. Signs shall be posted indicating  
45          these spaces are reserved for carpool use. The traffic engineer shall consult with  
46          the public transportation department in providing carpool spaces and the location  
47          of carpool parking.

1           **b.     *Vanpool***

2           For every vanpool purchased or leased by the applicant for employee use  
3           operated through the municipal rideshare program, the number of required  
4           parking spaces shall be reduced by up to six spaces. The traffic engineer may  
5           require a safe and convenient designated vanpool passenger loading zone.

6           **10.    Transit Pass Benefits**

7           A use in which the owner or employer offers transit passes cost-free to all employees or  
8           residents is eligible for a parking reduction of up to 10 percent of the minimum number of  
9           required parking spaces. The use shall be located within 800 feet of the street right-of-  
10          way centerline of any municipal transit route. The public transportation department may  
11          require a public use easement or transit stop and/or transit shelter improvements if the  
12          subject property abuts an existing or planned transit stop. If the public transportation  
13          department requires such an easement or improvements, then the use is eligible for an  
14          additional reduction of two percent or one more parking space, whichever is greater.

15          **11.    Parking Cash-Outs**

16          A use is eligible for a reduction of up to 10 percent of the minimum number of required  
17          parking spaces if it implements a parking cash-out program by which commuters are  
18          provided the option to choose between free parking and its equivalent cash value for  
19          using an alternative mode of travel.

20          **12.    Land Banking**

21          Subject to approval by the traffic engineer and the director, the land area that would  
22          otherwise be needed in order to provide up to 25 percent of the minimum number of  
23          required parking spaces may be set aside on the site to provide for the future  
24          construction of a parking facility. The applicant shall submit a parking demand study  
25          prepared in a form and manner prescribed by the traffic engineer that indicates the  
26          reduced parking **lot [AREA]** will accommodate expected parking needs, and an alternate  
27          site plan to be approved by the traffic engineer that accommodates the parking that  
28          would be required without the land banked parking reduction. The area set aside shall be  
29          landscaped with site enhancement landscaping and/or pedestrian amenities approved by  
30          the director. The parking agreement shall guarantee that, if the director and the traffic  
31          engineer determine at some point in the future that additional parking spaces are needed,  
32          the owner shall construct parking on the land banked area in conformance with the  
33          alternate site plan.

34          **13.    Affordable Housing**

35          Affordable housing units that are deed-restricted for households having an income at the  
36          time of initial occupancy of 30 percent or less of median family income are eligible for a  
37          reduction of up to 30 percent of the minimum number of required parking spaces.  
38          Affordable housing units for low income households having an income at the time of initial  
39          occupancy of 60 percent or less of median family income are eligible for a reduction of up  
40          to 15 percent of the minimum number of required parking spaces. The affordable  
41          housing units shall be consistent with the standards of subsection 21.07.100H.,  
42          *Standards for Affordable Housing*.

43          **14.    Senior Housing**

44          Dwelling units that meet the definition of senior housing are eligible for a reduction of up  
45          to 15 percent of the minimum number of required parking spaces. Dwelling units that  
46          meet the definition of senior housing that is intended for, and solely occupied by, persons  
47          62 years of age or older are eligible for a reduction of up to 25 percent of the minimum  
48          number of required parking spaces. The agreement to provide a dwelling as housing for  
49          older persons is an obligation that runs with the land and is binding on subsequent  
50          property owners for as long as the required parking is not provided.

15. **Housing Density**

Residential household uses are eligible for a reduction of one percent of the minimum number of required parking spaces for every four dwellings per acre above a net density of 40 dwellings per acre on the site, up to a maximum reduction of 20 percent of the minimum number of required parking spaces.

16. **Shared Parking**

Shared use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their peak parking demands occur at different times. The traffic engineer and director may approve shared parking facilities for uses with different peak business periods if the shared parking complies with all of the following standards:

a. **Shared Parking Study**

The applicant shall submit a shared parking study to the director that demonstrates the feasibility of shared parking. The study shall be provided in a form established by the traffic engineer and shall be made available to the public. The study shall demonstrate that any parking reduction requested will not result in the spillover of parking onto other properties or public streets, by, at a minimum, addressing the following: the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

b. **Calculation of Parking Spaces Required**

The shared parking study shall follow one of the following procedures:

- i. The method under subsection 16.c.;
- ii. The most current published procedures of the Urban Land Institute or the Institute of Transportation Engineers; or
- iii. Other procedures as specifically approved by the traffic engineer.

c. **Alternative Calculation Method**

For each use sharing the parking facility, calculate the number of off-street parking spaces required for that use in table 21.07-5. Multiply that number across the row for its land use in table 21.07-7, *Shared Parking Credit*, to determine the typical parking required for that use during the eight time periods. For each time period, add the resulting products for each of the uses sharing the parking. The column total that generates the highest number of parking spaces then becomes the shared parking requirement. This represents the time period with the highest total parking demand.

**TABLE 21.07-7: SHARED PARKING CREDIT**

Land Uses <sup>12</sup>	Weekday Time Periods				Weekend Time Periods			
	7 am to 6 pm	6 pm to 1 am	1 am to 3 am	3 am to 7 am	7 am to 6 pm	6 pm to 1 am	1 am to 3 am	3 am to 7 am
Residential	65%	100%	100%	100%	75%	90%	10%	100%
Religious Assembly	25%	50%	0%	0%	100%	50%	0%	0%
Health Services	100%	30%	5%	5%	100%	0%	0%	0%
Assembly	100%	50%	5%	5%	100%	50%	5%	5%

**TABLE 21.07-7: SHARED PARKING CREDIT**

Land Uses <sup>12</sup>	Weekday Time Periods				Weekend Time Periods			
	7 am to 6 pm	6 pm to 1 am	1 am to 3 am	3 am to 7 am	7 am to 6 pm	6 pm to 1 am	1 am to 3 am	3 am to 7 am
Fitness Center	90%	100%	60%	60%	100%	100	80%	80%
Movie Theater	60%	100%	0%	0%	80%	100%	0%	0%
Bar or Nightclub	40%	100%	90%	0%	50%	100%	90%	0%
Restaurant	80%	100%	50%	50%	85%	100%	25%	25%
Restaurant - Fast Food	100%	90%	15%	15%	100%	80%	15%	15%
Office or Financial	100%	10%	0%	5%	15%	0%	0%	0%
Retail Sales / Services	100%	80%	0%	0%	100%	60%	0%	0%
Visitor Accommodations	75%	100%	100%	100%	75%	100%	100%	100%

**NOTES:** <sup>12</sup> If one or more of the land uses proposed to make use of shared parking facilities do not conform to the land use classifications in this table, as determined by the director, then the applicant shall submit sufficient data to indicate the periods of peak parking demand for the uses. Based on this information, the traffic engineer shall determine the appropriate shared parking requirement.

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- d. ***Distance to Parking Spaces***  
 Shared parking spaces for residential units shall be located within 500 feet of the dwelling unit entrance they serve. Shared spaces for other uses shall be within 800 feet of a primary entrance of the uses served. The traffic engineer and the director may approve a portion of shared parking spaces at a greater distance based on factors such as the pedestrian environment, availability of attendant parking, weather protection, and the type of use served.
- e. ***Pedestrian Connection***  
 Clear and safe pedestrian walkways shall connect the shared parking facility and the primary entrances of the uses it serves. The traffic engineer may require pedestrian street crossing improvements.
- f. ***Separation by Streets***  
 Separation of a use and its shared parking facility by a local street is allowed. Separation by a collector street shall be subject to approval by the traffic engineer. Separation by a street designated in the *Official Streets and Highways Plan* as a higher classification street than a collector is prohibited.
- g. ***Residential Neighborhoods***  
 A nonresidential use shall not participate in a shared parking facility that is located in a residential district, if the use itself is not permitted in the residential district.
- h. ***Instructional Signs***  
 The shared parking facility shall provide instructional signs on the premises indicating the availability of the facility for patrons of the uses it serves.
- i. ***Shared Parking Plan***  
 A shared parking plan shall be submitted for review and approval by the traffic engineer and the director. The shared parking plan may be combined with other parking plans required by this title.

1           j.       ***Changes in Use or Shared Parking Facility***

2                     Any subsequent change to the shared parking facility or in use type shall require  
3                     a review by the department and the traffic engineer for compliance with this  
4                     section, including proof that sufficient parking will be available. Any change shall  
5                     be approved prior to being implemented.

6           k.       ***Expiration***

7                     Notwithstanding F.1.a. above, a shared parking agreement may be recorded for  
8                     a time certain period, not to be less than ten years. At the end of the life of the  
9                     agreement, property owners who are parties to the agreement shall comply with  
10                    all provisions of this code governing the required number of off-street parking  
11                    spaces.

12       17.       **Off-Site Parking**

13                   The traffic engineer and the director may approve the location of required parking spaces  
14                   on a separate lot from the principal use if the off-site parking complies with all of the  
15                   following standards:

16           a.       ***Accessible Parking Spaces***

17                   Required accessible parking spaces shall not be located off-site.

18           b.       ***Location***

19                   The maximum distance between off-site parking spaces and the use(s) served  
20                   shall be the same as provided in subsection 21.07.090F.16.d. for sharing parking  
21                   spaces (measured along the shortest legal pedestrian route). Off-site parking  
22                   spaces shall not be separated from the use served by a collector or greater class  
23                   right-of-way, unless approved by the traffic engineer.

24           c.       ***Pedestrian Connection***

25                   Clear and safe pedestrian walkways shall connect the off-site parking facility and  
26                   the primary entrance(s) of the uses served. The traffic engineer may require  
27                   sidewalk or pedestrian crossing improvements to enhance pedestrian safety or  
28                   mobility to and from the off-site parking.

29           d.       ***Instructional Signs***

30                   Instructional signs shall be posted on the principal site providing notice of the  
31                   availability and location of additional parking. The off-site parking facility shall  
32                   provide instructional signs indicating the availability of the facility for patrons of  
33                   the uses it serves.

34           e.       ***Residential Neighborhoods***

35                   A nonresidential use shall not participate in an off-site parking facility that is  
36                   located in a residential district, if the use itself is not permitted in the residential  
37                   district.

38       18.       **District Parking**

39                   The traffic engineer may reduce the minimum number of required off-street parking  
40                   spaces for uses within the boundaries of a municipally recognized public parking district  
41                   that provides off-site parking facilities to serve an area. To determine eligibility for this  
42                   reduction or the size of the reduction to be allowed, the traffic engineer shall consider  
43                   factors such as:

44           a.       Peak hours of use and turnover rate;

45           b.       The ability of the use to meet the parking requirement through other means;

- c. The availability of spaces in the nearby district parking facility;
- d. The relative distance to the use from the district parking facility; and
- e. Measures provided by the applicant to ensure employee and patron use of the district parking facility, and ease and safety of pedestrian access.

**19. On-Street Curb Parking**

If approved by the traffic engineer, on-street curb parking spaces in the street or right-of-way abutting the frontage of the site may be counted toward the minimum required number of off-street parking spaces. In addition, as determined by the traffic engineer, a portion of the remaining on-street curb parking spaces located within the maximum distance provided in subsection 21.07.090F.16.d. for shared parking spaces may be counted toward the minimum required off-street parking spaces, in an amount consistent with a fair apportionment of on-street curb parking spaces among the properties on the street. Upon approval, each on-street curb space may be substituted for one required off-street space. The provisions apply only to street frontages where on-street curb parking is allowed. Determination of the location and dimensions of on-street curb parking spaces to be counted toward the parking requirement shall be the authority of the traffic engineer based on a review of the situation. The street curb next to on-street parking spaces shall be a vertical curb (not a rolled curb), and a sidewalk shall extend the full length of the subject property.

**20. Stacked and Tandem Parking**

**a. Nonresidential Uses**

Stacked and tandem parking spaces for nonresidential uses are allowed to count toward the minimum number of required spaces if the owner ensures through the parking agreement that attendant parking is provided for such spaces. An accessible passenger loading zone shall be provided with attendant parking services at or near a primary entrance. Availability of this service shall be conspicuously posted inside and outside the primary entrance. The traffic engineer may waive the parking attendant requirement for automated parking structures.

**b. Residential Uses**

Two required parking spaces for any residential dwelling may be arranged in tandem or stacked one above the other using a car stacker, so long as parking required for the dwelling unit is arranged independently from parking serving any other dwelling unit, with unobstructed vehicle access for at least one of the spaces required for each dwelling unit, and the owner assigns the two spaces toward the same dwelling and enforces their assigned use.

**21. Smaller Parking Spaces for Parking Structures and Low-Turnover Uses**

If approved by the traffic engineer, up to 20 percent of the total number of required parking spaces located in a parking structure and/or designated for employee or resident parking only may be eight feet six inches wide, subject to the requirements of table 21.07-9, *Parking Space and Aisle Dimensions*. Such spaces shall be signed for employee or resident parking only.

**22. Bicycle Parking**

A use is eligible to permanently or seasonally substitute bicycle parking spaces for required automobile parking spaces. Each automobile parking space shall be replaced by a minimum of six bicycle parking spaces not required by this title. Bicycle parking spaces shall comply with the standards of subsection 21.07.060F.15. and be separated

1 from motor vehicle areas by bollards or other physical buffer approved by the traffic  
2 engineer.

3 **23. Other Eligible Reductions or Alternatives**

4 The traffic engineer and the director may approve any parking reduction or other  
5 alternative in addition to the choices above, or that increases the percentage reduction in  
6 any of the choices above, if the applicant demonstrates to the satisfaction of the traffic  
7 engineer and the director that the proposed parking management strategy will protect  
8 surrounding neighborhoods, and maintain traffic circulation patterns at least the same  
9 extent as would strict compliance with otherwise applicable off-street parking standards.  
10 Additional parking management strategies may include, for example, transportation  
11 demand programs, car sharing, unbundled parking, or a combination of strategies. The  
12 applicant shall provide a parking demand study prepared in a form and manner  
13 prescribed by the traffic engineer that demonstrates a reduction is appropriate based on  
14 the expected parking needs of the development, availability of transit, and similar factors.  
15 It shall be determined that:

- 16 a. The use will be adequately served by the proposed parking due to project  
17 location, transportation characteristics of the persons residing, working, or visiting  
18 the site, or because the applicant has undertaken a program or strategy that will  
19 reduce parking demand at the site; and
- 20 b. Parking demand generated by the project will not exceed the capacity of or have  
21 a detrimental impact on the supply of on-street parking in the surrounding area.

22 **G. Off-Street Loading Requirements**

23 No building or structure used for any use specified in the loading column of table 21.07-5 shall be  
24 erected, nor shall any such existing building or structure be altered so as to increase its gross  
25 floor area by 25 percent or more, without prior provision for off-street loading berth in  
26 conformance with the following minimum requirements:

27 **1. Types of Loading Berths**

28 Required off-street loading shall be provided in berths that conform to the following  
29 minimum specifications:

- 30 a. Type A berths shall be at least 60 feet long by 10 feet wide by 14 feet six inches  
31 high, inside dimensions.
- 32 b. Type B berths shall be at least 30 feet long by 10 feet wide by 14 feet six inches  
33 high, inside dimensions.
- 34 c. Type C berths shall be located in the rear of a lot and utilize part of an adjacent  
35 alley. The building setback shall be a minimum of five feet from the property line  
36 along the alley for the entire width of the lot.

37 **2. Number of Spaces**

38 The following numbers and types of berths shall be provided for the specified uses in  
39 table 21.07-8, *Off-Street Loading Berths*; provided, however, that, in any DT district, or in  
40 any mixed-use district where an alley is available that is not shared with any adjacent R-  
41 1, R-1A, R-2A, R-2D, R-2F, R-2M, or R-3 zoned residential lot, one type C berth may be  
42 substituted for one type B berth. The uses specified in this subsection shall include all  
43 structures designed, intended, or arranged for such use.

<b>TABLE 21.07-8: OFF-STREET LOADING BERTHS</b>			
<b>Use</b>	<b>Aggregate Gross Floor Area (square feet) or Number of Dwelling Units</b>	<b>Berths Required</b>	<b>Type</b>
<b>Residential Uses</b>			
Multifamily and mixed-use dwellings	50-149 dwelling units	1	B
	150-249 dwelling units	2	B
	Each additional 100 dwelling units or portion thereof	1 additional	B
<b>Public/Institutional Uses</b>			
Cultural facilities	24,000--50,000	1	B
	50,001--100,000	2	B
	Over 100,000, each additional 50,000 or fraction thereof	1 additional	B
Educational facilities	Over 25,000	1	B
Health care facilities	25,000--100,000	1	B
	Over 100,000	2	B
Railroad freight terminals and other transportation facilities	12,000--36,000	1	A
	36,001--60,000	2	A
	60,001--100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
<b>Commercial Uses</b>			
Assembly uses	25,000--150,000	1	B
	150,001--400,000	2	B
	Each additional 250,000 or fraction thereof	1 additional	B
All commercial establishments not otherwise specified	10,000 --24,000	1	B
	24,001--50,000	2	B
	50,001--100,000	3	B
	Over 100,000, each additional 50,000 or fraction thereof	1 additional	B
Visitor accommodations, health services, and office uses	25,000--40,000	1	B
	40,001--100,000	2	B
	Each additional 100,000 or fraction thereof	1 additional	B
<b>Industrial Uses</b>			
All industrial uses	12,000--36,000	1	A
	36,001--60,000	2	A
	60,001--100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A

1           **3. Uses Not Specifically Mentioned**

2           In the case of a use not specifically mentioned in this section, the requirements for off-  
3           street loading berths shall be the same as the use mentioned in this section which, in the  
4           opinion of the director, is most similar to the use not specifically mentioned.

5           **4. Concurrent Different Uses**

6           When any proposed structure will be used concurrently for different purposes, the loading  
7           requirements shall be the total requirements for each use based upon its aggregate gross  
8           floor area, unless otherwise approved by the traffic engineer and the director.

9           **5. Location of Off-Street Loading Facilities**

10          Off-street loading facilities required under this title shall be in all cases on the same lot or  
11          parcel of land as the structure they are intended to serve, except as provided in  
12          subsection 21.07.090G.1.c. for type C loading berths. Where parking facilities are not  
13          allowed between a building and a street, loading berths are also not allowed.

14          **6. Manner of Using Loading Areas**

15          No loading berth shall be so located that a parked vehicle or tractor-trailer using such  
16          loading berth projects into any street or across a required pedestrian facility or sidewalk.  
17          Loading berths shall be provided with access to an alley, or, if no alley abuts the lot, with  
18          access to a street. Any required front, side, or rear setback may be used for loading  
19          unless otherwise prohibited by this title. Design and location of entrances and exits for  
20          required off-street loading berths shall be subject to the approval of the traffic engineer.

21          **7. Signs**

22          The owners of the property shall provide, locate, and maintain loading signs as specified  
23          by the traffic engineer. Such signs shall not be counted against allowed advertising sign  
24          area or number.

25    **H. Parking and Loading Facility Design Standards**

26          **1. Purpose**

27          The parking and loading facility design standards promote vehicle areas which are safe,  
28          efficient, convenient, and attractive for motorists and pedestrians. Parking facility  
29          locations within a site are encouraged to be located elsewhere than the front area  
30          between the building and its street frontage, in order to enhance the function, character,  
31          and walkability of the area. These design standards also enhance the compatibility of  
32          parking and loading facilities with their surroundings.

33          **2. Applicability**

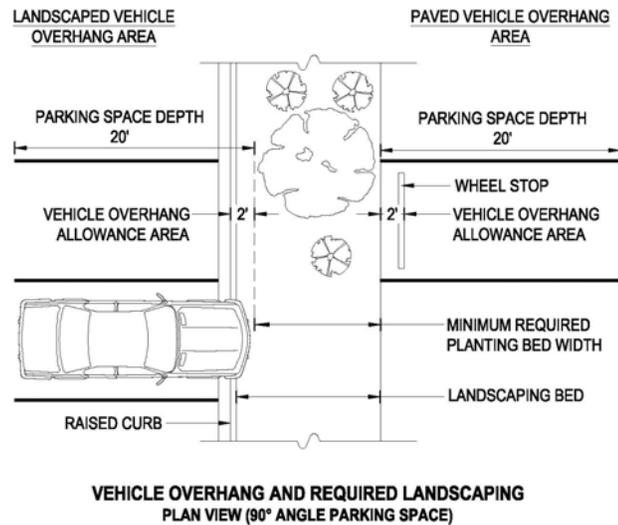
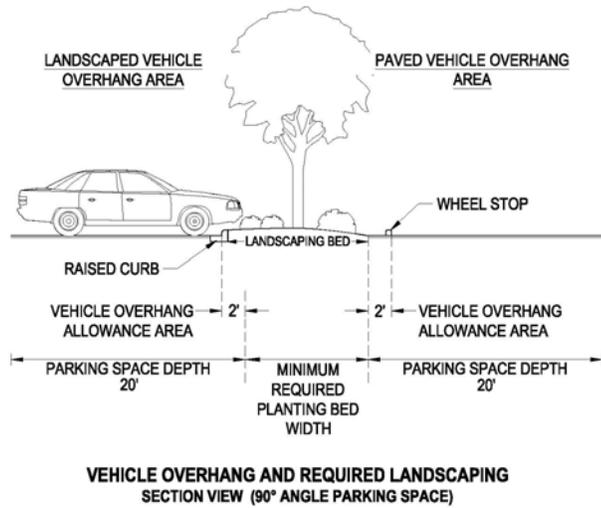
34          These standards apply to any parking facility or loading facility including all parking  
35          spaces in a development, except where stated otherwise. A temporary parking lot shall  
36          comply with all applicable development requirements of this title for surface parking lots  
37          and parking lot landscaping, except when associated with another temporary use  
38          permitted pursuant to section 21.05.080.

39          **3. Landscaping and Screening**

40          Parking and loading facilities shall comply with the landscaping provisions of section  
41          21.07.080. If the loading facilities are adjacent to the lot line, a maximum of 35 percent of  
42          one **side [SODE]** of the loading area perimeter landscaping and the site perimeter  
43          landscaping may be replaced by a screening fence of a minimum height of six feet. That  
44          area for the proposed screening fencing shall only be located where adjacent to a loading  
45          area and/or dumpster screening area, and shall not be located adjacent to a residentially  
46          zoned parcel or a street. Provisions for location and screening of refuse containers and  
47          other elements are in section 21.07.080. No automobile or bicycle parking facility or

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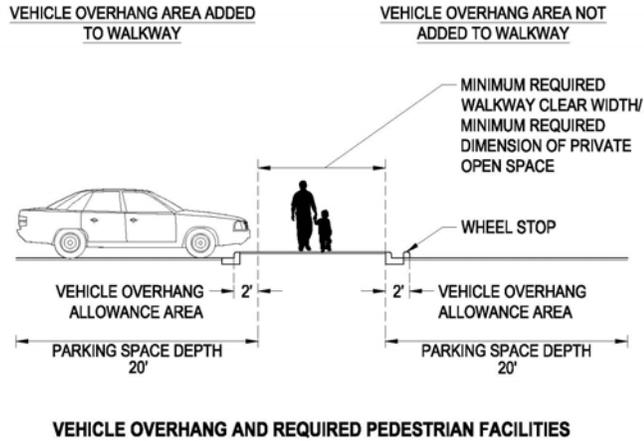
loading facility shall be permitted in any required landscaping area. No vehicle overhang allowance area, as measured in table 21.07-9, may extend into the minimum required planting bed width of required landscaping. See figures that follow.



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4. **Drainage and Storm Water Management**  
 Parking and loading facilities shall comply with the parking and loading related provisions of section 21.07.040, *Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges*.
5. **Exterior Lighting**  
 Parking and loading areas shall comply with the exterior lighting provisions of section 21.07.100.
6. **Pedestrian Access and Circulation**  
 Parking and loading facilities shall comply with the provisions of subsection 21.07.060E., *Pedestrian Facilities*. No vehicle overhang allowance area, as measured in table

1 21.07-9, may extend into the minimum required dimension of required walkways,  
 2 pedestrian areas, or private open space. See figure that follows.



VEHICLE OVERHANG AND REQUIRED PEDESTRIAN FACILITIES

3 **7. Relationship to Buildings**

4 **a. Nonresidential Buildings**

5 Parking spaces and parking aisles shall be separated from any nonresidential  
 6 building by a walkway or site enhancement landscaping planting area, or both, of  
 7 at least four feet in width. Other motor vehicle areas shall also be subject to this  
 8 requirement only where the traffic engineer determines it necessary for a safe  
 9 pedestrian walkway route between a building entrance or parking **lots [AREAS]**.  
 10 Otherwise, loading berths, rear service areas, motor vehicle entrance and service  
 11 bays, queuing lanes, and drive-throughs are exempt.

12 **b. Multifamily Residential Buildings**

13 Parking spaces, driveways, and circulation aisles shall be separated from any  
 14 multifamily residential building façade by a site enhancement landscaping  
 15 planting area of at least five feet in width, and allowing breaks for garage  
 16 entrances. The area shall be planted with a minimum of 0.4 units of landscaping  
 17 material per linear foot.

18 **8. [LOCATION OF PARKING LOTS WITHIN THE SITE]**

19 THE LOCATION OF PARKING AND VEHICLE AREAS WITHIN THE PROPOSED  
 20 DEVELOPMENT SITE SHALL BE IN ACCORDANCE WITH THE FOLLOWING  
 21 STANDARDS FOR EACH USE SPECIFIED, EXCEPT WHEN AN ALTERNATE  
 22 CONFIGURATION IS APPROVED BY THE TRAFFIC ENGINEER AND THE  
 23 DIRECTOR.

24 **a. SINGLE-FAMILY, TWO-FAMILY, AND TOWNHOUSE DWELLINGS**

25 SINGLE-FAMILY, TWO-FAMILY, TOWNHOUSE, MULTIFAMILY, AND MIXED-  
 26 USE DWELLINGS SHALL COMPLY WITH PARKING, DRIVEWAY, AND  
 27 GARAGE RELATED PROVISIONS OF SECTION 21.07.110.

28 **b. DEVELOPMENT IN MIXED-USE DISTRICTS**

29 VEHICLE AREAS ARE NOT ALLOWED BETWEEN THE STREET AND THE  
 30 PORTION OF THE BUILDING THAT COMPLIES WITH ANY OF THE  
 31 MAXIMUM STREET SETBACKS ESTABLISHED IN SECTION 21.06.020,  
 32 *DIMENSIONAL STANDARDS TABLES.*

1           **9.     Vehicular Access and Circulation**

2           Parking lots and structures shall be designed for a safe and orderly flow of traffic  
3           throughout the site, as provided in the subsections that follow.

4           **a.     Key Elements**

5           The parking facility layout, circulation, and design plan shall address the following  
6           elements as they relate to parking lots, including but not limited to: fire lanes,  
7           emergency access, drive-throughs, queuing spaces, passenger loading zones,  
8           pedestrian circulation, and loading berths.

9           **b.     Circulation Patterns**

10          Internal circulation patterns and the location and traffic direction of all circulation  
11          aisles, driveways, and queuing lanes shall be designed and maintained in  
12          accordance with the municipal driveway standards currently established by the  
13          traffic engineer, and with accepted principles of traffic engineering and safety, per  
14          the traffic engineer's review based on the current manuals of the Institute of  
15          Transportation Engineers and the Urban Land Institute, and the *Manual of*  
16          *Uniform Traffic Control Devices* or the successor documents. Circulation  
17          patterns within parking facilities shall be well defined with pavement marking and  
18          signage, vertical curbs, landscaping, landscaped islands, and/or other similar  
19          features. In order to define circulation and provide better sight distance, curbed  
20          end islands shall be required at the end of each row of parking spaces. Where  
21          loading facilities are required, commercial truck circulation shall be considered,  
22          and truck turning radii shall be shown on the parking facility layout, circulation,  
23          and design plan when required by the traffic engineer.

24          **c.     Parking Spaces Along Major Site Entrance Drives**

25          The provision, location, design, and dimensions of parking spaces on a major  
26          access driveway that serves as an entry or exit for a large establishment with  
27          multiple lots, tracts, or businesses, shall conform to municipal standards for on-  
28          street parking and be subject to review and approval by the traffic engineer.

29          **d.     Parking Lot [AREA] Entries/Driveways**

30          Entries and driveways providing access to parking lots [AREAS] shall conform to  
31          the municipal driveway standards currently established by the traffic engineer.  
32          Access to streets [ROADS] owned by the state of Alaska requires compliance  
33          with state driveway standards, department of transportation and public facilities  
34          approval, and a current valid state of Alaska driveway permit. Ingress and  
35          egress to parking facilities shall be designed to maintain adequate sight distance  
36          and safety and as prescribed in the municipal driveway standards. Residential  
37          driveway entrances shall comply with subsection 21.07.110H.3., *Driveway Width*.

38          **e.     Parking and Maneuvering**

39          All circulation aisles, driveways, and vehicle maneuvering areas required by this  
40          section shall be located entirely off-street and on the property unless specifically  
41          provided otherwise by this section.

42          **i.     Access to Parking Spaces**

43          To ensure safe and efficient vehicular access to parking spaces, each  
44          required off-street parking space shall open directly on a parking aisle or  
45          driveway of such width and design as provided in table 21.07-9 and the  
46          illustrations that follow the table. Adequate ingress and egress to each  
47          parking space shall be provided without backing more than 25 feet.

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- ii. **Maneuvering Area**  
 Off-street parking facilities shall be designed with sufficient maneuvering room so that all maneuvers associated with the parking shall occur in the off-street parking facility, and that all vehicles enter the abutting street in a forward motion.
  
- iii. **Some [SINGLE- AND TWO-FAMILY] Dwellings Exempted**  
 Single-family, [AND] two-family, [DWELLINGS AND] townhouse[S], and mobile home dwellings on individual lots shall be exempted from this subsection.
  
- iv. **Loading Berth Maneuvering**  
 Vehicle maneuvering for loading berths shall be subject to the requirements of subsection 21.07.090G.6., *Manner of Using Loading Areas*.
  
- f. **Dead-End Parking Aisles**  
 Dead-end parking aisles may be allowed only with the approval of the traffic engineer.
  
- g. **Alleys**  
 Subject to safety approval by the traffic engineer, the usable portion of an alley may be credited as circulation and/or parking aisle space.
  
- h. **Cross Access and Joint Access with Adjacent Sites**  
 The plan shall show existing parking and circulation patterns on adjacent properties and potential connections. Required parking lots [AREAS] serving a site, whether located on that same lot or on an adjacent lot, may be connected by means of a common access driveway within or between the interior of such lots. Applicants are encouraged to provide shared vehicle and pedestrian access to adjacent properties for convenience, safety, and efficient circulation. An access easement shall be provided on the plat, or a shared access agreement running with the land shall be recorded by the municipality, as approved and executed by the director, guaranteeing the continued availability of the shared access between the properties.

**10. Dimensions of Parking Spaces and Aisles**

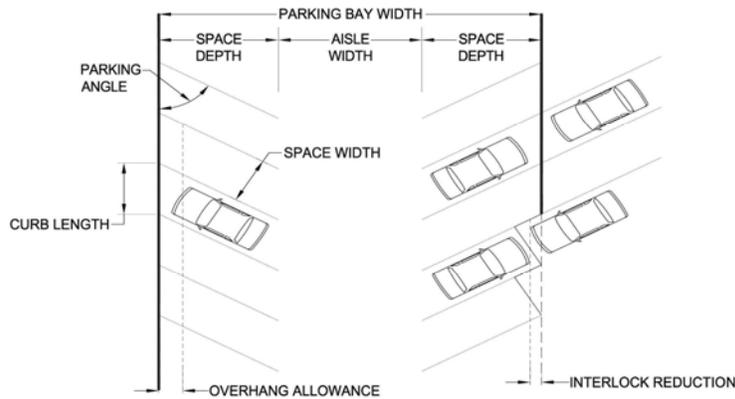
The minimum dimensions for parking spaces and parking aisles shall be as provided in table 21.07-9, and calculated as depicted in the figures that follow the table. The minimum parking space width shall be 9'0" except as provided elsewhere in this section. The parking configuration stated in the following table and figures shall apply to all off-street parking, except as stated elsewhere in this section.

TABLE 21.07-9 PARKING ANGLE, STALL, AND AISLE DIMENSIONS								
Parking Angle	Space Width	Curb Length (Width Projection)	Space Depth (Vehicle Projection)	Aisle Width 1-way	Aisle Width 2-way	Typical Parking Bay Width (Module)	Interlock Reduction	Over-hang Allowance
0 (parallel)	8' 6"	23' 0"	8' 6"	12' 6"	24	41' 0"	0' 0"	0' 0"
	9' 0"	23' 0"	9' 0"	12' 0"	24	42' 0"	0' 0"	
	9' 6"	23' 0"	9' 6"	12' 0"	24	43' 0"	0' 0"	
	10' 0"	23' 0"	10' 0"	12' 0"	24	44' 0"	0' 0"	
45	8' 6"	12' 0"	18' 9"	12' 6"	24	61' 6"	3' 0"	1' 5"

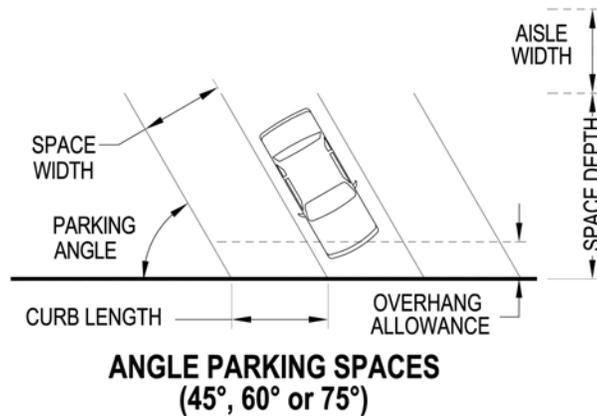
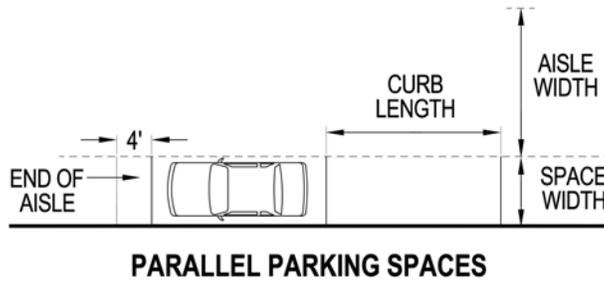
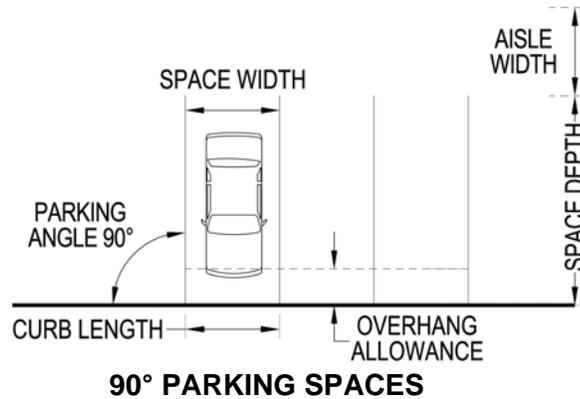
**TABLE 21.07-9 PARKING ANGLE, STALL, AND AISLE DIMENSIONS**

Parking Angle	Space Width	Curb Length (Width Projection)	Space Depth (Vehicle Projection)	Aisle Width 1-way	Aisle Width 2-way	Typical Parking Bay Width (Module)	Interlock Reduction	Over-hang Allowance
	9' 0"	12' 9"	20' 6"	12' 0"	24	65' 0"	3' 2"	
	9' 6"	13' 5"	20' 10"	12' 0"	24	65' 9"	3' 4"	
	10' 0"	14' 2"	21' 3"	12' 0"	24	66' 5"	3' 6"	
60	8' 6"	9' 10"	19' 10"	18' 6"	24	63' 8"	2' 2"	1' 8"
	9' 0"	10' 5"	21' 10"	18' 0"	24	67' 8"	2' 3"	
	9' 6"	10' 12"	22' 1"	18' 0"	24	68' 2"	2' 5"	
	10' 0"	11' 7"	22' 4"	18' 0"	24	68' 8"	2' 6"	
75	8' 6"	8' 10"	19' 7"	19' 6"	24	63' 2"	1' 1"	1' 11"
	9' 0"	9' 4"	21' 8"	19' 0"	24	67' 4"	1' 2"	
	9' 6"	9' 10"	21' 9"	18' 6"	24	67' 7"	1' 3"	
	10' 0"	10' 4"	21' 11"	18' 0"	24	67' 10"	1' 5"	
90	8' 6"	8' 6"	18' 0"	23' 6"	24	60' 0"	0' 0"	2' 0"
	9' 0"	9' 0"	20' 0"	23' 0"	24	64' 0"	0' 0"	
	9' 6"	9' 6"	20' 0"	22' 0"	24	64' 0"	0' 0"	
	10' 0"	10' 0"	20' 0"	22' 0"	24	64' 0"	0' 0"	

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**PARKING DIMENSIONS**



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- a. **Parking Angle**  
 Parking angles between zero and 45 degrees and between 75 and 90 degrees are not permitted, except as approved by the traffic engineer. Angles between 45 and 75 degrees are permitted. The dimensions for such angles shall be calculated by the applicant using a method prescribed by the traffic engineer.
  - b. **Parking Aisle Width**  
 Where the parking angle differs across a one-way parking aisle, the greater required parking aisle width shall be provided.

- 1                   c.       **Reduction in Parking Space Depth Due to Interlock**  
2                   Parking space depth (vehicle projection) may be reduced through the use of  
3                   interlock between angled parking bays as shown in the parking dimensions  
4                   figure. The amount of reduction in the parking space depth shall be as provided  
5                   in the interlock reduction column of table 21.07-9. The parking angle of the  
6                   abutting parking bays shall be equal in order to use the interlock reduction.
- 7                   d.       **Overhang Allowance with a Parking Space**  
8                   The maximum overhang allowance shall be as shown in table 21.07-9 and the  
9                   figures that follow it. The distance between the end of the parking space and the  
10                  face of any raised curb or wheel stop used in the parking space shall be equal to  
11                  (no greater or less than) the overhang allowance provided in table 21.07-9. The  
12                  relationship between the overhang allowance and adjacent required landscaping  
13                  and pedestrian facilities is established in subsections 21.07.090H.3. and H.6.  
14                  Surfacing options for the overhang allowance area of the parking space are  
15                  provided in subsection 21.07.090H.14.d., *Paving*.
- 16                  e.       **Parking Spaces Abutting a Wall, Fence, or Other Obstruction**  
17                  Minimum required parking space dimensions shall be clear of all obstructions,  
18                  other than wheel and curb stops and structural columns that meet the  
19                  requirements of subsection 10.f. below. When the length of a parking space  
20                  abuts a wall, fence, or other obstruction, the required width of the parking space  
21                  shall be increased by one foot for each side with an obstruction. The parking  
22                  space angle and dimension requirements shall apply to the inside dimension of a  
23                  parking space abutting an obstruction.
- 24                  f.       **Structural Columns**  
25                  A structural column may encroach into the width of a parking space by up to one  
26                  foot if the column is located within four feet of either end of the parking space.  
27                  Such column shall not be located within one foot of the drive aisle.
- 28                  g.       **Minimum Vertical Clearance**  
29                  A minimum height of 14 feet shall be maintained clear of obstructions from any  
30                  parking lot surface to any structure or landscape feature above that may interfere  
31                  with the safe passage of vehicles. The minimum vertical clearance for a  
32                  structured parking facility, carport, or garage shall be seven feet four inches,  
33                  except as follows:
- 34                    i.        The minimum vertical clearance for van accessible parking spaces,  
35                    access aisles serving them, and vehicle routes to the van accessible  
36                    spaces shall be eight feet two inches.
- 37                    ii.       The minimum vertical clearance for passenger loading zones including  
38                    vehicular pull-up spaces, access aisles serving them, and a vehicular  
39                    route between an entrance and exit and the passenger loading zone  
40                    shall be nine feet six inches.
- 41                  h.       **Smaller Parking Spaces for Low Turnover Uses**  
42                  Reduced parking space dimensions may be approved by the traffic engineer  
43                  pursuant to subsection F.22. above.
- 44                  i.        **Recreational Vehicle Spaces**  
45                  Parking spaces for recreational vehicles, if provided and delineated, shall be a  
46                  minimum of 10 feet wide by 40 feet long.

11. **Parking Facility Maintenance**

- a. Paved surface parking lots with 20 or more spaces shall be cleaned annually including once following spring melt prior to June 1 or as snowmelt conditions permit, in a manner that meets air quality and water quality standards.
- b. On-site storm water detention and runoff facilities serving parking facility runoff shall be cleaned and maintained in a functional manner.
- c. Grit or oil and water separator devices shall be cleaned and maintained in a functional manner.

12. **Maximum Grade of Surface Parking Lots**

The maximum grade for any parking space or circulation aisle shall be five percent, except that for accessible spaces the maximum grade shall be two percent, as required by the Americans with Disabilities Act. Circulation aisles that are covered or heated may have an increased maximum grade with the approval of the traffic engineer.

13. **Paving**

a. ***Material***

Except as provided below, all parking spaces, loading berths, driveways, and other motor vehicle driving surfaces shall be paved and maintained with dustless, all-weather, hard materials appropriate for the municipality's sub-arctic environment, and equal in strength to two inches municipal Type E asphaltic concrete and a base material suitable for the intended traffic, to standards prescribed by the municipal engineer or as otherwise approved by the municipal engineer.

b. ***Exceptions for Small Parking Lots in Class B Districts***

Parking lots of 10 spaces or fewer in class B districts may instead be surfaced with a layer of crushed rock of no more than one inch in diameter, to a minimum depth of three inches.

c. ***Exceptions for Some Vehicle Storage Areas***

Outdoor vehicle storage areas associated with a self-storage facility use; storage, sales, or rental of heavy equipment; seasonal large vehicle storage; and tractor trailer storage areas not used for loading berths, loading berth maneuvering, access to bay doors, site access, or parking, need not be paved. Such areas are still subject to the drainage requirements of subsection 21.07.040.

d. ***Exceptions for Parks and Open Spaces***

Subject to review and approval by the traffic engineer and municipal engineer, some required parking spaces for parks facilities that are demonstrated to have a highly variable seasonal demand need not be paved.

e. ***Paving Alternatives***

Pervious alternatives to the specified surface may be used, subject to approval by the municipal engineer. All surfacing shall control dust, treat storm water to municipal standards, and be such that rock and other debris is not tracked off-site. If, after construction, the municipal engineer determines that the alternative is not adhering to these requirements, the surface shall be replaced.

f. ***Landscaping in Lieu of Paving***

The vehicle overhang allowance portion of the parking space depth as measured in table 21.07-9 and illustrated in the figures following the table, may be landscaped with a low-growth, hardy plant material in lieu of paving, allowing a bumper overhang while maintaining the required parking dimensions.

1 Landscaped overhang allowance areas may be contiguous with required  
2 landscaping but shall not be counted toward the minimum required planting bed  
3 width.

4 **g. Exception for Temporary Parking Lots**

5 Temporary parking lots associated with another temporary use pursuant to  
6 section 21.05.080, need not be paved, unless required by the municipal  
7 engineer.

8 **I. Passenger Loading Zones**

9 All institutional, entertainment, and commercial uses such as schools/daycare, stadiums, and  
10 theaters that have high-volume peak traffic volumes shall provide an area for drop-offs and pick-  
11 ups that meets the following requirements:

12 **1. Passenger Loading Zone**

13 In addition to the required minimum number of parking spaces established in subsection  
14 21.07.090E., the traffic engineer may require one or more passenger loading zone  
15 spaces, depending on the type, intensity, and traffic patterns of the proposed use. The  
16 passenger loading zone for large commercial establishments or other intensive uses may  
17 be required by the traffic engineer to include one or more spaces dedicated to taxi cabs  
18 and/or other specialized high occupancy vehicles.

19 **2. Passenger Loading Zone Dimensions**

20 Any passenger loading zone that is provided for a development shall consist of one or  
21 more passenger drop-off/pick-up spaces parallel to the driveway or circulation aisle  
22 adjacent to the building. Each space shall be a minimum of 20 feet in length and eight or  
23 more feet in width, with an access aisle at least five feet wide abutting the full length of  
24 the space. As an alternative, subject to approval of the traffic engineer, a passenger  
25 loading zone may consist of one or more parking spaces that meets the accessible  
26 parking space dimensional standards of subsection 21.07.090J.7.

27 **3. Plan**

28 The parking facility layout, circulation, and design plan shall show the location and design  
29 of proposed passenger loading zones. For certain intensive uses, the traffic engineer  
30 may require the plan to include a traffic control plan addressing projected usage, hours of  
31 operation, peak loading/unloading time, plans for directing traffic, safety measures, and  
32 other information deemed necessary by the traffic engineer to designing a safe and well-  
33 functioning drop-off area.

34 **4. Accessible Route**

35 An accessible pedestrian route to the building or facility entrance shall be provided  
36 pursuant to subsection 21.07.090J.8., *Accessible Routes*.

37 **5. Schools**

38 Passenger loading zones shall be required for schools (public or private). Length,  
39 location, and design of the passenger loading zones shall be approved by the traffic  
40 engineer.

41 **J. Accessible Parking Spaces**

42 **1. Required Number of Accessible Parking Spaces**

43 A portion of the total number of parking spaces provided in each parking facility for  
44 commercial, industrial, public and institutional, multifamily, and mixed-use residential  
45 uses shall be accessible parking spaces. The number of accessible parking spaces shall  
46 be determined based on the total number of parking spaces provided, in accordance with

1 table 21.07-10, *Accessible Parking Spaces*, except where otherwise stated in this  
 2 section.

TABLE 21.07-10: ACCESSIBLE PARKING SPACES		
Total Parking Spaces Provided	Total Accessible Spaces Required	Number of Accessible Spaces that shall be Van-Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1000	2 percent of total	1 for every 6 accessible spaces
1001 and over	20 plus 1 for each 100 over 1000	1 for every 6 accessible spaces

3  
 4 **2. Passenger Loading Zones Attendant Parking**  
 5 If passenger loading zones are provided, then at least one passenger loading zone shall  
 6 be an accessible passenger loading zone. The requirements of table 21.07-10 do not  
 7 apply to attendant parking spaces.

8 **3. Multifamily and Mixed-use Residential**  
 9 Two percent, but not less than one space, of the parking spaces provided for a  
 10 multifamily or mixed-use residential development with type A and type B dwelling units as  
 11 defined in AMC title 23 shall be accessible.

12 **4. Medical Facilities**  
 13 At least 10 percent of patient and visitor parking spaces provided to serve hospital  
 14 outpatient facilities shall be accessible. At least 20 percent of patient and visitor parking  
 15 spaces provided to serve rehabilitation facilities and outpatient physical therapy facilities  
 16 shall be accessible.

17 **5. Location**  
 18 Accessible parking spaces shall be located on the shortest accessible route of travel from  
 19 adjacent parking to an accessible primary entrance. The accessible route of travel shall  
 20 not pass behind parking spaces. In parking facilities that do not serve a particular  
 21 building, accessible parking spaces shall be located on the shortest accessible route of  
 22 travel to an accessible pedestrian entrance of the parking facility. In buildings with  
 23 multiple accessible primary entrances with adjacent parking, accessible parking spaces  
 24 shall be dispersed and located closest to the accessible entrances.

25 **6. Location—Exceptions**  
 26 In multilevel parking structures, van accessible parking spaces are permitted to be  
 27 located on one level. Accessible parking spaces shall be permitted to be located in  
 28 different parking facilities if it is demonstrated to the traffic engineer that substantially

1 equivalent or greater accessibility is provided in terms of distance from an accessible  
2 entrance(s), parking fee, and user convenience.

3 **7. Dimensions**

4 Car accessible spaces shall be at least eight feet wide with an access aisle at least five  
5 feet wide abutting the space. Van accessible spaces shall be at least eight feet four  
6 inches wide with an abutting access aisle at least eight feet in width. [ACCESSIBLE  
7 PARKING SPACE ACCESS AISLES SHALL BE PART OF AN ACCESSIBLE  
8 WALKWAY ROUTE TO THE BUILDING OR FACILITY ENTRANCE AS SPECIFIED IN  
9 SUBSECTION J.8. BELOW, *ACCESSIBLE ROUTES*.] Two accessible parking spaces  
10 may share a common access aisle.

11 **8. Maximum Grade**

12 Accessible parking spaces and access aisles shall have surface slopes not exceeding  
13 two percent in all directions.

14 **9. Accessible Routes**

15 **a. Location**

16 At least one accessible route to the building or facility entrance shall be provided  
17 from accessible parking and passenger loading zones.

18 **b. Surface Textures**

19 Ground surfaces along accessible routes shall be stable, firm, and slip-resistant.

20 **c. Changes in Levels**

21 Changes in level up to one-fourth inch may be vertical and without edge  
22 treatment. Changes in level between one-fourth inch and one-half inch shall be  
23 beveled with a slope no greater than one to two. Changes in level greater than  
24 one-half inch shall be accomplished by means of a ramp.

25 **d. Gratings**

26 If gratings are located in walking surfaces on an accessible route, then they shall  
27 have spaces no greater than one-half inch wide in one direction. If gratings have  
28 elongated openings, then they shall be placed so that the long dimension is  
29 perpendicular to the dominant direction of travel.

30 **e. Ramps**

31 ADA ramps cannot protrude into the ADA access aisle. Ramp details shall be  
32 included on the plans.

33 **10. Signs and Striping**

34 Each accessible parking space shall be designated as reserved by pavement markings  
35 and a sign showing the symbol of accessibility. Van-accessible spaces shall have an  
36 additional sign reading "Van-Accessible" mounted below the symbol of accessibility.

37 **a.** Signs shall be located so that they do not obstruct the ramps or other pedestrian  
38 access.

39 **b.** An accessible [ ] parking sign detail shall be included in the plan submittal per  
40 M.A.S.S.

41 **c.** All accessible spaces and aisles shall be striped with blue paint to color  
42 specifications prescribed by the *Manual of Uniform Traffic Control Devices*,  
43 including the total length of the curb encompassing the accessible parking space  
44 and accessible aisle.

**11. Implementation of ADA**

Regulations may be promulgated under section 21.03.210, *Title 21–Text Amendments*, to implement the requirements of Americans with Disabilities Act of 1991 as it may be amended or interpreted by federal regulation.

**12. Standards for Parking as Principal Use**

Where a parking structure or lot is a permitted principal or conditional use and is not providing required parking for another principal use, accessible parking spaces in accordance with this section shall be provided.

**K. Bicycle Parking Spaces**

All nonresidential, multifamily, and mixed-use dwelling developments with more than 40 parking spaces required in table 21.07-5 shall provide at least four bicycle parking spaces, or a number of bicycle parking spaces equal to three percent of the number of required automobile parking spaces, whichever is greater.

**L. Vehicle Queuing Spaces**

The vehicle queuing space requirements of this section shall apply unless otherwise expressly approved by the traffic engineer in accordance with L.7. below:

**1. General**

Uses of land and structures requiring vehicles and customers waiting in vehicles for service at drive-through facilities, pump stations, auto service bays, or similar uses, shall provide sufficient queuing spaces within the site to avoid impeding traffic movement in the public right-of-way. Such uses shall demonstrate to the traffic engineer that sufficient in-line waiting spaces are provided on-site as part of the parking plan to ensure the queue does not extend into the adjacent street, and that queuing minimizes interference with parking facility circulation aisles.

**2. Minimum Number of Queuing Spaces Leading to Service Window**

In addition to the minimum number of required off-street parking spaces, any use listed in table 21.07-11, *Vehicle Queuing Spaces*, shall provide the number of on-site queuing spaces indicated in the table for each service window. The required number of queuing spaces does not include the vehicle space to be provided at the pick-up window, teller machine, or other station where the service occurs.

TABLE 21.07-11: VEHICLE QUEUING SPACES	
Activity Type	Minimum Queuing Spaces
Financial institution teller lane	4 <b>before</b> [IN ADVANCE OF] teller or window
Automated teller machine drive-through	3 <b>before</b> [IN ADVANCE OF] teller machine
Restaurant drive-through	With no ordering board/window, 4 before pick-up window; with ordering board/window, 4 <b>before</b> [IN ADVANCE OF] ordering board plus 4 between ordering board or window and pick-up window
Car wash bay, automatic	5 <b>before</b> [IN ADVANCE OF] entrance to car wash bay
Car wash bay or stall, self-service	2 <b>before</b> [IN ADVANCE OF] entrance to car wash bay or stall
Food and beverage kiosk	3 <b>before</b> [IN ADVANCE OF] pick-up Window
Fueling station pump island	2 at each end of pump island lane

**TABLE 21.07-11: VEHICLE QUEUING SPACES**

Activity Type	Minimum Queuing Spaces
Security gate entrance for self storage or vehicle storage facility	The queuing lane <b>before</b> [IN ADVANCE OF] the security gate shall measure a minimum of 50 feet in length and 24 feet in width. The width of the self-storage security gate is excluded.
Parking garage or structure	See subsection 21.07.090M., <i>Structured Parking</i>
School	See subsection 21.07.090I., <i>Passenger Loading Zones</i>
Other use with lane of vehicle queuing spaces	Determined by traffic engineer.

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**3. Queuing Lanes Leaving the Use**

Queuing lanes shall be integrated with the on-site circulation and shall merge with the circulation aisle instead of exiting directly into a public right-of-way, except where the traffic engineer approves otherwise. The queuing lane may merge directly into a driveway, subject to approval by the traffic engineer. A minimum of 30 feet of queuing lane shall be required between the service window, bay, or station, and the point of vehicle egress to the adjacent parking facility circulation aisle, street, or right-of-way, however the traffic engineer may require more. The length and design of the queuing lane leaving a car wash bay or stall shall ensure the water and ice from vehicles do not adversely affect adjacent streets, storm drainage systems, or the safe circulation of vehicles and pedestrians.

**4. Queuing Dimensions**

Queuing lanes shall have a minimum width of 10 feet along straight portions and 12 feet along curved segments. Queuing spaces shall have a minimum length of 20 feet.

**5. Traffic Circulation Conflicts**

Queuing spaces shall not interfere with on- or off-site traffic movements or movements into or out of off-street parking and loading areas.

**6. Delineation**

Queuing spaces shall be delineated from other queuing lanes, driveways, internal circulation and parking aisles, loading areas, and refuse collection areas by striping, curbing, landscaping, alternative paving materials, or raised medians. Walk-in customer crosswalks across queuing lanes shall be avoided to the extent reasonably feasible and permitted upon approval by the traffic engineer. If approved, such crosswalks shall provide mitigation such as warning signage aimed at both the pedestrian and vehicle.

**7. Exceptions**

The traffic engineer may approve a reduction in the number of required queuing spaces or other departure from the queuing space requirements if documentation prepared by a traffic engineering professional demonstrates to the satisfaction of the traffic engineer that the change is appropriate and consistent with the intent of the requirements. The applicant shall enter into an agreement with the municipality which is recorded, runs with the use of the land, and ensures continuation of the alternative strategy and the future implementation of contingency measures if ordered by the traffic engineer.

**M. Structured Parking**

**1. Purpose and Applicability**

Parking structures and structured parking within occupied buildings shall comply with the provisions of this subsection, in order to be compatible with the architectural character and quality of adjacent buildings; avoid adverse impacts to abutting sidewalks or

1 residential properties; use color, massing, and other architectural features to reduce  
2 apparent bulk; and screen potential visual impacts from garage lighting or parked  
3 vehicles. It is also the intent of this section to ensure safe and convenient vehicle access  
4 and parking, and to avoid impeding traffic on adjacent streets and pedestrian facilities.  
5 The requirements which follow do not apply to garages for individual dwellings.

6 **2. Ground Floor Use**

7 In the CMU, RMU, R-4, and R-4A districts along streets that have been specifically  
8 designated in the comprehensive plan as a main street, transit street, mixed-use street,  
9 or with a similar street typology, ground-floor structured parking shall be enclosed along  
10 that street frontage by a first-story habitable space that:

- 11 a. Has a minimum depth of 25 feet;
- 12 b. Extends the full length of the building elevation facing the designated street,  
13 excluding pedestrian and vehicle entrances and exits, stairwells, elevators, and  
14 centralized payment booths;
- 15 c. Is designed and used for residential, public/institutional, office, retail, or other  
16 commercial use; and
- 17 d. Includes ground floor windows providing visual access and/or primary entrances  
18 that comprise at least 25 percent of the ground level wall area.

19 **3. Façade Treatment**

20 The street-facing façade of a parking structure shall have a repeating pattern that  
21 includes no less than three instances of either (1) color change, (2) texture change, (3)  
22 material module change, or (4) expression of an architectural or structural bay through a  
23 change in plane no less than 12 inches in width, such as an offset, reveal, or projecting  
24 rib. At least one of these elements shall repeat at an interval of not more than 30 feet.  
25 The director may approve an alternative design to this standard if the applicant can  
26 demonstrate an alternative building design that significantly articulates a wall plane.

27 **4. Screening**

28 Ground floor [LEVEL] structured parking within a building shall be screened by a wall or  
29 façade or other architectural treatment consistent with the rest of the building in terms of  
30 style, detail, and materials. The perimeter of each parking structure floor above the  
31 ground floor [LEVEL] shall have an opaque screen or other screening mechanism to  
32 shield vehicle headlights from public view. The screen shall be at least three and one  
33 half [3.5] feet high measured from the finished floor elevation. An architectural treatment,  
34 such as a finished fascia, shall be provided to shield any unfinished structural elements  
35 such as electrical elements, exposed metal beams, and mechanical appurtenances.  
36 Lights visible from the exterior of the structure shall be covered or screened with a  
37 diffusing lens and oriented to minimize the visual impact on adjacent streets and  
38 properties.

39 **5. Landscaping**

40 The perimeter of a parking structure shall be planted with L1 edge treatment landscaping  
41 in any downtown or mixed-use district, or with L2 visual enhancement landscaping in any  
42 other district, except at points of vehicular and pedestrian entrance and exit, where the  
43 structure abuts an alley right-of-way, where the structure directly abuts another building,  
44 or where there is a ground floor use that meets the standards of subsection M.2. above.

- 1           **6. Ingress and Egress**  
2           **a.**       Non-automated parking structures designed to provide more than 500 parking  
3                   spaces shall have at least two vehicle entrance driveways and two vehicle exit  
4                   driveways.
- 5           **b.**       Vehicle entrance driveways shall provide a minimum of one queuing space in  
6                   addition to the vehicle space at the ticket dispenser or access reader, unless a  
7                   traffic analysis indicates more queuing is needed. Such queuing space(s) shall  
8                   meet the standards of subsection 21.07.090L., *Queuing Spaces*.
- 9           **c.**       Vehicle exit driveways shall provide a minimum of 30 feet of on-site vehicle  
10                   queuing that does not interfere with any parking stalls, rights-of-way, access  
11                   easements, pedestrian facilities, or private streets.
- 12           **7. Maximum Gradients**  
13           The maximum gradient of parking aisles shall be six percent. The grade of non-parking  
14           ramps shall be no greater than 12 percent, and shall comply with the requirements of  
15           Americans with Disabilities Act of 1991 as it may be amended or interpreted by federal  
16           regulation. Where special circumstances warrant, the traffic engineer may approve  
17           steeper grades according to accepted engineering practices, subject to special conditions  
18           of approval such as an ice-free (snow melting [HEATED]) ramp surface.
- 19           **8. Layout and Internal Circulation**  
20           The configuration of parking and dimensions within a non-automated parking structure  
21           shall be subject to the requirements of table 21.07-9, except that a modified layout and  
22           internal circulation pattern may be approved by the traffic engineer when it can be shown  
23           that a structure meets the design guidelines of the latest Urban Land Institute, Parking  
24           Institute, or Institute of Transportation Engineers manuals.
- 25           **9. Automated Parking Structures**  
26           **a.**       Automated parking structures shall require a traffic analysis and be subject to  
27                   review and approval by the traffic engineer.
- 28           **b.**       Automated parking structures are exempt from the parking stall and aisle  
29                   dimensions and vertical clearance requirements of this section.
- 30           **c.**       Automated parking structures shall be located wholly within an enclosed building  
31                   and shall not be visible from outside the building or facility.
- 32           **d.**       Automated parking structures shall be operated as attendant parking.

33 **21.07.100 EXTERIOR LIGHTING**

34 [RESERVED]

35 **21.07.110 RESIDENTIAL DESIGN STANDARDS**

36 **A. Purpose**

37 The standards of this section 21.07.100 are intended to promote high-quality residential  
38 development and construction; protect property values; encourage visual variety and architectural  
39 compatibility; and promote an integrated character for the municipality's neighborhoods.  
40 Specifically, the standards:

- 41           **1.**       Promote new residential developments that are distinctive, have character, and relate  
42                   and connect to established neighborhoods;

- 1           2.     Avoid monotony in structure design and site layout by providing variety and visual interest  
2           in the exterior design of residential buildings;
- 3           3.     Enhance the residential streetscape, walkability, and the pedestrian environment by  
4           diminishing the prominence of garages and parking lots [AREAS];
- 5           4.     Enhance public safety by preventing garages from obscuring main entrances or blocking  
6           views of the street from inside residences;
- 7           5.     Locate active living spaces, entrances, and windows to improve the physical and visual  
8           connection from residences to the street, and foster opportunities for casual surveillance  
9           of the street and outwardly expressed proprietorship of the neighborhood; and
- 10          6.     Improve the compatibility of residential development with the residential character of  
11          surrounding neighborhoods and protect property values of both the subject property and  
12          surrounding development.

13   **B.     Alternatives and Flexibility**

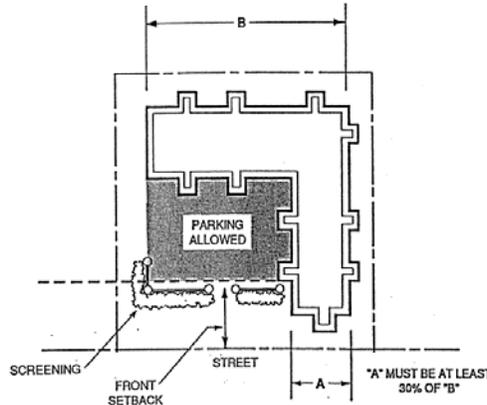
- 14          1.     **Alternative Equivalent Compliance**  
15           The alternative equivalent compliance procedure set forth in subsection 21.07.010D. may  
16           be used to propose alternative means of complying with the intent of this section.  
17           Structures over eight units may apply directly to the urban design commission for  
18           alternative compliance with plans at least 30 percent complete, that include exterior  
19           elevations and dimensions, floor plans, landscaping, and parking plans.
- 20          2.     **Minor Modifications**  
21           Minor modifications may be applied, pursuant to section 21.03.120, *Minor Modifications*.

22   **C.     Standards for Multifamily Residential**

- 23          1.     **Purpose**  
24           The purpose of these standards is to improve the appearance of design and functionality  
25           of multifamily development, recognizing the importance of design in the economic  
26           success of neighborhood areas, the need for more efficient land use, and the need to  
27           ensure the adequate protection of the surrounding area. Specific objectives include:
  - 28           a.     Provide visual interest and architectural variety in multifamily residential  
29           developments that avoids featureless design, and reduces the apparent bulk of  
30           large building masses;
  - 31           b.     Promote sensitive design and planning of multifamily housing units that  
32           preserves or improves the characteristics of surrounding development;
  - 33           c.     Promote building design, placement, and orientation that contributes to public  
34           safety, attractive street frontages, pedestrian access, and a sense of  
35           neighborhood and community;
  - 36           d.     Promote building design, placement, and orientation that considers Alaska's  
37           northern climate in terms of weather protection and access to sunlight;
  - 38           e.     Protect property values of the subject property and surrounding development and  
39           promote economic investment in neighborhoods;
  - 40           f.     Improve the quality of life of residents of multifamily residential dwellings; and
  - 41           g.     Provide flexible standards that allow for creativity and innovation.

- 1           **2.     Applicability**  
2           These standards apply to any multifamily structure (three or more units) or residential  
3           portion of a mixed-use structure. This section does not apply in Girdwood.
- 4           **3.     Design Innovation Credit**  
5           The decision-making body may approve a design innovation that is not covered by the  
6           menu choices to be used as credit for up to one design feature in **the menus of** this  
7           section. The applicant shall demonstrate a specific feature that realizes the intent of the  
8           subsection, and that:
- 9           **a.**     Achieves an equal or better design solution for the development than would  
10           result from application of the basic menu choices; and
- 11           **b.**     Does not adversely affect adjacent properties or streets.
- 12           **4.     Daylighting, Views, and Building Spacing**
- 13           **a.     Windows**  
14           Windows or primary entrance doors shall be provided on any building elevation  
15           facing a street, **required** private common open space, or that has primary  
16           entrances to dwellings. At least 15 percent of the wall area on each story shall  
17           be windows or primary entrance doors. An overall reduction in required window  
18           area may be approved if demonstrated by calculation by an energy rater certified  
19           by the state of Alaska that the reduction is necessary to achieve an upgraded  
20           Energy Star rating of Five Star or Five Star Plus. **Windows in a garage door do**  
21           **not count towards the minimum area in this section.**
- 22           **b.     Building Spacing**
- 23           **i.**     Except as provided in b.ii., the average distance between any two  
24           building walls of two multifamily or mixed-use structures on the same site  
25           shall be the greater of the following:
- 26                       **(A)**     25 feet.
- 27                       **(B)**     One foot distance for every one foot of building height.
- 28           **ii.**    Side or end walls that do not provide the primary daylighting or windows  
29           into dwellings may be within 15 feet of each other.
- 30           **c.     Exceptions**  
31           Up to one-third of the required **window and entrance** [TRANSPARENT] wall area  
32           and/or required building space between buildings may be transferred to another  
33           story or side of the structure, subject to an administrative site plan review.  
34           Transferred space shall be added to private open space that meets the  
35           standards of section 21.07.030. It shall be demonstrated to the director's  
36           satisfaction that the transfer responds to a site specific attribute such as solar  
37           orientation, a noisy arterial street or objectionable view, and that mitigating  
38           features will be provided for the affected wall or area.
- 39           **5.     Building and Site Orientation**  
40           Buildings shall be oriented to surrounding streets, sidewalks, common private open  
41           spaces, and the public realm through at least three of the following:
- 42           **a.     Courtyard Housing**  
43           Arrange or configure the building(s) to enclose and frame a housing courtyard as  
44           described in subsection 21.07.060F.7.

- 1           **b.      *Orientation of Living Spaces and Windows***  
2           Provide windows and/or pedestrian entrances **comprising** [SUCH THAT] at least  
3           20 percent of the ground-floor wall area of any elevation fronting on a street or  
4           private common open space or having a primary entrance serving multiple  
5           dwellings [IS TRANSPARENT].
- 6           **c.      *Street Frontage – Parking Beside or Behind the Building***  
7           No more than 70 percent of a street-facing building elevation shall have parking  
8           facilities (including garages) between it and the street.



- 9           **d.      *Street Frontage – Limited Parking Width***  
10           As an alternative to 5.c. above, limit driveways and parking facilities to no more  
11           than 50 percent of the total site area between the building and the street, and  
12           garages to no more than 50 percent of the street facing building elevation.
- 13
- 14           **e.      *Street Corner Building***  
15           On a corner lot, provide choices 5.b. and 5.c. on both street frontages, such that  
16           the building (including its habitable floor area with windows) is placed nearest the  
17           corner, and any parking facilities are located beside or behind the building away  
18           from the street corner. [Illustrate]
- 19           **f.      *Entrance with Separated Walkway to the Street***  
20           Provide a primary entrance on each street-facing building elevation or a private  
21           common open space visible from the street, connected to the street by a clear  
22           and direct walkway separated from and not routed through a parking facility.
- 23           **g.      *Site Entry Feature***  
24           Highlight and define a pedestrian and vehicle entrance to a development site  
25           using three or more of the following elements:
- 26           i.      Landscape treatment with seasonal color and trees, which clearly  
27           distinguishes and highlights the site entry.
- 28           ii.     Plaza or courtyard as described in subsection 21.07.060F6. or 7.
- 29           iii.    Identifying building primary entrance form including a covered entry.
- 30           iv.    Special paving, pedestrian scale lighting, and/or bollards.
- 31           v.     Ornamental gate and/or fence.

1           **6. Building Articulation and Visual Variety**

2           Any building elevation facing a street, **required** common private open space, or common  
3           parking facility shall provide **[AT LEAST FOUR]** features from the menu below. If the  
4           building has one or two applicable elevations, then at least four features shall be provided  
5           on each elevation. If a third elevation is applicable, at least three features shall be  
6           provided on that elevation. If the building has at least four dwelling units and the  
7           applicable building elevation is 40 feet or longer, then, wall modulation in 6a. or 6b. shall  
8           be required as one of the **[FOUR]** features. Any applicable elevation with the primary  
9           entrance shall have four features provided.

10           **a. Wall Modulation**

11           Provide wall plane projections, recesses, or reveals at least six feet wide, with a  
12           change in plane of at least four feet, spaced at intervals of no more than 32 feet,  
13           except:

- 14           i.       The maximum interval may be increased by two and one half feet for  
15           each foot of additional change in wall plane of the projection or recess—  
16           up to a maximum interval of 40 feet;
- 17           ii.      The depth of the modulation may be reduced by two feet where the wall  
18           modulation is tied to a change in siding material, balcony, bay window, or  
19           roofline modulation, as defined below;
- 20           iii.     The standard applies on a minimum of two-thirds of the height of the  
21           building wall.

22           **b. Wall Modulation – Overall Building Massing**

23           Provide wall plane projections or recesses having a depth of at least 15 percent  
24           of the length of the building elevation or 15 feet (whichever is less), extending at  
25           least 25 percent of the length of the building elevation, for at least 60 percent of  
26           the building height, with no uninterrupted façade exceeding 56 horizontal feet.

27           **c. Upper Story Cantilever or Step-Back**

28           Provide an upper story cantilever or step-back with a change of wall plane of at  
29           least four feet, or two feet if accentuated by a change in siding or the façade is  
30           only two stories in height. **At least two-thirds of the building elevation length shall**  
31           **have such cantilever or step-back.**

32           **d. Change in Siding Material**

33           Use two or more primary wall siding materials, or a change of color, not including  
34           concrete or block foundation.

35           **e. Ornamental Features and Detail Elements**

36           Use two or more ornamental detail features at intervals, such as medallions,  
37           shutters, columns, pilasters, wall modulations that don't meet 6.a. or 6.b. above,  
38           balconies that don't meet 6.f. below, three and one half inch wide trim, or other  
39           similar features approved by the director.

40           **f. Balconies**

41           Incorporate balconies at least 32 square feet in area and eight feet wide,  
42           provided at intervals to distinguish between the individual dwellings.

43           **g. Bay Windows**

44           Incorporate bay windows at least six feet wide and high extending at least 18  
45           inches from the wall plane.

- 1                   h.     **Additional Window Area**  
2                   Provide windows and/or primary entrance doors comprising at least 25 percent of  
3                   the wall area of the building elevation. Windows in a garage door do not count  
4                   towards the minimum area in this section.
- 5                   i.     **Foundation Landscaping**  
6                   Provide a foundation planting bed along the foundation wall (breaks allowed for  
7                   garage doors and pedestrian entrances) an average of eight feet in depth  
8                   (minimum six feet at any point), and planted with at least one landscaping unit  
9                   per linear foot, half of which shall be trees. Refer to table 21.07-1, *Landscaping*  
10                  *Units Awarded.*
- 11                  j.     **Roofline Modulation**  
12                  Provide variations in roof form, orientation, or height using features at least six  
13                  feet wide such as a terracing parapet, multiple peaks, jogged ridge lines,  
14                  projecting roof forms and dormers, with a maximum of 32 feet of uninterrupted  
15                  roofline between roof modulation elements. The vertical dimension of the  
16                  roofline variation shall be the greater of two feet or 10 percent of the wall height.
- 17                  k.     **Roof Forms and Attic Living Spaces**  
18                  Provide a sloped roof with dormers at intervals and a pitch no greater than 12:12  
19                  that incorporates living spaces within the roof form. Such living spaces shall not  
20                  be considered in determining maximum FAR, pursuant to section 21.06.030E.2.
- 21                  l.     **Variation in Building Type or Scale**  
22                  Combine a minimum of two building types within each development phase and/or  
23                  two building scales (which include varying the number of stories) within the same  
24                  building. Larger and smaller buildings or buildings that vary in the number of  
25                  stories shall be mixed. A minimum of two out of every eight dwellings shall be a  
26                  distinct or separate building type or scale. In larger developments of 30  
27                  dwellings or more, provide at least three or more different changes in building  
28                  type or scale. Changes in building type should include substantial variations in  
29                  architectural form and design such as a different pattern or arrangement of  
30                  modulation, articulation features, or window patterns.
- 31                  7.     **Primary Entrance Treatment**  
32                  Each building shall incorporate at least three of the following massing, façade, or detail  
33                  elements to define and emphasize a primary entrance:
- 34                  a.     Entrance on a porch or landing with a minimum inside dimension of six feet and  
35                  sheltered by a roof, canopy, portico, marquee, or similar weather protection roof  
36                  feature;
- 37                  b.     Double doors;
- 38                  c.     Massing features such as architectural bays that define or emphasize entry  
39                  locations;
- 40                  d.     Side-lights (glazed openings to the side of the door), and/or transom-lights  
41                  (glazed opening above the door) in the entry design;
- 42                  e.     Outdoor entrance patio, plaza, or courtyard; or
- 43                  f.     Integrated planters or wing walls that incorporate landscaped areas and/or  
44                  seating areas.

1           **8. Weather Protection and Sunlight**

2 Building and site design shall respond to Alaska’s northern climate, including the effects  
3 of snow, ice, low temperatures, wind exposure, and low and seasonal sunlight conditions,  
4 by providing at least four features from the following menu:

5           **a. Weather Protected Entrance**

6 Provide outdoor shelter that covers at least 36 square feet for any primary  
7 entrance that serves one dwelling, 48 square feet for any primary entrance that  
8 serves up to four dwellings, and 64 square feet for any primary entrance that  
9 serves more than four dwellings.

10           **b. Sheltered Passenger Loading Zone, Bicycle Parking, or Transit Stop**

11 Provide pedestrian shelter over a passenger loading zone, accessible parking  
12 aisle or route, bicycle parking, or a transit shelter.

13           **c. Ice-Free Walkway**

14 Provide an ice-free (snow melting [HEATED]) walkway for a required walkway  
15 connection to a primary entrance.

16           **d. Orientation for Sunlight Access**

17 Provide windows and/or primary entrances for at least 20 percent of the wall area  
18 with a solar orientation and demonstrate each is likely to receive at least six  
19 hours of sunlight access on March/September 21. Natural features existing at  
20 the time of development, such as trees, shall not be considered as blocking  
21 sunlight access, but newly installed landscaping material shall be planted so as  
22 to minimize blocking of sunlight access.

23           **e. Year-round Access to Sunlight**

24 Ensure that one or more windows of every dwelling in the development will  
25 receive sunlight access for at least one hour on December 21. Natural features  
26 existing at the time of development, such as trees, shall not be considered as  
27 blocking sunlight access, but newly installed landscaping material shall be  
28 planted so as to minimize blocking of sunlight access.

29           **f. Sunlight Access for Neighbors**

30 Preserve sunlight access at least six hours daily on March/September 21 to any  
31 adjacent lot zoned PR, any sidewalk across the street, and neighboring  
32 residentially zoned property, through building placement, massing, and height.

33           **g. Daylighting**

34 Provide for apartment daylighting and building spacing as follows: Locate at  
35 least one window in the main living area of each dwelling such that an imaginary  
36 daylight plane extending from the window and formed by an angle of 60 degrees  
37 that is unobstructed for a horizontal distance of 60 feet. The plane angle shall be  
38 measured horizontally from the center of the bottom of the window. As an  
39 alternative, two angles with a sum of 60 degrees may be used. [Illustrate]

40           **h. Sun Trap**

41 Incorporate a sun trap or “pocket” meeting the requirements of subsection  
42 21.07.060F.12, *Sun Pocket* that captures direct and reflected sunlight as part of a  
43 common private open space.

44           **i. Atrium**

45 Provide an atrium interior sunlit common private open space or primary entrance  
46 area, meeting the requirements of subsection 21.07.060F.11., which takes  
47 advantage of direct and/or reflected sunlight.

- 1                   j.       **Stepped or Terraced Building Forms**  
2                   Provide a stepped or terraced building form above the second story that adheres  
3                   to a daylight plane with a step-back angle no steeper than one foot of rise per  
4                   one foot of run, to reduce the potential shadowing and wind turbulence effects of  
5                   a tall building.
- 6                   k.       **Sunlit and Wind Protected Courtyards**  
7                   Provide a housing courtyard as described in subsection 21.07.060F.7.
- 8           9.       **Accessory Elements**
- 9           a.       **Storage**  
10           A multifamily project shall provide at least 40 square feet of covered, enclosed,  
11           and secure bulk storage area per dwelling unit for bicycles, winter tires, and other  
12           belongings that typically cannot be accommodated within individual dwelling  
13           units. Storage areas shall not include closets accessed from within the dwelling,  
14           but may include garage floor area not required for vehicle maneuvering or  
15           parking. Storage and other accessory buildings shall be designed with materials  
16           and/or architectural elements that are related to the principal building(s).
- 17           b.       **Trash Receptacles/Dumpsters**  
18           Where dumpsters are allowed, they shall comply with the requirements of  
19           21.07.080H. Where dumpsters are not provided, multifamily developments shall  
20           provide covered storage for trash receptacles. Such storage shall not be located  
21           between any building and the primary adjacent street frontage.
- 22           c.       **Garages**
- 23           i.       **Attached or Detached Garages**  
24           To the maximum extent feasible, garage entries and carports shall not be  
25           located between a principal multifamily building and a required street  
26           frontage, but shall instead be internalized in building groups so that they  
27           are not visible from adjacent streets.
- 28           ii.       **Size**  
29           Street-facing detached garages and carports shall be limited to six  
30           spaces per structure to avoid a continuous row of garages or carports.  
31           No more than six garage doors may appear on any multifamily building  
32           elevation facing a street, and the plane of each garage door shall be  
33           offset at least two feet from the plane of the garage door adjacent to it.
- 34           iii.       **Design**  
35           Detached garages and carports shall be integrated in design with the  
36           principal building architecture, and shall incorporate similar and  
37           compatible building and roof forms, scale, materials, color, and details.
- 38           d.       **Mechanical and Electrical Equipment**  
39           Mechanical and electrical equipment serving a single building shall be screened  
40           from view as provided below. This requirement applies to heating, ventilation,  
41           and cooling equipment; pumps; generators; and groups of four or more utility  
42           meters. The screening requirement does not apply to telecommunications  
43           equipment, chimneys, minor vent pipes, wall vents that are flush/near-flush with  
44           the building wall, or solar collectors and reflectors. Screening shall comply with  
45           AMC title 23 and the access and safety requirements of utilities.
- 46           i.       **Rooftop Mechanical and Electrical Equipment**  
47           Rooftop mechanical and electrical equipment shall be screened from  
48           view of abutting streets and the ground level of residentially zoned lots

1 using the menu choices provided in subsection d.ii. below. If menu  
2 choice ii.(C). is the only choice selected, then the roof mounted  
3 equipment shall also be set back from the roof edge (where the roof  
4 meets the façade wall) at least three feet for each foot of height of the  
5 equipment.

6 **ii. Mechanical and Electrical Equipment – Other**

7 All other mechanical and electrical equipment shall be screened from  
8 view from abutting streets, except where located more than 40 feet from  
9 the street or right-of-way, using one of the following choices:

10 **(A)** Sight-obscuring landscaping consisting of shrubs, trees, berms,  
11 and/or hardscape materials. Other landscaping required by this  
12 title, such as perimeter landscaping, may be used if it meets this  
13 standard.

14 **(B)** A sight-obscuring fence, wall, or structure that is adequate in  
15 height to screen the equipment.

16 **(C)** Wall-mounted utility meter bases finished in a color that is  
17 consistent with other areas of the building façade, unless an  
18 alternative color or design is approved by the director.

19 **(D)** Equipment that is disguised, camouflaged, or hidden so that its  
20 function as mechanical or electrical equipment is imperceptible  
21 to an uneducated eye.

22 **D. Standards for Townhouse Residential**

23 **1. Purpose**

24 The purpose of these standards is to:

25 **a.** Provide visual interest and architectural variety to attached dwellings that adds  
26 visual interest to the neighborhood;

27 **b.** Diminish the impacts of rows of garages and driveways on the pedestrian  
28 environment and street;

29 **c.** Reduce the apparent bulk and scale of townhouse buildings, and avoid long  
30 unbroken facades;

31 **d.** Encourage pedestrian access to be convenient, visible, safe, and inviting; and

32 **e.** Promote daylighting and views, front yard landscaping, front entries, and  
33 windows facing the street.

34 **2. Applicability**

35 These standards shall apply to any townhouse development and any townhouse-style  
36 structure, **any attached single-family use, and any two-family use that is constructed in**  
37 **townhouse-style**. This section does not apply in Girdwood.

38 **3. Design Innovation Credit**

39 The decision-making body may approve a design innovation that is not covered by the  
40 menu choices to be used as credit for up to one design feature in **the menus of** this  
41 section. The applicant shall demonstrate a specific feature that realizes the intent of the  
42 subsection, and that:

- 1 a. Achieves an equal or better design solution for the development than would  
2 result from application of the basic menu choices; and
- 3 b. Does not adversely affect adjacent properties or streets.
- 4 **4. Building Size**  
5 The maximum number of dwellings attached in a single row or building shall be:
- 6 a. Two dwellings in the R-2A and R-2D districts.  
7 b. Four dwellings in the R-2F district.  
8 c. Six dwellings in the R-2M district.  
9 d. Ten dwellings in all other districts in which the use is allowed.
- 10 **5. Daylighting, Views, and Building Spacing**  
11 a. **Windows**  
12 Windows and/or primary entrance doors shall be a minimum of 15 percent of the  
13 wall area of any building elevation facing a street, private common open space,  
14 or that has primary entrances to dwellings. Windows in a garage door do not  
15 count towards the minimum area in this section.
- 16 b. **Building Spacing**  
17 The average distance between any front and/or rear building walls of two  
18 townhouse structures (with five or more units) on the same site shall be the  
19 greater of the following:
- 20 i. 20 feet.  
21 ii. One foot distance for every one foot of building height up to 30 feet.
- 22 c. **Exceptions**  
23 i. Up to one-third of required window/door area and/or required building  
24 space between buildings may be transferred to another wall elevation or  
25 side of the residential structure, subject to an administrative site plan  
26 review. Transferred space shall be added to private open space that  
27 meets the standards of 21.07.030. It shall be demonstrated to the  
28 director's satisfaction that the transfer responds to a site-specific attribute  
29 such as solar orientation, a noisy arterial street, or objectionable view,  
30 and that mitigating features will be provided for the affected wall or area.
- 31 ii. An overall reduction in required window area may be approved if  
32 demonstrated by calculation by an energy rater certified by the state of  
33 Alaska that the reduction is necessary to achieve an upgraded Energy  
34 Star rating of Five Star or Five Star Plus.
- 35 **6. Entryway Treatment**  
36 Primary entrances shall be given emphasis and physical access by the following:
- 37 a. Placement on a street-facing building elevation, or where visible from an abutting  
38 street, or facing a common private open space such as an entry courtyard;
- 39 b. A porch, landing, or other outdoor transition space with a minimum dimension of  
40 four feet, and distinguished from abutting parking surfaces by changes in  
41 material or elevation;

1 c. A sheltering roof structure such as an overhang, recess, portico, or other  
2 permanent architectural feature of at least 16 square feet; and

3 d. Connection to the street by walkways and/or the unit's individual driveway.

4 **7. Building Articulation**

5 Any townhouse building elevation facing a street, **required** common private open space,  
6 or having at least one primary entrance shall provide features from the menu below. If  
7 the building has one or two applicable elevations, then at least four features shall be  
8 provided on each elevation. If a third elevation is applicable, at least three features shall  
9 be provided on that elevation. If the building has four or more dwellings, feature 6.a. shall  
10 be required as one of the features on each applicable elevation. Any applicable elevation  
11 with the primary entrance shall have four features provided.

12 a. Projections, recesses, or reveals at least four feet wide, with a change in wall  
13 plane of at least two feet, provided at intervals of no more than 24 feet apart or at  
14 the common wall between units, except:

15 i. The maximum interval may be increased by two and one half feet for  
16 each foot of additional width and change in wall plane of the projection or  
17 recess—up to a maximum interval of 48 feet.

18 ii. The standard applies on a minimum of two stories of a three story  
19 elevation.

20 b. Upper story cantilever or step-back with a change of wall plane of at least four  
21 feet or two feet if accentuated by a change in siding or the façade is only two  
22 stories in height. **At least two-thirds of the building elevation length shall have**  
23 **such cantilever or step-back.**

24 c. Use of two or more wall siding materials, or a change of color only if the color  
25 change is delineated with trim.

26 d. Use of two or more **façade [ORNAMENTAL]** detail features such as medallions,  
27 shutters, columns, pilasters, wall modulations that don't meet 6.a. above, three  
28 and one half inch wide trim, balconies that don't meet 6.e. below, or other similar  
29 features approved by the director.

30 e. Balconies at least 24 square feet in area and six feet wide, provided at intervals  
31 to distinguish individual dwellings.

32 f. Covered entry porches or landings at least 24 square feet in area and six feet  
33 wide, provided at intervals to distinguish individual dwellings.

34 g. Bay window at least six feet wide and six feet high extending at least 18 inches  
35 from the wall plane, or another type of large window of at least the same size,  
36 provided at intervals to distinguish individual dwellings.

37 h. Variations in roof form, orientation, or height at least six feet wide such as  
38 dormers, projecting roof forms, multiple roof peaks, or terracing parapet, with a  
39 vertical change in roof plane of at least two feet, or jogged ridge lines, with a  
40 maximum of 32 feet of uninterrupted roofline between roof variation features.

41 i. Variations in architectural form or scale between individual dwellings, such as  
42 reversed elevations, a different pattern or arrangement of articulation elements or

1 windows in the end units, or a different dwelling unit design, or change in  
2 dwelling unit scale (width or height).

- 3 j. Provide the building elevation without garage bays (i.e., free of garage doors).
- 4 k. Provide windows and/or primary entrances comprising at least 20 percent of the  
5 wall area of the building elevation.

6 **8. Front-Facing Garages**

7 Where the garage or driveway faces the street or is on the same building elevation as the  
8 primary entry to the dwelling, the following standards shall be met:

- 9 a. The garage door width shall not exceed the greater of 10 feet or 50 percent of  
10 the width of the elevation of the dwelling, except as provided below.
- 11 b. The garage door width may be up to 67 percent of the width of each dwelling, if  
12 the building elevation provides at least one feature more than the minimum  
13 number required in subsection D.7., *Building Articulation* and the landscape  
14 areas required in D.9. below are planted with an additional 0.1 landscape units  
15 per square foot.

16 **9. Landscaping**

17 a. ***Semi-Private Transition Space***  
18 The area between the front entry porch or landing and the abutting street shall be  
19 planted **as provided in 9.d. below.** [WITH SITE ENHANCEMENT  
20 LANDSCAPING.] Front driveway width and other motor vehicle parking facilities  
21 shall not encroach into this area.

22 b. ***Front Driveway Separations***  
23 Where townhouse units are served by individual garages or driveways fronting  
24 onto the street or on the same building elevation as the primary entry to the  
25 dwelling, a landscaping planting area with a width of no less than four feet shall  
26 be provided between each individual driveway. The planting area shall extend  
27 out the full distance to the street, shared driveway, parking bay, or circulation  
28 aisle, but in no case **extend out less** [BE SHORTER] than eight feet **from the**  
29 **building.** Driveways may be combined for a maximum of two dwellings, however  
30 no driveway or driveway combination shall exceed 32 feet without a landscaped  
31 break.

32 c. ***Common Parking Facilities and Driveways***  
33 A foundation planting bed of an average of six feet in depth (minimum of five at  
34 any point) shall be provided (with breaks allowed for building access) along  
35 townhouse structure elevations that abut common parking and access facilities,  
36 including parking bays, circulation aisles, or access driveways shared in common  
37 among multiple units. As an alternative, the landscaping area required beyond  
38 the minimum four foot dept may be placed elsewhere on the site abutting the  
39 common parking facility. The bed shall be planted with 0.1 landscaping units per  
40 square foot.

41 d. ***Landscaping Bed and Planting Material Standards***  
42 Landscaping area required by this section shall be planted with 0.2 landscape  
43 units per square foot of planting area, except that planting areas with a minimum  
44 inside dimension of 12 feet or more may be planted with 0.1 landscape units per  
45 square foot. Planting beds shall be separated from parking spaces and  
46 driveways by landscape edging. Landscaping areas shall be protected from

1 common parking lots [AREAS] and circulation aisles by vertical curbing or a  
2 permanent hardscape feature such as curb stops, bollards, or boulders.

3 **10. Utility Meters, Electrical Conduit, and Other Service Utility Apparatus**

4 Utility meters and rooftop mechanical equipment shall comply with the multifamily utility  
5 screening requirements in subsection C.9.d. above.

6 **E. Standards for All Single-Family Residential Structures**

7 **1. Applicability**

8 The standards of this subsection E. apply to all single-family residential structures.

9 **2. Permanent Foundation**

10 All dwellings shall be on a permanent foundation.

11 **3. Aspect Ratio or Roof Design**

12 a. The dimensions of a rectangle, drawn to encompass the whole structure  
13 measured at 30 inches above the ground, shall be as follows: the shorter  
14 dimension of the rectangle shall be more than 30 percent of the longer dimension  
15 of the rectangle; or

16 b. If all of the dwelling is single-storied, it shall have a pitched roof of at least three  
17 to 12 (rise to run).

18 c. The director may provide a waiver in writing at a design concept phase, that  
19 exempts a structure from meeting either of these requirements.

20 **4. Appeals**

21 The urban design commission shall hear appeals from the director's decision in this  
22 subsection.

23 **F. Standards for Some Single-Family and Two-Family Residential Structures**

24 **1. Applicability**

25 The standards of this subsection F. apply to any single-family use except for single-family  
26 residential uses on lots of 20,000 square feet or greater, any two-family use that is not  
27 constructed in townhouse-style and is on a lot less than 20,000 square feet, and [APPLY  
28 TO] any multifamily use with single-family style construction on a single lot. This section  
29 does not apply in Girdwood.

30 **2. Mix of Housing Models**

31 Any subdivision or development of five or more units shall have a mix of housing models,  
32 as determined during the building permit process, according to the following table:

TABLE 21.07-12 MIX OF HOUSING MODELS	
Number of units	Number of different models required
5-10	2
11-20	4
21-30	5
31 or more	6

33 Each housing model shall be noticeably different through at least three of the following  
34 variations:  
35

- 1           a.     Noticeably different window placement and entrance location.
- 2           b.     Noticeably different façade detail elements, siding material, or siding colors.
- 3           c.     Noticeably different placement of the building footprint on the lot. A four foot  
4           setback differential to the closest front corner of the adjacent façade shall be  
5           acceptable.
- 6           d.     Noticeably different garage placement.
- 7           e.     Noticeably different roof design/feature. This includes the main ridgeline being  
8           oriented differently, two or more additional roof planes, addition of at least one  
9           dormer, or a different roof style.
- 10          f.     Noticeably different exterior elevations.
- 11          g.     Noticeably different building massing.
- 12          The development (of five or more units) shall be arranged to avoid placing identical  
13          housing types, including mirror image floor plans, on lots that share side lot lines.
- 14          **3.     Primary Entrance**
- 15          a.     A porch or landing with a minimum inside dimension of at least four feet shall be  
16          provided at the primary entrance. The porch or landing shall be covered by a  
17          roof of at least four feet by four feet, located at the primary entrance.
- 18          b.     The primary entrance of each residence and the walkway to that entrance shall  
19          be clearly visible from the street. The roofed porch/landing of primary entrances  
20          on side elevations shall extend at least three feet from the elevation. Primary  
21          entrances shall not be located on the rear of the structure.
- 22          c.     A hard-surfaced pedestrian walkway shall be provided from the street, sidewalk,  
23          or driveway to the primary entrance. Roof drainage shall not fall upon the  
24          walkway.
- 25          **4.     Garages**
- 26          a.     Where a garage (with no habitable **floor** area above) extends from the rest of the  
27          structure towards the street, the width of the non-garage portion of the front  
28          **building** elevation shall be no less than the length that the garage extends from  
29          the rest of the structure.
- 30          b.     Garage doors facing the street shall comprise no more than 60 percent of the  
31          total width of a dwelling's **building** elevation and no more than 30 percent of the  
32          overall square footage (area) of the dwelling's front **building** elevation that faces  
33          the street. Single-story homes are exempted from the garage door area  
34          limitation.
- 35          c.     Dwelling units with a street-facing **building** elevation that is 40 feet wide or  
36          narrower and with garage doors that face the street shall feature at least one  
37          design element from each of the three lists below.
- 38          i.     List A:
- 39                **(A)**    At least one dormer that is oriented toward the street.
- 40                **(B)**    The front **building** elevation has two or more facades that are  
41                offset by at least 16 inches. Each façade or a combination of

- 1 offset facades shall be at least one third of the area of the  
2 **building** elevation, and facades that receive credit for a bay  
3 window shall not receive credit for this choice.
- 4 (C) Front-facing balcony, accessible from a habitable room, at least  
5 six feet wide, that projects from a façade at least two feet and is  
6 enclosed by an open railing.
- 7 ii. *List B:*
- 8 (A) A primary entrance area with a covered porch or landing at least  
9 eight feet wide, incorporating visual enhancements such as  
10 gabled roof forms, roof brackets, fascia boards, side lights,  
11 and/or ornamental columns divided visually into top, middle, and  
12 bottom.
- 13 (B) A bay window on the front elevation at least six feet wide that  
14 extends a minimum of 12 inches outward from a façade, forming  
15 a bay or alcove in the room within.
- 16 (C) If the garage is more than one car wide, multiple garage doors  
17 are used.
- 18 iii. *List C:*
- 19 (A) Windows and primary entrance door(s) that occupy a minimum  
20 of 25 percent of the wall area of the front elevation. Windows in  
21 the garage door do not count towards the 25 percent.
- 22 (B) Trim (minimum three and one half inches wide) of a different  
23 color from the primary siding color, shall outline all windows,  
24 doors, and roof edges on the front **building** elevation, and may  
25 outline corners and projections/recesses on the front **building**  
26 elevation.
- 27 (C) A minimum of two different siding materials and/or patterns are  
28 used on the front **building** elevation. Doors and trim do not  
29 qualify as a type of siding material.
- 30 d. The **house may encroach into the** minimum front **[BUILDING]** setback **[MAY BE**  
31 **REDUCED]** by **up to** five feet when there is no garage, or where there is a  
32 garage (attached or detached) where the front wall of the garage is located at  
33 least 10 feet behind the front façade of the house.
- 34 5. **Windows**
- 35 a. Windows and primary entrance door(s) shall occupy a minimum of 15 percent of  
36 the wall area of a building elevation facing a street or **required** private common  
37 open space. Windows in the garage door do not count towards the 15 percent  
38 requirement.
- 39 b. Any **building** elevation with solar orientation shall have at least one window that is  
40 a minimum of six square feet.
- 41 c. An overall reduction in required window area may be approved if demonstrated  
42 by calculation by an energy rater certified by the state of Alaska that the  
43 reduction is necessary to achieve an upgraded Energy Star rating of Five Star or  
44 Five Star Plus.

1 **G. Prohibited Structures**

2 [RESERVED]

3 Quonset hut is defined as a self-supporting structure that is shaped like a longitudinal half of a  
4 cylinder resting on its flat surface, with or without straight sides of six feet or less on the cylinder  
5 (non-gable) sides, that is more than 10 feet wide across the gable end, or 15 feet along the non-  
6 gable side, or 10 feet high, and has two of the four following characteristics:

- 7 1. Prefabrication.
- 8 2. Fabric or plastic material or corrugated metal roofing.
- 9 3. Ribbed appearance in the roofing material
- 10 4. A roof system that is in height as tall as or taller than the wall systems on the non-gable  
11 sides.

12 **H. Site Design**

13 1. **Subdivisions**

14 Subdivisions of land shall comply with the standards of chapter 21.08, *Subdivisions*.

15 2. **Multiple Structures on One Lot**

16 RESERVED

17 3. **Driveway Width**

18 a. This section limits the width of a driveway at the property line and at the curb.  
19 The intent of these limitations is to provide adequate space for snow storage  
20 within the right-of-way, to have space for on-street parking where appropriate,  
21 and to discourage the majority of the front area of a lot from being paved and/or  
22 used for vehicle parking.

23 b. Unless otherwise provided in this title, the total width of driveway entrances to a  
24 residential lot from a street shall not exceed 40 percent of the frontage of the lot  
25 on the street at the property line and 30 percent at the curb.

26 c. Notwithstanding the above, a driveway for residential uses may always be a  
27 minimum of 14 feet wide at the curb and shall not be wider than 20 feet at the  
28 curb.

29 d. For townhouse uses, the total width of driveway entrances shall not exceed 50  
30 percent of the frontage of the lot on the street at the property line and at the curb.

31 e. Flag lots are exempt from the percentage limitations, but shall have a maximum  
32 driveway width at the curb of 20 feet.

33 4. **Alleys**

34 a. Access to parking for residential uses shall be from the alley when the site abuts  
35 an alley, except that street access is permitted in any of the following situations:

36 i. Access to a townhouse dwelling on a corner lot may be from the  
37 [SECONDARY] street frontage **having the secondary front setback** or the  
38 alley.

39 ii. Due to the relationship of the alley to the street system and/or the  
40 proposed housing density of the development, the traffic engineer

- 1 determines that use of the alley for parking access would be a significant  
2 traffic impact or safety hazard.
- 3           iii. The traffic engineer determines that topography or other natural feature  
4 or physical barrier makes alley access infeasible.
- 5           iv. The alley is not improved and traffic engineer determines that  
6 improvement is not feasible.
- 7           v. A single-family dwelling, two-family dwelling, or [TWO-UNIT] townhouse  
8 dwelling with two units, with alley access may have a garage or driveway  
9 that faces the street if the garage door is no wider than 10 feet and the  
10 driveway no wider than 12 feet at any point.
- 11           b. In situations where a group of lots front[ING] an entire block on one side of a  
12 street between two intersections, abut a mid-block alley, and are being  
13 developed together, then parking access to the structures shall be from the alley,  
14 and the front setback may be reduced to 10 feet.
- 15           c. If a new development includes alleys, the lot depth requirement is reduced by  
16 half the width of the alley and the lot area requirement is reduced by 12 percent  
17 for those lots that abut an alley. Vehicular access to all dwelling units on lots  
18 abutting alleys shall be from the alley, and vehicular access to such units from  
19 the street is prohibited.

20 **I. Affordable Housing**

21 **1. Purpose**

22 This subsection provides the minimum acceptable standards for affordable housing units  
23 that are intended to be counted towards a bonus incentive or any other requirement of  
24 this title, to ensure that affordable housing will provide a benefit to future residents and  
25 the community overall.

26 **2. Standards**

27 Affordable housing units shall meet the following standards in order to be credited  
28 towards a requirement, menu choice, or as a special feature bonus incentive of this title.

- 29           a. The affordable housing units shall meet the definition of affordable housing in  
30 chapter 21.14;
- 31           b. At least 50 percent of the habitable floor area of affordable housing units shall be  
32 located in a story above grade plane, as defined in chapter 21.14, except that the  
33 finished surface of the floor above the affordable housing unit shall be a minimum  
34 of four feet above grade;
- 35           c. The affordable housing units shall be intermingled with all other dwelling units in  
36 the development; and
- 37           d. The exterior appearance of the affordable housing units shall be indistinguishable  
38 from the other dwelling units in the development, except where the director  
39 determines that the exterior is compatible in appearance and consistent in quality  
40 with the other dwelling units.

1 **21.07.120 PUBLIC/ INSTITUTIONAL AND COMMERCIAL DESIGN STANDARDS**

2 **A. Purpose**

3 This section is intended to promote high-quality building design that actively considers the  
4 surrounding context in nonresidential and mixed-use areas, encourages visual variety in such  
5 areas, promotes building layout and design suitable for the municipality’s northern climate, fosters  
6 a human scale, promotes accessible and attractive street fronts, projects a positive image to  
7 encourage economic development in the municipality, and protects property values of both the  
8 subject property and surrounding development. It is also the intent of this section to provide  
9 flexible standards that allow for creativity and innovation, and to differentiate between different  
10 commercial areas.

11 **B. Applicability**

12 Development of any use categorized in table 21.05-1 or table 21.05-2, *Tables of Allowed Uses*,  
13 as a public/institutional or commercial use shall comply with the standards of this section  
14 21.07.120, except as follows:

- 15 1. Special-purpose public facilities such as schools, airports, and fire stations with highly  
16 unique design and functionality requirements shall be granted specific exemptions from  
17 this section, if the director finds substantial public benefit and adequate mitigation of  
18 impacts to the immediate neighborhood.
- 19 2. Developments that meet the applicability threshold of section 21.07.130A. are exempt  
20 from this section.
- 21 3. In the case of a mixed-use residential building, these standards shall apply to the  
22 nonresidential portion of the structure and the standards of section 21.07.110, *Residential*  
23 *Design Standards*, shall apply to the residential portion of the structure. In case of  
24 overlap and/or conflict, the more stringent standard shall apply.

25 **C. Alternative Equivalent Compliance**

26 The alternative equivalent compliance procedure in subsection 21.07.010D. may be used to  
27 propose alternative means of complying with the intent of this section. Applicants for alternative  
28 equivalent compliance shall demonstrate design strategies that address each of the core subject  
29 areas set forth below in subsection E.

30 **D. Prohibitions and Requirements**

31 **1. Fabric Structures**

32 Frame-supported, arch-supported, or inflated tension fabric or membrane structures are  
33 prohibited in all commercial and mixed-use districts, except that a portion of a structure’s  
34 roof or wall membrane may consist of non-inflated tension fabric based on a site-specific  
35 architectural design, subject to an administrative site plan review.

36 **2. Mechanical and Electrical Equipment**

37 Mechanical and electrical equipment serving a single building shall be screened from  
38 view as provided below. This requirement applies to heating, ventilation, and cooling  
39 equipment; pumps; generators; and groups of four or more utility meters. The screening  
40 requirement does not apply to telecommunications equipment, chimneys, minor vent  
41 pipes, wall vents that are flush/near-flush with the building wall, or solar collectors and  
42 reflectors. Screening shall comply with AMC title 23 and the access and safety  
43 requirements of utilities.

44 **a. Rooftop Mechanical and Electrical Equipment**

45 Rooftop mechanical and electrical equipment shall be screened from view of  
46 abutting streets and the ground level of residentially zoned lots using the menu

1 choices provided in subsection 2.b. below. If menu choice b.iii. is the only choice  
2 selected, then the roof mounted equipment shall also be set back from the roof  
3 edge (where the roof meets the façade wall) at least three feet for each foot of  
4 height of the equipment.

5 **b. Mechanical and Electrical Equipment – Other**

6 All other mechanical and electrical equipment shall be screened from view from  
7 abutting streets, except where located more than 40 feet from the street or right-  
8 of-way, using one of the following choices:

9 i. Sight-obscuring landscaping consisting of shrubs, trees, berms, and/or  
10 hardscape materials. Other landscaping required by this title, such as  
11 perimeter landscaping, may be used if it meets this standard.

12 ii. A sight-obscuring fence, wall, or structure that is adequate in height to  
13 screen the equipment.

14 iii. Wall-mounted utility meter bases and CT cabinets finished in a color that  
15 is consistent with other areas of the building façade, unless an  
16 alternative color or design is approved by the director.

17 iv. Equipment that is disguised, camouflaged, or hidden so that its function  
18 as mechanical or electrical equipment is imperceptible to an uneducated  
19 eye.

20 **E. Menu of Design Choices**

21 To provide for flexibility, the standards of this section 21.07.120 are arranged into menus of  
22 design feature choices. The applicant shall select a minimum number of design features from  
23 each menu. The menus are organized into two subject areas that affect the community/public  
24 realm: (a) building orientation and (b) wind protection and sunlight.

25 **1. Minimum Number of Design Features**

26 The minimum number of design feature choices required from each menu is provided in  
27 Table 21.07-13.

28 **2. Shared Credit Among Menu Choices**

29 Unless otherwise indicated, achievement of a design feature choice in a menu may count  
30 toward other design features in the same menu or other menus if the feature also  
31 achieves the requirements of the other design feature choice(s).

32 **3. Design Innovation Credit**

33 The decision-making body may approve a design innovation that is not covered by the  
34 menu choices to be used as credit for up to one design feature in this section. The  
35 applicant shall demonstrate a specific design quality that realizes the intent of the  
36 subsection, and

37 a. Achieves an equal or better design solution for the development than would  
38 result from application of a basic menu choice; and

39 b. Does not adversely affect adjacent properties or streets.

TABLE 21.07-13: BUILDING SIZE AND MINIMUM NUMBER OF DESIGN FEATURES		
Design Feature Menus	Less than or equal to 12,000 square feet of gross floor area	Greater than 12,000 square feet of gross floor area
Building Orientation Choices	2	3
Wind Protection And Sunlight Choices	2	2

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4. **Building Orientation**

a. **Purpose**

The design choices for building orientation address the building’s relationship to surrounding streets, walkways, and parking. Building orientation features are to encourage pedestrian accessibility and views to indoor activity, enhance public street safety and natural surveillance opportunities, and promote active uses at or near the ground-level.

b. **Orientation Design Choices**

i. **Windows and Entrances**

Provide visual access windows and/or primary entrances on street-facing building elevations (up to a maximum of two elevations) [ON THE GROUND FLOOR] for at least 35 percent of the length and 15 percent of the ground floor wall area. An elevation that is more than 150 feet away from the facing street shall be exempt, unless it is the only applicable elevation. Qualifying windows shall be no more than four feet above finished grade.

ii. **Building Placement Closer to the Street**

A building that achieves item b.i. above may receive credit for an additional orientation feature if at least 40 percent of the length of at least one ground floor street-facing building elevation complies with the maximum setback standards of subsection 21.06.030C.5. In mixed-use districts, the percentage is increased to at least 60 percent of the building elevation length.

iii. **Corner Building**

At a street corner provide items b.i. and b.ii. above on both street-facing building elevations of a corner building.

iv. **Street Oriented Entrances**

Provide at least one primary entrance within 60 feet of a street sidewalk, or 90 feet for buildings over 25,000 square feet of gross floor area, and connected to the street by a clear and direct walkway.

v. **Primary Pedestrian Walkway**

Provide a primary pedestrian walkway that meets the requirements of 21.07.060F.4., *Primary Pedestrian Walkway* (except that when the building is within 50 feet of the street, the walkway may be shorter than 50 feet), between a primary entrance and the abutting street. This choice, while offered in both menus, shall only count as a choice for one menu.

vi. **Upper Floor [LEVEL] Windows**

Provide windows or spandrel glass (fake windows) on each building elevation facing an abutting street or having a primary entrance for customers or visitors. Windows shall comprise an average of 35 percent

1 or more of the length and 15 percent of the area of each upper floor  
2 building elevation. Exterior wall areas of building mechanical rooms are  
3 exempt.

4 **vii. Additional Window Area**  
5 Achieve menu choice b.i., *Windows and Entrances*, and increase the  
6 coverage to 67 percent of the ground floor wall area. If there is more  
7 than one story, also achieve b.vi., *Upper Level Windows*, and increase  
8 the coverage to 34 percent of the upper floor wall area.

9 **viii. Screening Vegetation**  
10 In areas not zoned for mixed-use, L4 screening landscaping along  
11 abutting streets may count as an orientation feature.

12 **ix. Prominent Entrance Feature**  
13 Provide a prominent and inviting primary entrance that is visible from the  
14 street, connected by a direct walkway to the street, and highlighted by  
15 two of the following:

16 **(A)** Portico, overhang, canopy, or similar permanent feature  
17 projecting from the wall;

18 **(B)** Recessed and/or projected entrance that covers at least 80  
19 square feet;

20 **(C)** Arches, peaked roof forms, terracing parapets, or other change  
21 of building roofline;

22 **(D)** Changes in siding material, or detail features such as tilework, to  
23 signify the entrance;

24 **(E)** Entrance plaza, patio, or similar common private open space.

25 **5. Wind Protection and Sunlight**

26 **a. Purpose**  
27 The design choices for wind protection and sunlight address the combined  
28 effects of Alaska's northern climate, including snow, ice, rain, temperature, wind  
29 exposure, long and dark winters, and the low and seasonal sunlight conditions.  
30 Building design should maximize the use, comfort, convenience, and accessibility  
31 of public spaces and walkways; optimize relationships to sunlight and wind; and  
32 give consideration to microclimatic impacts on the site and surrounding  
33 community.

34 **b. Weather Protection Design Choices**

35 **i. Weather Protected Entrance**  
36 Provide either an outdoor pedestrian shelter (entry canopy) or a  
37 recessed protected area that covers at least 80 square feet for primary  
38 entrances (up to a maximum of two entrances) that serve a building less  
39 than or equal to 12,000 gross square feet, and at least 120 square feet  
40 for primary entrances (up to a maximum of two) that serve a building  
41 greater than 12,000 gross square feet.

42 **ii. Weather Protected Passenger Loading Zone, Bicycle Parking, or**  
43 **Transit Shelter**  
44 Provide a pedestrian shelter over a taxi stand, valet or passenger loading  
45 zone, bicycle parking, or transit stop.

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- iii. **Sheltered Façade Walkway**  
Provide pedestrian shelter meeting the requirements of subsection 21.07.060F.9., *Pedestrian Shelter such as a Canopy, Awning, or Marquee* or a pedestrian arcade meeting the requirements of subsection 21.07.060F.10., *Arcade (or Building Recess)*. The shelter shall extend over a minimum of 35 percent of the length of one ground floor building elevation that contains a primary entrance or abuts a sidewalk or walkway.
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- iv. **Primary Pedestrian Walkway**  
Provide a primary pedestrian walkway that meets the requirements of 21.07.060F.4., *Primary Pedestrian Walkway* (except that when the building is within 50 feet of the street, the walkway may be shorter than 50 feet), between a primary entrance and the abutting street. This choice, while offered in both menus, shall only count as a choice for one menu.
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- v. **Ice-free Walkway**  
Provide an ice-free (**snow melting** [HEATED]) walkway meeting the requirements of subsection 21.07.060F.5., *Ice-Free (Snow Melting [HEATED]) Walkway*, for a required walkway connection to a primary entrance or for the sidewalk passenger loading zone at the primary entrance, extending at least the full length of the passenger loading zone, but not required to exceed more than three loading spaces.
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- vi. **Weather Protected Transition Space**  
Provide an outdoor, publicly accessible sheltered transition space meeting the requirements of subsection 21.07.060F.14., *Sheltered Transition Space*, such as seating along a building façade that faces the street or publicly accessible open space, as a transition between indoor areas and unsheltered outdoor spaces.
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- vii. **Sunlight Access for Neighbors**  
Preserve sunlight access to adjacent public parks, sidewalks across the street, and neighboring properties through building placement, height, and/or massing. The building placement, massing, and height shall be such that at least two-thirds of the neighboring area receives at least four hours of sunlight access on March/September 21.
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- viii. **Sun Trap**  
Preserve or create a publicly accessible sun trap or “sun pocket” meeting the requirements of subsection 21.07.060F.12., *Sun Pocket*, that captures direct and/or reflected sunlight, as part of a public space or common private open space.
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- ix. **Reflected Sunlight as an Amenity**  
Provide reflected sunlight as described in subsection 21.07.060F.13., *Reflected Sunlight*, into publicly accessible pedestrian spaces and walkways, and/or any ground floor wall areas abutting such public spaces, to brighten or increase the microclimatic comfort of those spaces.



1 specific interpretations that apply to large commercial establishments. These standards promote:  
2 a basic level of architectural variety and interest; a compatible appearance and scale; pedestrian  
3 and parking lot access; orientation of buildings and entrances in relation to surrounding streets;  
4 provisions for adaptive reuse of prominent vacant buildings; and mitigation of negative impacts of  
5 large scale commercial developments.

6 **1. Applicability**

7 The standards of this section 21.07.130 shall apply to any use in the Retail Sales; Animal  
8 Sales, Service, and Care; Food and Beverage Services; or Entertainment and Recreation  
9 use categories, or any combination thereof, occupying more than 20,000 gross square  
10 feet of floor area, provided the following limitations:

11 a. The standards of this section shall apply only to buildings which are intended  
12 exclusively or principally for the uses listed above, such as a general  
13 merchandise retail store, grocery store, or multi-tenant retail building.

14 b. This section shall not apply to mixed-use buildings with upper stories, or distinct  
15 sections designed specifically for residential, office, or other uses not listed  
16 above.

17 c. **RESERVED—POTENTIAL AMENDMENTS TO SELF-STORAGE FACILITIES**  
18 **IN 21.05 TO ADDRESS MULTI-STORY FACILITIES**

19 **2. Relationship to Other Standards**

20 The provisions of this section shall replace the provisions of section 21.07.120,  
21 *Public/Institutional and Commercial Building Standards*, but shall apply in addition to all  
22 other generally applicable standards found elsewhere in this chapter and title. Where  
23 there is a conflict with generally applicable standards in this chapter, the standards of this  
24 section shall apply. Where there is a conflict with district-specific standards in chapter  
25 21.04 of this title, the district-specific standards shall apply.

26 **3. Alternative Equivalent Compliance**

27 The alternative equivalent compliance procedure in subsection 21.07.010D. may be used  
28 to propose alternative means of complying with the intent of this section. Applicants for  
29 alternative equivalent compliance shall demonstrate design strategies that address each  
30 of the mandatory standards set forth below in subsection E.

31 **4. Major Site Plan Review**

32 All applicable large commercial establishments shall be approved by major site plan  
33 review in accordance with section 21.03.180. The urban design commission shall ensure  
34 that the site plan provides architectural variety, compatible scale, access amenities,  
35 mitigation of negative impacts, and convenience and safety of patrons.

36 **5. Mandatory Standards**

37 a. **Vehicular Access**

38 Primary vehicular access shall be from a street designated collector or greater on  
39 the *Official Streets and Highways Plan*. Secondary vehicular access may be  
40 from a street designated less than a collector, provided the applicant  
41 demonstrates that any traffic and visual impacts on adjacent residential and  
42 commercial areas are sufficiently minimized.

43 b. **Parking**

44 Aesthetic features, landscaping, and the design of parking lots [AREAS] shall  
45 reduce the appearance of large expanses of parking from neighboring streets,  
46 and enhance the view of the establishment from its principal point(s) of access.

- 1                    **c.      *Weather Protection for Pedestrians***  
2                    i.        Buildings and roofs shall be designed so that drainage from the roof shall  
3                    not fall on sidewalks, walkways, or building entrances.
- 4                    ii.        All primary entrances shall have a roof, canopy, arcade, overhang, or  
5                    similar effective weather protection **that meets the standards of**  
6                    **subsection 21.07.060F.9., *Pedestrian Shelter*.**
- 7                    iii.        Building elevations that face public streets or customer parking **lots**  
8                    **[AREAS]** and that have a walkway along the façade shall provide  
9                    weather protection meeting the standards of subsection 21.07.060F.9.,  
10                    *Pedestrian Shelter such as a Canopy, Awning, or Marquee*, or  
11                    subsection 21.07.060F.10., *Arcade (or Building Recess)*, along at least  
12                    60 percent of such building elevation. This standard is intended to apply  
13                    to up to two elevations, but the urban design commission may increase  
14                    or reduce the requirement.
- 15                    **d.      *Adjacent Residential Development***  
16                    Level 4 screening landscaping shall be provided along property lines that are  
17                    adjacent to a residential district. The landscaping shall allow for any pedestrian  
18                    connections provided by this section.
- 19                    **e.      *Community Space***  
20                    The establishment shall provide at least one public space, such as a plaza, patio,  
21                    courtyard, or atrium, either indoors, outdoors, or a combination of  
22                    indoors/outdoors, at or near the principal customer building entrance. Each  
23                    public space shall be no less than 5 percent of the gross building area, up to a  
24                    maximum of 2,000 square feet, and no dimension shall be less than 30 feet.  
25                    Outdoor community space shall meet the standards for plaza or courtyard in  
26                    subsection 21.07.060F.6. Indoor community space shall meet the standards for  
27                    atrium, galleria, or winter garden in subsection 21.07.060F.11. Common spaces  
28                    are encouraged to provide views of the Chugach mountains or other major  
29                    landmark(s). Community space fulfills the private open space requirement of  
30                    section 21.07.030. If any standards of this subsection conflict with subsection  
31                    21.07.030, this subsection shall control.
- 32                    **f.      *Wall Modulation***  
33                    Each building elevation that faces a street or a customer parking **lot [AREA]** shall  
34                    be modulated. The wall and foundation line shall be offset at intervals so that  
35                    there is at least one offset every 140 feet of wall length that varies the depth of  
36                    the building wall by a minimum of 12 feet. Offsets shall comprise at least 20  
37                    percent of the length of the elevation, for at least 60 percent of the building  
38                    height.
- 39                    **g.      *Ground Level Expression***  
40                    Each building elevation that faces a public street shall provide, along at least 60  
41                    percent of the building length, three of the following features:
- 42                    i.        Windows with kickplates or projecting sills;
- 43                    ii.        Architectural bays and mullions dividing windows;
- 44                    iii.        Pedestrian scale ornamental lighting;
- 45                    iv.        Tilework, masonry or stone veneer, glass block, or other similar accent  
46                    materials;

- 1 v. Belt courses or masonry strips of distinct color or texture;
- 2 vi. Columns with plinths; or
- 3 vii. **Other façade detail features** [ORNAMENTAL DETAILS] integrated into  
4 the façade design.
- 5 h. **Materials and Colors**  
6 The buildings shall have exterior building materials and colors which are  
7 aesthetically pleasing and compatible with the overall site plan. Construction  
8 material shall provide color, texture, and scale.
- 9 i. **Roofs**  
10 Provide a modulated roof on each **building** elevation facing a street or  
11 residentially zoned lot, using features such as a terracing parapet, multiple  
12 peaks, jogged ridge lines and dormers, with a maximum of 140 feet of  
13 uninterrupted roofline between roof modulation elements. Each modulation  
14 element shall provide a minimum of three feet of vertical change in the roofline.  
15 **Modulation elements shall equal** [FOR] at least 20 percent of the roofline **on each**  
16 **applicable building elevation**.
- 17 j. **Entryways**  
18 Primary entrances shall incorporate changes in architectural mass, surface, or  
19 finish to provide a clearly defined primary entrance that is easily visible from  
20 streets and sidewalks. At least two of the following features shall be provided:
- 21 i. Recessed or projected entrance;
- 22 ii. Peaked roof form;
- 23 iii. Transom or sidelight windows;
- 24 iv. Ornamental architectural features such as tilework, moldings, or lighting;  
25 or
- 26 v. Integrated planters or wing walls that incorporate landscaped and/or  
27 seating areas.
- 28 k. **Prohibited Materials**  
29 Exterior building materials shall not include the following as a general field  
30 material:
- 31 i. Plywood;
- 32 ii. Unstained or untreated wood, except for cedar or redwood; and
- 33 iii. T-111 siding.
- 34 l. **Mechanical and Electrical Equipment Screening**  
35 Large commercial establishments shall comply with the mechanical and electrical  
36 equipment screening provisions of subsection 21.07.120D.2.
- 37 m. **Outdoor Sales, Display, and Storage**  
38 i. **Intent Statement**  
39 To screen storage and display areas of large commercial establishments  
40 from adjacent properties, public streets, and customer entrances, and to  
41 mitigate visual and noise impacts.

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- ii. **Permanent Outdoor Display, Sales, and Storage of Merchandise**
    - (A) Any outdoor storage, display, or sales location shall be permanently defined on a site plan.
    - (B) The maximum size of permanent outdoor storage, display, and sales areas shall be 10 percent of the footprint of the principal building, or 15,000 square feet, whichever is less.
    - (C) Permanent outdoor storage, display, and sales areas shall be contiguous to the building and shall not be within 100 feet of residential property.
    - (D) All outdoor storage, display, and sales areas shall have permanent walls and/or screening fences, no more than 15 feet high, made of materials and colors designed to be complementary to those used as predominant materials and colors on the building. Merchandise shall not be stacked above the height of the screening wall or fence.
    - (E) Outdoor storage, display, and sales areas shall be counted when calculating required parking.
  - iii. **Temporary Outdoor Display and Sales**

Temporary outdoor display and sales of merchandise shall not be located in required parking **lots** [AREAS], on required pedestrian walkways or sidewalks, in the required community space, or in required landscaping.
  - n. **Master Site Plan and Secondary Buildings**
    - i. **Intent**

To integrate the location, orientation, and appearance of all structures and improvements within a large commercial establishment as a unified, coherent and accessible site development.
    - ii. **Master Site Plan**

Large commercial establishments on sites that include more than one building, or that include multiple pad lots or platted lots for separate commercial establishments, shall, at the time of plat review or major site plan review, be required to establish a master site plan for the location, design and orientation of principal and secondary buildings on site.
    - iii. **Applicability of Large Commercial Establishment Regulations**

Building and site design standards for large commercial establishments in this section, unless stated to apply specifically to principal buildings, apply to both principal and secondary buildings on any commercial tract within a large commercial establishment site or site master plan area.
    - iv. **Usage of Public/Institutional and Commercial Design Standards**

As an alternative to meeting the building orientation requirements of subsection o.v. below, and the requirements of *Mandatory Standards* subsections 5.a. through 5.m., and subsection A.6., *Optional Standards Menu*, the design of individual secondary buildings with less than 20,000 square feet of gross floor area may instead be approved through compliance with the standards of subsection 21.07.120, *Public/Institutional and Commercial Design Standards*.



1 THE MINIMUM REQUIRED WALKWAY WIDTH OR AREA.] This feature is not  
2 applicable for credit where the walkways and entrances are covered.

3 **B. Large Non-Residential Establishments in or Surrounded by Large Lot Residential**  
4 **Districts<sup>1</sup>**

5 Certain non-residential uses that are allowed in large lot residential districts have the potential to  
6 create negative impacts on large lot residential neighborhoods when the nonresidential uses are  
7 significantly larger and more intensive than the typical development in these areas. This section  
8 provides consistent standards for such cases.

9 **1. Applicability**

10 The standards of this section shall apply to any child care center, neighborhood  
11 recreation center, religious assembly, educational facility (elementary, middle, or high  
12 school, or instructional services), commercial horticulture, commercial kennel, veterinary  
13 clinic, cultural facility, or utility facility, or any combination thereof, where the sum of the  
14 gross floor area of all applicable buildings on the lot is more than 10,000 square feet, and  
15 the use is within a class B zoning district or the parcel under development abuts property  
16 in a class B zoning district for more than 50 percent of its boundary. Single-family  
17 residential dwelling units associated with such a use (e.g., a rectory) shall not be counted  
18 toward the gross floor area size threshold, but shall meet the standards below.

19 **2. Relationship to Other Standards**

20 The provisions of this section are in addition to other requirements of this title, and may  
21 be more stringent than other requirements of this title. Where there is a conflict with  
22 other applicable standards, the more stringent standard shall apply.

23 **3. Setbacks**

24 Structures that are over 35 feet in height shall be setback beyond the underlying side or  
25 rear setbacks of the district by one foot per foot of height over 35 feet.

26 **4. Buffers**

27 **a.** L3 buffer landscaping shall be provided along all lot lines that abut a residential  
28 zoning district or a street.

29 **b.** The developer shall retain existing vegetation in buffer areas that are in the side  
30 and rear setbacks.

31 **c.** The decision-making body may adjust the buffer requirements of subsections  
32 5.a. and 5.b. above if the applicant demonstrates that the requirements are  
33 unreasonable for the specific situation.

34 **5. Parking**

35 **a.** No parking lot, circulation aisle, driveway, loading area, or vehicular storage area  
36 shall be within 25 feet of any side or rear lot line.

37 **b.** Vehicle storage and fleet vehicle parking are not allowed within setbacks equal to  
38 those of the abutting property.

39 **6. Vegetated Open Space**

40 A minimum of 35 percent of the lot area shall remain as planted open area, landscaped  
41 area, bio-retention area (and other similar vegetated area designed to retain/detain storm

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<sup>1</sup> This section 21.07.130B. was provisionally adopted by the assembly in late 2010, about six months after the rest of chapter 7, and thus this section was not included in the "provisionally adopted chapters with edits" that were posted on the Planning Department's website in the spring of 2010.

1 water runoff), or natural vegetation area, to exclude buildings, driveways, parking areas,  
2 sidewalks, etc., unless the decision-making body determines that retention of less than  
3 35 percent provides a development character in keeping with **the** surrounding  
4 neighborhood.

5 **7. Long Elevations**

6 Building elevations longer than 100 feet that face residential lots or public streets shall  
7 provide façade modulations that meet either subsection 21.07.110C.6.a., or  
8 21.07.110C.6.b., or provide an eight-foot wide foundation planting bed along the  
9 foundation of the entire elevation (breaks allowed for garage doors and pedestrian  
10 entrances), planted with at least one landscaping unit per linear foot, half of which shall  
11 be trees. Refer to table 21.07-1, *Landscaping Units Awarded*.

12 **C. Tall Buildings**

13 **[RESERVED]**

14 **21.07.140 OPERATIONAL STANDARDS**

15 **A. Purpose**

16 The purpose of these operational standards is to prevent land or buildings within the municipality  
17 from being used or occupied in any manner so as to create any dangerous, injurious, noxious, or  
18 otherwise objectionable condition that would create adverse impacts on the residents,  
19 employees, or visitors on the property itself or on nearby properties.

20 **B. Applicability**

21 The provisions of this section 21.07.140 shall apply to all land within the municipality. The  
22 director may authorize temporary exemptions from one of more of the standards in this section  
23 during construction.

24 **C. Standard**

25 No use may cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or  
26 noxious matter, humidity, heat, or glare at or beyond any lot line of the lot on which it is located.  
27 No equipment or process shall be used which creates visual or audible interference in any radio  
28 or television receivers off the premises, or causes a fluctuation in line voltage off the premises.

29 The term “excessive” is defined for the purpose of this subsection as to a degree exceeding that  
30 generated by uses permitted in the district in their customary manner of operation, or to a degree  
31 injurious to the public health, safety, welfare, or convenience.

# CHAPTER 21.08: SUBDIVISION STANDARDS

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## 21.08.010 PURPOSE

### A. General

These standards are enacted generally to promote the goals of the comprehensive plan as to the health, safety, convenience, quality of life, and welfare of the present and future inhabitants of the municipality; to secure adequate utilities and public facilities, provide for consideration of school and open space needs, and protect sensitive natural areas such as critical habitat, high-value wetlands, and riparian corridors; to enhance or preserve other significant natural features; to ensure the functional and efficient layout and appropriate use of land so as to achieve property lots of reasonable utility and minimize public costs to construct and maintain infrastructure; and to facilitate orderly growth and harmonious development of the municipality.

### B. Specific

Planning, layout, and design of a subdivision are of the utmost concern. The subdivision should provide safe, efficient, and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide appropriate settings for the buildings that are to be constructed, make use of natural contours, and protect residents from adverse noise and vehicular traffic. Important natural features of the area should be preserved. Schools, parks, and other community facilities should be planned as an integral part of the area. New development should reflect and maintain the character of the neighborhood through layout of roads and lots, consideration of connectivity with minimal cut-through traffic, pedestrian access to neighborhood destinations, and buffers or open space where appropriate to maintain privacy and views.

## 21.08.020 APPLICABILITY

### A. Generally

This chapter shall be applicable to all subdivision of land within the municipality that results in the partitioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the state or municipality.

### B. Approvals Required

#### 1. General

Before a preliminary plat for a subdivision shall be granted, the owner or his or her authorized agent shall apply for and secure approval under the provisions of section 21.03.200, *Subdivisions and Plats*.

#### 2. Before Certificate of Zoning Compliance

A certificate of zoning compliance shall not be issued, pursuant to section 21.03.060, and a building or structure shall not be occupied, until and unless all dedications and improvements required by this chapter have been installed or agreements/guarantees made in a satisfactory manner and approved by the municipality.

### C. *Design Criteria Manual*

Whenever the *Design Criteria Manual* is referenced in this chapter, the reference shall mean the version of the *Design Criteria Manual* in effect at the time of preliminary plat approval.

## 21.08.030 DESIGN STANDARDS

### A. Subdivision Layout and Design Generally

No subdivision shall be approved unless it complies with all of the following standards:

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- 1           **1. Name of Subdivision**  
2           The title under which the subdivision will be recorded shall not duplicate the name of any  
3           existing subdivision in the municipality.
- 4           **2. Compliance with Comprehensive Plan**  
5           The design of subdivisions shall further the goals and policies of the comprehensive  
6           plans as set forth in this title.
- 7           **3. Compliance with Other Provisions of this Title**  
8           All subdivisions shall comply with all other applicable zoning, design, and development  
9           requirements set forth in this title.
- 10       **B. Phasing Schedule**  
11       The platting authority may require that a subdivision conform to a phasing schedule based upon  
12       the scheduled availability of infrastructure to serve the subdivision. Submittals for the initial  
13       phase of a subdivision shall indicate utility easements and transportation connections to adjacent  
14       and undeveloped land/areas that are not part of the initial phase yet are under the same  
15       ownership.
- 16       **C. Maintenance of Existing Natural Drainage**  
17       The general lot configuration and layout of proposed rights of way, open space tracts, and  
18       development setbacks shall be consistent with naturally occurring drainage features and historical  
19       drainage patterns within the subdivision and surrounding areas. The subdivider shall  
20       demonstrate to the department of **public works** [PROJECT MANAGEMENT AND ENGINEERING]  
21       that reasonable efforts have been made to avoid and/or mitigate the damming, diversion, and/or  
22       contamination of natural and historical drainageways or watercourses. The subdivision design  
23       shall ensure that neighboring parcels, adjacent rights of way, water bodies, wetlands, and existing  
24       storm drainage facilities are not adversely impacted by new or altered drainage resulting from the  
25       development.
- 26       **D. Drainage Design**  
27       All drainage facilities shall comply with the standards of section 21.07.040, *Drainage, Erosion and*  
28       *Sediment Control, Storm Water Runoff, and Prohibited Discharges*, as implemented by the  
29       *Design Criteria Manual*.
- 30       **E. Legal and Physical Access**  
31       A subdivision shall have legal and physical access.
- 32       **F. Streets**  
33       All streets shall comply with the standards of this chapter and section 21.07.060, *Transportation*  
34       *and Connectivity*, the specifications of the *Design Criteria Manual*, and the following intent and  
35       standards:
- 36           **1. Intent**  
37           Streets shall be arranged in relation to topography to provide usable lots, safe streets,  
38           safe and convenient pedestrian walkways and crossings, reasonable gradients, and  
39           minimum damage to terrain and existing vegetation.
- 40           **2. Street Grades**  
41           a.       Except as provided in this section, cul-de-sac turnaround grades shall not exceed  
42           five percent, and other street grades shall not exceed ten percent.

- 1                   b.       Notwithstanding subsection 2.a. above, residential street grades in a subdivision  
2                                   may be up to 15 percent. However, any street grade exceeding ten percent  
3                                   requires municipal engineer approval. [DESIGN OF GRADES IN EXCESS OF  
4                                   TEN PERCENT IS GOVERNED BY THE *DESIGN CRITERIA MANUAL* (DCM).]
- 5                   c.       Applicable streets shall comply with the standards of subsection 21.08.030H.,  
6                                   *Subdivisions on Slopes*.
- 7                   **3.       Street Alignment**
- 8                   a.       Arterial and collector streets shall be aligned to continue those streets from  
9                                   adjoining areas into the proposed subdivision. Local streets shall be aligned to  
10                                   discourage their use by through traffic. This provision is not intended to  
11                                   encourage cul-de-sacs or dead-end streets. Stub streets with temporary  
12                                   turnaround areas shall be extended to the boundaries of the proposed  
13                                   subdivision, where appropriate, to provide future street connections to adjacent  
14                                   unsubdivided areas.
- 15                   b.       Grade or median separations of street lanes may be permitted to preserve  
16                                   natural features, provide space for landscaping, or facilitate access in  
17                                   subdivisions containing hillside lots.
- 18                   **4.       Street Intersections**
- 19                                   Streets shall intersect at or as near as is feasible to a 90-degree angle and in no event at  
20                                   less than a 75-degree angle. The distance between intersection centerlines shall be at  
21                                   least 150 feet. Corner roundings at intersections shall conform to the standards of the  
22                                   municipal engineer.
- 23                   **5.       Cul-de-Sacs**
- 24                   a.       Where topography and traffic circulation permit, the length of a cul-de-sac right-  
25                                   of-way shall not exceed 900 feet in the R-6, R-8, R-9, R-10, and TA zoning  
26                                   districts, and 600 feet in all other zoning districts. The platting authority may  
27                                   approve longer cul-de-sacs when necessary to accommodate natural features.
- 28                   b.       The length shall be measured from the centerline of intersecting through streets  
29                                   to the radius point of the cul-de-sac bulb.
- 30                   c.       A cul-de-sac right-of-way shall terminate with a turnaround having a minimum  
31                                   radius of 50 feet and a minimum return radius of 50 feet. Commercial/industrial  
32                                   cul-de-sacs shall have a minimum radius of 65 feet. The platting authority may  
33                                   permit a cul-de-sac street to terminate with a T-shaped or Y-shaped turnaround,  
34                                   or other turnaround approved by the traffic engineer, when such a design is  
35                                   required by extreme environmental or topographical conditions or unusually or  
36                                   irregularly shaped boundaries.
- 37                   **6.       Alleys**
- 38                                   Dead-end alleys shall be prohibited.
- 39                   **7.       Street Names and Addresses**
- 40                   a.       The subdivider shall provide names for all new streets in the subdivision, which  
41                                   names shall neither duplicate, nor be subject to confusion with, the spelling or the  
42                                   pronunciation of any existing street name in the municipality. The subdivider's  
43                                   selection of street names shall be subject to review by the director, who may  
44                                   reject any proposed street name that does not conform to this section or to any  
45                                   regulation promulgated pursuant to this section. The municipality shall name all  
46                                   streets that are peripheral to the subdivision and all extensions of existing streets

1 into the subdivision. Where a new street extends or continues an existing street,  
2 the name of the existing street shall be used for the new street.

3 b. The director may promulgate regulations establishing a uniform street  
4 designation terminology. All street names shall conform to the terminology so  
5 established.

6 c. Street names may be modified using the procedure adopted by the director,  
7 which shall be approved by the platting board.

8 **8. Street Addresses**

9 a. The director shall assign all official street address numbers within the  
10 municipality. A permanent address shall be assigned to occupiable buildings,  
11 and to other locations at the discretion of the director. Buildings with more than  
12 one unit shall be assigned sub-addresses. Addresses shall be displayed as  
13 required in section 21.07.010C.

14 b. The director may promulgate regulations establishing uniform street address  
15 numbering technology and procedures. All street addresses shall conform to the  
16 numbering technology and procedures adopted by regulation, unless unusual or  
17 exceptional circumstances warrant utilization of alternate technology or  
18 procedures.

19 **G. Block Arrangement**

20 1. Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the  
21 minimum requirements of this title, except where lots back onto a collector or greater  
22 street, natural feature, or subdivision boundary, or where lots face an approved loop road  
23 or cul-de-sac.

24 2. Residential blocks in class A improvement areas (as defined in 21.08.050B) shall not be  
25 less than 300 feet nor more than 500 feet long. Residential blocks in class B  
26 improvement areas shall not be less than 300 feet nor more than 1,320 feet long. The  
27 platting authority may approve a longer block length when necessary to accommodate  
28 natural features such as steep slopes, or when the longer block is divided by an improved  
29 pedestrian easement that provides connectivity and traffic circulation is not impaired.

30 **H. Subdivisions on Slopes**

31 **1. Applicability**

32 This section applies to parcels to be subdivided that are five acres or more, and

33 a. Have an average slope of 20 percent or greater over the entire property; or

34 b. 30 **percent** [%] of the area to be subdivided has slopes of 30 **percent** [%] or  
35 greater.

36 **2. Additional Submittal Requirements**

37 In addition to the submittal requirements in section 21.03.200, applications for applicable  
38 subdivisions shall include a geotechnical engineering report that contains the following  
39 information:

40 a. Geology of the site: description of the geology of the site, including the nature,  
41 strength, and stability of the soils, the character and depth of any imported  
42 material; depth to groundwater and to bedrock; any avalanche and mass wasting  
43 areas; fractures; and any other significant geologic features.



1 **I. Seismic-Induced Ground Failure Hazard**

- 2 1. A geotechnical investigation shall be performed to evaluate the potential for seismic-  
3 induced ground failures across that portion of the subdivision within seismic zones 4 and  
4 5 of the municipality's *Seismic-Induced Ground Failure* mapping. The requirement for a  
5 geotechnical investigation shall apply to all zoning districts, unless otherwise waived by  
6 the platting authority.
- 7 2. A report of the findings and recommendations of the geotechnical investigation shall be  
8 prepared by a civil engineer licensed in the state of Alaska and submitted to the platting  
9 authority[, PREPARED BY A CIVIL ENGINEER LICENSED IN THE STATE OF  
10 ALASKA]. The report shall include a discussion of the suitability of the proposed  
11 development and recommendations for any needed mitigation.
- 12 3. The scope of geotechnical investigation shall include subsurface explorations (test  
13 borings or excavations), laboratory testing, and engineering analysis to evaluate the  
14 potential for, and potential magnitude of liquefaction, settlement, horizontal spreading,  
15 and faulting, following methods conforming with the state-of-practice; and stability of  
16 existing slopes, natural or man-made, following methods defined in AMC chapter 23.15,  
17 section 1802.2.6, paragraph D. These evaluations shall be based on probabilistic ground  
18 motion parameters corresponding to 475-year or greater return period.
- 19 4. The platting authority may reject a proposed subdivision in its entirety if the geotechnical  
20 investigation does not demonstrate that the area can be developed in accordance with  
21 AMC title 23.
- 22 5. The geotechnical investigation submitted with the plat application may supplement the  
23 requirements for geotechnical investigations included in AMC title 23.

24 **J. Avalanche Zones**

25 No lot shall be created, unless it is restricted to non-structural uses, that is completely in the "high  
26 hazard area", as identified on municipal avalanche maps based on the 1982 *Anchorage Snow*  
27 *Avalanche Zoning Analysis* or on amendments to those maps reviewed and approved by the  
28 geotechnical advisory commission.

29 **K. Lot Dimensions**

30 Subject to the lot dimensions and area requirements of chapter 21.06, all lots shall have the  
31 minimum dimensions required by this section.

- 32 1. The depth of a lot shall be at least 80 feet.
- 33 2. The width of a lot, except for a townhouse lot, shall be at least one-third the depth of the  
34 lot.
- 35 3. If a lot is to be served by an on-site wastewater disposal system, the lot shall [MUST]  
36 have the minimum area required for such a lot under AMC chapter 15.65.
- 37 4. Notwithstanding any other provision of this section, the width of the flagpole portion of a  
38 flag-shaped lot shall be no less than:
- 39 a. Thirty feet when both public water and sewer systems are to serve such a  
40 residential lot.
- 41 b. Forty feet when both public water and sewer systems are to serve such a  
42 commercial or industrial lot.

- 1 c. Twenty-four feet when only a public water or a public sewer system is to serve  
2 such a lot.
- 3 d. Twenty-four feet when the lot is located in the R-6, R-8, R-9, R-10 or TA districts  
4 and will not be served by either the public water or the public sewer system.
- 5 5. The length of the flag pole portion of the lot shall not exceed 300 feet in the R-6, R-8, R-  
6 9, R-10 or TA districts or 120 feet in all other districts, and all other measurements shall  
7 be consistent with other sections of this title.
- 8 6. To the extent possible, side lot lines shall follow natural terrain and create building sites  
9 that integrate into the natural terrain and minimize the need for fill and grading.
- 10 7. Lots tracted out for open space, well protection areas, or for undevelopable areas such  
11 as wetlands, are exempt from these dimensional requirements and the dimensional  
12 standards of chapter 21.06.

13 **L. Lot Frontage and Access**

- 14 1. Except when platted under subsection 21.03.200E., *Unified Development Plats*, or except  
15 for lots tracted out for open space, well protection areas, or for undevelopable areas such  
16 as wetlands, all lots shall have frontage on a street.
- 17 2. Unless approved by the director, access to a residential use on a residential lot shall not  
18 be from a collector or greater street as designated on the *Official Streets and Highways*  
19 *Plan*.
- 20 3. Subdivisions shall be designed to minimize lots with access to residential major streets  
21 carrying more than 1,000 average daily trips.
- 22 4. The frontage of a lot on a cul-de-sac bulb shall be at least 35 feet, except that the  
23 frontage on a cul-de-sac bulb of a lot with a side setback abated under subsection  
24 21.06.020A.3., *Construction on Adjoining Lots*, shall be at least 18 feet. This subsection  
25 does not apply to flag lots.
- 26 5. In class A improvement areas, there shall be no more than one flag lot facing onto each  
27 cul-de-sac bulb.

28 **M. Landscaping**

- 29 1. The platting authority shall consider and require, where appropriate, landscaping and  
30 screening under section 21.07.080, *Landscaping, Screening, and Fences* to separate  
31 property from incompatible uses or structures, including but not limited to streets  
32 designated for collector or greater capacity on the *Official Streets and Highways Plan*,  
33 commercial, or industrial uses. The area containing the landscaping shall be shown as  
34 an easement or open space area on the plat. The landscaping shall be installed before  
35 final plat approval, or its installation shall be guaranteed under section 21.08.060,  
36 *Subdivision Agreements*, or by other performance guarantees acceptable to the platting  
37 authority. The landscaping shall be maintained by the property owner or designee.
- 38 2. If a landscaping easement is required, no more than 50 percent of such easement shall  
39 coincide with any utility easement, per the requirements of 21.07.080G.2.c., unless the  
40 utilities are installed in a conduit or utilidor of sufficient size to reduce the risk of land  
41 disturbance if repairing, replacing, or upgrading utility lines, in which case the  
42 landscaping easement and the utility easement may coincide completely.

1 **N. Reserve Strips**

2 Privately owned strips may not be reserved to control access to public rights-of-way.

3 **O. Electrical and Telecommunication Utilities**

4 The width and alignment of transmission easements within subdivisions shall conform to the  
5 *Utility Corridor Plan*. The platting authority shall preclude structures or uses of land within or  
6 beneath areas of electrical or telecommunications ground or aerial easements that are  
7 incompatible with electrical distribution or transmission facilities.

8 **P. General Subdivision Standards Are Minimum Standards**

9 1. The design standards in this chapter are minimum standards. The platting authority may  
10 impose more restrictive standards when it finds they are necessary to conform the design  
11 of a proposed subdivision to the approval criteria for subdivisions or to meet other  
12 requirements set forth in this title.

13 2. When the platting authority finds that it is not feasible to conform the design of a  
14 proposed subdivision to meet the approval criteria for subdivisions or other requirements  
15 set forth in this title, the platting authority may reject a proposed subdivision in its entirety.

16 **21.08.040 DEDICATION**

17 **A. Streets**

18 1. All street rights-of-way shall be dedicated to the public.

19 2. Street right-of-way widths shall conform to the *Official Streets and Highways Plan*  
20 (OSHP). These standards are considered to be minimum standards and may be  
21 increased in a particular instance, where necessary, to make a proposed street conform  
22 to sound traffic engineering standards and principles. When steep slopes or other terrain  
23 features dictate, slope easements that exceed normal right-of-way requirements will also  
24 be required. Notwithstanding the above, the maximum dedication width that may be  
25 required for an arterial or collector street is 70 feet if the entire width of the street is within  
26 the subdivision, or 35 feet if the street is on an exterior boundary of the subdivision.

27 3. The platting authority may approve the dedication of a half-street only when the other half  
28 of the street has been dedicated or when the platting authority reasonably anticipates that  
29 the other half of the street will be dedicated. When a subdivision borders a dedicated half  
30 street, the platting authority shall require the dedication of the other half of the street,  
31 unless it determines that the street would be unnecessary or undesirable.

32 **B. Alleys**

33 The platting authority may require the dedication of alley rights-of-way where it finds that alleys  
34 are necessary for service access, off-street loading, or parking. The minimum width of an alley  
35 right-of-way shall be 20 feet.

36 **C. Walkways**

37 The platting authority shall require the dedication of pedestrian walkways where it finds that  
38 pedestrian walkways are necessary to provide for convenient and safe pedestrian circulation, to  
39 protect pedestrians from hazardous traffic, or as required in section 21.07.060, *Transportation*  
40 *and Connectivity*. The minimum width of a walkway dedication shall be 10 feet. The platting  
41 authority may require a wider dedication for reasons of topography, project use, or construction  
42 needs (if the walkway is to be paved).

1 **D. Trails**

2 The platting authority shall require the dedication of an easement for a trail designated on  
3 adopted municipal plans. If the platting authority approves an alternate location for a trail  
4 easement as a substitute for an existing easement, the existing unused easement shall be  
5 vacated, unless the property owner agrees otherwise. The platting authority may modify the  
6 alignment, width, and scope of trail easements as necessary to integrate trail and subdivision  
7 design.

8 **1. Access to Chugach State Park, Community Use Areas, and Natural Resource Use**  
9 **Areas**

10 **a.** The platting authority shall require the dedication of a public pedestrian  
11 easement for a trail designated on adopted municipal plans, for connectivity with  
12 a trail or access point to a large Community Use Area or Natural Resource Use  
13 Area (as defined in the *Anchorage Bowl Park, Natural Resource, and Recreation*  
14 *Facility Plan* or the *Chugiak-Eagle River Comprehensive Plan*), and for  
15 connectivity with a trail or access point identified in the most current *Chugach*  
16 *State Park Access Inventory*. If the platting authority approves an alternate  
17 location for a trail easement as a substitute for an existing easement, the existing  
18 unused easement shall be vacated, unless the property owner agrees otherwise.  
19 The platting authority may modify the alignment, width, and scope of trail  
20 easements as necessary to integrate trail and subdivision designs, so long as the  
21 resulting trails are of comparable gradient, directness, and utility, and reflect the  
22 general locations and patterns of existing public access routes. An acceptable  
23 pedestrian easement shall be at least 20 feet wide, centered on an existing,  
24 recognized, new, or relocated trail.

25 **b.** The platting authority shall require the dedication of a vehicular right-of-way for  
26 public access to trails and parks access points as defined in an adopted plan. An  
27 acceptable vehicular right-of-way shall be a public street that is platted and  
28 dedicated in accordance with relevant provisions of this code.

29 **E. Riparian Protection and Maintenance Easements**

30 **1.** The platting authority shall require the dedication of riparian maintenance and protection  
31 easements where a stream, water body, or wetland traverses or is adjacent to the  
32 subdivision, in accordance with subsection 21.07.020B., *Stream, Water Body, and*  
33 *Wetland Protection*.

34 **2.** The easement shall conform substantially to the line of the watercourse. The width of the  
35 easement shall be that which the platting authority finds necessary to provide access to  
36 widen, deepen, slope, improve, and maintain the stream, and to protect the stream and  
37 adjacent property from soil erosion, flooding, water pollution, and destruction of fish and  
38 wildlife habitat. At a minimum, the easement shall be the same as the applicable setback  
39 required in the zoning district, as set forth in section 21.07.020B.4., *Buffer/Setback*  
40 *Requirements*.

41 **3.** Section 21.07.020B., *Stream, Water Body, and Wetland Protection*, sets forth additional  
42 restrictions on development and the use of land and structures within the easement and,  
43 in some districts, beyond the easement.

44 **4.** In cases where two or more easements coincide, the outer limits of the combined  
45 easement shall be measured from the outer edge of the outermost watercourse edge in  
46 either direction.

- 1           5.     Credit towards other open space dedication or private open space set-aside  
2           requirements shall be given for the dedication of riparian protection and maintenance  
3           easements at a ratio of one-to-one.

4     **F.     Reserve Tracts**

5           1.     **Sites Designated**

- 6           a.     The platting authority may require that an area designated as a park, playground,  
7           or open space in an officially adopted plan, as preservation wetland (as  
8           designated in the *Anchorage Wetlands Management Plan*), or as a school site  
9           pursuant to AMC subsection 25.25.040 be designated as a reserve tract. The  
10          designation shall be supported by a report from the municipal agency or  
11          department requesting the reservation, containing a statement that the  
12          municipality intends to purchase the designated area within the period allowed  
13          under subsection F.2 below.

- 14          b.     Special, natural, or manmade features of historical or community significance in a  
15          proposed subdivision which enhance or have unique value to the community may  
16          be set aside in a reserve tract for acquisition, or voluntarily dedicated to the  
17          public.

18          2.     **Time for Acquisition**

- 19          a.     Within 24 months of filing of a final plat, or the period of the school site  
20          designation provided by AMC subsection 25.25.040B, whichever is earlier, the  
21          municipality or any other public or private agency may acquire any parcel  
22          designated as reserve tract on the plat, by purchase or as otherwise authorized  
23          by law, for the purpose for which the parcel was reserved under subsection F.1.  
24          above.

- 25          b.     If a reserve tract is not acquired within such time, it shall be released from the  
26          reserve tract designation, unless the time for acquisition is extended by the  
27          reserve tract's owners, or by another provision of law.

- 28          c.     In consideration of the reservation, the municipality shall pay the owners of the  
29          reserve tract an amount equal to the municipal real property taxes that accrue on  
30          the reserve tract, during the period of reservation.

31     **G.     Utility Easements**

- 32          1.     Public utilities shall be placed in dedicated rights-of-way unless the utility demonstrates  
33          that there is a specific need that warrants a location elsewhere. Pad-mounted facilities  
34          may be located in easements abutting rights-of-way. Electric and telecommunication  
35          utilities are encouraged to co-locate in trenches.

- 36          2.     In situations where utilities may not be placed within rights-of-way, easements shall be  
37          provided for utilities, and shall be centered along or adjacent to lot lines to the greatest  
38          extent practicable.

- 39          3.     Where a utility has demonstrated, pursuant to G.1. above, the need to locate outside the  
40          right-of-way, utility easements shall be sized as follows, but the platting authority may  
41          approve different standards when justified by demonstrable site conditions or utility  
42          needs. The platting authority shall size the easements as small as is feasible. After  
43          effective date [DATE OF PASSAGE]] utility easements shall not be placed in tracts set  
44          aside to protect environmental features, such as wetlands or steep slopes.

- 1           a.     Utility easements along rear lot or side lot lines where a primary voltage  
2           conductor is placed shall be at least ten feet wide, or a total of 20 feet wide along  
3           adjoining rear lots.
- 4           b.     Utility easements along rear lot or side lot lines where a service voltage  
5           conductor is placed shall be five feet wide, or a total of ten feet wide along  
6           adjoining side lots.
- 7           c.     Where a front yard easement is needed to accommodate a transmission utility,  
8           which is included in the utility corridor plan, the easement shall generally be ten  
9           feet wide.
- 10          d.     The platting authority may require wider utility easements along the rear lot lines  
11          of hillside lots.
- 12          4.     The platting authority shall require the dedication of utility easements when a utility  
13          company demonstrates a specific need for them or an easement is needed to  
14          accommodate the routing included in the *Utility Corridor Plan*.

15   **21.08.050   IMPROVEMENTS**

16   **A.    General Requirements**

17       **1.    Compliance**

18       The subdivider shall construct and install improvements in accordance with this section,  
19       the design standards in section 21.08.030, and the Design Criteria Manual and  
20       Municipality of Anchorage Standard Specifications.

21       **2.    Minimum Standards**

22       The improvement standards in this section are minimum standards. The platting  
23       authority may require additional or more extensive improvements when it finds they are  
24       necessary to conform a proposed subdivision to the standards of section 21.08.030, or  
25       the subdivider may provide such additional or more extensive improvements.

26       **3.    Eligibility for Warranty**

27       a.     All improvements required under this section shall be constructed under a  
28       subdivision agreement as provided in section 21.08.060, *Subdivision*  
29       *Agreements*. Lots in subdivisions shall not be eligible for conditional certificates  
30       of zoning compliance or certificates of zoning compliance until the subdivision  
31       improvements included in this section have been accepted for warranty by the  
32       municipality.

33       b.     Projects may be placed on warranty in the autumn season without landscaping  
34       and/or permanent erosion control provided that:

35           i.     All other improvements are accepted for warranty;

36           ii.    Temporary erosion control is maintained throughout the winter;

37           iii.   The warranty guarantee plus a performance guarantee for landscaping is  
38           provided;

39           iv.   The subdivider/developer meets all of the criteria to go on warranty; and

40           v.     A separate warranty period is provided for the landscaping/permanent  
41           erosion control.

4. **Engineer Registered in the State of Alaska**

- a. The subdivider shall have construction plans for the improvements required under this section prepared by an engineer registered in the state of Alaska, in accordance with the requirements of the municipal engineer.
- b. The engineer shall maintain in good standing professional liability insurance in the amount of \$1,000,000 during the term of the agreement. Policies written on a “claims-made” basis shall [MUST] have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

B. **Improvement Areas Defined**

For the purpose of this section, the municipality is divided into two distinct improvement areas. The class A improvement area includes areas of more dense population and/or intensive development, and thus requires a more urbanized level of improvements. The class B improvement area includes areas that are less densely populated and/or intensely developed, and thus requires a less urbanized level of improvements. The zoning districts associated with each improvement area are listed in the table below:

TABLE 21.08-1: IMPROVEMENT AREAS DEFINED		
District Type	Class A	Class B
Residential	R-1 R-1A R-2A R-2D R-2M R-2F	R-6 R-7 R-8 R-9
Residential (cont.)	R-3 R-4 R-4A R-5	R-10
Commercial	B-1A B-3 DT-1 DT-2 DT-3 [CBD] R-O MC	
Industrial	I-1 I-2 MI	
Mixed Use	NMU CMU RMU [MMU]	
Other Districts	A[D]	TA WS
AF District DR District PCD District PLI District PR District [RUC DISTRICT]	The platting authority shall place a subdivision within any of these districts in the improvement area that it finds to be most compatible with the proposed use of the parcel and the zoning district classifications of the surrounding area.	

**C. Improvement Requirements by Improvement Area**

The subdivider or developer shall construct and install the required improvements prescribed by this section for the improvement area where the subdivision is located in accordance with the table below:

TABLE 21.08-2: REQUIRED IMPROVEMENTS BY IMPROVEMENT AREA		
R = Improvement Required		
Improvement	Class A	Class B
Paved Interior Streets	R	
Strip-Paved Access and Peripheral Streets	R	R
Strip-Paved Interior Streets		R
Curbs and Gutters	R	
Sidewalks	R	
Walkways	R	R
Street Lighting	R	
Traffic Control Devices	R	R
Monuments	R	R
Drainage	R	R
Telephone & Electrical Facilities	R	R
Water Supply Facilities	R	
Sanitary Sewer Facilities	R	
Landscaping	R	R

**D. Interior Streets**

**1. Residential Interior Streets**

**a. Categories**

There are two categories of residential interior streets:

**i. Residential Minor Streets**

Residential minor streets have the sole purpose of providing frontage for service and access to individual lots. These streets carry only traffic having either an origin or a destination on the street itself, and include cul-de-sacs or small loops carrying 500 average daily trips.

**ii. Residential Major Streets**

Residential major streets are access streets that provide frontage for service and access to individual lots and may carry a small amount of through traffic from tributary residential minor streets. Residential major streets carry from 500 to 2,000 average daily trips. Lot frontage on residential major streets with average daily trips in excess of 1,000 should be restricted.

**b. Determination of Average Daily Trips**

For the purpose of classifying and designing residential streets, the average daily trips carried by a street shall be determined by applying trip rates from the most current *Institute of Transportation Engineers Trip Generation Manual* or other acceptable estimates approved by the traffic engineer.

**c. Improvement Design**

Interior residential streets, except as provided in subsection 21.08.050E., shall be improved in accordance with table 21.08-3 and table 21.08-4.

**TABLE 21.08-3: PAVED RESIDENTIAL STREETS, MINIMUM STANDARDS**

A.D.T. <sup>2</sup>	Street Section <sup>1</sup> (feet)		Number of Lanes		Design Speed <sup>3</sup> (mph) <sup>4</sup>	Right of Way (feet)	Spillover Parking <sup>5</sup>	Application
	Standard	Optional	Moving	Parking				
0--75 Residential minor	31		2	1	20	60	No	Cul-de-sacs, low-volume residential streets
		24	2	0	20	60	Yes	
76--300 Residential minor	31		2	1	25	60	No	Residential minor streets, cul-de-sacs and small loops
		24	2	0	25	60	Yes	
301--600 Residential minor	33		2	2	25	60	No	Residential minor streets, loop streets, high-volume cul-de-sacs
		24	2	0	25	60	Yes	
601--1,000 Residential major	33		2	2	25	60	No	Residential major streets, loop streets and high-volume cul-de-sacs
		28	2	1	25	60	Yes	
1,001--2,000	38	24	2	0	25	60	Yes	Residential limited access
			2	2	30	60	No	Residential subconnector
		38	3 <sup>6</sup>	0	30	60	Yes	No on-street parking permitted

NOTES:

<sup>1</sup> Street dimensions are from back of curb.

<sup>2</sup> See subsection 21.08.050D.1.b., *Determination of Average Daily Trips*.

<sup>3</sup> Horizontal curve design of residential streets requires best judgment of planners and engineers in addition to design analysis.

<sup>4</sup> Design speed (not posted speed) for vertical and horizontal curves.

<sup>5</sup> Spillover parking; homeowners' association required. See subsection 21.08.050E below.

<sup>6</sup> Center turning lane required.

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**TABLE 21.08-4: STRIP-PAVED STREETS, MINIMUM STANDARDS**

A.D.T.	Street Section <sup>7,9</sup> (feet)	Design Speed <sup>8</sup> (mph)	Right-of-Way (feet)	Application
0--500	20	20	50	Residential loop streets, rural peripheral/access roads
501--1,000	24	25	50	Residential loop streets, urban peripheral/access roads
1,001--2,000	24	25	60	Major residential streets

<sup>7</sup> Dimensions are from edge of pavement.  
<sup>8</sup> Design speed (not posted speed) for horizontal and vertical curves.  
<sup>9</sup> Street sections require two-foot shoulders with ten- and 12-foot driving lanes, respectively.

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**2. Commercial and Industrial Interior Streets**

Commercial and industrial interior streets shall be improved in accordance with table 21.08-5 below:

**TABLE 21.08-5: CLASS A COMMERCIAL AND INDUSTRIAL STREETS, MINIMUM STANDARDS**

Street Section <sup>10</sup> (feet)	Number of Lanes		Design Speed <sup>11</sup> (mph)	Right-of-Way (feet)	Application
	Moving	Parking			
33	2	0	30	60	No on-street parking
40	2	2 <sup>12</sup>	30	60	Commercial/industrial streets
47	3(1TL)	0	35	60	Major commercial/industrial streets; no on-street parking permitted; parking shall [MUST] be provided off-street; turning movements when traffic warrants

<sup>10</sup> Street dimensions are from back of curb.  
<sup>11</sup> Design speed (not posted speed) for vertical and horizontal curves.  
<sup>12</sup> Parking may be provided off-street when a planter strip is used.

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**E. Optional Residential Interior Streets**

1. Residential interior streets shall provide for on-street parking unless the platting authority finds it is practical to substitute spillover parking for on-street parking in accordance with subsection E.2. below. If the platting authority so finds, residential interior streets may be improved in accordance with this section and table 21.08-3.
2. The platting authority may find that it is practical to substitute spillover parking for on-street parking only in residential subdivisions containing at least five acres or 25 dwelling units with a homeowners' association that is responsible for operating and maintaining spillover parking facilities.
3. Spillover parking substituted for on-street parking shall conform to the design standards in section 21.07.090, *Off-Street Parking and Loading*, shall be a designated common area owned and administered by the homeowners' association, and shall not be located within an individually owned lot or tract. The design of spillover parking lots [AREAS] shall be approved by the traffic engineer. The spillover parking lot [AREA] shall be shown on the plat, and a plat note shall be provided limiting the use of that area to spillover parking. Spillover parking lots [AREAS] shall not be counted toward required open space requirements. Spillover parking spaces in addition to the off-street parking spaces required under section 21.07.090 shall be provided for each lot fronting on a street without on-street parking under the following formula, using the maximum residential density permitted for the lot by its zoning district.

**TABLE 21.08-7: ADDITIONAL SPILLOVER PARKING SPACES REQUIRED FOR EACH LOT FRONTING ON A STREET WITHOUT ON-STREET PARKING**

Housing Type	Number of Spaces Per Unit
Dwelling, single-family [DETACHED]	1.5
Dwelling, single-family attached (1 to 4 units)	1.0
Dwelling, multiple-family (exceeding 4 units)	0.5

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**F. Access Streets, Peripheral Streets, and Half Streets**

1. **Access Streets**  
 The platting authority may require access streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access. The platting authority shall

1 determine the length of the access street that the subdivider shall improve. Access  
2 streets shall be improved in accordance with table 21.08-4.

3 **2. Peripheral Streets**

4 a. The platting authority may require the improvement of peripheral streets when it  
5 finds that they are necessary for the efficient flow of traffic or for emergency  
6 vehicle access.

7 b. Peripheral streets whose improvement is required under this subsection shall be  
8 improved in accordance with table 21.08-4, provided that peripheral streets used  
9 for access to individual lots shall be improved in accordance with tables 21.08-3  
10 and 21.08-5.

11 **3. Half Streets**

12 The municipal engineer or the platting authority may require the improvement of a half  
13 street in the urban area to one-half of the street width specified in table 21.08-3, if  
14 underground utilities will be installed before street construction.

15 **G. Curbs and Gutters**

16 Where required, the subdivider shall construct curbs and gutters in accordance with the *Design*  
17 *Criteria Manual* and *Municipality of Anchorage Standard Specifications* (MASS), or, in the case of  
18 a state-maintained road, the current standard specifications of the state department of  
19 transportation and public facilities. Curbs shall be of the American Association of State Highway  
20 and Transportation Officials (AASHTO) vertical type.

21 **H. Pedestrian Facilities**

22 **1. Sidewalks**

23 a. Sidewalks are required as determined by the transportation and connectivity  
24 standards in section 21.07.060.

25 b. Sidewalks shall be improved in accordance with table 21.08-8 below.

26 c. Sidewalks at bus stops shall comply with the specifications of the *Design Criteria*  
27 *Manual*.

28 **2. Walkways**

29 a. Walkways are required as determined by the transportation and connectivity  
30 standards in section 21.07.060.

31 b. Walkways shall be improved in accordance with table 21.08-8 below, as  
32 determined by the platting authority.

33 c. Walkways in dedicated pedestrian easements may be improved or unimproved,  
34 as determined by the platting authority.

35 **3. Pathways**

36 a. Pathways shall be located and constructed as determined by the Anchorage  
37 Non-Motorized Transportation Plan: Pedestrian Plan and the Anchorage Non-  
38 Motorized Transportation Plan: Bicycle Plan.

39 b. Where a pathway and a sidewalk are co-located, the facility shall be constructed  
40 according to the specifications for a pathway.

4. Trails

Trails shall be located and constructed as determined by the *Areawide Trails Plan* and other adopted municipal plans.

[WHERE A TRAIL AND A SIDEWALK ARE CO-LOCATED, THE FACILITY SHALL BE CONSTRUCTED ACCORDING TO THE SPECIFICATIONS FOR A TRAIL.]

TABLE 21.08-8: MINIMUM SIDEWALK, WALKWAY, AND TRAIL IMPROVEMENTS

Type of material	Minimum width	Separation from curb	Right-of-way	Notes
<b>Sidewalks</b>				
4" PCC	5	0	N/A	As a general rule, sidewalks should only be attached to the curb where on-street parking is allowed.
4" PCC	5	7	N/A	
Pavers	5	0 or 7	N/A	Decorative concrete or brick pavers
<b>Walkways</b>				
4" PCC	5		N/A	Walkways through commercial developments as required by 21.07.060 and 21.07.090 are generally not located in easements
4" PCC	5		10'	Not recommended where peat is surcharged
1 ½" AC	5		10"	Generally used for improved walkways creating through-block connections; between cul-de-sac bulbs; connecting to parks, trails, other open space
Gravel	5		10'	May be used in class B improvement areas
Unimproved			10'	
<b>Pathways</b>				
1 ½" AC	6	7		
<b>Trails</b>				
1 ½" AC	See Trails Plan	7		
Gravel		7		For class B improvement areas or nature trails
Unimproved				Generally for existing historical trails or trails through parks and open space

I. Street Lighting

Street lighting apparatus shall meet municipal standards for materials and design and be provided with underground power. The location of the streetlight poles shall be approved by the traffic engineer and shall comply with standards contained in the *Design Criteria Manual*.

J. Traffic Control Devices

Traffic and street name signs and traffic signals shall be installed in accordance with the requirements of the traffic engineer and the *Alaska Traffic Manual*, per the requirements of AS 28.01.010.

K. Monuments

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set by a professional registered land surveyor licensed by the state of Alaska. Survey monumentation shall conform to such additional standards as the municipal surveyor may establish by regulation under AMC chapter 3.40.

1 **L. Drainage System**

2 A drainage system approved by the municipal engineer, including necessary storm drainage  
3 facilities, drain inlets, subdrains, footing drain stub-outs, manholes, culverts, bridges and other  
4 appurtenances, shall be installed. The design of the drainage system shall provide for the  
5 preservation of designated high-quality wetlands critical to water table levels and wildlife habitat  
6 within and surrounding the subdivision, shall protect the water quality and the re-charge of  
7 groundwater and surface watercourses, and shall comply with the following standards:

- 8 1. No surface water drainage from the subdivision shall empty into a sanitary sewer; or  
9 directly, without treatment and energy dissipation, into a creek or stream channel.
- 10 2. The size, design, and construction of drainage structures shall conform to the *Design*  
11 *Criteria Manual*.
- 12 3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a  
13 storm water or drainage easement shall be provided that substantially conforms with the  
14 lines of such watercourse, plus additional width that is adequate and necessary to convey  
15 expected storm flows and/or storm water drainage facilities. Streets paralleling such  
16 easement may be required in connection therewith. Lakes, ponds, creeks, and similar  
17 areas will be accepted for maintenance by the municipality only if sufficient land is  
18 dedicated as a public recreation area or park or if such area constitutes a necessary part  
19 of the storm water drainage control system.
- 20 4. The municipality shall accept no responsibility to maintain any storm drainage structures,  
21 except for those lying within a municipal right-of-way, traversing municipally owned  
22 property, authorized by permit on state or federal land, or constructed in a publicly  
23 dedicated drainage easement of sufficient width to allow access.
- 24 5. The drainage system shall comply with the standards set forth in section 21.07.040,  
25 *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited*  
26 *Discharges*.
- 27 6. Unless waived by the municipal engineer, footing drain stub-outs shall be provided for  
28 each lot where there is a storm drain system.

29 **M. Telecommunication and Electric Facilities**

- 30 1. All new telecommunication and electric lines shall be installed in accordance with the  
31 specifications of the municipality and the utility providing the service.
- 32 2. All new telecommunication and electric utility distribution lines, as defined in chapter  
33 21.14, shall be placed underground:
- 34 a. As required by section 21.07.050, *Utility Distribution Facilities*; and
- 35 b. As required by the platting authority in areas with patterns of development similar  
36 to those where section 21.07.050 requires that utility distribution lines be placed  
37 underground.

38 **N. Water Supply Facilities**

- 39 1. **Access to Public Water System**
- 40 a. If the platting authority requires that a subdivision be served by a public water  
41 system, the subdivider shall install the system in accordance with the  
42 requirements of the state department of environmental conservation and the

1 most current edition of the *Design Criteria for Sanitary Sewer and Water*  
2 *Improvements* of the municipal water and wastewater utility.

3 b. Where connection to public water supply systems is required, such systems shall  
4 be dedicated to the municipality for operation and maintenance, thus allowing for  
5 the orderly expansion of the municipality, its water **systems**, and fire protection  
6 services that protect the health and property of the citizens of the municipality.

7 **2. No Access to Public Water System**

8 a. If the subdivision has no access to a public water system, the platting authority  
9 shall require either wells on individual lots or a water system for the common use  
10 of the lots in the subdivision, if site conditions require such a system.

11 b. If wells on individual lots are authorized, the subdivider need not install water  
12 supply facilities. A well serving an individual lot shall conform to the  
13 requirements of the municipal on-site water and wastewater program. A common  
14 water system serving a portion of the subdivision shall not preclude individual  
15 wells for the remaining lots.

16 c. If a common system is required, the subdivider shall install the system in  
17 accordance with the requirements of the state department of environmental  
18 conservation and the specifications of the municipal water and wastewater utility.

19 **O. Sanitary Sewer Facilities**

20 **1. Access to Public Sewer System**

21 a. If the platting authority or provisions of law require that a subdivision be served  
22 by a public sewer system, the subdivider shall install the system in accordance  
23 with the requirements of the state department of environmental conservation and  
24 the most current edition of the *Design Criteria for Sanitary Sewer and Water*  
25 *Improvements* of the municipal water and wastewater utility.

26 b. Where connection to public sanitary sewer systems is required, such systems  
27 shall be dedicated to the municipality for operation and maintenance, thus  
28 allowing for the orderly expansion of the municipality and its sanitary sewer  
29 system, which protects the health of the citizens of the municipality.

30 **2. No Access to Public Sewer System**

31 a. If the subdivision has no access to a public sewer system, the platting authority  
32 shall require either a sewer system for the common use of the lots, or sewage  
33 disposal systems serving individual lots, whichever is more suitable.

34 b. If site conditions require a sewer system for the common use of lots in the  
35 subdivision, the subdivider shall install such system in conformance with the  
36 requirements of the state department of environmental conservation and the  
37 municipal water and wastewater utility.

38 c. If the platting authority authorizes sewage disposal systems serving individual  
39 lots, the subdivider need not install sewer facilities. In such case, the minimum  
40 lot size requirements of AMC title 15 shall apply. The systems shall conform to  
41 the requirements of the municipal on-site water and wastewater program.

42 **P. Natural Gas Facilities**

43 All new natural gas facilities installed pursuant to this section shall be installed in accordance with  
44 the standard specifications of the municipality and the utility providing the service.

1 **Q. Erosion and Sedimentation Control**

2 All grading, excavating, and removal or destruction of natural topsoil, trees, or other natural  
3 vegetation shall conform to an erosion and sedimentation control plan prepared by the subdivider  
4 and approved by the department of **public works** [PROJECT MANAGEMENT AND  
5 ENGINEERING] before the work may commence. The plan shall conform to the requirements of  
6 section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited*  
7 *Discharges*, as well as municipal guidelines and policies contained in the *Soil Erosion and*  
8 *Sediment Control Manual*, and any other applicable guidelines and policies approved by the  
9 department of **public works** [PROJECT MANAGEMENT AND ENGINEERING].

10 **R. Landscaping**

11 The subdivider shall be responsible for the provision of landscaping required under section  
12 21.07.080, *Landscaping, Screening, and Fences*, except the tree provisions of subsection  
13 21.07.080F.8., and it shall be installed by the subdivider or guaranteed under the provisions of  
14 subsection 21.08.060E.

15 **21.08.060 SUBDIVISION AGREEMENTS**

16 **A. Agreement Required; Application; Contents**

17 **1. Agreement Required**

18 Before a final plat for a subdivision where improvements are required under section  
19 21.08.050 is approved or filed, the subdivider shall enter into a subdivision agreement  
20 with the municipality in accordance with this section.

21 **2. Application**

22 Application for a subdivision agreement shall be made to the department of **public works**  
23 [PROJECT MANAGEMENT AND ENGINEERING]. The application shall include a copy  
24 of the platting summary of action, a copy of the preliminary plat, a tentative schedule of  
25 all proposed construction of public improvements and utilities, and an engineer's estimate  
26 of the cost of each required public improvement. The engineer's estimate shall be based  
27 on the schedule of prices for standard items for private development projects, published  
28 by the municipal engineer. The municipality may require a showing of the subdivider's  
29 financial responsibility.

30 **3. Contents**

31 Except as provided in subsection A.4. below, the subdivision agreement shall include but  
32 need not be limited to the following provisions:

- 33 **a.** A designation of the public improvements required to be constructed.
- 34 **b.** The construction and inspection requirements of the municipality or utility for  
35 which the improvements are constructed.
- 36 **c.** The time schedule for completing the improvements.
- 37 **d.** The guarantee required by subsection 21.08.060E.
- 38 **e.** A schedule for any payments required under this section.
- 39 **f.** The allocation of costs between the municipality and the subdivider for required  
40 public improvements.
- 41 **g.** The warranty required by subsection 21.08.060G.

- 1                   h.       The consent of the subdivider for the ownership of specified public improvements  
2                   to vest with the municipality upon final acceptance by the municipality.
- 3                   i.       A warranty that the subdivider has title to the subdivision property and the  
4                   authority to execute the subdivision agreement.
- 5                   j.       Where the subdivision is within the flood hazard district, a requirement that the  
6                   subdivider will submit certification of floodproofing, information on the elevation of  
7                   the lowest habitable floor, and information on the elevation to which the structure  
8                   is floodproofed, for each building or structure to be constructed as part of the  
9                   subdivision agreement.
- 10                  k.       A provision requiring the subdivider to submit plans, specifications, descriptions  
11                  of work, the limits of the work area, the methods to be employed, a traffic control  
12                  plan, and any other pertinent data and information necessary for the municipal  
13                  engineer to evaluate the proposed installation.
- 14                  l.       A provision that all designs conform to the *Design Criteria Manual*, and that all  
15                  work shall be performed pursuant to the *Municipality of Anchorage Standard*  
16                  *Specifications*.
- 17                  m.       A provision that work shall not commence until plans have been approved by the  
18                  municipal engineer and notice to proceed is given.

19                  **4.       Exceptions**

20                       If the subdivider elects to complete and obtain acceptance of all required public  
21                       improvements before the approval or filing of a final plat for the subdivision, the  
22                       subdivision agreement need not include the guarantee provisions specified in items 3.c.  
23                       and d. above.

24                  **B.       Approval by Assembly**

25                       Approval by the assembly shall be required to enter into those subdivision agreements where  
26                       municipal participation in the cost of the required public improvements is estimated to be  
27                       \$30,000.00 or more.

28                  **C.       Time Limit for Completion of Improvements**

29                       1.       The municipal engineer shall determine the time duration of the subdivision agreement,  
30                       which shall not be less than two years nor more than three, based on the size,  
31                       complexity, and possible phasing of the subdivision. The improvements required under  
32                       the terms of the subdivision agreement shall be fully completed and accepted for  
33                       warranty within that time period. However, before the expiration of the subdivision  
34                       agreement, the subdivider may request a time extension from the municipal engineer.  
35                       The municipal engineer may grant one subdivision agreement time extension, up to two  
36                       years in length, upon a showing of good cause by the developer and provided such  
37                       extension does not unreasonably impact adjacent properties or the general public. The  
38                       municipal engineer does not have the authority to modify conditions placed by the platting  
39                       board. The municipal engineer may refer any extension application to the platting board  
40                       if the project is in default or he or she deems further or more extensive analysis and  
41                       public comment concerning the continuation of the subdivision agreement may be  
42                       needed. In considering whether an extension should be granted, the following shall be  
43                       considered: the manner in which safety hazards, drainage problems, sanding, snow  
44                       removal, grading, and other matters will be handled during the extension period.  
45                       Performance conditions may be imposed on the extension to ensure that such matters  
46                       are adequately handled.

- 1           2.       Requests for subsequent two-year time extensions require platting board approval. All  
2           time extensions shall be conditioned to require provision of an adequate performance  
3           guarantee when the existing guarantee is inadequate.

4   **D.       Payment of Costs of Required Improvements Outside the Anchorage Roads and Drainage**  
5   **Service Area**

- 6           1.       Outside of the Anchorage Roads and Drainage Service Area, the subdivider/developer  
7           shall pay 100 percent of all costs associated with construction, including but not limited to  
8           design, engineering, project administration and inspection, testing, surveillance, related  
9           bank fees and interest payments, fair market value of right-of-way, as well as all work,  
10          labor, and materials furnished for the construction of required improvements. The  
11          exception shall be those utilities whose tariffs provide cost participation.
- 12          2.       The subdivider shall retain an independent registered engineer who has no financial  
13          interest in the development, to inspect and test the improvement construction. The  
14          engineer shall maintain in good standing professional liability insurance in the amount of  
15          \$1,000,000 during the term of the agreement. Policies written on a “claims-made” basis  
16          shall [MUST] have a two year tail of coverage from the completion of the subdivision  
17          agreement term. The required insurance policy shall provide for no less than 30 days  
18          advance notice to the municipality prior to cancellation.

19   **E.       Payment of Costs of Required Improvements Inside the Anchorage Roads and Drainage**  
20   **Service Area**

21          The cost of any public improvement shall be defined to include the cost of design, engineering,  
22          contract administration, inspection, testing, and surveillance as well as all work, labor, and  
23          materials furnished for the construction of the improvement. The subdivision agreement shall  
24          provide for the apportionment of the cost of required public improvements between the  
25          municipality and the subdivider as follows:

- 26          1.       **Administrative and Recording Costs Relating to Public Improvement Guaranties**  
27          The subdivider shall pay 100 percent of all costs incurred in supplying and administering  
28          any method of public improvement guarantee provided for in subsection 21.08.060.
- 29          2.       **Inspection, Surveillance, and Testing**
- 30           a.       The subdivider shall pay 100 percent of all costs relating to any inspection,  
31           surveillance, and testing by the municipality, necessary for warranty acceptance  
32           of any required public improvement or during the warranty period. Surveillance  
33           shall be performed by the municipality during the course of construction and up  
34           to the point of final acceptance of the completed project.
- 35           b.       The subdivider shall retain an independent registered engineer who has no  
36           financial interest in the development, to inspect and test the improvement  
37           construction. The engineer shall maintain in good standing professional liability  
38           insurance in the amount of \$1,000,000 during the term of the agreement.  
39           Policies written on a “claims-made” basis shall [MUST] have a two year tail of  
40           coverage from the completion of the subdivision agreement term. The required  
41           insurance policy shall provide for no less than 30 days advance notice to the  
42           municipality prior to cancellation.
- 43          3.       **Administration of Agreement**  
44          The subdivider shall pay 100 percent of all costs of plan review, agreement  
45          administration, and attendant costs.

1           **4. Arterial and Collector Streets**

2 Reasonable costs incurred in the construction of a street designated on the *Official*  
3 *Streets and Highways Plan* (OSHP) as a collector, arterial, or greater shall be  
4 apportioned as specified in subsections E.4.a. through d. below. For purposes of this  
5 subsection, construction costs means only those costs associated with construction,  
6 design engineering, project administration and inspection, related bank fees and interest  
7 payments, and fair market value of right-of-way dedicated to the street in excess of 70  
8 feet.

9           **a. Interior Collector Streets**

10 If a collector street lies within the subdivision, the municipality shall reimburse the  
11 subdivider a sum equal to the reasonable construction cost of building to the  
12 standard specified by the platting authority, less the estimated cost of  
13 construction in accordance with the residential standard approved by the platting  
14 authority under tables 21.08-3 and 21.08-5, provided that:

15           i. When the subdivision agreement is executed:

16                   **(A)** The street is programmed for improvement to the designated  
17 standard in the six-year capital improvement program; and

18                   **(B)** Sufficient funds (bonds, designated state grants, or mil-levy)  
19 have been appropriated for reimbursement in the capital  
20 improvement budget for the current fiscal year; or

21           ii. When the preliminary plat of the subdivision is approved:

22                   **(A)** Construction to the designated standard is required by the  
23 platting authority;

24                   **(B)** Improvement to the designated standard is programmed in the  
25 six-year capital improvement program; and

26                   **(C)** Sufficient funds (bonds, designated state grants, or mil-levy)  
27 have been appropriated for reimbursement in the capital  
28 improvement budget for the current fiscal year.

29 If the conditions set forth in subsections 4.a.i. or ii. are not met at the time  
30 specified, then the total cost of construction required by the platting authority  
31 shall be borne by the subdivider.

32           **b. Interior Arterial Streets**

33 If an interior arterial or greater street is required to be constructed to arterial  
34 standards by the platting authority, the municipality shall reimburse the  
35 subdivider 100 percent of the reasonable construction cost subject to the  
36 availability of bond funds, state grants, or mil-levy funds appropriated for the  
37 construction of that street. If the platting authority has not required construction  
38 to arterial or greater standards, the subdivider shall construct the street to the  
39 standards required under subsection 21.08.050D. and shall bear 100 percent of  
40 the construction cost.

41           **c. Peripheral Streets**

42 If the subdivider is required to construct an abutting collector street, the  
43 municipality shall reimburse a sum equal to the reasonable construction cost of  
44 the standards specified by the platting authority less the estimated cost of  
45 construction in accordance with the residential standards under table 21.08-4,

1 subject to the conditions specified in subsection 4.a. above. If a subdivider is  
2 required to construct an abutting arterial or greater street to arterial or greater  
3 standards, the municipality shall reimburse in a manner and subject to the  
4 conditions set forth in subsection b. above. If the subdivider is not required to  
5 construct an abutting street to arterial or greater standards, the subdivider shall  
6 construct the street to the standards required under subsection 21.08.050F. and  
7 shall pay 100 percent of the cost of construction.

8 **d. Access Streets**

9 If the platting authority requires the construction of an access street under the  
10 authority of subsection 21.08.050D. that is designated as a collector, arterial, or  
11 greater, the municipality shall reimburse a sum equal to the reasonable  
12 construction cost of the standard specified by the platting authority less the  
13 estimated construction cost in accordance with the residential standards under  
14 table 21.08-4, subject to the availability of bond funds, state grants, or mil-levy  
15 funds appropriated for the construction of that street. If the platting authority has  
16 not required construction to collector or greater standards, the subdivider shall  
17 construct the street to the standards required under subsection 21.08.050D. and  
18 shall pay 100 percent of the construction costs.

19 **5. Other Streets**

20 Except as provided in subsection E.4., the subdivider shall pay 100 percent of the cost of  
21 streets within the boundaries of the subdivision. The subdivider shall additionally pay 100  
22 percent of the cost of all peripheral streets and access roads except as provided in  
23 subsection E.4. of this section whose construction may be required by the municipal  
24 engineer. The property within subdivisions that is later assessed by the municipality for  
25 final improvements to access and peripheral streets shall receive credit for the cost of  
26 salvageable improvements to those peripheral and access streets. Nonsalvageable  
27 improvements will not receive credit. Credit will be provided only when:

- 28 **a.** The municipality approved the award of the contract which included the work for  
29 which the credit is to be issued; and
- 30 **b.** The subdivider provided the municipality with a sworn notarized statement setting  
31 forth the distribution of the costs of salvageable improvements, which he utilized  
32 for purposes of establishing lot price, for each lot within his subdivision to which  
33 such costs were spread.

34 The credit will be applied as a reduction of assessment to each applicable lot, except that  
35 in no case will the amount of credit given to any lot exceed the amount of the assessment  
36 to that lot.

37 **6. Curbs, Sidewalks, and Walkways Adjacent to Streets**

38 The subdivider shall pay the cost of constructing curbs, and sidewalks and walkways  
39 adjacent to streets, in the same manner as the cost of constructing the streets to which  
40 they are adjacent as provided in subsections E.4. and 5.

41 **7. Sidewalks and Walkways not Adjacent to Streets**

42 The subdivider shall pay 100 percent of the cost of constructing all sidewalks and  
43 walkways not adjacent to streets.

44 **8. Storm Drains, Inlets, and Manholes**

45 The subdivider shall pay 100 percent of the cost of storm drains, inlets, and manholes  
46 necessary to serve the subdivision, provided that, within areas where the municipality  
47 provides drainage maintenance, the municipality shall reimburse the subdivider those  
48 costs attributable to oversizing required by the municipality. In those areas where the

1 municipality does not maintain drainage facilities, the subdivider shall pay all costs,  
2 including those for any required oversizing.

3 **9. Water Improvements**

4 If the subdivision is to receive water service from a public utility, the subdivider shall  
5 provide water facilities, including service connections to all lots, with cost participation as  
6 provided in the current approved tariff of the utility. If the subdivision is to receive water  
7 service from a community water system, the subdivider shall provide water facilities,  
8 including service connections to all lots, and pay 100 percent of the cost of those  
9 facilities.

10 **10. Sanitary Sewer Improvements**

11 The subdivider shall provide sanitary sewer facilities, including service connections to all  
12 lots, with cost participation as provided in the current approved tariff of the municipal  
13 sanitary sewer utility.

14 **11. Electrical and Telecommunication Facilities**

15 The subdivider shall provide electrical and telecommunication facilities with cost  
16 participation as provided in the current approved tariffs of the applicable utility  
17 companies.

18 **12. Deferred Utilities**

19 When paved street or sidewalk improvements are installed prior to placement of traffic  
20 control devices and electrical and telecommunication cable placement, the subdivider  
21 shall, at appropriate crossings as directed by the municipality, provide any necessary  
22 underground conduit consistent with conduit size, type, and installations standards  
23 provided by the utility.

24 **13. Street Lighting**

25 The subdivider shall pay the cost of street lighting apparatus in the same manner as the  
26 cost of constructing the streets to which it is adjacent as provided in subsections E.4. and  
27 5.

28 **14. Traffic Control Devices**

29 The subdivider shall pay 100 percent of the cost of traffic control devices. Traffic control  
30 devices, except electric-operated traffic signals, shall be installed prior to any structure  
31 being occupied in the subdivision.

32 **15. Landscaping**

33 The subdivider is responsible for required landscaping as stated in subsection  
34 21.08.050S. Landscaping shall meet the standards of section 21.07.080, *Landscaping,*  
35 *Screening, and Fences.*

36 **F. Subsequent Development Reimbursement**

37 [RESERVED]

38 **G. Guarantee of Completion of Improvements Required; Amount; Methods**

39 **1. Guarantee Required**

40 To ensure the installation of required public improvements that are not accepted at the  
41 time the final plat is filed, the subdivision agreement shall require the subdivider to  
42 guarantee the completion of all such improvements by one or more of the methods  
43 specified in this section. The means of a guarantee may be changed during the  
44 guarantee period upon approval by the municipal engineer. The amount of the guarantee  
45 shall be determined on the basis of the subdivider's cost estimate. The guarantee shall

1 remain in effect until warranty acceptance of the public improvements and the posting of  
2 an acceptable security for the warranty period.

3 **2. Cost Estimate; Overrun Allowance**

4 The engineer's cost estimate shall state the estimated cost of completion for each  
5 required public improvement. Cost estimates for each required public improvement shall  
6 [MUST] be approved by the department of public works [PROJECT MANAGEMENT AND  
7 ENGINEERING]. For purposes of establishing the amount necessary for the guarantee  
8 of completion of public improvements, a percentage for overrun allowance shall be added  
9 to the total estimated cost of public improvements as follows:

Total Estimated Cost of Improvements	Percent for Overrun Allowance
\$0.00--\$500,000.00	20
\$500,000.00--\$1,000,000.00	15
\$1,000,000.00 and over	10

10  
11 **3. Methods**

12 The subdivision agreement shall include one or more of the following methods to  
13 guarantee the construction of required public improvements:

14 **a. Performance Bond**

15 The subdivider may elect to provide a surety bond from a company authorized to  
16 do such business in the state. The bond shall be in a form acceptable to the  
17 municipal attorney and in an amount equal to the estimated cost of all required  
18 public improvements, plus an overrun allowance as provided in subsection G.2.  
19 above. The bond shall be payable to the municipality if any required public  
20 improvements are not finally accepted in accordance with the provisions of this  
21 title, and shall be posted by no person other than the subdivider or a contractor  
22 obligated by written contract to the subdivider for construction of all the required  
23 public improvements. In the event a contractor posts the bond, the subdivider  
24 and the municipality may be dual obligees under mutually agreed terms.

25 **b. Deposit in Escrow**

26 The subdivider may elect to deposit a cash sum equal to the estimated cost of all  
27 required public improvements plus overrun allowances as provided in subsection  
28 G.2. above, either with the municipality or in escrow with a responsible financial  
29 institution authorized to do such business in the state. In the case of an escrow  
30 account, the subdivider shall file with the municipality an escrow agreement that  
31 includes the following terms:

32 **i.** Funds of the escrow account shall be held in trust until released by the  
33 municipality and may not be used or pledged by the subdivider as  
34 security in any matter during that period other than payment for the  
35 improvements.

36 **ii.** In the case of a failure on the part of the subdivider to complete any  
37 improvement within the required time period, the institution shall  
38 immediately make all funds in such account available to the municipality  
39 for use in the completion of those improvements.

40 **c. Letter of Credit**

41 The subdivider may elect to provide from a bank or other responsible financial  
42 institution authorized to do such business in the state an irrevocable letter of

1 credit. Such letter shall be filed with the municipality and shall certify the  
2 following:

3 i. That the creditor irrevocably guarantees funds in an amount equal to the  
4 estimated cost of all required public improvements plus overrun  
5 allowances as provided in subsection G.2. above, for the completion of  
6 all such improvements; and

7 ii. That in the case of failure on the part of the subdivider to complete any  
8 specified improvements within the required time period the creditor shall  
9 pay to the municipality immediately and without further action such funds  
10 as are necessary to finance the completion of those improvements up to  
11 the limit of credit stated in the letter.

12 **H. Release of Guarantee of Improvements**

13 1. Inspection will be made by the municipality prior to acceptance of the improvements for  
14 warranty. The municipality shall have 14 days to complete the inspection and provide a  
15 list of deficiencies, except that the municipal engineer may extend the 14 day period for  
16 unusual circumstances such as extreme weather. The 14 day period shall begin on the  
17 day the municipality receives written notice from the subdivider that his or her  
18 comprehensive inspection has confirmed that construction of all required improvements  
19 is complete, all applicable subdivision agreement requirements are fulfilled, and the  
20 project is ready for municipal inspection.

21 2. When all listed deficiencies have been corrected, the subdivider shall notify the  
22 municipality in writing and the municipality shall perform a final inspection of the listed  
23 deficiencies within 7 days of receiving the notification, except that the municipal engineer  
24 may extend the 7 day period for unusual circumstances such as extreme weather. If the  
25 final inspection reveals uncorrected listed deficiencies, this procedure shall be repeated.

26 3. The municipality shall release the obligation for performance guarantees upon the  
27 acceptance of the improvements for warranty, together with the posting of adequate  
28 security for warranty.

29 4. The municipality may refuse to release the obligation for any particular public  
30 improvement if the subdivider or contractor is in present or imminent default in whole or in  
31 part on the completion of any public improvement or warranty covered by the subdivision  
32 agreement.

33 **I. Improvement Warranty**

34 1. The subdivider shall warrant and guarantee that required public improvements  
35 constructed under the agreement will remain in good condition and meet operating  
36 specifications for two years, commencing with warranty acceptance of each public  
37 improvement when it is completed. Such warranty includes defects in design,  
38 workmanship, materials, and any damage to improvements caused by the subdivider, his  
39 or her agents, or others engaged in work to be performed under the subdivision  
40 agreement. If the municipal engineer deems appropriate, extensive repairs or  
41 modifications made during the warranty period may extend the duration of the warranty  
42 period for those repairs or modifications only. The subdivider shall not be responsible for  
43 cleaning, snow removal, ditching, grading, dust control, or similar activities during the  
44 warranty period. Nothing in this title, however, is intended to waive the requirements of  
45 AMC chapter 24.80, pertaining to miscellaneous use provisions.

46 2. To secure the warranty:



- 1 1. All required public improvements are built to specifications necessary to receive warranty  
2 acceptance; and
- 3 2. The improvements remain in good condition for the completion of the warranty period.  
4 The municipality may use guarantee funds for the construction, repair, or maintenance of  
5 required public improvements from the date of initial default until three years after the  
6 funds have become available to the municipality for such use, except that no use shall be  
7 made of the funds later than two years after satisfactory completion and warranty  
8 acceptance of the work. Following either: (1) the warranty acceptance of all public  
9 improvements and posting of the warranty security, or (2) final acceptance, or (3) the  
10 three-year period provided for in this subsection, the municipality shall pay to the  
11 subdivider all guarantee funds which were not used or obligated for the completion of the  
12 improvements.

13 **M. Agency Coordination**

14 Upon receipt of notification of violation or concern by municipal departments or outside agencies,  
15 the municipal engineer may suspend approval on work authorized through the subdivision  
16 agreement until such time that the issue is resolved.

17 **N. Standards May Not Be Altered; Enforcement of Chapter**

18 All provisions of this chapter are mandatory and may not be altered by the subdivision  
19 agreement. The obligations contained in this chapter shall be enforceable by methods of  
20 enforcement of ordinance as well as contract.

21 **21.08.070 CONSERVATION SUBDIVISIONS**

22 **A. Purpose**

23 A conservation subdivision is an alternative type of residential development in which the lots are  
24 allowed to be smaller in area or narrower than otherwise required in the zoning district, but in  
25 which the overall number of lots does not exceed the maximum number of lots allowed in a  
26 conventional subdivision by the zoning district. Conservation subdivisions are intended to create  
27 a more compact residential development to preserve and maintain open areas, high value natural  
28 lands, and lands unsuitable for development, in excess of what would otherwise be required by  
29 this title.

30 **B. Applicability**

31 The conservation subdivision option may be used on any parcel with a minimum of at least two  
32 acres in any residential district in which [DETACHED] single-family housing is permitted, provided  
33 that the proposal is consistent with the requirements in this section 21.08.070.

34 **C. Conservation Design Process**

35 Conservation subdivisions shall be approved through the procedure set forth in section  
36 21.03.200, *Subdivisions and Plats*.

37 **D. Reduction in Minimum Lot Area Allowed**

38 Conservation subdivisions may include one or more lots that do not conform to the minimum lot  
39 size or lot width requirements of chapter 21.06, or the dimensional requirements of subsections  
40 21.08.030J.1. and 2., provided that:

- 41 1. The amount of any reduction in minimum lot size shall be used for common open space,  
42 pursuant to F. below;
- 43 2. There shall be no more than one principal single-family structure per lot;

- 1           3.       Front and rear setbacks interior to the subdivision are not less than half the depth  
2                   required by the underlying zoning district, but side setbacks are not less than the width  
3                   required by the underlying zoning district;
- 4           4.       On any lot that is less than the minimum lot size of the underlying zoning district, the  
5                   principal structure shall have a maximum floor area ratio of not more than 0.5;
- 6           5.       In class A improvement areas, street sections shall have vertical curbs;
- 7           6.       Driveways shall have a maximum width of 14 feet at the curb;
- 8           7.       Where on-street parking is allowed, a minimum 20 foot separation distance between the  
9                   curb returns of adjacent driveways shall be provided; and
- 10          8.       Common open space with level 4 Screening landscaping shall be provided along any lot  
11                   line abutting a residential neighborhood where any adjoining lot is greater than 150% of  
12                   the average lot size along that lot line of the conservation subdivision. In class B areas  
13                   this abutting landscaped open space area shall be one hundred feet wide.

14   **E.       Lot Coverage Allowed**

15           The maximum lot coverage requirements for lots in a conservation subdivision, as set forth in  
16           chapter 21.06, may be increased by no more than 10 percent.

17   **F.       Minimum Open Space**

18           The amount of lot size reduction of each lot shall, in total, be provided as common open space,  
19           except that under no circumstances shall the amount of common open space provided be less  
20           than 30 percent of the property shown on the subdivision plat. Open space shall be identified  
21           using the standards set forth in subsection 21.07.030B.4., *Private Open Space, Standards*,  
22           except that no portion of the land preserved as common open space may be located within the  
23           boundaries of an individual lot for residential development, or in a road right-of-way, and no  
24           portion of the land preserved as common open space may be less than 30 feet in its smallest  
25           dimension in class A districts or less than 100 feet in its smallest dimension in class B districts, or  
26           have less square footage than one-half of the square footage of the minimum lot size for that  
27           district. In order that all residents of a development have access, there should be, provided by  
28           the developer, a common pedestrian corridor leading into all common open space. Common  
29           open space areas in class B improvement areas shall remain undisturbed.

30   **G.       Dedication and Recording**

31           The required common open space shall be preserved from development in perpetuity through the  
32           use of a deed restriction or easement, and shall be conveyed to a property owners' association or  
33           other organization with responsibility for maintenance of the open space and the ability to collect  
34           assessments or dues for such purpose. The applicant shall submit proof that:

- 35          1.       Such deed restriction or easement has been recorded at the district recorder's office; and
- 36          2.       The property owners' association or other organization has been established before any  
37                   building or land use permits for construction in a conservation subdivision shall be issued.

38  
39

# CHAPTER 21.09: GIRDWOOD LAND USE REGULATIONS

---

## 21.09.010 PURPOSE

The purposes of this chapter 21.09 are to provide standards and regulations to implement the comprehensive plan elements for Girdwood, preserve and enhance the distinctive mountain-resort character and natural environment of the Girdwood area, and avoid overlap with standards and regulations applicable in other districts of the Municipality.

## 21.09.020 APPLICATION OF CHAPTER 21.09

### A. Applicability

These regulations and standards shall apply only to the Girdwood area of the Municipality as further delineated below.

### B. Relationship to Other Title 21 Provisions

1. To the extent any provision in this chapter conflicts with other provisions of title 21, the provisions of this chapter shall govern. If certain provisions overlap but are not in conflict, then the provisions of this chapter shall be considered to supplement title 21 requirements and are additional requirements.

2. When any section of title 21, with the exception of chapter 21.08, references class A and class B districts, any lot in Girdwood that is less than 40,000 square feet shall be considered a class A district, and any lot in Girdwood that is 40,000 square feet or greater shall be considered a class B district.

### C. Girdwood Defined

This chapter applies to, and the term Girdwood in this chapter refers to, the land in Girdwood Valley shown on the Girdwood map in section 21.09.020D. and having the following real property description:

Those lands lying within the boundary of the Municipality of Anchorage, within the Anchorage Recording District, Third Judicial District, State of Alaska; including all private, municipal and state land and those lands under state selection in Chugach National Forest; more particularly described as follows:

#### 1. Township 10 North, Range 2 East, Seward Meridian, Alaska

- a. All of Sections 1, 2, 3, 4, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21, 28, 29, 30, 32, 33
- b. All of Sections 5, 7, 8, 18, excluding Chugach State Park
- c. W2 of Section 14; and
- d. N2N2 of Section 22

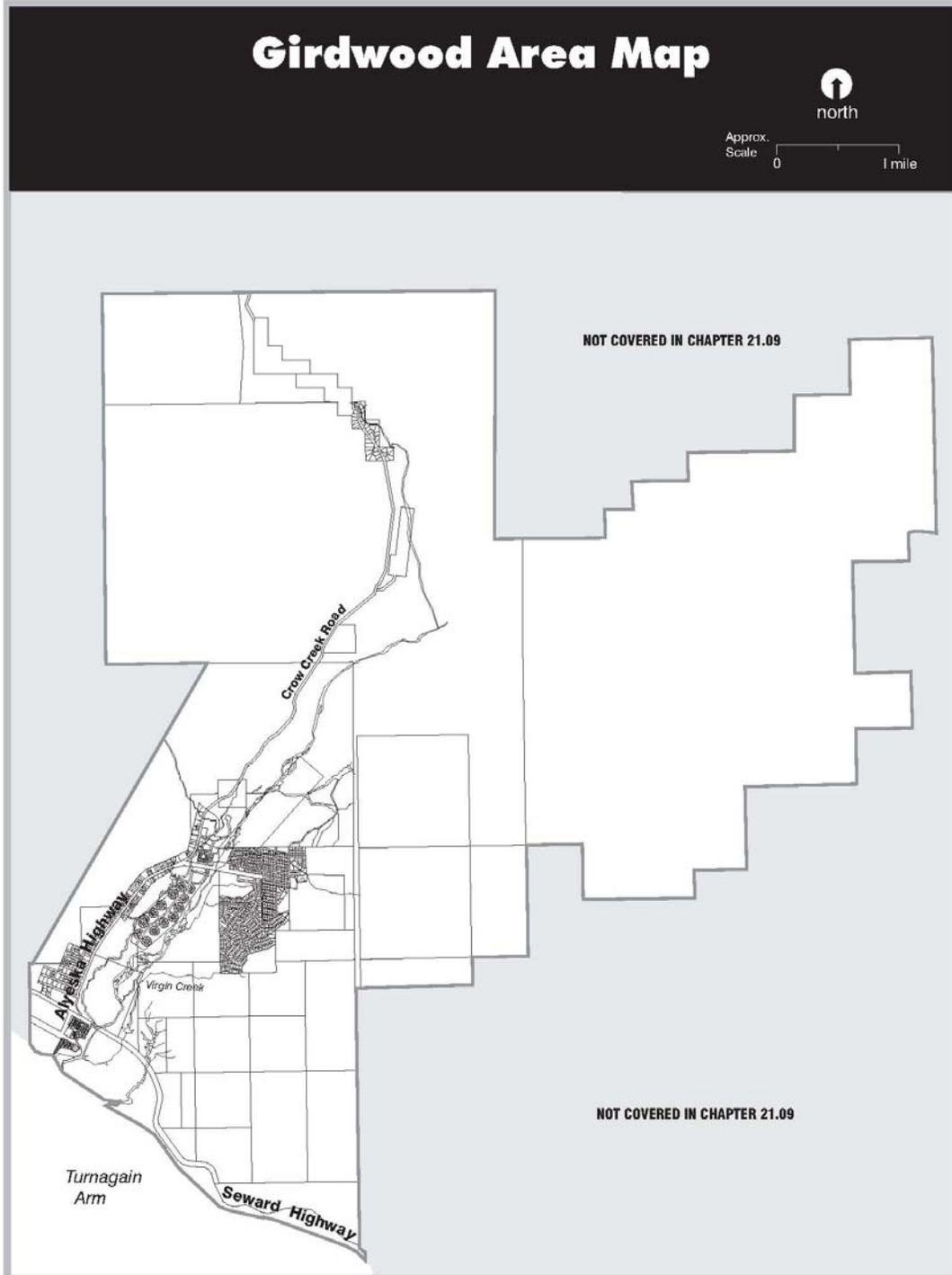
#### 2. Township 10 North, Range 3 East, Seward Meridian, Alaska

- a. All of Section 5, excluding the NE4 within Chugach National Forest
- b. All of Section 6
- c. All of Section 7, excluding the SE4 within Chugach National Forest
- d. NW4 of Section 8
- e. N2NW4 of Section 18

- 
- 1           **3.     Township 11 North, Range 3 East, Seward Meridian, Alaska**  
2           a.     All of Sections 29, 31  
3           b.     SE4 of Sections 20, 30  
4           c.     W2SW4 of Section 21  
5           d.     W2W2 of Section 28  
6           e.     NE4 of Section 32  
7           f.     NW4NW4 of Section 33  
8           **4.     Township 11 North, Range 2 East, Seward Meridian, Alaska**  
9           a.     All of Sections 20, 21, 22, 27, 28, 29, 32, 33, 34  
10          b.     E2E2 of Sections 19, 30, 31  
11          c.     W2W2 of Sections 23, 26  
12          d.     All of Section 35, excluding the N2NE4 and NE4NW4 within Chugach National  
13          Forest  
14          e.     All of Section 36, excluding the NW4NW4 within Chugach National Forest  
15          f.     Excluding all lands within the boundaries of Chugach State Park and non-state-  
16          selected lands with Chugach National Forest  
17   **D.     Nonconformity Determinations**  
18    Nonconformity determination fees relating to property in Girdwood that has become  
19    nonconforming with the adoption of this chapter shall be waived for one year after January 1,  
20    2006.

21

1 E. Chapter 21.09 Area Map



2

**21.09.030 ADMINISTRATION AND REVIEW PROCEDURES**

**A. Title 21 Administrative Provisions and Procedures Apply**

Except as provided specifically in this chapter, all development in Girdwood shall be subject to and reviewed pursuant to the generally applicable administrative and review procedures set forth in chapters *21.02, Boards, Commissions, and Municipal Administration, and 21.03, Review and Approval Procedures.* [21.10, *BOARDS AND COMMISSIONS; ADMINISTRATIVE OFFICERS;* 21.15, *VARIANCES, CONDITIONAL USES, SUBDIVISION APPROVAL AND OTHER SPECIAL LAND USE PERMITS;* AND 21.20, *ZONING MAP AMENDMENTS.*]

**B. Pre-Application Meetings**

A pre-application meeting with the director is required for all applications for rezonings, subdivisions, conditional uses, and master plans, unless waived by the director.

**C. Use Area and Use District Boundaries to be Established During the Master Planning Process**

Where specific boundary lines need to be established between lands in different ownerships, or lands within the same ownership with different land uses as defined by a master plan, the Girdwood Area Plan, or the Table of Allowed Uses in this chapter, and no adequate boundaries exist to serve this purpose, the boundaries shall be defined as outlined below. These steps make explicit the intent of a boundary line (for example, to correspond with a stream setback). By clearly defining the intent of these boundaries, the lines may be correctly located during subsequent field surveys. These steps are particularly important in the delineation of areas to remain in the Open Space district.

1. The master plan process is used to identify the basis for boundaries separating land uses and lands in different ownerships (e.g., boundary between lands to remain in public ownership and lands sold for development). This includes both defining boundaries *within* the overall master plan area, and refining the *external* boundaries of the master plan area, particularly important where external boundaries are based on generalized environmental data associated with the Girdwood Area Plan.

2. Boundaries shall be based on at least one of the references listed below, suitable for final determination of the boundary at such time as subdivision and the associated survey occurs.

a. A surveyed or otherwise readily observed geographic reference point or line (such as a public street, property line or boundary, centerline of a stream channel, etc.);

b. A describable environmental condition (such as change in vegetative cover type or slope); or

c. A land use objective, including those adopted in the Girdwood Area Plan (such as the boundary between an area of low and moderate density residential use, controlled in large part by the total number of residential uses allowed within the master plan area).

3. The master plan process is an appropriate tool to refine the external boundaries of land use districts set by the Girdwood Area Plan. In making these refinements, the total amount of land intended for the Open Space district shall not be less than the Girdwood Area Plan Open Space acreage identified within the particular area covered by a specific, single Master Plan. However the boundaries with the adjoining Open Space may be shifted to create a more efficient and logical land use pattern.

1 This tool does not preclude requesting a zoning map amendment for a change of use  
2 (see **section 21.03.160** [CHAPTER 21.20]) over a larger area than may be  
3 accommodated through the boundary refinement process.

- 4 **4.** The written and mapped description of boundaries of all applicable land use districts shall  
5 be determined by master plan analyses and shall be included in the materials submitted  
6 as part of the master plan. These boundaries shall not be modified substantially at the  
7 time of subsequent development review without a show of cause by the applicant, and  
8 following review and approval by the approving agency.

9 **D. Minor Modifications for Site Constraints**

10 It is the intent of this subsection to allow special consideration to those lots adversely affected by  
11 their existing conditions and/or the setbacks set forth in this subsection. The director is  
12 authorized to consider and grant the following minor modifications:

13 **1. Physical Features**

14 If, on lots  $\leq 15,000$  square feet in the residential, commercial, and resort districts, or on  
15 lots less than 80 feet wide in residential districts, site constraints, such as stands of  
16 mature trees, rock outcroppings, slopes over 30 **percent** [%], wetlands, highway  
17 setbacks, or other permanent obstacles, are present within the building envelope defined  
18 by the setbacks, the building envelope may be shifted on the lot by reducing the rear  
19 setback to a minimum of 10 feet, and the side setback to a minimum of five feet on one  
20 side, but the total area of the building envelope shall remain the same. However, the  
21 front setback shall not be reduced.

22 **2. Lot Shape, Residential Districts**

23 For wedge-shaped lots  $\leq 15,000$  square feet, if the difference in lot width is greater than  
24 20 feet from front to back, the 10 foot side setback in section 21.09.060A.1. shall apply in  
25 the wider half of the lot. In the narrower half of the lot, the side setback shall be five feet.  
26 For purposes of this subsection, the boundary between the two halves of the lot shall be  
27 determined by locating a line midway between the front and rear lot boundaries. The five  
28 foot setback in the front half of the lot shall transition into the 10 foot setback in the rear  
29 half of the lot as shown in figure 21.09-1. This provision supercedes the side and rear  
30 setback flexibility in note 2 of table 21.09.060-1.

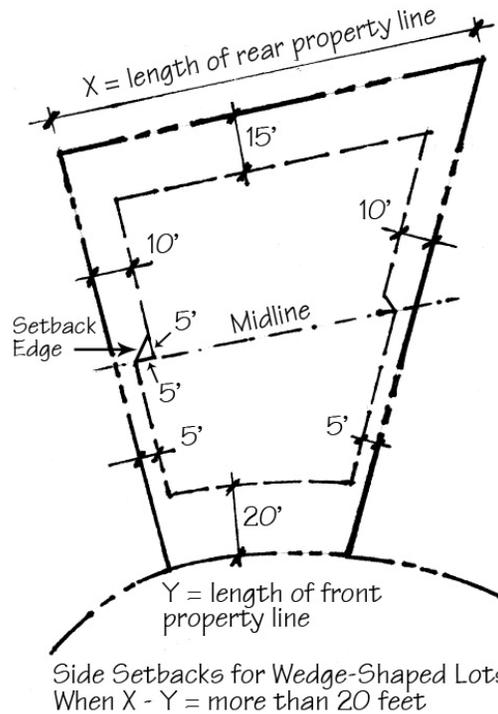


Figure 21.09-1: Wedge-shaped Lots

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**3. Narrow Lots, Commercial Districts**

On narrow lots, where side setbacks result in a building envelope width of less than 25 feet, the building envelope may be expanded into one or more side setback(s), as needed to provide a 25 foot wide building envelope, but a side setback(s) shall not be reduced to less than five feet, except as provided in the dimensional standards in table 21.09.060-2, nor shall the adjusted building envelope width be greater than 25 feet.

**4. Corner Lots, Commercial Districts**

On corner lots where the secondary front setback reduces the building envelope to less than 25 feet in width, the secondary front setback may be reduced to no less than equal to the side yard setback requirement for the district, as needed to increase the building envelope to no more than 25 feet wide.

**E. Area Master Planning**

**1. Purpose**

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

**2. Applicability**

**a. Mandatory: Girdwood**

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

- 1                   **b.     Optional**  
2                   In addition to the criteria listed above, any other area in joint or single ownership  
3                   may opt to use the area master plan process on a voluntary basis.
- 4                   **3.     Procedures**
- 5                   **a.     Pre-Application Conference**  
6                   Before filing an application, an applicant shall request a pre-application  
7                   conference with the director.
- 8                   **b.     Community Meeting**  
9                   A community meeting may be required.
- 10                  **c.     Initiation**  
11                  An application for approval of an area master plan shall be initiated by the owner  
12                  of the property.
- 13                  **d.     Application Filing**  
14                  Applications for approval of an area master plan shall be submitted to the director  
15                  and shall contain all information and supporting materials specified in  
16                  subsection e., below.
- 17                  **e.     Submittal Requirements**  
18                  Submittal requirements are set out below, and shall be in either narrative or  
19                  illustrative form. The director may waive submittal requirements not relevant to  
20                  the proposed area master plan. The planning and zoning commission and/or the  
21                  director may require the submission of other information as may be necessary for  
22                  the informed exercise of judgment under the criteria for the review of the plan, as  
23                  set out in subsection 4., below.
- 24                  **i.     The legal description, boundaries, and acreage of the petition area, and**  
25                  **an explanation of boundary delineation, pursuant to subsection**  
26                  **21.09.030C., if applicable;**
- 27                  **ii.    The present land use classification of the petition area and abutting**  
28                  **property;**
- 29                  **iii.   The current use, if any, of the petition area and abutting property,**  
30                  **including roads, utilities, drainage systems, trails, parks, parking lots**  
31                  **[AREAS], and any structures;**
- 32                  **iv.    The general topography of the petition area (contours lines shall be**  
33                  **shown at intervals of 10 feet or less), including any unique natural or**  
34                  **historical features. Mapping shall be at a scale of one inch equals 200**  
35                  **feet, or less;**
- 36                  **v.     A general description of the existing vegetation, soils, and habitat in the**  
37                  **petition area;**
- 38                  **vi.    The location of streams, waterbodies, wetlands, drainage courses, and**  
39                  **flood plains;**
- 40                  **vii.   The planning objectives and design considerations used to determine**  
41                  **the use and configuration of the proposed development;**
- 42                  **viii.  A conceptual site plan showing the various existing and proposed types**  
43                  **of land uses, depicting the relationship to each other and to surrounding**

- 1 uses, proposed acreage, character, and densities/intensity of  
2 development for each type of use, and proposed open spaces. The site  
3 plan shall be in the form of a “bubble map” locating these “development  
4 areas” and other required elements in an approximate fashion;
- 5 ix. A general description of the traffic and pedestrian circulation system  
6 proposed for the petition area, showing connections between land uses,  
7 neighborhoods, and proposed public schools, parks, open space areas,  
8 and trails/bikeways;
- 9 x. A traffic study to determine the impacts of the proposed development on  
10 the transportation system;
- 11 xi. A general description of the utility system layout;
- 12 xii. An explanation of any unique features of the proposed development;
- 13 xiii. An analysis of offsite impacts to utilities and public services, including  
14 schools and fire and police services;
- 15 xiv. A detailed discussion of conformance with the Girdwood Area Plan, the  
16 Girdwood Commercial Areas and Transportation Master Plan, the  
17 Areawide Trails Plan, and other applicable Girdwood area planning  
18 documents;
- 19 xv. A general development schedule and phasing plan, if any, and  
20 approximate date for commencement of construction; and
- 21 xvi. If the petition area contains wetlands designated in the *Anchorage*  
22 *Wetlands Management Plan*, the applicant shall submit:
- 23 (A) A wetlands delineation study based on the evaluation techniques  
24 contained in the *Corp of Engineers Wetlands Delineation*  
25 *Manual*;
- 26 (B) Hydrologic information specifying the quality, amount and  
27 direction of flow of surface and subsurface water, as well as  
28 information on the drainage impacts of the development on  
29 adjacent property;
- 30 (C) Vegetation information indicating the distribution of wetland,  
31 coniferous and deciduous species; and
- 32 (D) Habitat information on the type, number, and species of animals,  
33 including birds.
- 34 f. **Director Review, Report, and Recommendation**  
35 The director shall review the proposed area master plan in light of the approval  
36 criteria of subsection 4., below, and shall distribute the application to other  
37 reviewers as necessary. Based on the results of the reviews, the director shall  
38 provide a report and recommendation to the planning and zoning commission.
- 39 g. **Public Hearing**  
40 Published, written, and posted notice of public hearings on area master plans  
41 shall be provided in accordance with section **21.03.020H.** [21.15.005.]

1           **h.        Review and Action by Planning and Zoning Commission**

2           The planning and zoning commission shall hold a public hearing on the proposed  
3           area master plan and, at the close of the hearing, act to approve the plan as  
4           submitted, approve the plan subject to conditions or modifications, remand the  
5           plan to the applicant for modifications, or deny the plan, based on the approval  
6           criteria of subsection 4., below.

7           **4.        Approval Criteria**

8           An area master plan may be approved if the planning and zoning commission finds all of  
9           the following criteria have been met:

10          **a.**        The area master plan substantially conforms to the principles and objectives of  
11          the Girdwood Area Plan, any approved neighborhood, district, or area plans, and  
12          the general purposes of this chapter as stated in section 21.09.010;

13          **b.**        The streets, roads, and other transportation elements are in conformance with  
14          applicable transportation plans;

15          **c.**        The development has no substantial adverse fiscal impact on the Municipality;

16          **d.**        The development provides significant community benefits in terms of design,  
17          community facilities, open space, and other community amenities;

18          **e.**        The development is compatible with the character of the surrounding area and  
19          minimizes any potential adverse impacts to surrounding areas to the maximum  
20          extent feasible; and

21          **f.**        Sufficient public safety, transportation, and utility facilities and services are  
22          available to serve the subject property at the proposed level of development,  
23          while maintaining sufficient levels of service to existing and anticipated  
24          development in surrounding areas.

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

26          No development rights are granted by the approval of an area master plan. An approved  
27          area master plan allows the applicant to file applications for development within the plan  
28          area including, but not limited to, site plans, conditional use permits, or preliminary  
29          subdivision plans. An approved area master plan also creates a presumption that design  
30          density, uses, and site layout set forth in the plan are acceptable to the municipality,  
31          subject to further review and application of relevant regulations in the review of  
32          subsequent applications. However, approval of the area master plan shall not guarantee  
33          such density and uses are attainable.

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

35          **a.        Modification without Public Hearing**

36          By request of the applicant or subsequent landowner, an approved area master  
37          plan may be modified by the planning and zoning commission, without a public  
38          hearing, if the modification proposes:

39          **i.**        A change to the development schedule or phasing plan of not more than  
40          seven years (applicable only if a development master plan is not also  
41          required);

42          **ii.**       Changes of 10 percent or less to the number of dwelling units or the total  
43          combined floor area of commercial and industrial uses;

- 1  
2  
3
- iii. A shift between development areas of 10 percent or less of the number of dwelling units or the total combined floor area of commercial and industrial uses;
- 4  
5
- iv. A change to the acreage of any development area of 10 percent or less; or
- 6  
7  
8
- v. A change the planning and zoning commission determines does not change the impacts on the surrounding neighborhood and public infrastructure and services.
- 9
- b. **Modification with Public Hearing**
- 10 By request of the applicant or subsequent landowner, an approved area master  
11 plan may be modified by the planning and zoning commission, only after a public  
12 hearing, if the modification proposes:
- 13
- i. A change to the development schedule or phasing plan of more than  
14 seven years (applicable only if a development master plan is not also  
15 required);
- 16
- ii. A reduction of acreage of open space;
- 17
- iii. Changes to the number of dwelling units or the total combined floor area  
18 of commercial and industrial uses of more than 10 percent but less than  
19 25 percent;
- 20
- iv. A shift between development areas of more than 10 percent but less  
21 than 25 percent of the number of dwelling units or the total combined  
22 floor area of commercial and industrial uses;
- 23
- v. A change to the acreage of any development area of more than 10  
24 percent but less than 25 percent;
- 25
- vi. A change to any conditions of approval imposed by the planning and  
26 zoning commission at the time of area master plan approval; or
- 27
- vii. A change the planning and zoning commission determines changes the  
28 type and/or amount of impact on the surrounding neighborhood and  
29 public infrastructure and services.
- 30
- c. **New Application Required**
- 31 The planning and zoning commission shall not consider an application for  
32 modification of an area master plan, and the applicant shall be directed to file a  
33 new application for area master plan approval, if the modification proposes:
- 34
- i. Changes to the number of dwelling units or the total combined floor area  
35 of commercial and industrial uses of 25 percent or more;
- 36
- ii. A shift between development areas of 25 percent or more of the number  
37 of dwelling units or the total combined floor area of commercial and  
38 industrial uses;
- 39
- iii. A change to the acreage of any development area of 25 percent or more;  
40 or

- 1                   iv.     A change the planning and zoning commission determines substantially  
2                                 changes the types of uses, the intensity of use, or the area of the area  
3                                 master plan.

4           7.     **Abandonment of Area Master Plan**

5           An area master plan approval shall expire if:

- 6           a.     Implementation of the area master plan schedule is delayed for more than seven  
7                         years without a request for a schedule modification as outlined in  
8                         subsections 21.09.030E.6.a. or 21.09.030E.6.b. (applicable only if a development  
9                         master plan is not also required); or
- 10           b.     The property owner notifies the planning and zoning commission of the  
11                         abandonment of the area master plan approval.

12   F.     **Development Master Planning**

13           1.     **Purpose**

14           A development master plan is intended to shape and manage future growth of a site and  
15           provide certainty to the community by stating a clearly articulated vision for the character,  
16           layout, and design of the development of the site. At a minimum, the development  
17           master plan shall establish specific circulation systems; specific land uses; site  
18           dimensional, design, and development standards; and building design standards for the  
19           identified development areas. The intent of this process is for master planned areas to  
20           result in development meeting or exceeding the standards of this chapter, reflecting the  
21           character of Girdwood and the purposes of this chapter and title 21.

22           2.     **Applicability**

23           a.     ***Mandatory: Girdwood***

24           An approved development master plan is required prior to development in any of  
25           the following Girdwood zoning districts: gC-1, GRST-1, GRST-2; GCR-1, GCR-  
26           2, GCR-3.

27           b.     ***Optional***

28           A development master plan may be developed through this process for any multi-  
29           building development within the Municipality.

30           3.     **Procedures**

31           a.     ***Pre-Application Conference***

32           Before filing and application, an applicant shall request a pre-application  
33           conference with the director.

34           b.     ***Community Meeting***

35           A community meeting may be required.

36           c.     ***Initiation***

37           An application for approval of a development master plan shall be initiated by the  
38           owner of the subject property.

39           d.     ***Application***

40           Applications for approval of a development master plan shall be submitted to the  
41           director and shall contain all information and supporting materials specified in  
42           subsection e., below.

1           e.       **Submittal Requirements**

2           The design standards proposed in the development master plan may differ from  
3           the standards of sections 21.09.060, 070, and 080, but shall meet or exceed  
4           those standards, as described in subsection 4.g., below.

5           Submittal requirements are listed below and shall be in either narrative or  
6           illustrative form. The director may waive submittal requirements not relevant to  
7           the proposed development. The planning and zoning commission and/or the  
8           director may require the submission of other information as necessary for the  
9           informed exercise of judgment under the criteria for the review of the plan, as set  
10          out in subsection 4., below.

11          i.       The legal description, acreage, and boundaries of the proposed petition  
12          area, an explanation of boundary delineation, pursuant to subsection  
13          21.09.030C, if applicable, and a depiction of the area surrounding the  
14          petition area;

15          ii.      A site plan of any existing development, including buildings, roads,  
16          utilities, drainage systems, trails, and a general description of existing  
17          vegetation;

18          iii.     The topography of the petition area, with contours lines shown at  
19          intervals of four feet or less, including any unique natural or historical  
20          features;

21          iv.     The location of existing streams, waterbodies, wetlands, drainage  
22          courses, and flood plains;

23          v.       A grading plan;

24          vi.     A proposed site plan, showing roads, trails, building locations and uses,  
25          parking **lots** **[AREAS]**, open space, and any other proposed  
26          development. The site plan shall include the total number and type of  
27          dwelling units, and the total combined floor area of commercial and  
28          industrial uses;

29          vii.    A landscape plan, including vegetation retention areas;

30          viii.   Floor plans, building elevations, and renderings for all buildings;

31          ix.     Road cross-sections;

32          x.      Details of any other development proposed; and

33          xi.     An implementation schedule.

34          f.       **Director Review, Report, and Recommendation**

35          The director shall review the proposed development master plan in light of the  
36          approval criteria of subsection 4., below, and shall distribute the application to  
37          other reviewers as necessary. Based on the results of the reviews, the director  
38          shall provide a report and recommendation to the planning and zoning  
39          commission.

40          g.       **Public Hearing**

41          Published, written, and posted notice of public hearings on development master  
42          plans shall be provided in accordance with section **21.03.020H**. **[21.15.005.]**

1           **h.       Review and Action by Planning and Zoning Commission**

2           The planning and zoning commission shall hold a public hearing on the proposed  
3           development master plan and, at the close of the hearing, act to approve the plan  
4           as submitted, approve the plan subject to conditions or modifications, remand the  
5           plan to the applicant for modifications, or deny the plan, based on the approval  
6           criteria of subsection 4., below.

7           **4.       Approval Criteria**

8           A development master plan may be approved if the planning and zoning commission  
9           finds all of the following criteria have been met:

10          **a.**       The development master plan substantially conforms to the principles and  
11          objectives of the *Girdwood Area Plan*, any approved neighborhood, district, or  
12          area plans, and the general purposes of this chapter, as stated in section  
13          21.09.010;

14          **b.**       The streets, roads, and other transportation elements are in conformance with  
15          applicable transportation plans;

16          **c.**       The development has no substantial adverse fiscal impact on the municipality.

17          **d.**       The development provides significant community benefits in terms of design,  
18          community facilities, open space, and other community amenities.

19          **e.**       The development minimizes any potential adverse impacts to surrounding  
20          residential areas to the maximum extent feasible.

21          **f.**       Sufficient public safety, transportation, and utility facilities and services are  
22          available to serve the subject property at the proposed level of development,  
23          while maintaining sufficient levels of service to existing and anticipated  
24          development in the surrounding areas.

25          **g.**       The design standards are equivalent to or exceed the generally applicable  
26          development standards of sections 21.09.060, .070, and .080, and result in high-  
27          quality, environmentally sensitive development in keeping with the *Girdwood*  
28          *Area Plan*, the intent of this chapter, and the character of Girdwood.

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

30          The planning and zoning commission shall determine whether a proposed modification to  
31          an approved development master plan may be approved without a public hearing, may  
32          be approved with a public hearing, or is significant enough to require a new development  
33          master plan.

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

35          A development master plan approval shall expire if:

36          **a.**       Implementation of the development master plan schedule is delayed for more  
37          than seven years without a request for a schedule modification as outlined in  
38          section 21.09.030F.5.; or

39          **b.**       The property owner notifies the planning and zoning commission of the  
40          abandonment of the development master plan.

**21.09.040 ZONING DISTRICTS**

This section establishes the zoning districts and contains basic information pertaining to zoning districts, primarily general descriptions and district-specific regulations. The following sections 21.09.050 through 21.09.080 set forth the uses allowed within the districts and the dimensional, development, and design standards applying to development in the districts.

**A. Zoning Districts Established**

Girdwood is divided into the following zoning districts:

TABLE 21.09.040-1: GIRDWOOD ZONING DISTRICTS ESTABLISHED		
District Type	District Name	District Description
Residential Districts	gR-1	Alyeska Highway Mixed Residential
	gR-2	Single-Family/Two-Family Residential
	gR-2A	Single-Family/Two-Family Residential (Crow Creek Road)
	gR-3	Single-Family/Two-Family Residential
	gR-4	Multiple-Family Residential
	gR-5	Multiple-Family Residential
Commercial Districts	gC-1	Seward Highway/Alyeska Highway Commercial
	gC-2	Girdwood Station/Seward Highway Commercial
	gC-3	Old Townsite Commercial/Residential
	gC-4	Lower Alyeska Highway Commercial
	gC-5	New Townsite South Commercial
	gC-6	Crow Creek Road Commercial/Residential
	gC-7	Townsite Square Commercial
	gC-8	New Townsite North Commercial
	gC-9	East Hightower Commercial/Residential
	gC-10	Upper Alyeska Highway Commercial
Industrial Districts	gI-1	Ruane Road Industrial
	gI-2	Upper Crow Creek Industrial
Resort Use Districts	GRST-1	Original Mountain Base Resort
	GRST-2	New Base Resort
Other Districts	GA	Girdwood Airport
	GOS	Girdwood Open Space
	GIP	Girdwood Institutions and Parks
	GCR-1	Commercial Recreation (Golf Course/Nordic Ski Course)
	GCR-2	Commercial Recreation (Glacier – Winner Creek)
	GCR-3	Commercial Recreation (Crow Creek Historic Mine)
	GDR	Development Reserve
	GRR	Recreation Reserve
GW	Girdwood Watershed	

**B. Residential Districts**

**1. General Description**

There are six residential districts in Girdwood. The residential districts primarily permit the development of residential dwelling units of various intensities, although some also permit the development of overnight lodging, child care, religious assembly, community buildings and uses, noncommercial parks, private academic schools and utility facilities.

Girdwood-specific site and building design standards are contained in sections 21.09.070 and 21.09.080.

**2. Districts**

**a. gR-1 (Alyeska Highway Mixed Residential) District**

**i. Location**

The gR-1 district is located in two sections along Alyeska Highway from just north of the railroad to just past the junction with Crow Creek Road and encompasses already-sewered, established and largely developed residential neighborhoods characterized generally by single-family detached and two-family development.

**ii. Intent**

The intent of this district is to continue the existing pattern of development as dwelling units are constructed on the remaining undeveloped lots, and to permit development of hostels, inns and multiple-family housing.

**b. gR-2 (Single-Family/Two-Family Residential) District**

**i. Location**

The gR-2 district is located in the following three areas:

**(A)** The Mine Roads area west of Alyeska Highway, just north of the railroad;

**(B)** South of Alyeska Highway, west of Timberline Drive; and

**(C)** Alyeska Basin Subdivision, lying north and south of Alyeska Highway, at the base of Mt. Alyeska.

**ii. Intent**

These are established and largely developed residential neighborhoods characterized by single-family detached and two-family development. The intent is to allow development to continue in a manner consistent and compatible with existing development patterns.

**iii. District-Specific Standards**

Nonresidential uses may be allowed as provided in table 21.09.050-1, but shall be allowed only on central sewer, not septic systems.

**c. gR-2A (Single-Family/Two-Family Residential—Crow Creek Road) District**

**i. Location**

The gR-2A district is located on both sides of Upper Crow Creek Road in Crow Creek Valley, just south of the Girdwood Mine.

**ii. Intent**

This area consists of an established, sparsely-developed residential neighborhood characterized by single-family detached development. The intent of this district is to allow development to continue in a manner consistent and compatible with existing development patterns.

**iii. Federal Patents to Mineral Estate and Valid State and Federal Mining Claims**

The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the

1 auspices of those patents and/or claims shall comply with relevant  
2 federal and state regulations.

3 **iv. *District-Specific Standards***  
4 In spite of section 3.a. below, commercial vehicles, shipping containers,  
5 construction equipment, and the like may be stored outdoors in this  
6 district.

7 **d. *gR-3 (Single-Family/Two-Family Residential) District***

8 **i. *Location***  
9 Discrete areas of the gR-3 district are located in the following areas:

10 **(A)** West of Alyeska Highway, west of the gR-1 district and west of  
11 the Mine Roads portion of the gR-2 district; and

12 **(B)** Both east and west of Crow Creek Road.

13 **ii. *Intent***  
14 The gR-3 district is found in a number of areas and consists of  
15 undeveloped land designated primarily for single-family detached and  
16 two-family development, although other types of residential uses and  
17 visitor accommodations may be allowed pursuant to the master planning  
18 process and table 21.09.050-1.

19 **iii. *Area Master Planning Required***

20 **(A)** Prior to subdivision or development of any portion of this district,  
21 area master planning is required pursuant to section 21.09.030E.

22 **(B)** Uses allowed in this district are set forth in table 21.09.050-1.  
23 Area master planning shall not change the allowed uses in this  
24 district, unless the master plan is adopted concurrently with  
25 amendments to the *Girdwood Area Plan* and this chapter.

26 **(C)** Dimensional standards, site development and design standards,  
27 and building design standards for this district are set out in  
28 sections 21.09.060, 21.09.070, and 21.09.070, respectively.  
29 Area master planning shall not change those standards.

30 **e. *gR-4 (Multiple-Family Residential) District***

31 **i. *Location***  
32 The district consists of two already-developed areas at the base of Mt.  
33 Alyeska, two, small already-developed areas on the west side of  
34 Alyeska Highway, and an area south of Alyeska Highway, just east of  
35 Glacier Creek.

36 **ii. *Intent***  
37 The intent for the gR-4 district is to continue the existing pattern of  
38 multiple-family development on sewers. Single-family and two-family  
39 development is allowed on existing lots of less than 20,000 square feet.

40 **f. *gR-5 (Multiple-Family Residential) District***

41 **i. *Location***  
42 The gR-5 district consists of two areas which are:

43 **(A)** West of Crow Creek Road, just north of California Creek; and

- 1 (B) East of Crow Creek Road, west of Glacier Creek.
- 2 ii. *Intent*
- 3 This district is intended for multiple-family development on sewers.
- 4 iii. *District-Specific Standards*
- 5 (A) *Minimum Density*
- 6 The minimum density for residential development where public
- 7 sewer is available, shall be five dwelling units per acre.
- 8 (B) *Single-Family Development in gR-5*
- 9 One single-family structure is allowed on a parcel only where
- 10 public sewer is not available. Minimum lot size shall be 50,000
- 11 square feet. Subdivision is prohibited for the purpose of
- 12 providing single-family development.

13 3. **District-specific Standards for All Residential Districts**

14 a. ***Prohibited Uses and Structures***

15 Vehicles, shipping containers, construction trailers, and similar items, shall not be

16 used for habitation or storage. Commercial vehicles, shipping containers,

17 construction equipment, and similar items, shall not be stored outdoors in

18 residential districts.

19 b. ***Use of Setbacks***

20 i. Structures, including but not limited to fences, trash dumpsters, and

21 storage sheds, shall not be placed within any setback area, except as

22 otherwise provided in this chapter.

23 ii. Private vehicles, trailers, boats, snow machines, recreational vehicles,

24 other non-commercial vehicles, and similar items, may be stored in the

25 front setback only in the driveway, but shall not be stored closer than five

26 feet to the side or rear property lines.

27 iii. Architectural elements, such as roof overhangs, eaves, and awnings,

28 shall not project more than two feet into a required setback area.

29 iv. Decks, unroofed porches, exterior steps, terraces, and similar items,

30 shall not project into setback areas, except exterior steps necessary for

31 site access may project into setback areas.

32 v. Walkways may be constructed within setback areas.

33 vi. Bed and breakfast signs and project identification signs may be placed in

34 the front setback area.

35 C. **Commercial Districts**

36 1. **General Description**

37 There are ten commercial districts in Girdwood, labeled gC-1 through gC-10. The

38 commercial districts permit a varied range of commercial uses, and some of the

39 commercial districts also permit the development of residential dwelling units.

40 In order to provide adequate review of larger projects, to protect the public interest,

41 prohibit the development of structures out of scale with the character of different parts of

42 Girdwood, and provide flexibility and simplicity of development, certain uses have

1 different review and approval requirements, depending on the size of the use. The sizes  
2 and approval requirements are delineated in table 21.09.050-1.

3 Girdwood-specific site and building design standards are contained in sections 21.09.070  
4 and 21.09.080.

5 **2. Districts**

6 **a. gC-1 (Seward Highway/West Alyeska Highway Commercial) District**

7 **i. Location**

8 The gC-1 district consists of land located north of the Seward Highway,  
9 west of the Alyeska Highway, and south of the railroad at the entrance to  
10 Girdwood Valley, containing approximately 23 acres.

11 **ii. Intent**

12 The overall design goal for this district shall be to create a mix of rail,  
13 bus, trail, and highway-related commercial uses. This district may be a  
14 possible site for a passenger terminal, trailhead for the Iditarod trail  
15 and/or a transfer point between private autos and carpools, buses, or  
16 other forms of transportation. The district contains intertidal and high  
17 value freshwater wetlands, and also has high visibility. Consequently,  
18 the master plan for this district needs to carefully consider both  
19 environmental and community aesthetics. This district shall become an  
20 attractive gateway to Girdwood Valley, with visual character appropriate  
21 to the entry to a mountain resort community. Landmark-quality elements  
22 are encouraged in any development visible from the highways, and the  
23 design of larger buildings shall make every effort to reduce the  
24 perception of building mass and make the building appear to be an  
25 aggregation of smaller, simple forms.

26 **iii. Development Master Planning Required**

27 **(A)** Prior to subdivision or development of any portion of this district,  
28 development master planning is required pursuant to section  
29 21.09.030F.

30 **(B)** Subject to section 21.09.030F., the development master plan  
31 may change the dimensional standards, site development and  
32 design standards, and building design standards for this district  
33 set forth in sections 21.09.060, 21.09.070, and 21.09.080,  
34 respectively.

35 **(C)** Development proposals that are part of an approved  
36 development master plan are exempted from the review and  
37 approval requirements of table 21.09.050-1, except when  
38 required as a condition of approval.

39 **iv. District-Specific Standards**

40 **(A)** The façade of any retail commercial development or multimodal  
41 facility facing the Seward Highway or Alyeska Highway shall  
42 avoid a “back-door” appearance.

43 **(B)** Building and landscape materials typical of Girdwood, such as  
44 natural wood, native trees and flowers, and local stone, shall be  
45 emphasized.

1           **b.     gC-2 (Girdwood Station/Seward Highway Commercial) District**

2           i.     *Location*

3           The gC-2 district is comprised of land on the east side of Alyeska  
4           Highway, west of Dawson Street, at the intersection of the Alyeska  
5           Highway with the Seward Highway. The district fronts both highways.

6           ii.    *Intent*

7           The gC-2 district, along with the gC-1 district, constitutes the entry to  
8           Girdwood Valley and shall be developed as part of an attractive gateway  
9           to a mountain resort community. Because of the proximity to the Seward  
10          Highway, residential uses are not appropriate in this district. Landmark-  
11          quality elements are encouraged in any development visible from the  
12          highways, and the design of larger buildings shall make every effort to  
13          reduce the perception of building mass and make the building appear to  
14          be an aggregation of smaller, simple forms.

15          iii.   *District-Specific Standards*

16          Building and landscape materials, such as natural wood, native trees and  
17          flowers, and local stone, shall be emphasized.

18          **c.     gC-3 (Old Townsite Commercial/Residential) District**

19          i.     *Location*

20          The gC-3 district is comprised of the land north of the gC-2 district, east  
21          of the Alyeska Highway, south of the Alaska Railroad, and west of  
22          Glacier Creek at the entrance to Girdwood Valley.

23          ii.    *Intent*

24          This district reflects the development pattern of early Girdwood, with a  
25          mix of houses and small businesses on small lots creating the  
26          appearance of a small, historic town. There are still many vacant lots in  
27          this district to be developed with either residences or small commercial  
28          and craft-oriented businesses to retain the unique scale and visual  
29          quality of this district.

30          iii.    *District-Specific Standards*

31          **(A)**    *Residential Character*

32          To maintain overall neighborhood integrity, new nonresidential  
33          development in the old townsite shall have a residential  
34          character, even though the zoning permits commercial uses.  
35          Elements of residential character in the old townsite include  
36          predominantly pitched roofs, porches and protected entryways,  
37          rectangular and vertically oriented windows recessed into the  
38          exterior wall or window trim, no blank walls, and special attention  
39          to the detailing of windows, doors, porches and protected entries  
40          on the ground floor. Siding and trim shall be traditional  
41          residential in appearance, and avoid materials associated with  
42          industrial uses.

43          **(B)**    *Parking*

44          On-street parking may satisfy parking requirements; excessive  
45          on-site parking is discouraged. Up to 50 percent of the width of  
46          the front setback may be used for parking, provided parking **lots**  
47          **[AREAS]** allow for sidewalks so pedestrians may comfortably  
48          and safely walk by parking stalls.

1 (C) *Accessory Structures and Outdoor Storage*  
2 Uses shall adhere to residential district standards for outdoor  
3 storage and accessory structures.

4 d. ***gC-4 (Lower Alyeska Highway Commercial) District***

5 i. *Location*

6 The gC-4 district consists of three commercially developed lots located  
7 on the west side of Alyeska Highway, south of Crow Creek Road,  
8 surrounded by residential uses.

9 ii. *Intent*

10 This district permits continued commercial use or a variety of residential  
11 uses. Use and redevelopment of the lots in this district shall protect the  
12 visual quality of the Alyeska Highway corridor by maintaining and  
13 enhancing the predominantly natural character of views along the  
14 highway.

15 iii. *District-Specific Standards*

16 Removal of existing vegetation shall be in accordance with section  
17 21.09.070D.4.b.

18 e. ***gC-5 (New Townsite South Commercial) District***

19 i. *Location*

20 The gC-5 district consists of previously-platted land between Glacier  
21 Creek and California Creek, south of Alyeska Highway, owned, at the  
22 time this chapter is adopted, by the Municipality. Although this district is  
23 identified as a commercial district, it also includes park, open space, and  
24 institutional lands, with boundaries proposed to be modified through a  
25 detailed master plan process.

26 ii. *Intent*

27 This district is the southern extension of the new townsite. Development  
28 in this district is intended to include a blending of commercial,  
29 institutional and park uses, with new and modified access routes  
30 established. Small commercial lots are anticipated along the extension  
31 of south Hightower, where a main street character, similar to the north  
32 townsite area, is intended. This may differ from larger lot commercial  
33 development at the south end of the commercial district, where a larger  
34 structure (grocery store) is anticipated. Although buildings are likely to  
35 be larger than in new townsite areas north of the Alyeska Highway, the  
36 desired character is expected to be compatible with Girdwood's mining  
37 town origins, using elements such as human-scale building massing;  
38 varied rooflines; protected entries; traditional window forms; well-detailed  
39 retail frontages; and use of natural materials.

40 iii. *Area Master Planning Required*

41 (A) Prior to subdivision or development of any portion of this district,  
42 area master planning is required pursuant to section 21.09.030E.

43 (B) Uses allowed in this district are set forth in table 21.09.050-1.  
44 Area master planning shall not change the allowed uses in this  
45 district, unless the master plan is adopted concurrently with  
46 amendments to the *Girdwood Area Plan* and this chapter.

- 1 (C) Dimensional standards, site development and design standards,  
2 and building design standards for this district are set forth in  
3 sections 21.09.060, 21.09.070, and 21.09.070, respectively.  
4 Area master planning shall not change those standards.
- 5 f. **gC-6 (Crow Creek Road Commercial/Residential) District**  
6 i. *Location*  
7 The gC-6 district is located north of Alyeska Highway, along both sides of  
8 lower Crow Creek Road, and along Hightower Road north of the new  
9 Townsite.
- 10 ii. *Intent*  
11 The intent for this district is to continue the existing pattern of mixed  
12 residential and commercial uses, while allowing expansion of the new  
13 townsite core.
- 14 g. **gC-7 (Townsite Square Commercial) District**  
15 i. *Location*  
16 The gC-7 district is a square block located north of the Alyeska Highway,  
17 bounded by Hightower Road, Lindblad Avenue, Holmgren Place, and  
18 Girdwood Place. This district presently consists of small lots developed  
19 with commercial uses.
- 20 ii. *Intent*  
21 This district is intended to be the commercial core of Girdwood, with  
22 commercial uses developed at street level, although residential dwelling  
23 units may be constructed over the ground floor commercial uses.  
24 Buildings shall be at human scale and relate strongly to both the street  
25 front and to the town square park, in order to support the park as a public  
26 amenity. Site development shall provide strong pedestrian connections  
27 to neighboring lots.
- 28 iii. *District-specific Standards*  
29 (A) *Building Orientation*  
30 Buildings shall be oriented perpendicular to, or parallel with,  
31 public streets and to other buildings.
- 32 (B) *Double-Loaded or Double-Sided Commercial*  
33 Buildings with frontage on Town Square Park shall be designed  
34 and constructed so ground floor commercial, retail and/or  
35 restaurant establishments shall have public/customer spaces  
36 and a public entrance facing Town Square Park, as well as on  
37 the front side.
- 38 (C) *Rear Setbacks and Relationship to Town Square Park*  
39 Uses allowed in the rear setback, facing Town Square Park,  
40 shall focus on public activity rather than being fully private or  
41 service areas. Outdoor spaces and structures, such as terraces,  
42 porches, and decks, may encroach into the rear setback.  
43 Service areas or mechanical equipment in the rear are  
44 discouraged and, if unavoidable, shall be screened from the  
45 park.

- 1 (D) *Side Setbacks along Public Rights-of-Way Accessing Town*  
2 *Square Park*  
3 Building or structural improvements are allowed within the side  
4 setback if related to the public space, under the following  
5 standards:
- 6 (1) No blank building walls or sight-obstructing fences are  
7 allowed.
- 8 (2) There shall be at least one building public entry facing  
9 the public access right-of-way, with a connecting  
10 walkway.
- 11 (3) The side of the building facing the public access right-of-  
12 way shall meet the design standards for store fronts in  
13 subsection 21.09.080F.2.f.
- 14 (4) Non sight-obscuring fences, such as picket fences, and  
15 garden gates no higher than 42 inches in height are  
16 allowed.
- 17 (E) *Fences*  
18 Privacy walls or fences, that shall match the materials of the  
19 principal building on the lot, are permitted only around private  
20 terraces on the ground floor, or to screen service areas. Fences  
21 bordering the public rights-of-way into Town Square Park are  
22 permitted subject to subsection (D), above.
- 23 (F) *Snow Storage Areas*  
24 Snow storage areas in the side and rear setbacks shall be  
25 designated to not interfere with or damage public spaces or  
26 passageways between buildings.
- 27 (G) *Parking*  
28 In addition to the more generally applicable standards for  
29 parking, development in the gC-7 district is subject to the new  
30 townsite parking provisions of subsection 21.09.070K.3.  
31 Driveways are prohibited along side setbacks adjoining the  
32 public rights of way accessing Town Square Park.
- 33 h. **gC-8 (New Townsite North Commercial) District**  
34 i. *Location*  
35 The gC-8 district is located north of Lindblad Avenue, on both sides of  
36 Hightower Road. This district includes the Girdwood Post Office and  
37 neighboring lots to the north, east, and west.
- 38 ii. *Intent*  
39 The intent of this district is for northward commercial and residential  
40 expansion of the new townsite core. Buildings shall continue the human  
41 scale and physical character of the new townsite core, and maintain a  
42 strong relationship to the street. Properties along Hightower Road shall  
43 express a visible transition from the built-up environment around town  
44 square to a more forested landscape along the northern extension of  
45 Hightower Road. Residential dwelling units are permitted on upper floors  
46 above ground-floor commercial uses.

1           i.       ***gC-9 (East Hightower Commercial/Residential) District***

2           i.       *Location*

3           The gC-9 district is located north of Alyeska Highway, east of Hightower  
4           Road and west of Glacier Creek. This district presently is a mix of  
5           commercial and residential uses.

6           ii.      *Intent*

7           It is intended to provide expansion area for the new townsite core,  
8           continuing a mixture of multiple-family residential and commercial uses.  
9           Buildings shall be at human scale. Site development shall have strong  
10          street orientation and provide pedestrian connections to neighboring lots.

11          j.       ***gC-10 (Upper Alyeska Highway Commercial) District***

12          i.       *Location*

13          The gC-11 district is an undeveloped portion of a residentially developed  
14          subdivision. This district is located on the south side of Alyeska  
15          Highway, west of Timberline Drive.

16          ii.      *Intent*

17          The intent of this district is to permit development of a limited range of  
18          non-retail commercial uses along with residential uses in a manner  
19          compatible with the surrounding residential land use.

20          3.       **District-Specific Standards for Commercial Districts**

21          The following standards shall apply to commercial districts.

22          a.       ***Ground-floor Residential***

23          In the gC-2, gC-5, gC-7, and gC-8 commercial districts, residential uses are  
24          permitted only on an upper story above the ground floor. Commercial and/or  
25          other non-residential uses shall occupy the ground floor.

26          b.       ***Arcades and Covered Walkways in the New Girdwood Townsite***

27          In the gC-5, gC-7, gC-8 and gC-9 districts, arcades or roofed walkways are  
28          required along the street face of all new buildings and as part of any application  
29          for modification or redevelopment. In the gaps between buildings within these  
30          districts, privately maintained walkways are required. Development standards for  
31          arcades and walkways on building frontages are established in subsection  
32          21.09.080E.5.d.

33          c.       ***Use of Setbacks in Commercial Districts***

34          i.       Service facilities, such as trash dumpsters, storage sheds, fuel tanks,  
35          and similar facilities, shall not be placed within setback areas.

36          ii.      No parking spaces are permitted within required setbacks, except in the  
37          gC-3 district with its small lots and existing businesses, where up to 50  
38          percent of the width of the front setback may be used for parking.

39          iii.     Business signs, walkways, snow protection over walkways and  
40          landscape plantings may be placed within, and driveways may cross,  
41          setback areas.

42          iv.      Except for arcaded or roofed walkways, no architectural elements  
43          attached to a building, such as roofed decks or terraces, roof overhangs,  
44          attached exterior stairs and upper-story balconies, shall project more  
45          than two feet into a setback area. On lots smaller than 5,000 sq. ft.,  
46          however, where parking access is only from the rear service alley, the

1 garage and its roof overhang may encroach into the setback to within  
2 five feet of the property line.

3 v. Walkways and terraces may use up to 50 percent of the side and rear  
4 setback, and may occupy all of the front setback area not required for  
5 snow dumping from roofs and for snow storage from paved areas.

6 **D. Industrial Districts**

7 **1. General Description**

8 There are two industrial districts in Girdwood, labeled gl-1 and gl-2. The gl-1 district, the  
9 Ruane Road industrial area, permits a varied range of commercial and industrial uses.  
10 The gl-2 district, encompassing the existing industrial mining area along Upper Crow  
11 Creek Road, primarily permits continuation of the existing use, along with a limited  
12 number of other uses. Girdwood-specific site and building design standards are  
13 contained in sections 21.09.070 and 21.09.080.

14 **2. Districts**

15 **a. gl-1 (Ruane Road Industrial) District**

16 i. *Location*  
17 The gl-1 district consists of the Ruane industrial area east of lower  
18 Alyeska Highway.

19 ii. *Intent*  
20 This largely undeveloped area is intended to contain the industrial uses  
21 necessary for the future development of Girdwood. In addition,  
22 commercial uses requiring large areas for storage, or with potentially  
23 more substantial visual and noise impacts than appropriate for the  
24 Girdwood commercial districts, are permitted in this district.

25 **b. gl-2 (Upper Crow Creek Industrial) District**

26 i. *Location*  
27 The gl-2 district is an active commercial mine at the upper end of Crow  
28 Creek Road.

29 ii. *Intent*  
30 The intent for this district is to permit continuation of existing mining  
31 activities and accessory activities thereto.

32 iii. *Federal Patents to Mineral Estate and Valid State and Federal Mining*  
33 *Claims*  
34 The properties in this district have federal patents to mineral estate  
35 and/or valid state and federal mining claims. Mining activity under the  
36 auspices of those patents and/or claims shall comply with relevant  
37 federal and state regulations.

38 **E. Resort Districts**

39 **1. General Description**

40 There are two resort districts in Girdwood, labeled gRST-1 and gRST-2, focused on  
41 tourism and alpine skiing. The gRST-1 district consists of the area around the existing  
42 day lodge, referred to as the original mountain base resort. The gRST-2 district consists  
43 of the Alyeska Resort ski slopes, the Alyeska Prince Hotel area, and undeveloped  
44 property for future resort expansion. The resort districts permit a varied range of  
45 commercial uses and the development of multi-family residential dwelling units.

1 In order to provide adequate review of larger projects, to protect the public interest,  
2 prohibit the development of structures out of scale with the character of different parts of  
3 Girdwood, and provide flexibility and simplicity of development, certain uses have  
4 different review and approval requirements, depending on the size of the use. The sizes  
5 and approval requirements are delineated in table 21.09.050-1.

6 **2. Districts**

7 **a. GRST-1 (Original Mountain Base Resort) District**

8 **i. Location**

9 The gRST-1 district consists of the original Alyeska Resort base area,  
10 currently in multiple ownership, and already largely developed with  
11 commercial uses generally related to the alpine ski facility.

12 **ii. Intent**

13 The intent of this district is to continue its use as an alpine ski resort base  
14 area, particularly for day skiers.

15 **iii. Development Master Planning Required**

16 **(A)** Prior to any development of over 20,000 square feet gross floor  
17 area, development master planning is required pursuant to  
18 section 21.09.030F.

19 **(B)** Uses allowed in this district are set forth in table 21.09.050-1.  
20 Development master planning shall not change the allowed uses  
21 in this district, unless the master plan is adopted concurrently  
22 with amendments to the Girdwood Area Plan and this chapter.

23 **(C)** Subject to section 21.09.030F., the development master plan  
24 may change the dimensional standards, site development and  
25 design standards, and building design standards for this district  
26 set forth in sections 21.09.060, 21.09.070, and 21.09.080,  
27 respectively.

28 **(D)** Development proposals that are part of an approved  
29 development master plan are exempted from the review and  
30 approval requirements of table 21.09.050-1, except when  
31 required as a condition of approval.

32 **b. GRST-2 (New Base Resort) District**

33 **i. Location**

34 The gRST-2 district consists of the Alyeska Resort ski slopes, the  
35 Alyeska Prince Hotel and adjoining parking lot [AREA], the undeveloped  
36 area between the original mountain base area and the Alyeska Prince  
37 Hotel, and an undeveloped area lying north of the Alyeska Prince Hotel,  
38 across Moose Meadows Creek. The latter area is suitable for a future  
39 resort base development.

40 **ii. Intent**

41 The intent of this district is to maintain and expand upon the current  
42 development for alpine skiing and tourism.

- 1                   iii.     *Area Master Planning and Development Master Planning Required*
- 2                   (A)     *Area Master Planning*
- 3                   (1)     Prior to any development of over 20,000 square feet
- 4                             gross floor area, area master planning is required
- 5                             pursuant to section 21.09.030E.
  
- 6                   (2)     Uses allowed in this district are set forth in
- 7                             table 21.09.050-1. Area master planning shall not
- 8                             change the allowed uses in this district, unless the
- 9                             master plan is adopted concurrently with amendments to
- 10                            the Girdwood Area Plan and this chapter.
  
- 11                  (B)     *Development Master Planning*
- 12                  (1)     Prior to any development of over 20,000 square feet
- 13                             gross floor area, development master planning is
- 14                             required pursuant to section 21.09.030F.
  
- 15                  (2)     Uses allowed in this district are set forth in
- 16                             table 21.09.050-1. Development master planning shall
- 17                             not change the allowed uses in this district, unless the
- 18                             master plan is adopted concurrently with amendments to
- 19                             the *Girdwood Area Plan* and this chapter.
  
- 20                  (3)     Subject to section 21.09.030F., the development master
- 21                             plan may change the dimensional standards, site
- 22                             development and design standards, and building design
- 23                             standards for this district set forth in sections 21.09.060,
- 24                             21.09.070, and 21.09.080, respectively.
  
- 25                  (4)     Development proposals that are part of an approved
- 26                             development master plan are exempted from the review
- 27                             and approval requirements of table 21.09.050-1, except
- 28                             when required as a condition of approval.

29 **F. Other Districts**

30 **1. General Description**

31 There are nine miscellaneous districts in this section covering the majority of the land  
32 governed by this chapter. Several districts consist of discrete, relatively small areas. For  
33 instance, the GA (Girdwood Airport) district consists of State of Alaska property presently  
34 used for the Girdwood Airport, and the GCR-3 Commercial Recreation (Crow Creek  
35 Historic Mine) district consists of property operated as historic Crow Creek mine  
36 commercial/recreational development. On the other hand, some of the districts cover  
37 extensive areas of land and/or are located in a variety of areas within Girdwood. For  
38 instance, the GIP (Girdwood Institutional and Parks) district includes Girdwood School,  
39 U.S. Forest Service ranger station and visitor center, State of Alaska highway  
40 maintenance yard, and municipal sewage treatment plant, along with both dedicated and  
41 undedicated existing and future parks. Many of the districts are based on intended  
42 general uses specified in the Girdwood Area Plan, but require master planning to identify  
43 specific uses and development standards, as well as circulation, subdivision and utility  
44 requirements. It is anticipated, as required master plans for land in many of the districts  
45 in this chapter are completed, the specific district provisions may be refined or the district  
46 may be completely redefined.

- 1           **2.     GA (Girdwood Airport) District**  
2           **a.     Location**  
3           The GA district consists of State of Alaska-owned property where the Girdwood  
4           airport is currently located. The airport property is located north of Alyeska  
5           Highway and straddles Glacier Creek. The airport facility itself is on the east side  
6           of Glacier Creek, but much of the airport property is either wetlands or river  
7           floodway
- 8           **b.     Intent**  
9           The intent of this district is for continuation of uses that are primarily aviation  
10          related, but also for wetlands and river floodway to be minimally disturbed by  
11          development within this district.
- 12          **3.     GOS (Girdwood Open Space) District**  
13          **a.     Location**  
14          The GOS district consists of those areas of Girdwood Valley depicted in the  
15          Girdwood Area Plan as open space because of generally physically unsuitable or  
16          unsafe for development, and/or generally environmentally sensitive with functions  
17          or attributes to be protected. The GOS district is located throughout the valley,  
18          taking in several types of land area, including wetlands and floodplains, steep  
19          slopes and hazardous lands, as well as recommended creek greenbelt areas.
- 20          **b.     Intent**  
21          The intent of the open space district is to protect lands left predominantly natural.
- 22          **c.     District-Specific Standards**  
23          Development shall be prohibited, except as related to a recreational use listed in  
24          table 21.09.050-1, or if authorized in an approved master plan. Transportation  
25          rights of way and utility easements may cross GOS lands.
- 26          **4.     GIP (Girdwood Institutions and Parks) District**  
27          **a.     Location; Parks Designation**  
28          The GIP (Girdwood Institutions and Parks) district consists of land in public use,  
29          or projected to be in public use, during the duration of the Girdwood Area Plan.  
30          Among other uses, the Girdwood school, the U.S. Forest Service ranger station  
31          and visitor center, State of Alaska highway maintenance yard, and municipal  
32          sewage treatment plant, along with both dedicated and undedicated existing and  
33          future parks, are located in this district.
- 34          Within the GIP district, parks, whether dedicated or undedicated, existing or  
35          future, are designated on the district map by "GIP-p."
- 36          **b.     Intent**  
37          The GIP district is intended to include areas of public and quasi-public  
38          institutional uses and activities.
- 39          **c.     Federal Patents to Mineral Estate and Valid State and Federal Mining**  
40          **Claims**  
41          Some properties in this district have federal patents to mineral estate and/or valid  
42          state and federal mining claims. Mining activity under the auspices of those  
43          patents and/or claims shall comply with relevant federal and state regulations.
- 44          **d.     Uses**  
45                  **i.     Permitted Uses**  
46                  The following uses are allowed subject to the stated limitations:

- 1 (A) Park facilities and playgrounds.
- 2 (B) Community fairs and special events, subject to obtaining any  
3 required temporary use permits.
- 4 (C) Concession facilities not larger than 500 square feet, primarily  
5 serving users of the park or open space where located.
- 6 ii. *Conditional Uses*
- 7 (A) Gallery/ museum/art studio/information center.
- 8 (B) Community buildings and uses.
- 9 (C) Tent campgrounds; only in California Creek Park.
- 10 (D) Communication structures (as listed in table 21.09.050-1).
- 11 (E) Utility facilities and utility substations.
- 12 (F) Non-motorized general outdoor recreation, commercial.
- 13 (G) Snow disposal site.
- 14 e. ***District-specific Standards***
- 15 i. The provisions of subsection 21.09.030D.1., *Minor Modifications for Site*  
16 *Constraints*, apply to the GIP district.
- 17 ii. The provisions of subsection 21.09.040C.3.c., *Use of Setbacks in*  
18 *Commercial Districts*, apply to the GIP district.
- 19 5. **GCR-1 Commercial Recreation (Golf Course/Nordic Ski Course) District**
- 20 a. ***Location***
- 21 The area encompassed by this district is located in lower Girdwood Valley near  
22 Glacier, California, and Virgin Creeks.
- 23 b. ***Intent***
- 24 The primary use envisioned for the district is an eighteen-hole resort golf course  
25 and facilities normally associated with a golf course, including a clubhouse,  
26 driving range, pro/retail shop, restaurant/food service, and similar supporting  
27 services. A Nordic ski course is also a permitted use. Other uses associated  
28 with the course development may include limited related commercial and/or other  
29 recreational activities. Residential development may also be allowed as a  
30 secondary use, along with other outdoor recreational uses and facilities. While  
31 this district provides for commercial recreation development with related  
32 residential, the intent is to also maintain the scenic and natural beauty of the  
33 area, and to ensure development impacts are minimized. No housing or  
34 commercial development shall be constructed until after the golf course is  
35 constructed.
- 36 c. ***Area Master Planning and Development Master Planning Required***
- 37 i. ***Area Master Planning***
- 38 Except for uses listed in subsection d., below, no subdivision or other  
39 development of land within this district shall occur before an area master  
40 plan is approved pursuant to section 21.09.030.E. The plan shall  
41 address protection of important environmental features and natural  
42 habitat.

- 1                   ii.     *Development Master Planning*  
2                   (A)     Except for the three privately owned lots in this district and the  
3                   uses listed in subsection d., below, the uses allowed in the  
4                   district, as well as the design and character of the development  
5                   permitted within the district, shall be established through  
6                   development master planning pursuant to section 21.09.030F.
- 7                   (B)     Subject to section 21.09.030F., the development master plan  
8                   may change the dimensional standards, site development and  
9                   design standards, and building design standards for this district  
10                  set forth in sections 21.09.060, 21.09.070, and 21.09.080,  
11                  respectively.
- 12                d.     **Uses**  
13                i.     *Permitted Uses*  
14                The following uses are permitted, prior to area and/or development  
15                master plan approval, subject to compliance with all development and  
16                design standards and other applicable regulations:
- 17                (A)     Public recreational trails.
- 18                (B)     Single family dwelling on Lots 1 and 13, Block 7, and Lot 1,  
19                Block 10, First Addition New Girdwood Townsite Alaska  
20                Subdivision.
- 21                ii.    *Conditional Uses:*  
22                The following uses may be permitted as conditional uses, prior to area  
23                and/or development master plan approval:
- 24                (A)     Community buildings and uses.
- 25                (B)     Utility facilities and utility substations.
- 26                6.     **GCR-2 Commercial Recreation (Glacier – Winner Creek) District**  
27                a.     ***Location***  
28                The area encompassed by this district is located in the upper portion of Girdwood  
29                Valley and includes municipal, as well as state-owned and selected land, in the  
30                Glacier and Winner Creek drainages and mountain massif between the two  
31                creeks. This undeveloped area is mountainous and heavily forested.
- 32                b.     ***Intent***  
33                The primary use permitted for this area is outdoor commercial recreational use,  
34                including associated resort development. While the intent of this district is to  
35                provide for commercial recreation and resort development, the emphasis is to  
36                maintain the scenic and natural beauty of the area, and to ensure development  
37                impacts are balanced with environmental concerns.
- 38                c.     ***Area Master Planning and Development Master Planning Required***  
39                i.     ***Area Master Planning***  
40                Except for uses listed in subsection d., below, no subdivision or other  
41                development of land within this district shall occur before an area master  
42                plan is approved pursuant to section 21.09.030E. The plan shall address  
43                protection of important environmental features and natural habitat.

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- ii. *Development Master Planning*
    - (A) Except for the uses listed in subsection d., below, the uses allowed in the district, as well as the design and character of the development permitted within the district shall be established through development master planning pursuant to section 21.09.030F.
    - (B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.
  - iii. *Master Plan Standards*

Both area and development master planning standards for resort areas shall take into consideration the following:

    - (A) Traffic into the Four Corners area shall be minimized, and preferably restricted to some form of mass transit, such as shuttle bus, or ultimately an automated system.
    - (B) Any road into the Four Corners area shall be curvilinear and aesthetically designed and landscaped.
    - (C) Removal of trees and vegetation shall be kept to a minimum.
    - (D) Development shall be hidden and designed to fit in with the area.
    - (E) As much buffer/open space as possible shall be retained between the development and the creeks.
  - d. **Uses**
    - i. *Additional Development and Design Standards*

Due to the remote location and natural undeveloped features of this district, all permitted and conditional uses may be subject to additional design and development standards to ensure compatibility with the natural environment.
    - ii. *Permitted Uses*

The following uses are permitted, prior to area and/or development master plan approval, subject to compliance with all development and design standards and other applicable regulations:

      - (A) Passive and Active Outdoor Recreation.
      - (B) Sno-cat skiing.
    - iii. *Conditional Uses*

The following uses may be permitted as conditional uses, prior to area and/or development master plan approval:

      - (A) Community buildings and uses.
      - (B) Small scale lodging or shelters, not to exceed an aggregate total of 5,000 square feet gross building area.

1 (C) Utility facilities and utility substations.

2 7. **GCR-3 Commercial Recreation (Crow Creek Historic Mine) District**

3 a. **Location**

4 This district is located along the lower portion of Crow Creek a short distance  
5 upstream from its confluence with Glacier Creek, in the upper portion of  
6 Girdwood Valley. The area encompassed by this district contains the remains of  
7 the historic Crow Creek Mine and surrounding environs.

8 b. **Intent**

9 The intent for this district is to allow the current uses to continue. This district  
10 contains several restored historic structures being used in a variety of ways,  
11 including historical/cultural exhibit, gift shop, overnight accommodations,  
12 social/recreational activities and owners' residences. Residences are allowed  
13 customary accessory uses, including the keeping of pets and/or livestock. Along  
14 with recreational and **small** commercial mining and overnight camping, these  
15 uses make this district a multi-faceted visitor attraction.

16 c. **Federal Patents to Mineral Estate and Valid State and Federal Mining  
17 Claims**

18 The properties in this district have federal patents to mineral estate and/or valid  
19 state and federal mining claims. Mining activity under the auspices of those  
20 patents and/or claims shall comply with relevant federal and state regulations.

21 d. **Area Master Planning and Development Master Planning Required**

22 i. *Area Master Planning*

23 Except for the uses listed in e. below, subdivision, new development, or  
24 major expansions of existing operations are permitted only in accord with  
25 area master planning approval pursuant to section 21.09.030E.

26 ii. *Development Master Planning*

27 (A) Prior to additional development, development master planning  
28 approval, pursuant to section 21.09.030F, is required in order to  
29 ensure high-quality, environmentally sensitive development in  
30 keeping with the intent of this chapter 21.09 and the character of  
31 Girdwood.

32 (B) Subject to section 21.09.030F, the development master plan  
33 may change the dimensional standards, site development and  
34 design standards, and building design standards for this district  
35 that are set forth in sections 21.09.060, 21.09.070, and  
36 21.09.080 respectively.

37 e. **Uses**

38 i. *Permitted Uses*

39 The following uses are permitted subject to compliance with all  
40 development and design standards and other applicable regulations:

41 (A) Restoration of existing structures for uses already established on  
42 site.

43 (B) Three additional single-family dwellings constructed after the  
44 effective date of this chapter.

45 (C) Utility substations.

- 1                                   ii.     *Conditional Uses*  
2   The following uses may be permitted as conditional uses:
- 3                                   (A)    Community buildings and uses.  
4                                   (B)    Utility facilities.
- 5                           f.     ***District-Specific Standards***  
6                                   i.     ***Additional Development and Design Standards***  
7   The single-family structures, community buildings and uses, and utility  
8   facilities shall comply with the dimensional standards for the gR-2 District  
9   (Single-Family/Two-Family Residential). Restoration of existing  
10    structures shall be based upon original design. For other new structures,  
11    development standards shall be determined through the development  
12    master plan process.
- 13           8.     **GDR Development Reserve District**  
14                   a.     ***Location***  
15                                   This district consists of municipally-owned land located on the eastern side of  
16                                   lower Girdwood Valley, between Virgin Creek and the Seward Highway,  
17                                   municipally-owned land located in the upper Girdwood Valley, between Crow  
18                                   Creek Road and Glacier Creek, and two areas north of Glacier Creek and east of  
19                                   Crow Creek.
- 20                   b.     ***Intent***  
21                                   The intent of this district is to hold lands in reserve for future development.
- 22                   c.     ***Prerequisites to Development***  
23                                   Prior to any development in this district, other than the uses permitted in  
24                                   subsection e., below, this district shall be revised on the Girdwood Area Plan  
25                                   Land Use Plan Map from development reserve to an active classification. In  
26                                   addition, this section shall be amended to either move the land into another  
27                                   district classification, or adopt specific uses and standards for development of the  
28                                   land in this district.
- 29                   d.     ***Area Master Planning and Development Master Planning Required***  
30                                   i.     ***Area Master Planning***  
31   Except for the uses permitted in subsection e., below, no subdivision or  
32   other development of land within this district shall occur before an area  
33   master plan is approved pursuant to section 21.09.030E.
- 34                                   ii.    ***Development Master Planning***  
35    (A)    Except for the uses listed in subsection e., below, the uses  
36    allowed in the district, as well as the design and character of the  
37    development permitted within the district, shall be established  
38    through development master planning, pursuant to  
39    section 21.09.030F.
- 40    (B)    Subject to section 21.09.030F., the development master plan  
41    may change the dimensional standards, site development and  
42    design standards, and building design standards for this district  
43    set forth in sections 21.09.060, 21.09.070, and 21.09.080,  
44    respectively.

- 1           e.     **Uses**  
2           i.     *Permitted Uses prior to Master Planning Approval*  
3                 Public trails, as depicted in an adopted trails or open space master plan.
- 4           ii.    *Conditional Uses prior to Master Planning Approval*  
5                 The following uses may be permitted as conditional uses:
- 6                 **(A)**    Community buildings and uses.
- 7                 **(B)**    Utility facilities and utility substations.
- 8     **9.     GRR (Recreation Reserve) District**
- 9     a.     ***Location***  
10           This district consists of municipally-owned land located in upper Girdwood Valley,  
11           between Glacier Creek on the west and the lower slope of Mount Alyeska on the  
12           east. This district is located south of the Four Corners Park and north of the  
13           areas designated for resort development. This district is generally a mixed  
14           spruce/hemlock-forested upland interlaced with extended, open, wet meadows.  
15           Because of its close proximity to current and proposed resort development areas,  
16           this district is well located to provide recreational opportunities for visitors, as well  
17           as local residents.
- 18     b.     ***Intent***  
19           The intent of this district is to hold lands in reserve for future development of  
20           recreational opportunities.
- 21     c.     ***Prerequisites to Development***  
22           Prior to any development in this district, other than the uses permitted in  
23           subsection e., below, this district shall be revised on the *Girdwood Area Plan*  
24           land use plan map from recreation reserve to an active classification. In addition,  
25           this section shall be amended to either move the land into another district  
26           classification, or adopt specific uses and standards for development of the land in  
27           this district.
- 28     d.     ***Area Master Planning and Development Master Planning Required***
- 29           i.     ***Area Master Planning***  
30                 Except for the uses permitted in subsection e., below, no subdivision or  
31                 other development of land within this district shall occur before an area  
32                 master plan is approved pursuant to section 21.09.030E.
- 33           ii.    ***Development Master Planning***
- 34                 **(A)**    Except for the uses listed in subsection e., below, the uses  
35                 allowed in the district, as well as the design and character of the  
36                 development permitted within the district, shall be established  
37                 through development master planning pursuant to  
38                 section 21.09.030F.
- 39                 **(B)**    Subject to section 21.09.030F., the development master plan  
40                 may change the dimensional standards, site development and  
41                 design standards, and building design standards for this district  
42                 set forth in sections 21.09.060, 21.09.070, and 21.09.080,  
43                 respectively.
- 44     e.     **Uses**  
45     i.     *Permitted Uses prior to Master Planning Approval*  
46           Public trails, as depicted in an adopted trails or open space master plan.

1                   ii.       *Conditional Uses prior to Master Planning Approval*  
2                   The following uses may be permitted as conditional uses:

3                   (A)     Community buildings and uses.

4                   (B)     Utility facilities and utility substations.

5       10.     **GW (Girdwood Watershed) District**

6           a.       ***Location***

7           The GW district consists of federally owned, state-selected land within the Crow  
8           Creek and Winner Creek watersheds.

9           b.       ***Intent***

10          The intent of the watershed district is to identify remote lands generally to be left  
11          natural. The primary use of watershed land is water supply protection and  
12          recreation.

13          c.       ***Federal Patents to Mineral Estate and Valid State and Federal Mining***  
14               ***Claims***

15          Some federal patents to mineral estate and/or valid state and federal mining  
16          claims exist in this district. Mining activity under the auspices of those patents  
17          and/or claims shall comply with relevant federal and state regulations.

18   **21.09.050     USE REGULATIONS**

19   **A.     Table of Allowed Uses**

20          Table 21.09.050-1 below lists the uses allowed within the base zoning districts in Girdwood.  
21          When the uses in a district are determined through a master planning process per subsections  
22          21.09.030E. and F., this table shall not apply.

23   **1.     Explanation of Table Abbreviations**

24          a.       ***Permitted Uses***

25          “P” in a cell indicates the use is allowed by right in the respective zoning district.  
26          Permitted uses are subject to all other applicable regulations of title 21.

27          b.       ***Administrative Site Plan Review***

28          “S” in a cell indicates the use requires administrative site plan review in the  
29          respective zoning district in accordance with the procedures of subsection  
30          21.03.180B., *Administrative Site Plan Review*. [21.15.030., *APPROVAL OF*  
31          *SITE PLANS AND CONDITIONAL USES.*]

32          c.       ***Major Site Plan Review***

33          “M” in a cell indicates the use requires major site plan review in the respective  
34          zoning district. Until the provisions for major site plan review are adopted, an “M”  
35          in a cell indicates that the use is allowed only if reviewed and approved as a  
36          conditional use in accordance with the procedures of subsection 21.03.180C.,  
37          *Major Site Plan Review*. [21.15.030, *APPROVAL OF SITE PLANS AND*  
38          *CONDITIONAL USES.*]

39          d.       ***Conditional Uses***

40          “C” in a cell indicates, in the respective zoning district, the use is allowed only if  
41          reviewed and approved as a conditional use in accordance with the procedures  
42          of section 21.03.080, *Conditional Uses*. [21.15.030, *APPROVAL OF SITE*  
43          *PLANS AND CONDITIONAL USES.*] Throughout title 21, the term “conditionally  
44          allowed” means approval through the conditional use process is required.

1 e. **O (with # inside)**

2 A circle with a number inside references uses with a different review and  
3 approval procedure, depending on the gross floor area of the building, or of the  
4 largest building in a multi-building development. The explanation of the sizes  
5 and associated review and approval procedures is located at the end of the table.

6 f. **Prohibited Uses**

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

8 g. **Definitions and Use-Specific Standards**

9 Regardless of whether a use is allowed by right, subject to major or  
10 administrative site plan review, or permitted as a conditional use, there may be  
11 additional standards applicable to the use. The existence of most use-specific  
12 standards is noted through a cross-reference in the last column of the table, but  
13 there may be other applicable non-referenced portions of municipal code as well.  
14 Cross-references include, but are not limited to, references to **chapter 21.05, Use**  
15 **Regulations; chapter 21.03, Review and Approval Procedures;** [SECTIONS  
16 21.45, SUPPLEMENTARY DISTRICT REGULATIONS; SECTION 21.50,  
17 STANDARDS FOR CONDITIONAL USES AND SITE PLANS;] or section  
18 21.09.050B., *Use-Specific Standards* for Girdwood. These standards shall apply  
19 in all districts unless otherwise specified.

20 **2. Table Organization**

21 In Table 21.09.050-1, land uses and activities are classified into general “use categories”  
22 and specific “use types”, based on common functional, product, or physical  
23 characteristics, such as the type and amount of activity, the type of customers or  
24 residents, how goods or services are sold or delivered, and site conditions. This  
25 classification provides a systematic basis for assigning present and future land uses into  
26 appropriate zoning districts. This classification does not list every use or activity  
27 appropriate within the categories, and specific uses may be listed in one category when  
28 they may reasonably have been listed in one or more other categories. The use  
29 categories are intended merely as an indexing tool and are not regulatory.

30 **3. Unlisted Uses**

31 When application is made for a particular use category or use type not specifically listed  
32 in table 21.09.050-1, the procedure set forth in section **21.03.220, Use Classification**  
33 **Requests,** [21.40.015] shall be followed.

34 **4. Use for Other Purposes Prohibited**

35 Approval of a use listed in Table 21.09.050-1, and compliance with the applicable use-  
36 specific standards for the use, authorizes the specific use only. Development or use of a  
37 property for any other use not specifically allowed in Table 21.09.050-1 and approved  
38 under the appropriate process is prohibited.



**TABLE 21.09.050-1: TABLE OF ALLOWED USES**

**P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; O (with # inside) =**  
**For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts**

Use Category	Use Type	Residential						Commercial										Ind.		Resort		
		gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gl 1	gl 2	gR ST1	gR ST2	
Group Living	Residential care facility, large	C			S	S			S	S	S	S	S		S	S						
	Residential care facility, small	P	P	P	P	P			P	P												
	Roominghouse	C			C	C			M	M	M	M			M	M				M	M	
<b>PUBLIC/INSTITUTIONAL</b>																						
Adult Care	Adult care facility, 1-8 adults	P	P	P	P	P			P	P	P	P			P	P				P	P	
	Adult care facility, 9+ adults	C				C			C	C	M	C			C	C				C	C	
Child Care	Child care facility, 1-8 children	P	P	P	P	P			P	P	P	P			P	P				P	P	
	Child care facility, 9+ children	C				C			C	C	M	C			C	C				C	C	
Community Buildings and Uses	All uses	M	M	M	M	M			M	M	M	M			M	M				M	M	
	Religious Assembly	S	S	S	S	S			S	S	S	S			S	S				S	S	
Cultural Facility	Cemetery	C	C	M	C	C			C	C	M	C			C	C				C	C	
	Botanical Gardens				S																S	
	Museum or cultural center						④	④	①	②	⑤	③	①	③	②	③					④	

**TABLE 21.09.050-1: TABLE OF ALLOWED USES**

**P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; O (with # inside) = Other**  
**For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts**

Use Category	Use Type	Residential						Commercial										Ind.		Resort		
		gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gl 1	gl 2	gR ST1	gR ST2	
	Visitor and information center						④	④	①	②	⑤	③	①	③	②	③					④	④
Educational Facility	Boarding school	C		M					C	C	M	C		C	C	C						
	Private school	C		M					C	C	M	C		C	C	C					C	C
	Vocational or trade school																C					
Government Facility	Governmental Service						C										S	S				
	Police/fire station						P	P	P	P	P	P	P	P	P	P					P	P
Health Care Facility	Health care facility							④	①	②	⑤	③	①	③	②	③					④	④
	Park, public	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S					S	S
Park and Open Area	Passive and active recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Airport																					
Transportation Facility	Bus transit center						C				S	S		S	S					S	S	
	Heliport																					P
	Railroad passenger terminal						C															C
	Aircraft repair																					
	Aircraft storage hangar																					

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**For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts**

Use Category	Use Type	Residential						Commercial										Ind.		Resort		
		gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gl 1	gl 2	gR ST1	gR ST2	
Utility Facility	Aviation services																					
	Utility facility																	P	P			
	Utility substation	C	C	C	M	C	C	C	C	C	M	C	C	C	C	C	C	C	P	P	C	C
Communication Structures	Type 1 tower structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Type 2 tower structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Type 3 tower structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Type 4 tower structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Antenna and/or tower on existing structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>COMMERCIAL</b>																						
Animal Sales, Service & Care	Animal grooming service																					
	Kennel																					
	Pet shop																					
	Veterinary clinic																					

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Use Category	Use Type	Residential						Commercial										Ind.		Resort	
		gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gl 1	gl 2	gR ST1	gR ST2
Assembly Entertainment, Indoor	Club/lodge/ meeting hall							④	①			⑤	③	①	③	②				④	④
	Amusement establishment						④	④	①			⑤	③	①	③	②				④	④
	Fitness and recreational sports center						④	④	①			⑤	③	①	③	②	③			④	④
	Nightclub, licensed Theater company or dinner theater						④	④	①			⑤	③	①	③	②				④	④
Entertainment/ Recreation, Outdoor	Alpine ski facility																			C	C
	Non-motorized general outdoor recreation, commercial Golf driving range										M									C	C
Financial Institutions Food and Beverage Service	Financial institution						④	④	①			⑤	③	①	③	②				④	④
	Bar or tavern						④	④	①			⑤	③	①	③	②				④	④
	Brew pub								①			⑤	③	①	③	②				④	④
	Food and beverage kiosk						S	S	S		S	S	S								

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**For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts**

Use Category	Use Type	Residential								Commercial										Ind.		Resort	
		gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gl 1	gl 2	gR ST1	gR ST2		
	Restaurant						④	④	④	①	⑤	③	①	③	②					④	④		
Office	Office, business or professional						④	④	①	⑤	③	③	①	③	②	③				④	④		
	Broadcasting and recording facility								④	⑤	③	③	①	③	②								
Retail (Personal Service)	Dry cleaning, drop-off site								④	⑤	③	③	①	③	②			P		④	④		
	General personal services						④	④	①	⑤	③	③	①	③	②					④	④		
	Instructional services								④	⑤	③	③	①	③	②								
Retail (Repair and Rental)	Small equipment rental						④	④	①	⑤	③	③	①	③	②			P		④	④		
	Repair shop						④	④	①	⑤	③	③	①	③	②					④	④		
Retail (Sales)	Business service establishment						④	④	①	⑤	③	③	①	③	②					④	④		
	Convenience store						④	④	①	⑤	③	③	①	③	②					④	④		
	General retail						④	④	①	⑤	③	③	①	③	②					④	④		
	<b>Fueling station</b>						<b>C</b>														<b>S</b>		
	Grocery or food store						④	④	①	⑤	③	③	①	③	②					④	④		

**TABLE 21.09.050-1: TABLE OF ALLOWED USES**

**P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; O (with # inside) =**  
**For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts**

Use Category	Use Type	Residential						Commercial										Ind.		Resort	
		gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gl 1	gl 2	gR ST1	gR ST2
	Liquor store							④				⑤	③	①	③	②				④	④
	Lumber yard/ building materials store							④	①			⑤	③	①	③	②		P			
	Meat/seafood processing, storage, and sales																	P			
	Nursery, commercial									②		⑤	③								
<b>[VEHICLE AND EQUIPMENT]</b>	<b>[GASOLINE SERVICE STATION]</b>							<b>[C]</b>													<b>[S]</b>
<b>Vehicle and Equipment</b>	Heavy equipment sales and rental																	P			
	Impound yard																	C			
	Parking lot or structure, private (10 or fewer spaces)							S	S		S	S	S	S	S				S	S	S
	Parking lot or structure, private (11+ spaces)							M	M		M	M	M	M	M				M	M	M
	Vehicle parts and supplies							④			⑤	③						P			

**TABLE 21.09.050-1: TABLE OF ALLOWED USES**

**P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; O (with # inside) =**  
**For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts**

Use Category	Use Type	Residential						Commercial										Ind.		Resort	
		gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gl 1	gl 2	gR ST1	gR ST2
	Vehicle-large, sales and rental																	P			
	Vehicle-small, sales and rental						P											P		④	④
	Vehicle service and repair, minor						P	P										P			
	Vehicle storage yard																	P			
Visitor Accommodations	Hostel (small)	M			M	M	M	M	M	M	M	M	M	M	M	M	M			M	M
	Hostel (large)	C			C	C	C	C	M	M	M	M	M	M	M	M	M			M	M
	Hotel						C	C	C	M	C	C	C	C	C	C	C			C	C
	Inn	M			M		M		M	M	M	M	M	M	M	M	M			M	M
	Lodging Reservations/ Auto Rental Check-In						④	④	①	②	⑤	③	①	③	②	③				④	④
	Motel					C	C	C													
<b>INDUSTRIAL</b>																					
Industrial Service	General industrial service																				C
Manufacturing and Production	Cottage crafts						④	④	①	⑤	③	①	③	②							

**TABLE 21.09.050-1: TABLE OF ALLOWED USES**

**P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; O (with # inside) =**  
**For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts**

Use Category	Use Type	Residential						Commercial										Ind.		Resort		
		gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gl 1	gl 2	gR ST1	gR ST2	
	Land reclamation	C	C	C	M	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Manufacturing, light																	P				
	Manufacturing, heavy																	C	P			
	Natural resource extraction, inorganic and/or organic																					C
Marine Facility	Boat storage facility																	C				
	Cold storage and ice processing for marine products																	C				
Warehouse, Storage, and Freight Movement	Bulk storage of hazardous materials																	C				
	Self-storage facility																	S				
	Storage yard																	P				
	Warehouse																	P				
	Wholesale establishment																	P				
Waste and Salvage	Composting facility																	C				

**TABLE 21.09.050-1: TABLE OF ALLOWED USES**

**P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; O (with # inside) = Special Use Review**  
**For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts**

Use Category	Use Type	Residential						Commercial						Ind.		Resort					
		gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gl 1	gl 2	gR ST1	gR ST2
	Snow disposal site				M													C	C		
	Solid waste transfer facility																	C	C		
①	Gross floor area; permit/review required: Permitted (P): < 2,000 sf Administrative Site Plan Review (S): 2,000-4,000 sf Major Site Plan Review (M): 4,001-6,500 sf Prohibited: > 6,500 sf																				
②	Gross floor area; permit/review required: Permitted (P): < 2,000 sf Administrative Site Plan Review (S): 2,000-4,000 sf Major Site Plan Review (M): 4,001-7,500 sf Prohibited: > 7,500 sf																				
③	Gross floor area; permit/review required: Permitted (P): < 2,000 sf Administrative Site Plan Review (S): 2,000-4,000 sf Major Site Plan Review (M): 4,001-10,000 sf Prohibited: > 10,000 sf																				
④	Gross floor area; permit/review required: Permitted (P): < 2,000 sf Administrative Site Plan Review (S): 2,000-4,000 sf Major Site Plan Review (M): 4,001-20,000 sf Prohibited: > 20,000 sf																				
⑤	Gross floor area; permit/review required: Permitted (P): < 2,000 sf Administrative Site Plan Review (S): 2,000-4,000 sf Major Site Plan Review (M): 4,001-30,000 sf Prohibited: > 30,000 sf																				

(sf = square feet; **dua = dwelling units per acre**)

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

The following use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

The use-specific standards of this section apply in place of any use-specific standards established in chapter 21.05 [21.45], unless otherwise specified. If this section does not establish use standards for a certain use, then the use standards, including any generally applicable use standards, established in other sections of title 21 shall apply in Girdwood. Except where stated otherwise in this section 21.09.050, chapter 21.05 [21.45] standards for accessory and temporary uses shall apply.

**1. Generally Applicable Use-Specific Standards**

**a. Uses Involving the Retail Sale of Alcoholic Beverages**

Any use that involves the retail sale of alcoholic beverages is subject to section 21.03.040, *Special Land Use Permit for Alcohol*. [21.50.160, *CONDITIONAL USE STANDARDS—USES INVOLVING SALE OF ALCOHOLIC BEVERAGES.*] That [THIS] process shall apply to any such use regardless of whether it is listed in table 21.09.050-1 as being permitted as a matter of right or subject to site plan review or the conditional use process. The applicant shall be required to obtain approval through both section 21.03.040, *Special Land Use Permit for Alcohol* [21.50.160, *CONDITIONAL USE STANDARDS—USES INVOLVING SALE OF ALCOHOLIC BEVERAGES*], and the separate process referenced in table 21.09.050-1.

**b. Premises Containing Uses Where Children are Not Allowed**

Any premise containing uses where children are not allowed shall comply with subsection 21.05.020B. [21.45.240.]

**2. Residential Uses**

**a. Dwelling, Mixed Use**

**i. Definition**

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

**b. Dwelling, Multi-Family**

**i. Definition**

A residential building or multiple residential buildings comprising three or more dwelling units on one lot. [DESIGNED FOR OR OCCUPIED BY THREE (3) OR MORE FAMILIES, WITH THE NUMBER OF FAMILIES IN RESIDENCE NOT EXCEEDING THE NUMBER OF DWELLING UNITS PROVIDED.] The definition includes the terms “apartment” or “apartment building.”

**ii. Use-Specific Standards**

Children’s play space: Multiple-family projects of more than ten dwelling units shall provide a play space of at least 1,000 square feet.

**c. Dwelling, Single-Family Attached**

**i. Definition**

One dwelling unit in a building on its own lot, with one wall abutting the wall of another single-family dwelling unit on an adjacent lot.

- 1                                   ii.    *Use-Specific Standards (also applies to “ Dwelling, Townhouse”)*  
2                                   (A)    *Purpose*  
3    The purpose of permitted attached single-family and townhouse  
4    dwelling unit projects is to preserve significant areas of natural  
5    landscape, or to prevent physical development of hazardous and  
6    wetlands areas unsuitable for development, by shifting the  
7    density allowed within an application area to a smaller  
8    development area within the application area.
- 9                                   (B)    *Applicability*  
10   The following standards shall apply to all attached single-family  
11   and townhouse development projects in Girdwood gR-1, gR-3,  
12   and gR-5 districts.
- 13                                   (C)    *Development Standards*  
14   (1)    Site size: Two acres minimum.  
15   (2)    Site width: 150 feet minimum.  
16   (3)    Lot width for individual dwellings: 28 feet minimum.  
17   (4)    Residential density within development area: Eight  
18   dwelling units per acre maximum.  
19   (5)    Slopes within development area: 15 percent maximum.  
20   (6)    Building height: 35 feet maximum.  
21   (7)    Development area: 40 percent maximum (see  
22   subsection (D). below).  
23   (8)    Natural open space: 60 percent minimum.  
24   (9)    Parking requirements may be met on the lots and/or on  
25   common areas within the development area.  
26   (10)   Public sewers shall be available or provided for an  
27   attached single-family dwelling unit project.
- 28                                   (D)    *Development Area*  
29   A maximum of 40 percent of the area included in the proposed  
30   project may be developed. The development area includes all  
31   private lots, all portions of the common area developed with  
32   driveways, parking or other common facilities. The development  
33   area shall be located to retain a minimum thirty (30) foot wide  
34   section of natural open space around the perimeter, except as  
35   needed for public access to the development area.
- 36                                   (E)    *Common Area*  
37   A homeowners’ association or other governance entity  
38   acceptable to the municipality shall be formed for the purpose of  
39   establishing covenants or restrictions, and providing joint  
40   responsibility for maintenance of the dwelling structures, and for  
41   maintenance and construction within common areas. Common  
42   area includes natural open space areas and all shared facilities

1 within the development area, such as parking, storage, drives,  
2 trails, walks, play areas, and similar areas.

3 (F) *Natural Open Space Requirement*

4 A minimum of 60 percent of the area included in the proposed  
5 project shall be retained as natural open space, and no part shall  
6 have a dimension of less than 30 feet. The retained natural  
7 open space shall include a minimum 30 foot wide buffer,  
8 exclusive of utilities and utility easements, around the perimeter  
9 of the application area. A minimal number of common access  
10 driveways to the lots shall be permitted to cross the buffer, but  
11 the driveways shall be counted as part of the development area.  
12 Natural open space used to meet minimum requirements shall  
13 be located only within common areas and shall not be located on  
14 private lots.

15 d. *Dwelling, Single-Family Detached*

16 i. *Definition*

17 One detached building on its own lot, erected on a permanent  
18 foundation, designed for long-term human habitation exclusively by one  
19 family, having complete living facilities, and constituting one dwelling  
20 unit.

21 e. *Dwelling, Townhouse*

22 i. *Definition*

23 A building containing more than two single-family dwelling units erected  
24 in a single row, on adjoining lots, with each unit having its own separate  
25 entrance.

26 ii. *Use-Specific Standards*

27 "Dwelling, Townhouse" must comply with the use-specific standards of  
28 "Dwelling, Single-Family Attached."

29 f. *Dwelling, Two-Family*

30 i. *Definition*

31 One detached building on one lot designed for or occupied exclusively by  
32 two families and constituting two dwelling units. The definition includes  
33 the term "duplex."

34 3. *Public/Institutional Uses*

35 a. *Active Outdoor Recreation*

36 i. *Definition*

37 Those outdoor activities with minimal environmental impact, no motors,  
38 and use of trails. Activities using trails include dog sledding, Nordic  
39 skiing, and trail hiking. Horseback riding and/or mountain biking are only  
40 allowed on trails suitable for intensive use and designated for those  
41 types of activities. For activities using trails, motorized equipment or  
42 tools may be used for trail construction and maintenance.

43 b. *Community Buildings and Uses*

44 i. *Definition*

45 Structures and land uses owned, leased, or operated by a municipal or  
46 state agency to serve a public purpose, such as community centers,  
47 public schools (elementary, middle, and high), public parking lots, and

- 1 offices, but excluding private schools, transportation, maintenance,  
2 police and fire stations, and utility facilities or substations.
- 3 ii. *Use-Specific Standards*
- 4 (A) *Intent*
- 5 Community buildings frequently used by the general public, such  
6 as a school or library, are community landmarks. It is intended  
7 for landmark public buildings to set a high architectural standard  
8 for the community.
- 9 (B) *Development and Design Standards*
- 10 Community buildings shall meet or exceed the site and building  
11 development design standards of sections 21.09.070 and  
12 21.09.080 pertaining to commercial buildings.
- 13 c. *Passive Outdoor Recreation*
- 14 i. *Definition*
- 15 Those outdoor activities with low environmental impact, are not intrusive,  
16 do not use motors and may not require trails. Activities not necessarily  
17 requiring trails include backcountry skiing, dog sledding, snowshoeing,  
18 off trail hiking, paragliding, blueberry picking, birding, and picnicking.  
19 This definition does not include activities involving vehicles or games  
20 such as paint ball.
- 21 d. *Private School*
- 22 i. *Definition*
- 23 Any building or group of buildings used for academic education for  
24 students between the kindergarten and 12<sup>th</sup> grade level, without major  
25 funding from any government agency.
- 26 e. *Visitor and Information Center*
- 27 i. *Definition*
- 28 A facility providing information, interpretation, and educational services  
29 for visitors.
- 30 4. **Commercial Uses**
- 31 a. ***Alpine Ski Facility***
- 32 i. *Definition*
- 33 A facility and related terrain utilized for alpine skiing and uses and  
34 facilities typically associated with the use and operation of such facility  
35 including, but not limited to:
- 36 i. Ski and snowboard runs and trails;
- 37 ii. Ski lifts and tows, including towers and structures, related to  
38 skiing and snowboarding patrons;
- 39 iii. Snow making equipment/facilities;
- 40 iv. Ski patrol facilities;
- 41 v. Ski area administrative and ticketing offices;
- 42 vi. Special events directly associated with ski areas, such as ski  
43 races, snowboard races, snowmachine races, bicycle races, and  
44 concerts;

- 1                   vii.    Alpine slide;
- 2                   viii.   Nordic ski trails and facilities;
- 3                   ix.     Tubing hills;
- 4                   x.     Ski and equipment rental facilities and ski instruction facilities;
- 5                   xi.    Ice skating rinks;
- 6                   xii.   Ski bridges; and
- 7                   xiii.   Supporting accessory structures.

8                   **Alpine Ski Facility** shall not include uses such as lodges, hotels,  
9                   dwelling units, restaurants, retail shops, outdoor carts and vending  
10                  areas, clinics, day care centers, offices, or high impact recreational uses  
11                  such as go carts, golf courses and driving ranges, paint ball games, rifle  
12                  ranges, waterslides, and stables.

13                  **b.     Camper Park—Girdwood Only**

14                  i.     *Definition*  
15                  A lot or parcel of land, or portion thereof, temporarily occupied or  
16                  intended for temporary occupancy by recreational vehicles for travel,  
17                  recreational, or vacation usage for short periods of stay. These  
18                  establishments may provide laundry rooms, recreation halls, and  
19                  playgrounds. These uses shall not include vehicle storage.

20                  ii.    *Use-Specific Standards*

21                  (A)    *Interior Roads*  
22                  One-way roads shall be at least 15 feet wide. Two-way roads  
23                  shall be at least 20 feet wide. The turning radius in loops and  
24                  turns shall be at least 30 feet.

25                  (B)    *Length of Stay*  
26                  The occupants of space shall remain in the camper park a period  
27                  a maximum of 30 days.

28                  (C)    *Amenities*

29                  (1)    Toilet facilities shall be provided as follows: A minimum  
30                  of one restroom/outhouse per 12 campsites. Each  
31                  restroom/outhouse facility shall contain at least two  
32                  toilets, separated for each sex.

33                  (2)    A water outlet shall be provided in conjunction with each  
34                  toilet facility. All water taps or outlets serving campsites  
35                  shall be of a type compatible with garden hose  
36                  connections.

37                  (3)    One trash receptacle shall be provided for every four  
38                  campsites. The receptacles shall be bear-proof.

39                  (D)    *Campsite Specifications*

40                  (1)    Each recreational vehicle campsite shall contain a  
41                  minimum of 2,000 square feet.

- 1  
2 (2) No campsite shall have direct vehicular access to a public road.
- 3  
4 (3) There shall be a vegetated buffer of at least 15 feet between each campsite.
- 5  
6 (4) Each campsite shall contain at least one reinforced surface parking space, level from side to side and with sufficient crown to provide adequate drainage. The dimensions of the parking space shall be at least ten feet wide by 40 feet long.
- 7  
8  
9
- 10 (5) Each campsite shall have a picnic table.
- 11 c. **Hostel**
- 12 i. *Definition*
- 13 An overnight lodging facility containing between six and 19 guest rooms or up to 60 pillows. Sleeping accommodations may be dormitory-style and shared kitchen facilities may be available to the guests. A **Small Hostel** contains between six and ten guestrooms and up to 30 pillows. A **Large Hostel** contains between 11 and 19 guestrooms and up to 60 pillows.
- 14  
15  
16  
17  
18
- 19 d. **Inn**
- 20 i. *Definition*
- 21 A building or group of buildings containing between six and 19 guest rooms or up to 60 pillows for overnight lodging for compensation, where at least one meal per day is provided to guests, there is a central meeting room or lounge available to all guests, and there are no shared kitchen facilities.
- 22  
23  
24  
25
- 26 e. **Lodging Reservations/Auto Rental Check-In**
- 27 i. *Definition*
- 28 An office where lodging reservations may be made or where a person may check-in and pay for lodging when the lodging is not on site, or an office where an auto may be rented, when the auto is not stored on site.
- 29  
30
- 31 f. **Tent Campground**
- 32 i. *Definition*
- 33 A lot or parcel of land occupied or intended for temporary occupancy by tents only for travel, recreational, or vacation usage for short periods of stay. A potable water source is not required. No recreational vehicles are allowed.
- 34  
35  
36
- 37 ii. *Location*
- 38 Tent campgrounds are a conditional use only in the GCR-3 and GIP districts.
- 39
- 40 iii. *Use Specific Standards*
- 41 (A) Each tent site shall contain a minimum of 800 square feet, with no dimension less than 20 feet.
- 42
- 43 (B) To maintain an aesthetic camping atmosphere, density shall not exceed 20 sites per acre.
- 44

- 1 (C) Each tent site shall contain at least one automobile parking  
2 space; the dimensions shall be at least ten feet wide by 20 feet  
3 long.
- 4 (D) There shall be a vegetated buffer of at least 15 feet between  
5 each tent site.
- 6 (E) Each tent site shall have a picnic table.
- 7 (F) Toilet facilities shall be provided as follows: A minimum of one  
8 restroom/outhouse per 12 campsites. Each restroom/outhouse  
9 facility shall contain at least two toilets, separated for each sex.
- 10 (G) One trash receptacle shall be provided for every six campsites.  
11 The receptacles shall be bear-proof.

12 **5. Industrial Uses**

13 **a. Cottage Crafts**

14 **i. Definition**

15 An establishment engaged in small-scale assembly and arts-and-crafts  
16 production by hand manufacturing, involving the use of hand tools and  
17 small-scale equipment. Examples include, but are not limited to, candle  
18 making, artisan woodworking, art studio/gallery, artisan pottery and  
19 jewelry production, and similar establishments. Cottage crafts are less  
20 intensive, and do not have the off-site impacts often associated with  
21 general industrial uses.

22 **ii. Use-Specific Standards**

23 **(A) Production and Sale of Cottage Crafts**

24 Cottage crafts shall only be produced within a wholly-enclosed  
25 permanent structure. Cottage craft production may occupy up to  
26 1,500 square feet of gross building area, and an additional 150  
27 square feet minimum gross building area on the same lot shall  
28 be devoted to the display and retail sale of the crafts produced.  
29 The retail/display area shall be located on the ground floor and in  
30 the front part of the building facing the primary street on where  
31 the lot is located.

32 **(B) Prohibitions**

33 The outdoor storage of materials related to the production and  
34 sale of cottage crafts is prohibited. The use of equipment,  
35 materials, or processes creating hazards, noise, vibration, glare,  
36 fumes, or odors detectable to the normal senses off-site is  
37 prohibited.

38 **b. Land Reclamation**

39 **i. Definition**

40 An operation engaged primarily in increasing land-use capability by  
41 changing the land's character or environment through fill or regrading.  
42 Land reclamation shall only include operations of more than one year, at  
43 a scale involving 5,000 cubic yards or more of fill material. Site  
44 preparation as part of the development of a subdivision under a  
45 subdivision agreement is not included in this definition. Reclamation  
46 plans that may be required for other activities, such as mining, are not  
47 included in this definition.

1           c.     **Natural Resource Extraction, Inorganic and/or Organic**

2           i.     *Definition*

3           The development or extraction of organic and/or inorganic material from  
4           its natural occurrences on affected land. This use includes placer mining  
5           operations where rock byproduct is removed from the premises. This  
6           shall also include commercial or industrial operations involving removal  
7           of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel or rock,  
8           or any other mineral and other operations with similar characteristics.  
9           This use includes only multi-year operations of a scale involving 50,000  
10          cubic yards or more of fill material. Site preparation as part of the  
11          development of a subdivision under a subdivision agreement is not  
12          included in this definition. Mining activity under the auspices of federal  
13          patents to mineral estate and/or valid state and federal mining claims is  
14          not included in this definition.

15    **C.     Accessory Uses**

16          1.     **Table of Allowed Accessory Uses**

17          Table 21.09.050-2 below lists the accessory uses allowed within all base zoning districts.

18          a.     **Explanation of Table Abbreviations**

19           i.     *Permitted Uses*

20           "P" in a cell indicates the accessory use is allowed by right in the  
21           respective zoning district. Permitted uses are subject to all other  
22           applicable regulations of title 21.

23           ii.    *Administrative Site Plan Review*

24           "S" in a cell indicates the accessory use requires administrative site plan  
25           review in the respective zoning district in accordance with the procedures  
26           of subsection 21.03.180B., *Administrative Site Plan Review* [21.15.030,  
27           *APPROVAL OF SITE PLANS AND CONDITIONAL USES*].

28           iii.   *Major Site Plan Review*

29           "M" in a cell indicates the use requires major site plan review in the  
30           respective zoning district. Until the provisions for major site plan review  
31           are adopted, an "M" in a cell indicates that the use is allowed only if  
32           reviewed and approved as a conditional use in accordance with the  
33           procedures of subsection 21.03.180C., *Major Site Plan Review*  
34           [21.15.030, *APPROVAL OF SITE PLANS AND CONDITIONAL USES*].

35           iv.    *Conditional Use*

36           "C" in a cell indicates, in the respective zoning district, the use is allowed  
37           only if reviewed and approved as a conditional use in accordance with  
38           the procedures of section 21.03.080, *Conditional Uses* [21.15.030,  
39           *APPROVAL OF SITE PLANS AND CONDITIONAL USES*].

40           v.     *Prohibited Uses*

41           A blank cell indicates the accessory use is prohibited in the respective  
42           zoning district.

43           vi.    *Definitions and Use-Specific Standards*

44           Regardless of whether an accessory use is allowed by right or subject to  
45           administrative site plan review, additional standards may be applicable to  
46           the use. The existence of use-specific standards is noted through a  
47           section reference in the last column of the table.

- 1                                    **vii.**     *Unlisted Accessory Uses or Structures*
- 2     An accessory use or structure not listed in Table 21.09.050-2 may be
- 3     permitted, subject to compliance with all applicable regulations of this
- 4     title.

b. Table of Allowed Accessory Uses

Accessory Uses		Residential					Commercial										Ind.			Resort			Other			Definitions & Specific Site		
		gR 1	gR 2	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gC 1	gC 2	gC 3	gR 1	gR 2	gR 3	gA 1	gA 2	gA 3		gW 1	gW 2
Accessory dwelling unit (ADU)		P	P	P	P	P		P	P	P	P	P	P	P														21.05.07 [21.45.0 21.09.050
Bed and breakfast (up to 3 guestrooms)		P	P	P	P	P		S	S	S	S	S	S	S														21.05.07 [21.45.2
Bed and breakfast (4 or 5 guestrooms)		M	M	M	M	M		S	S	S	S	S	S															21.05.07 [21.45.2
Beekeeping		P	P	P	P	P																						
Dormitory																												
Drive-through service							C	C																				21.09.050
Garage or carport, private residential		P	P	P	P	P		P	P	P	P	P	P	P														
Home- and garden-related use		P	P	P	P	P		P	P	P	P	P	P	P														
Home occupation		P	P	P	P	P		P	P	P	P	P	P	P														21.05.070 [21.45.1
Outdoor keeping of household pets		P	P	P	P	P		P	P	P	P	P	P															
Paddock, stable or barn																												
Private storage of non-commercial equipment		P	P	P	P	P		P	P	P	P	P	P															21.09.050
Vehicle repair/rebuilding, outdoor, hobby																												

2. Use-Specific Standards for Accessory Uses

a. Accessory Dwelling Units

Except as set forth below, the generally applicable Accessory Dwelling Unit regulations contained in subsection 21.05.070D.1. [21.45.035.], Accessory dwelling units (ADUs) shall apply. The regulations set forth below shall apply in addition to those contained in subsection 21.05.070D.1. [21.45.035.] except, in case of conflict, the regulations below shall govern.

i. Maximum Number of Accessory Units

Except as provided in subsection ii., below, only one accessory dwelling unit or bed and breakfast unit, as defined in section 21.05.070D., [CHAPTER 21.35.020.] shall be allowed on any single-family residential lot. The accessory dwelling unit may be a rental unit.

ii. Accessory Dwelling Unit as Bed and Breakfast

The accessory dwelling unit may be used as a bed and breakfast room, but the bed and breakfast facility is then limited to only one guestroom, the accessory dwelling unit.

iii. Location

An accessory dwelling unit shall be on the same lot as the primary dwelling unit. An accessory dwelling unit shall be attached to the single-family dwelling unit; if the lot is at least 16,800 sq. ft., the accessory dwelling unit may be detached from the primary dwelling unit.

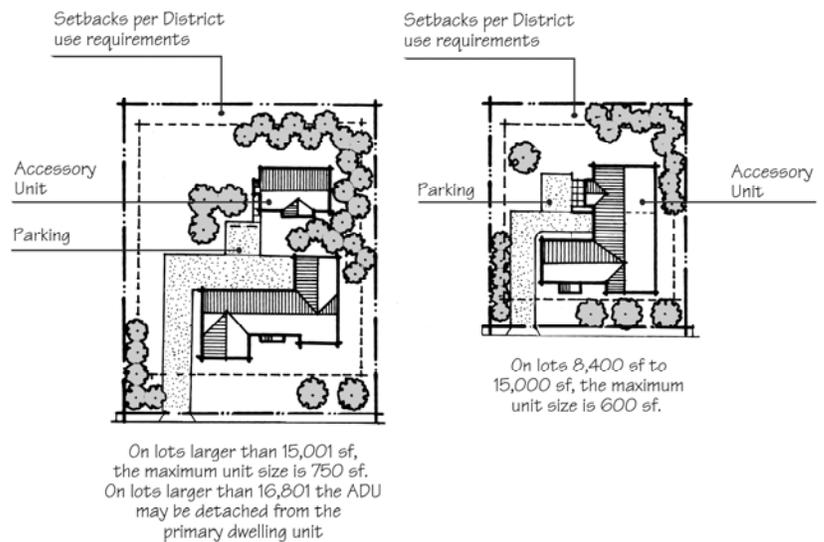


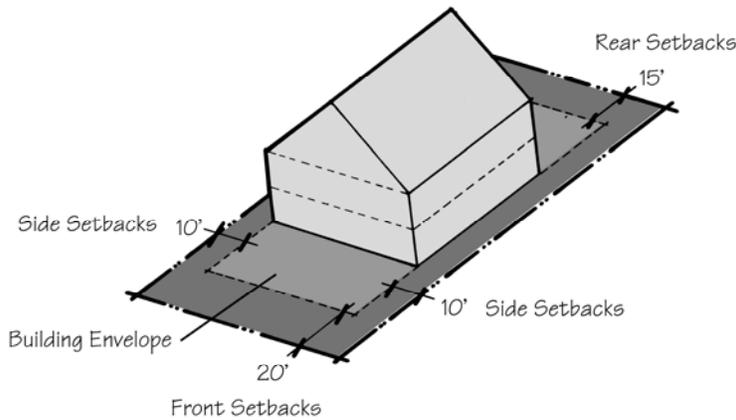
Figure 21.09-2: Accessory Dwelling Unit

iv. Maximum Square Footage

The minimum square footage for an accessory dwelling unit is 300 sq. ft. The maximum square footage for an accessory dwelling unit is 600 sq. ft., on a lot up to and including 15,000 sq. ft. and 750 sq. ft., on a lot over 15,000 sq. ft. The accessory dwelling unit shall not, however, exceed 50 percent of the gross floor area of the primary dwelling unit.

- 
- 1 v. *Floor Area Ratio; Density*  
2 The floor area of the accessory dwelling unit is included, along with the  
3 floor area of the primary dwelling unit, in calculating the floor area ratio  
4 on the lot, but the accessory dwelling unit is not included in calculating  
5 the average density for a new single-family subdivision.
- 6 vi. *Parking*  
7 In addition to the parking requirements for the primary dwelling unit, one  
8 off-street parking space shall be provided for each accessory dwelling  
9 unit of 600 sq. ft. or less, and two off-street parking spaces shall be  
10 provided for an accessory dwelling unit larger than 600 sq. ft.
- 11 vii. *Owner Occupancy*  
12 Either the principal dwelling or the accessory unit on any site shall be  
13 occupied by the owner of the principal dwelling or owner of the lot where  
14 the accessory unit is located.
- 15 viii. *Architectural Compatibility*  
16 An accessory dwelling unit, whether attached to or detached from the  
17 primary dwelling unit, shall be compatible in style and materials with the  
18 primary dwelling unit.
- 19 ix. *New Accessory Dwelling Unit Where Single-Family Dwelling Unit Already*  
20 *in Existence*  
21 A new accessory dwelling unit to be constructed on a lot with an existing  
22 single-family dwelling unit shall conform to all development and  
23 dimensional standards in the applicable zone district regulations.
- 24 b. **Drive-Through Service**  
25 i. *Definition*  
26 The physical facilities of an establishment that encourage or permit  
27 customers to receive services, obtain goods, or be entertained while  
28 remaining in their motor vehicles.
- 29 ii. *Use-Specific Standards*  
30 Restaurants with drive-through service are only permitted in the gC-2  
31 district.
- 32 c. **Private Outdoor Storage of Non-Commercial Equipment**  
33 i. *Definition*  
34 The private storage of non-commercial equipment, including non-  
35 commercial trucks, recreational vehicles, boats, aircraft, off-road  
36 vehicles, or travel trailers.
- 37 3. **Prohibited Accessory Uses and Structures**  
38 Connex trailers, railroad box cars, and the like are prohibited in residential districts.
- 39 D. **Definitions**  
40 The following words, terms, and phrases, when used in this chapter, shall have the meanings  
41 ascribed to them in this section, except where the context clearly indicates a different meaning:
- 42 1. **Building Envelope:** The developable space within any lot defined by the setbacks.
- 43 2. **Channel Sign:** A sign consisting of letters, symbols, or other shapes, where only such  
44 letters, symbols, or other shapes are illuminated.

- 1           **3. Commercial Vehicle:** A vehicle with a Gross Vehicle Weight Rating (GVWR) of 11,000  
 2           pounds or more.
- 3           **4. Floor Area Ratio (FAR):** The maximum gross floor area of all buildings on a lot or  
 4           parcel, divided by the area of the lot or parcel.



**Figure 21.09-3:** Floor Area Ratio (FAR) Example

Lot Size: 10,400 square feet

FAR: 0.5

Maximum Gross Building Area: 5,200 square feet

Illustration assumes no useable space under the eaves (in the attic).

- 6
- 7
- 8           **5. Permeable Surface:** An area of ground, by reason of its physical characteristics and the  
 9           characteristics of materials covering it, able to absorb rain or surface water at a rate  
 10          equal or greater than lawn turf. Examples include natural vegetation, lawn turf,  
 11          landscape beds, gardens, mulch, decorative gravel, and some types of porous  
 12          pavements.

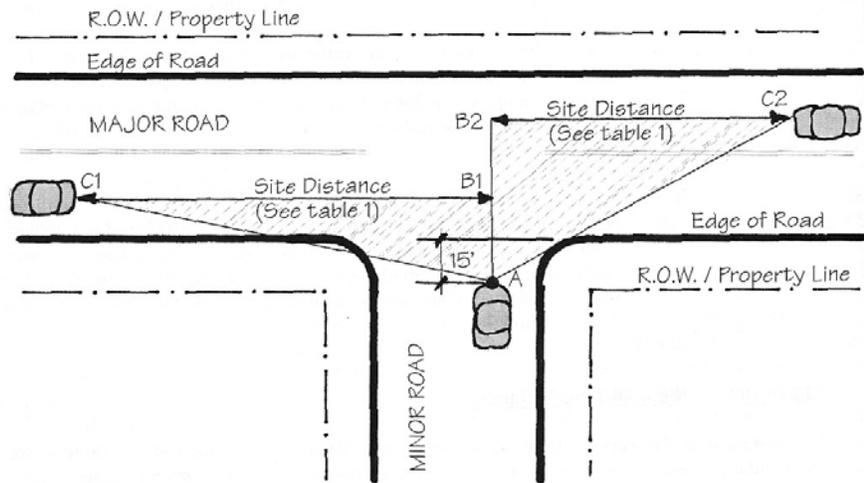
- 13          **6. Pillow:** A sleeping accommodation for one person.

- 14          **7. Sight Distance Triangle:** The roadway area visible to the driver; the required length is  
 15          the distance necessary to allow safe vehicular egress from a street, driveway, or alley to  
 16          a major street. The criteria for determining required sight distance is set forth below.

The sight distance triangle is shown in figure 21.09-4 and described as follows:

- Point A is located on the minor approach 15 feet from the edge of a major road travelway.
- Point B<sub>1</sub> is located in the center of lane 1.
- Point B<sub>2</sub> is located in the center of lane 2.
- Points C<sub>1</sub> and C<sub>2</sub> are located based on the design speed of the major road.
- Point A is connected to points C<sub>1</sub> and C<sub>2</sub> by straight lines.

Table 21.09.050-3	
Design Speed	Sight Distance
60 mph	650 ft.
50 mph	515 ft.
40 mph	415 ft.
30 mph	310 ft.
20 mph	210 ft.



**Figure 21.09-4:** Sight Distance Triangle

1  
2  
3  
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21

- 8. **Sno-Cat Skiing:** Skiing in remote areas where access is provided by sno-cats or similar vehicles.
- 9. **Storage:** Items placed in substantially the same location for more than ten days.
- 10. **Tree:** A woody perennial plant with a single main stem. In Girdwood, a large tree is 18 inches in diameter or more at breast height (DBH).
- 11. **Tree Canopy:** The area, in square feet, of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area covered by the branch spread of a single tree or clump or grove of trees.

**21.09.060 DIMENSIONAL STANDARDS**

**A. Applicability**

All structures that legally exist on **effective date** [DATE OF PASSAGE] shall be considered conforming with respect to setbacks. Any additions to the footprint of those structures, including but not limited to cantilevers, decks over 30 inches, and overhangs, shall conform to this title.

**B. Dimensional Standards Tables**

All primary and accessory structures are subject to the dimensional standards set forth in the following tables. Bracketed numbers refer to additional specific standards at the bottom of each table. These general standards may be further limited or modified by other applicable sections of title 21.

1. Table of Dimensional Standards: Residential Districts

TABLE 21.09.060-1: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD RESIDENTIAL DISTRICTS								
Uses	Lot Dimensions		Minimum Setbacks			Building Bulk and Height		
	Min Area (sq ft)	Min. Width	Front	Side	Rear	Max Height	Max Lot Coverage (%)	Max Floor Area Ratio
<b>gR-1: Alyeska Highway mixed residential district</b>								
Dwelling, multi-family	19,800 for 3 units, add 4,000 for each additional unit	70 feet	20 feet <sup>1</sup>	10 feet <sup>2</sup>	15 feet; or 20 feet for lots > 1 acre <sup>2</sup>	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater  0.50 for lots ≤ 12,500 sq ft
Dwelling, single-family attached	See 21.09.050B.2.c.							
Dwelling, single-family detached	10,400	70 feet	20 feet <sup>1</sup>	10 feet <sup>2</sup>	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater  0.50 for lots ≤ 12,500 sq ft
Dwelling, townhouse	See 21.09.050B.2.c.							
Dwelling, two-family	16,800	70 feet	20 feet <sup>1</sup>	10 feet <sup>2</sup>	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,500 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater  0.50 for lots ≤ 12,500 sq ft
Roominghouse	19,800	70 feet	20 feet <sup>1</sup>	10 feet	15 feet; or 20 feet for lots > 1 acre	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater  0.50 for lots ≤ 12,500 sq ft
Community buildings and uses	10,400							
Religious assembly	20,800							
Hostel or inn	1.5 acres							
All other allowed uses	10,400							
<b>gR-2: Single-family/two-family residential district</b>								
<b>gR-2A: Single-family/two-family residential district (Crow Creek Road)</b>								
Dwelling, single-family detached	10,400; or 50,000 without sewer	70 feet; 100 feet without sewer	20 feet <sup>1</sup>	10 feet <sup>2</sup>	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater  0.50 for lots ≤ 12,500 sq ft
Dwelling, two-family	16,800; or 50,000 without sewer	70 feet; 100 feet without sewer	20 feet <sup>1</sup>	10 feet	15 feet; or 20 feet for lots > 1 acre	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater  0.50 for lots ≤ 12,500 sq ft
Community buildings and uses	10,400	70 feet; 100 feet	20 feet <sup>1</sup>	10 feet	15 feet; or 20 feet for lots > 1 acre	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater  0.50 for lots ≤ 12,500 sq ft

TABLE 21.09.060-1: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD RESIDENTIAL DISTRICTS								
Uses	Lot Dimensions		Minimum Setbacks			Building Bulk and Height		
	Min Area (sq ft)	Min. Width	Front	Side	Rear	Max Height	Max Lot Coverage (%)	Max Floor Area Ratio
Religious assembly	20,800	feet without sewer			acre		30% otherwise	whichever is greater
All other allowed uses	10,400							0.50 for lots ≤ 12,500 sq ft
<b>gR-3: Single-family/two-family residential district</b>								
Dwelling, single-family attached	See 21.09.050B.2.c.							
Dwelling, single-family detached	8,400; or 50,000 without sewer	70 feet; 100 feet without sewer	(same as "Dwelling, two-family" below)			35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater  0.50 for lots ≤ 12,500 sq ft
Dwelling, townhouse	See 21.09.050B.2.c.							
Dwelling, two-family	16,800; or 50,000 without sewer	70 feet; 100 feet without sewer	For lots ≤ 21,780 sq ft: front: 20 feet side: 10 feet rear: 15 feet  For lots 21,781-43,560 sq ft: front: 25 feet side: 15 feet rear: 20 feet  For lots > 43,560 sq ft: front: 30 feet side: 20 feet rear: 30 feet			35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater  0.50 for lots ≤ 12,500 sq ft
Community buildings and uses, except educational facilities	8,400; or 50,000 without sewer							
Religious assembly	20,800							
Private schools	16,800							
Inn	1.5 acres; or 5 acres without sewer							
All other allowed uses	8,400; or 50,000 without sewer							
<b>gR-4: Multi-family residential district</b>								
Dwelling, multi-family	12,500	70 feet	20 feet <sup>1</sup>	10 feet <sup>2</sup>	10 feet <sup>2</sup>	35 feet	40%	n/a
Roominghouse	10,400	70 feet	20 feet <sup>1</sup>	10 feet	10 feet	35 feet	40%	n/a
Community buildings and uses	10,400							
Religious assembly	20,800							
All other allowed uses	10,400							

TABLE 21.09.060-1: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD RESIDENTIAL DISTRICTS									
Uses	Lot Dimensions		Minimum Setbacks			Building Bulk and Height			
	Min Area (sq ft)	Min. Width	Front	Side	Rear	Max Height	Max Lot Coverage (%)	Max Floor Area Ratio	
<b>gR-5: Multi-family residential district</b>									
Dwelling, multi-family	20,000	100 feet	25 feet	15 feet	20 feet	35 feet	40%	n/a	
Dwelling, single-family attached	See 21.09.050B.2.c.								
Dwelling, single-family detached <sup>3</sup>	50,000	100 feet	25 feet	15 feet	20 feet	35 feet	40%	n/a	
Dwelling, townhouse	See 21.09.050B.2.c.								
Religious assembly	20,800	80 feet	25 feet	15 feet	20 feet	35 feet	40%	n/a	
All other allowed uses	10,400								
ADDITIONAL SPECIFIC STANDARDS:									
<sup>1</sup> <u>Alyeska Highway Setbacks</u> : Minimum setback of [TWENTY-FIVE (25)] feet is required from any property line abutting the Alyeska Highway, but if the property extends into the road, the [TWENTY-FIVE (25)] foot setback shall be measure from the edge of the road easement.									
<sup>2</sup> <u>Side and rear setback flexibility</u> : Side setbacks may be reduced by five [5] feet on one side of the lot, but the amount of setback reduction shall be added to the opposite side setback. Rear setbacks may be reduced by five [5] feet, but the amount of reduction shall be added to the front setback.									
<sup>3</sup> <u>Single-family dwellings in gR-5</u> : Single-family detached dwellings in the gR-5 are subject to the provisions of 21.09.040B.f.iii.(B).									

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2. Table of Dimensional Standards: Commercial Districts

TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD COMMERCIAL DISTRICTS								
Uses	Lot Dimensions		Minimum Setbacks (ft)			Bulk, Height and Density		
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Max Dwelling Units / Acre
<b>gC-1: Seward Highway/West Alyeska Highway Commercial District</b>								
All uses	6,000	50 ft	20 <sup>5</sup>	20 <sup>6</sup>	20	2 stories not to exceed 35 ft	70%	n/a
<b>gC-2: Girdwood Station/Seward Highway Commercial District</b>								
All uses	6,000	50 ft	13 <sup>5</sup>	10 <sup>6</sup>	20 <sup>7</sup>	2 stories not to exceed 35 ft	70%	n/a
<b>gC-3: Old Townsite Commercial/Residential District</b>								
All uses	6,000	50 ft	13 <sup>5</sup>	10 <sup>6</sup>	10 <sup>7</sup>	4	2,500 square feet or 50%, whichever is greater	n/a

**TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS  
 GIRDWOOD COMMERCIAL DISTRICTS**

Uses	Lot Dimensions		Minimum Setbacks (ft)			Bulk, Height and Density		
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Max Dwelling Units / Acre
<b>gC-4: Lower Alyeska Highway Commercial District</b>								
All uses, ≤ 21,780 Sq Ft	10,400	80 ft	25 <sup>5</sup>	10 <sup>6</sup>	15 if lot size < 1 acre; 20 if lot size is ≥ 1 acre	35 ft	40%	20
All uses, > 21,781 Sq Ft				10 <sup>6</sup>				
<b>gC-5: New Townsite South Commercial District</b>								
All uses, ≤ 21,780 Sq Ft	8,400	80 ft	16 <sup>5</sup>	10 <sup>6</sup>	20	35 ft	50%	20
All uses, 21,781 Sq Ft – 5 acres			16 <sup>5</sup>	20 <sup>6</sup>	25			
All uses, > 5 acres			16	30 <sup>6</sup>	30			
<b>gC-6: Crow Creek Road Commercial/Residential District</b>								
All uses	8,400; or 50,000 without sewer	70 ft	18	10; or 15 if lot size > 21,781 sq ft <sup>6</sup>	15	35 ft	40%	20
<b>gC-7: Townsite Square Commercial District</b>								
All uses	6,000	50 ft	16 min; 20 max <sup>8</sup>	Zero setback permitted on one side [3] and in accordance with 21.09.040C. 2.g.iii.(D). if applicable; otherwise 10	15	4	70%	20
<b>gC-8: New Townsite North Commercial District</b>								
All uses	6,000	50 ft	16 min; 20 max <sup>8</sup>	10 <sup>6</sup>	10	35 ft	60%	20

TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD COMMERCIAL DISTRICTS								
Uses	Lot Dimensions		Minimum Setbacks (ft)			Bulk, Height and Density		
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Max Dwelling Units / Acre
<b>gC-9: East Hightower Commercial/Residential District</b>								
All uses	6,000	50 ft	16 min; 20 max <sup>8</sup>	10 <sup>6</sup>	10	35 ft	60%	20
<b>gC-10: Upper Alyeska Highway Commercial District</b>								
All uses, ≤ 21,780 Sq Ft	8,400	60 ft	20 <sup>5</sup>	15 <sup>6</sup>	20	35 ft	70%	20
All uses, 21,781 Sq Ft – 5 acres			20 <sup>5</sup>	20 <sup>6</sup>	20			
All uses, > 5 acres			30 <sup>5</sup>	30 <sup>6</sup>	30			
<b>ADDITIONAL SPECIFIC STANDARDS:</b>								
<sup>4</sup> For structures with only commercial uses: Two stories not to exceed 35 feet. For structures with only residential uses: 35 feet. For structures with commercial uses on the ground level and residential uses above: second story may include loft space not a separate dwelling unit and maximum height is 35 feet. <sup>5</sup> <u>Alyeska Highway Setbacks</u> - Minimum setback of 25 feet is required from any property line abutting the Alyeska Highway, but if the property extends into the road, the 25 foot setback shall be measured from the edge of the road easement. <sup>6</sup> <u>Zero Lot Line Setbacks</u> - Where adjoining property owners agree to connect buildings or cooperate in the design of a public passageway or courtyard between them, a zero lot line side set-back is allowed on one side. <sup>7</sup> <u>Alley Exemption</u> - Where a platted alley right-of-way abuts a parcel, there shall be no required setback along the property line. <sup>8</sup> <u>Maximum Front Setback Exception</u> – Limited portions of building frontage may, subject to administrative site plan review, be allowed to step back further than the maximum allowed front setback to create small usable public spaces in the front of a building.								

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**3. Table of Dimensional Standards: Industrial Districts**

TABLE 21.09.060-3: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD INDUSTRIAL DISTRICTS							
Use	Lot Dimensions		Minimum Setbacks (ft)			Building Bulk and Height	
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Maximum Lot Coverage	Maximum Height
<b>gl-1: Ruane Road Industrial District<sup>9</sup></b>							
All uses, ≤ 1 acre	10,400	80 ft	20	10	10	Unrestricted	25 feet
All uses, > 1 acre			25	15	15		

**TABLE 21.09.060-3: TABLE OF DIMENSIONAL STANDARDS  
 GIRDWOOD INDUSTRIAL DISTRICTS**

Use	Lot Dimensions		Minimum Setbacks (ft)			Building Bulk and Height	
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Maximum Lot Coverage	Maximum Height
<b>gl-2: Upper Crow Creek Industrial District<sup>9</sup></b>							
All uses	50,000	150 ft	25	15	15	Unrestricted	35 feet

**ADDITIONAL SPECIFIC STANDARDS:**

<sup>9</sup> Minimum setback along any property line contiguous with the GOS district is 20 feet for lots less than or equal to one acre in gl-1 and 30 feet for all other lots in gl-1 and gl-2 districts.

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**4. Table of Dimensional Standards: Resort Districts**

**TABLE 21.09.060-4: TABLE OF DIMENSIONAL STANDARDS  
 GIRDWOOD RESORT DISTRICTS**

Use	Lot Dimensions		Minimum Setbacks			Building Bulk and Height		
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Maximum Floor Area Ratio
<b>gRST-1: Original Mountain Base Resort District</b>								
All uses	8,400	60 feet	13 feet <sup>10</sup>	10 feet; or 20 feet if lot size > 0.5 acre <sup>11</sup>	20 feet	40 feet	50%	0.7 <sup>12</sup>
<b>gRST-2: New Base Resort District</b>								
All uses	8,400	80 feet	13 feet <sup>10</sup>	10 feet; or 20 feet if lot size > 0.5 acre <sup>11</sup>	20 feet	75 feet	50%	0.7 <sup>12</sup>

**ADDITIONAL SPECIFIC STANDARDS:**

<sup>10</sup> Arlberg Road Setbacks - The minimum setback along any property line abutting Arlberg Road is 30 feet.

<sup>11</sup> Zero Lot Line Setbacks - Where adjoining property owners agree to connect buildings or cooperate in the design of a public passageway or courtyard between them, a zero lot line setback is allowed on one side. Buildings connecting on the property line shall appear on the exterior to be two different buildings.

<sup>12</sup> FAR Incentives for Structured Parking - Maximum FAR may be increased from 0.7 to 1.35 for uses in where structured or underground parking is provided.

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1            5.        Table of Dimensional Standards: Other Districts

<b>TABLE 21.09.060-5: TABLE OF DIMENSIONAL STANDARDS OTHER GIRDWOOD DISTRICTS</b>							
Use	Lot Dimensions		Minimum Setbacks (ft)			Building Bulk and Height	
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage
<b>GA: Girdwood Airport District</b>							
All uses, ≤ 1 acre	10,400	80 ft	20	10 <sup>13</sup>	10 <sup>13</sup>	25 feet	Unrestricted
All uses, > 1 acre			25	15 <sup>13</sup>	15 <sup>13</sup>		
<b>GOS: Girdwood Open Space District</b>							
All uses	10,400	70 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GIP: Girdwood Institutions and Parks District</b>							
All uses	8,400	70 ft	25	25	25	2 stories, not to exceed 35 ft	30%
<b>GCR-1: Commercial Recreation (Lower Valley Development Reserve) District</b>							
All uses	All dimensions same as gR-2.						
<b>GCR-2: Commercial Recreation (Glacier-Winner Creek) District</b>							
All uses	50,000	100 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GCR-3: Commercial Recreation (Crow Creek Historic Mine) District</b>							
All uses	50,000	100 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GDR: Development Reserve District</b>							
All uses	10,400	70 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GRR: Recreation Reserve District</b>							
All uses	10,400	70	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GW: Girdwood Watershed District</b>							
All uses	50,000	100 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>ADDITIONAL SPECIFIC STANDARDS:</b>							
<sup>13</sup> In the Girdwood Airport district, the minimum setback along any property line contiguous with the GOS district shall be 20 feet, if the lot is less than or equal to one acre, and shall be 30 feet, if the lot area is greater than one acre.							

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**21.09.070 SITE DEVELOPMENT AND DESIGN STANDARDS**

**A. Purpose and General Goals**

The purpose of the standards is to ensure new development avoids adverse impacts on the environment and natural resources while maintaining and enhancing the appearance and character of the valley. Specific purposes of the standards include:

1. To help maintain high quality living environments, small-town character, and the presence of the natural landscape within Girdwood neighborhoods;
2. To preserve and reinforce the unique natural qualities of the site, to fit the building into the land to leave its natural landforms and features intact; and
3. To treat the building as an integral part of the natural environment and an attractive addition to the Girdwood community.

**B. Applicability**

Except as specified below, all development in Girdwood shall comply with the following development and design standards. The standards shall apply in addition to any standards contained in chapter 21.05, Use Regulations, and the following sections of chapter 21.07: 21.07.020, Natural Resource Protection; 21.07.040, Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges; 21.07.050, Utility Distribution Facilities; 21.07.070, Neighborhood Protection; 21.07.090, Off-Street Parking and Loading, and 21.07.140, Operational Standards. [21.45, SUPPLEMENTARY DISTRICT REGULATIONS]. In case of any conflict, the standards in this section shall apply.

Alternative development standards proposed through the master area planning and/or master development planning process shall be equivalent to or exceed the generally applicable development standards and shall result in high-quality, environmentally sensitive development, keeping with the intent of this chapter and the character of Girdwood.

**C. Hazard Areas**

All development lots, except for lots to be developed with ski slopes, platted after [date of adoption] shall comply with the following standards:

1. No lot shall be located entirely within a high hazard avalanche area or rockfall area, or have an average slope of greater than 35 percent; and
2. A lot located so that portions of the lot are within a high hazard avalanche area or a rockfall area, or where portions of the lot are steeper than 35 percent, shall be designed so that there is an adequate building site which is outside of the above-listed areas.

**D. Grading and Drainage**

**1. Intent**

This section is intended to set basic standards for grading and drainage, to reduce the drainage impacts from new development on existing development.

**2. Applicability**

This section shall apply to all new development in Girdwood.

**3. Grading**

Grading required for development shall mimic natural forms and blend into the existing landscape on the site. After completion of grading, restoration of slopes to natural-appearing conditions is required.



1 planted at average intervals not greater than 15 feet on center. No more  
2 than 50 percent of the trees may be deciduous.

- 3 ii. Three shrubs per tree, each shrub a minimum of 18 inches in height, and  
4 ground cover or mulches, placed so that the ground will be covered  
5 within three years.

6 **5. Planting Materials**

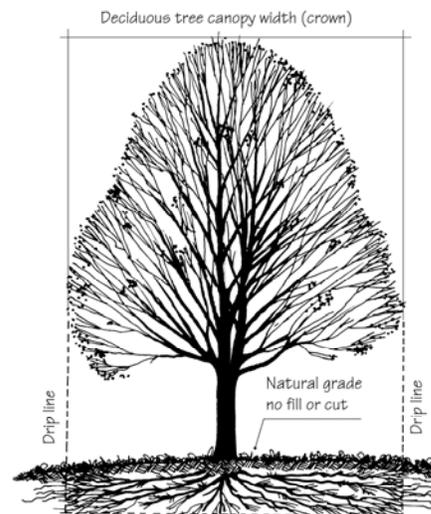
7 All new trees planted for required landscaping shall  
8 have the following characteristics:

9 a. **Evergreen Trees**

10 Evergreen trees shall be native Alaska  
11 species. Sitka spruce and hemlock are  
12 encouraged to be used because of their  
13 predominance and adaptability for survival in  
14 Girdwood. If nursery grown, the trees shall be  
15 a minimum of five feet in height, with a ratio of  
16 height to spread not less than five to three.  
17 Field collected specimens shall be a minimum  
18 of 24 inches in height.

19 b. **Deciduous trees**

20 Deciduous trees shall be a minimum of eight  
21 feet in height and 1 ½ inches caliper.



22 **Figure 21.09-5**  
23 Critical Root Zone

24 **6. Setback Area Vegetation**

25 a. **General**

26 The purpose of this section is to retain vegetation in setbacks and along street  
27 frontages. Required vegetation for setbacks may be used to count toward  
28 vegetation coverage requirements in subsection 3., above.

29 b. **Alyeska Highway Frontage Setback Vegetation**

30 All vegetation within 25 feet of the Alyeska Highway right-of-way shall be  
31 retained, except to accommodate a driveway, a utility easement, or utilities  
32 located by permit.

33 c. **Buffering Non-Similar Uses**

34 Setbacks between commercial/ industrial and residential properties, and between  
35 multifamily and single/ two-family residential properties, shall be retained as  
36 natural vegetation areas.

37 **7. Tree Protection During Construction**

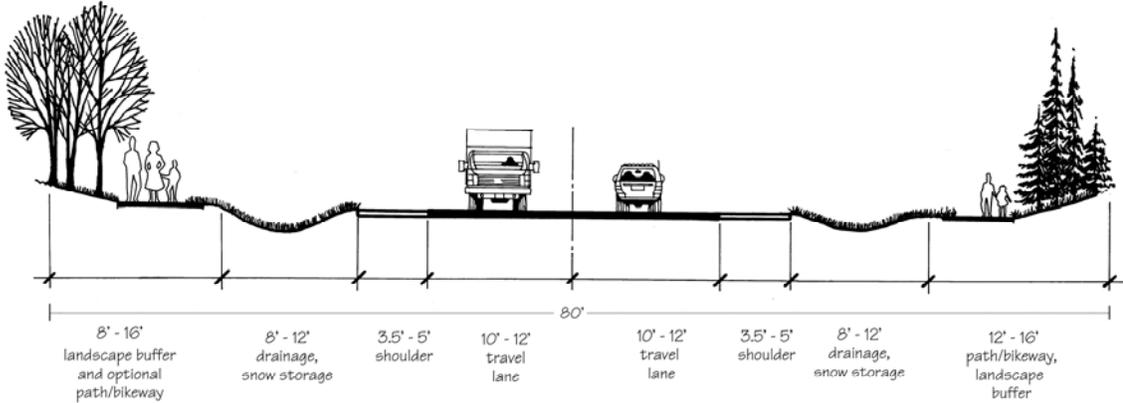
38 a. **Ski Trail Construction**

39 Trees designated to be retained to comply with this section shall be delineated  
40 through such methods as paint marking or flagging.

41 b. **Other Construction**

42 Trees designated to be retained to comply with this section shall be protected  
43 during construction by use of sturdy fencing or other firm barriers placed at the  
44 drip line. Grading is not permitted within 10 feet of the trunk, or within the critical  
45 root zone (drip line), whichever is greater, of any tree to be retained as part of the  
46 natural vegetation requirement.





**Figure 21.09-6:** Collector Street Dimensions

**4. Townsite Commercial Area Streets**

Streets in commercial townsite areas shall differ in design from the general street standards in order to support the main street commercial and mixed-use environments intended for the old and new townsite areas. Townsite streets have the following attributes:

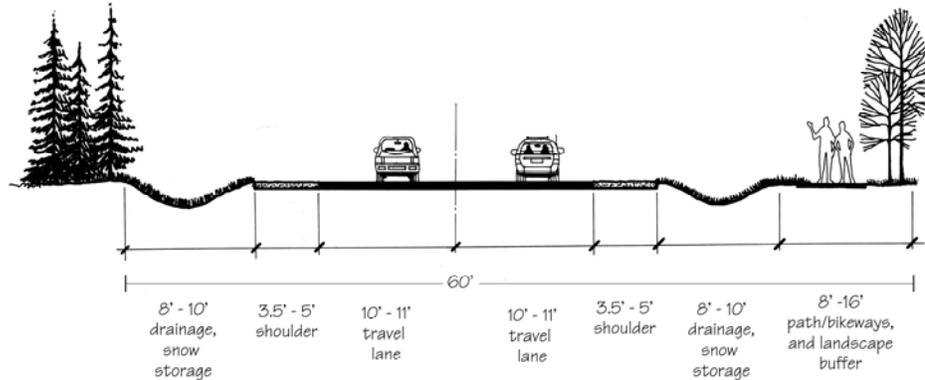
- a. The street shall be paved over an engineered base; and
- b. Curb and gutter shall be provided where practicable; and
- c. The street shall be designed to accommodate on-street parking to the maximum extent feasible; and
- d. A paved sidewalk seven feet or greater in width shall be provided on both sides of the street, and may be back-of-curb; and
- e. Individual driveways for each individual lot are discouraged, in order to limit the number of curb cuts, minimize pedestrian-vehicle conflicts, increase the continuity of main street pedestrian networks, and maximize the number of on-street parking spaces.

**5. Local Residential Streets**

A local residential street has the following attributes:

- a. The street shall be paved, or shall be a non-dust-generating non-porous material, such as RAP or chip-seal, over an engineered base; and
- b. Swales or drainage ditches on each side of the street shall be provided to accommodate surface drainage and snow storage; and
- c. Swales and drainage ditches shall be planted with natural grasses and/or hardy perennials; and
- d. A pedestrian path/bikeway of at least five feet in width and either paved, or treated with a non-dust-generating material, shall be provided on at least one side of the street and detached if possible; and
- e. Driveways, subject to section 21.09.070N., are permitted.

- 1 f. The dimensions of the local street cross-section shall be as illustrated below:



2  
3 **Figure 21.09-7:** Local Residential Street Dimensions

4 **6. Neighborhood Connectivity and Distribution of Traffic**

5 a. **Purpose**

6 The purpose of the standards is provide a well-connected street grid. The design  
 7 requirements do not mandate a rectilinear or uniform grid; the requirements shall,  
 8 however, result in a network distributing traffic evenly and equitably, and  
 9 ensuring good access for emergency services equipment. Such a street network  
 10 reduces the daily miles of vehicular travel in the valley by providing direct, non-  
 11 circuitous routes for drivers and by encouraging walking and bicycling.

12 b. **Connectivity Standards**

- 13 i. Within contiguous residential and commercial developments, no local  
 14 street may be developed longer than 450 feet, unless the street is  
 15 connected to another street at each end.
- 16 ii. Within contiguous residential and commercial developments, local  
 17 streets shall have at least nine intersections per mile.

18 **G. Lighting**

19 **1. Street and Trail Lighting Standards**

20 a. **Applicability**

21 This section applies to street and trail lighting, and is subject to the provisions of  
 22 the Design Criteria Manual, except as specifically provided in this section, in  
 23 order to preserve and enhance the unique character and aspirations of  
 24 Girdwood. This section does not apply to site lighting, including alpine ski slope  
 25 lighting. The lighting standards in this section do not apply to state-maintained  
 26 roads.

27 b. **Location**

28 Street lights shall be installed where required by the Traffic Engineer for vehicle  
 29 and/or pedestrian visibility and safety. Street lighting on local residential streets  
 30 should be avoided if possible.

31 c. **Lighting Color**

32 Fixtures for street and trail lighting shall use white light sources with a color  
 33 rendering index (CRI) of 65 or greater.

d. **Poles**

i. **Local Streets and Intersections**

Street light poles at intersections of local streets with local streets, and along local streets, shall not exceed 20 feet in height.

ii. **Collector Streets and Intersections**

Street light poles at intersections of collector streets with collector streets, and of collector streets with local streets, shall not exceed 25 feet in height.

iii. **Arterial Streets**

Street light poles along arterial streets shall not exceed 35 feet in height.

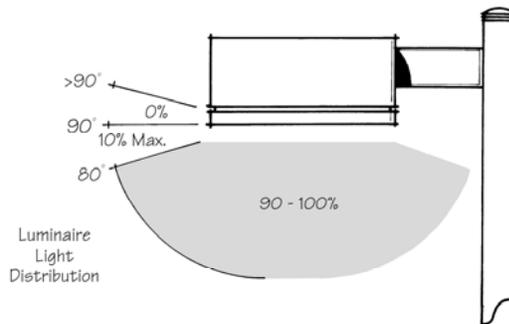
iv. **Trails**

Trail light poles shall not exceed 16 feet in height. Poles shall be of treated wood or painted metal.

e. **Fixtures**

Street and trail lighting shall be full cut-off, as defined by the Illuminating Engineering Society of America (IESNA).

**Figure 21.09-8:**  
Full Cut-off  
Luminaire



f. **Trail Lighting**

Pedestrian trails along collectors and arterials shall be lit.

2. **Exterior Site Lighting**

a. **Applicability**

This section shall apply to site lighting, building lighting, and parking lot lighting in all developments, except for alpine ski slopes and single- and two-family developments.

b. **Light Poles**

Light poles shall not exceed 14 feet in mounting height, except light poles for parking lots [AREAS] in the gC-1, gC-2, gl-1, and gl-2 districts may be up to 20 feet in mounting height. Poles shall be non-reflective, neutral and dark in color, blending into the site's nighttime backdrop.

c. **Shielding, Glare and Light Trespass**

Exterior site and building wall lighting shall be designed and located to direct light toward the ground, to minimize glare or light trespass onto adjacent properties or light pollution in the valley. The light source shall not be visible at the property

1 line, provided, however, light fixtures for walkways may have a visible light  
2 source if diffused by a translucent cover, such as frosted glass. Upward-directed  
3 exterior lighting is prohibited, unless the light beam is directed only toward, and is  
4 contained within, the mass of the ceiling, wall, tree or other feature to be  
5 illuminated.

6 **d. Lighting Color**

7 Fixtures for area lighting shall use white light sources, such as one of the  
8 following, without limitation: Color corrected metal halide, induction, compact  
9 fluorescent, incandescent (tungsten-halogen), or high-pressure sodium with a  
10 color rendering index (CRI) of 65 or greater. Lights at building entrances, steps,  
11 stairs, ramps, driveway crossings and entrances to parking structures or garages  
12 may be incandescent. Aesthetic landscaping or building facade lighting is  
13 exempt from color restrictions.

14 **e. Parking Lot and Display Lot Lighting**

15 Parking lot and display lot lighting fixtures shall be full cut-off fixtures, as defined  
16 by the Illumination Engineering Society of North America.

17 **f. Athletic Playing Fields**

18 The standards set forth in this section shall not apply to lighting of public athletic  
19 playing fields.

20 **H. Pedestrian Circulation**

21 **1. Applicability**

22 All multiple-family residential and non-residential developments shall meet the minimum  
23 standards of this section.

24 **2. Walkway System – Residential**

25 In multifamily projects, and in attached single-family and two-family dwelling projects  
26 containing more than two residential buildings, paved and lighted walkways shall be  
27 provided from individual units or common building entries to parking lots [AREAS] and to  
28 paved public trails or sidewalks abutting the property. The maximum grade on pedestrian  
29 walkways is five percent without a handrail, or eight percent if a handrail is provided.

30 **3. Walkways System – Public/Institutional and Commercial Uses**

31 Walkways shall connect parking lots [AREAS] to sidewalks and building entrances.  
32 There shall be a connecting walkway between all buildings in a multiple building  
33 development. Walkways and sidewalks shall have an unobstructed width of no less than  
34 five feet. When walkways adjoin areas used by vehicles for driving or parking, walkways  
35 shall be defined by curbs, plant beds, bollards, or other materials, to create a well-defined  
36 physical separation between the uses.

37 **4. Weather Protection**

38 Exterior stairways to habitable upper levels, and any pedestrian walkways exposed to  
39 snow shedding from roofs, shall be covered.

40 **I. Fences and Walls**

41 **1. Fences in Residential Districts**

42 Fences up to eight feet in height are permitted in side and rear setback areas, where  
43 needed for child safety, privacy, security, or animal control. However, in no case shall  
44 fences extend into the setbacks for more than 30 percent of the total linear perimeter of  
45 the lot. Fences are prohibited in the front setback.

- 1           **2. Walls in Nonresidential Sites**  
2           Low walls on any nonresidential site shall be of local stone, or stone of comparable  
3           appearance, or heavy timber wide enough to allow for comfortable seating when located  
4           adjacent to walkways. When connected to a building, the wall shall duplicate the building  
5           base material.
- 6           **3. Fences and Walls in Commercial Districts**  
7           Fences less than 42 inches in height may be constructed in front setbacks. Except as  
8           otherwise provided in the gC-7 district-specific standards, fences and free-standing walls,  
9           up to six feet high, may be constructed within the side and rear setbacks. Fences  
10          associated with golf driving ranges are exempt from this section.
- 11          **4. Fences and Free-Standing Walls in Industrial Districts**  
12          Fences and freestanding walls up to eight feet high may be constructed within side and  
13          rear setbacks. A fence up to eight feet high may be constructed in the front setback, but  
14          it shall not be sight-obscuring.
- 15          **J. Utilities and Utility Equipment Standards**
- 16               **1. Commercial, Industrial, and Multiple-Family Residential**
- 17                   **a. Undergrounding of Utilities**  
18                   New utilities, including electrical distribution lines, shall be placed underground.  
19                   Utility easements shall be dedicated to allow future access to the underground  
20                   lines. Existing and proposed utility lines shall be depicted on the site plan.
- 21                   **b. Location of Underground Utilities in gR-3 and gR-5 Districts**  
22                   Underground utility lines in the gR-3 and gR-5 districts shall avoid disturbing  
23                   natural vegetation, and shall be placed in the right-of-way in front of lots, and not  
24                   along side or rear lot lines, except where needed to create looped systems. Pad-  
25                   mounted facilities may be located in easements abutting rights-of-way.
- 26                   **c. Location of Above-Ground Utilities**  
27                   Above-ground utility enclosures, such as transformers, major telephone  
28                   equipment boxes, and similar facilities, shall be located a minimum of 20 feet  
29                   from entrances to dwelling units, driveways, or garage entrances. Above-ground  
30                   utilities shall be located to minimize visibility from entries, and above-ground  
31                   utilities not mounted on the building shall be screened with vegetation. Electric  
32                   and gas meters and fire sprinkler risers shall be located within the building  
33                   service area for structures with a separate service entry or, in the absence of a  
34                   separate service entry, on side or rear walls.
- 35                   **d. Design Standards for Above-Ground Utilities**  
36                   Except as necessary for safety and maintenance, above-ground utility boxes  
37                   shall be screened from the road right-of-way with vegetation or with screening  
38                   constructed of stone, wood, or textured concrete block.
- 39               **2. Single-Family Residential**
- 40                   **a. Undergrounding of Utilities**  
41                   New utilities, including electrical distribution lines, shall be placed underground.  
42                   Utility easements shall be dedicated to allow future access to the underground  
43                   lines. Existing and proposed utility lines shall be depicted on the site plan.
- 44                   **b. Alyeska Highway Utilities**  
45                   Utilities to be extended to lots along Alyeska Highway shall be placed under  
46                   driveways, to the maximum extent practicable.

1 **K. Snow Management**

2 **1. Commercial, Public/Institutional, Industrial, and Multiple-family Residential**

3 **a. Snow Storage Area**

4 Snow storage space adjacent to surface parking lots and pathways shall be  
5 identified on the site plan. To facilitate snowplowing and snow removal, snow  
6 storage areas equal to at least 20 percent of the total area of the site used for  
7 parking, access drives, walkways, and other surfaces needing to be cleared of  
8 snow, shall be designated on the site plan.

9 **b. Exemptions and Alternatives**

10 **i.** Minimum snow storage area requirements may be waived for properties  
11 within the boundaries of a public parking, local improvement, or snow  
12 management district where district-wide snow removal services is  
13 provided.

14 **ii.** Vehicle driveway and parking **lots [AREAS]** and pedestrian walkways  
15 with heated surfaces for melting snow shall be exempt from snow  
16 storage area requirements.

17 **c. Snow Storage and Drainage**

18 The location of snow storage areas shall be coordinated with drainage plans so  
19 the stored snow does not block meltwater from swales and drains.

20 **d. Snow Storage and Landscaping**

21 Areas designated for snow storage shall be landscaped only with groundcovers  
22 and shall have positive drainage away from structures and pavements. Storage  
23 of snow is prohibited in required natural vegetation areas.

24 **L. Off-Street Parking Standards**

25 **1. General**

26 Required parking shall be provided in accordance with section **21.07.090 [21.45.080]**,  
27 except as specified in this section. The director may waive an off-street parking  
28 requirement if sufficient public parking in the district satisfies off-street parking  
29 requirements.

30 **2. gC-5, gC-8, and gC-9 Districts**

31 Required parking for any non-residential use in the gC-5, gC-8 or gC-9 districts may be  
32 located off-site within the adjoining right-of-way or within 600 feet of the site in community  
33 parking **lots [AREAS]** under a municipal parking agreement.

34 **3. gC-7 District**

35 In the gC-7 district, on-site parking for new commercial development is prohibited.  
36 Parking for new commercial development shall be located within the adjoining right-of-  
37 way, or in community parking **lots [AREAS]** under a municipal parking agreement.  
38 Required parking for upstairs dwelling units in the gC-7 district may also be located off-  
39 site. Any on-site parking for residential units shall be located on the side or rear of the  
40 principal building and enclosed within a garage architecturally compatible with the  
41 principal building and no closer to the street than the building's primary front façade. On-  
42 site parking in the rear setback is prohibited.

43 **4. Parking Lot Location – Residential**

44 Parking for multifamily dwellings or multiple residential dwelling structure projects is  
45 prohibited in any required setback. All surface parking **lots [AREAS]** shall be screened  
46 from adjacent streets, properties, and public trails through the use of retained vegetation

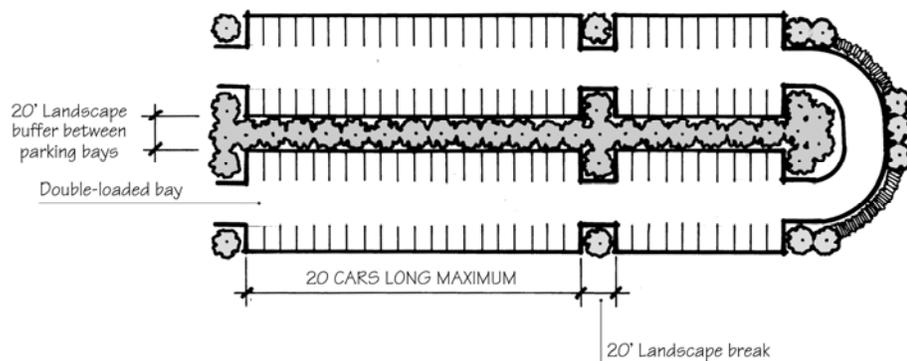
1 and/or landscaping encompassing the front setback, with breaks for driveways and  
2 walkway access.

3 **5. Parking Lot Location – Nonresidential**

4 Parking is prohibited in any required setback, except in the gC-3 district as provided in  
5 subsection 21.09.040C.2.c.iii.(B).

6 **6. Parking Lot Landscaping**

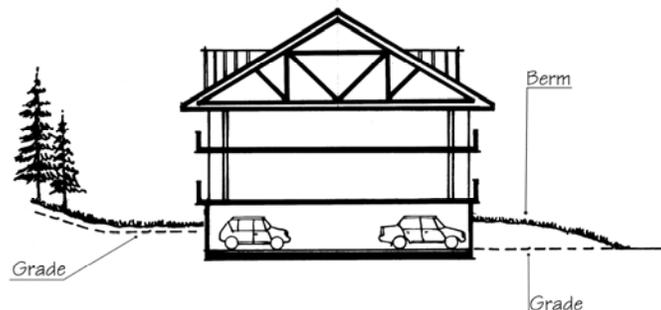
7 Public and private parking lots shall have a 20 foot landscaped break in any line of  
8 parking spaces over 20 cars long and a minimum 15 foot landscaped strip between every  
9 other double-loaded bay of cars.



11 **Figure 21.09-9:** Parking Lot Landscaping

12 **7. Parking Within Multifamily and Non-Residential Structures**

13 Parking structures for more than two cars within multifamily and nonresidential structures,  
14 shall be constructed at least half a level below grade or, if constructed at grade, shall be  
15 earth covered using berming at least a half level on all sides. Vegetative and/or  
16 architectural screening of multiple level parking structures is required. The mechanical  
17 equipment required to vent enclosed parking shall be located away from outdoor play  
18 areas or entries, public rights-of-way and pedestrian spaces, and shall be completely  
19 screened from view.  
20



21 **Figure 21.09-10:**  
22 Parking within  
23 Multifamily and Non-  
24 Residential Structures

25 **8. Parking Surfacing Materials**

Interior roads, driveways, and parking lots [AREAS] shall be paved, except paving of  
driveways and surface parking lots [AREAS] for single-family and two-family residences  
is not required.

1 **M. Signage**

2 Except as set forth below, the generally applicable sign standards contained in **chapter 21.11**  
3 **[SECTION 21.47], Signs [STANDARDS]**, shall apply. The regulations set forth below shall apply  
4 in addition to those contained in **chapter 21.11 [SECTION 21.47]**, except in case of conflict, in  
5 which case the regulations below shall govern.

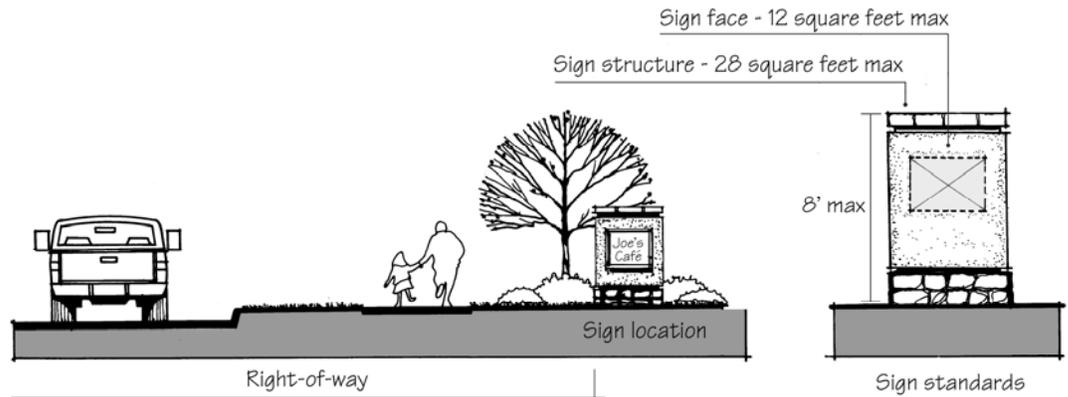
6 **1. Commercial and Industrial Signs**

7 The following standards apply to signage for any commercial or industrial use, except for  
8 Fueling Stations, as set forth in subsection 4., below. Directional and wayfinding signs  
9 are exempt from this section.

10 **a. Freestanding Signs**

11 **i. Number**

12 A single, freestanding sign is allowed, but shall not be placed in the right-  
13 of-way, or in the sight distance triangle as defined in  
14 subsection 21.09.050D.



15 **Figure 21.09-11: Freestanding Commercial Sign**

16 **ii. Maximum size and height**

17 The maximum size shall be 12 square feet per face. The sign shall be  
18 monument-style, ground mounted, and shall not exceed a maximum  
19 height of eight feet. There may be lettering on both sides. The total area  
20 of each face of the sign, including the structural base, shall not exceed  
21 28 square feet.  
22

23 **iii. Materials**

24 Signage materials shall be complementary to the architectural character  
25 and materials of the principal building.

26 **iv. Style and Color**

27 The letter style and color of freestanding identification signs shall be  
28 consistent with those used on other signs close to or attached to the  
29 building. If the sign is internally illuminated, the background shall be a  
30 translucent darker color, with a lighter contrasting color for the letters and  
31 symbols.

32 **v. Electronic Changeable Copy Signs**

33 Electronic changeable copy signs or signs with flashing lights or highly  
34 reflective elements are prohibited.

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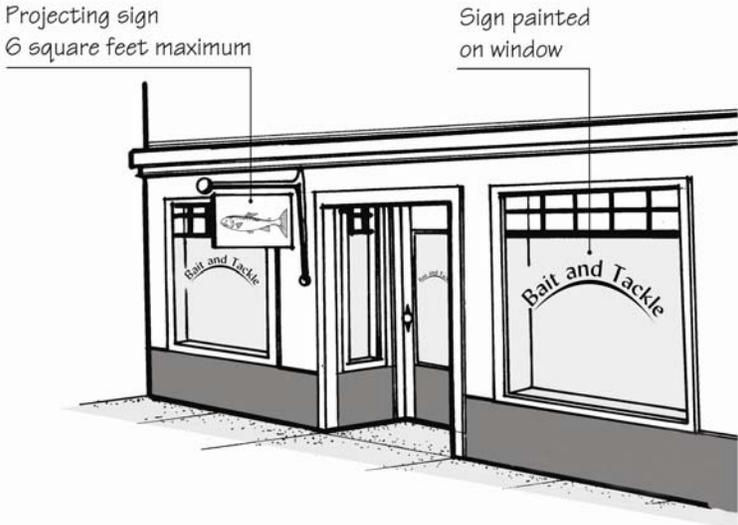
vi. *Icon Signs*  
 Developments subject to a master plan requirement may have one icon sign exceeding the size and height limits specified in this section. An icon sign is a sign using natural materials, such as logs or stone, and is designed to keep with the character of a mountain resort community and emblematic of the primary use on the site (e.g., skiing). The dimensions of the icon sign shall be determined and approved as part of the master planning process.

9  
10  
11  
12  
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14

b. **Building Signs**  
 i. *Maximum Area*  
 In addition to freestanding signs, each commercial building on a lot shall have a total building signage area allowance for each side of the building facing a public right-of-way, based upon the width of the building frontage as follows:

Building Frontage Width (ft.)	Square Feet Allowed
< 20	10
20-30	15
31-40	20
41-50	30
>50	40

15



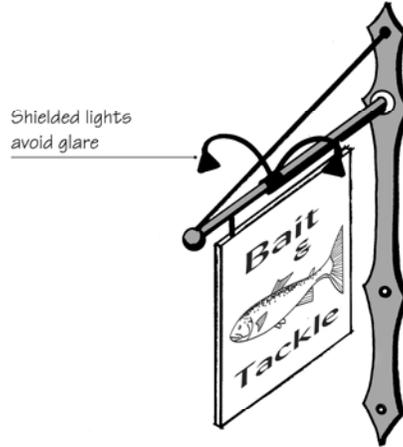
**Figure 21.09-12:** Commercial Building Signage

16

ii. *Types of Signs*  
 The total area of all signs shall not exceed the amount set forth above.

17  
18  
19  
20  
21  
22  
23  
24

(A) *Projecting Sign*  
 Each occupant of a commercial building is allowed a single projecting sign. The maximum size of a hanging or projecting sign shall be six square feet. Projecting signs shall be at least 6' 10" above a walkway and may not extend more than five feet from the building façade. The lettering may be on both sides.



**Figure 21.09-13:**  
Lighted Projecting Sign

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- (B) Window Signs**  
Permanent window signs shall cover no more than 30 percent of the window area, but 50 percent of that sign area must be transparent.
- (C) Other Signs**  
Other allowed signs may be flush-mounted, painted on doors or windows, mounted on awnings, canopies and arcades, or attached to railings. Flush-mounted or painted signs shall be at the ground floor level.
- iii. Materials and Colors**  
Permitted sign materials are wood, metal, stone, ceramic, glass, or plastic surface mounted on a wood or metal backing. The surface shall be painted, stained or treated to ensure durability.
- iv. Lighting**  
Internally lit signs are not permitted, except logos and channel signs consisting of individual letters may be internally lit. External illumination shall be shielded and be directed downward to shine only on the sign area to be illuminated.
- v. Electronic Changeable Copy Signs**  
Building signs with electronic changeable copy are prohibited in Girdwood.
- vi. Operational Information Signs**  
If window or door space used to display operational information, such as phone numbers, address, hours of operation, charge cards accepted, or similar information, is less than a rectangle 12 by 18 inches in size, the sign does not count against the maximum area specified above.
- vii. Temporary Sign**  
The display of temporary sales signs, advertisements or other signage is prohibited on the outside of buildings.

- 1           **2. Residential Uses**  
2           **a. Multiple-Family**  
3           The standards for signs for multifamily buildings in residential districts  
4           (section **21.11.050** [21.47.040]) shall apply to multiple-family residential.
- 5           **b. Single-Family, Two-family and Townhouse**  
6           The sign standards of section **21.11.050** [21.47.040] shall apply to a single-family  
7           dwelling, duplex or townhome, except only one freestanding identification sign  
8           shall be allowed for any residential subdivision.
- 9           **3. Public/Institutional Uses**  
10          The sign regulations set forth in section 21.09.070M.1. (*Commercial and Industrial Signs*)  
11          shall apply to public/institutional uses. Signage for public buildings that are intended as  
12          civic landmarks shall be compatible and integrated with the architectural character,  
13          proportions, and details of the building.
- 14          **4. Fueling Station Signage**  
15          **a. Primary Freestanding Signage Height and Area Maximums**  
16          A fueling station may have a primary freestanding sign up to 25 feet in height, not  
17          to exceed 30 square feet in area, and one road front entrance sign on each road  
18          frontage, each sign not to exceed eight feet in height or 20 square feet in area.
- 19          **b. Fuel Price Signs**  
20          One sign identifying fuel prices is permitted, not to exceed four panels four feet  
21          square, to be arranged in a square or vertical format, not to exceed 12 feet in  
22          height.
- 23          **c. Instructional Signs**  
24          Up to six instructional signs are permitted, each not to exceed two feet square, to  
25          guide traffic movement and parking.
- 26          **5. Grocery Store Signage**  
27          In spite of subsection 1. above, a grocery store with 15,000 or more square feet gross  
28          floor area and with multiple points of vehicle site access may have two freestanding  
29          signs, each sign shall not to exceed a total of 20 square feet. No more than 25 percent of  
30          window area may be used for signage, including signs located inside but readable from  
31          four feet away from the building.
- 32          **6. Bed and Breakfast Signage**  
33          A bed and breakfast shall have and maintain the appearance of a single-family detached  
34          dwelling unit or a dwelling unit of a two-family dwelling. No more than one non-  
35          illuminated sign is permitted to reflect the operation of a bed and breakfast, and the sign  
36          may be one of the following:
- 37               **a.**       A maximum one square foot sign, mounted flat against the principal building; or
- 38               **b.**       A post and sign located on the property, no more than ten feet from the driveway.  
39               The sign area is limited to two and one-half square feet, and the framing area is  
40               limited to 15 square feet.



Framing area, defined by the combined outer limits of the sign and all frames and supports.

**Figure 21.09-14:** Bed and Breakfast Signs

**N. Driveway Standards**

**1. Intent**

To maintain the natural qualities of the site, driveways shall be of minimum width, follow site contours, and be routed to preserve amenities such as rock outcroppings and stands of mature trees. Driveways shall be designed with safety as a priority, with as little gradient as practicable.

**2. Driveway Standards for Residential Uses**

TABLE 21.09.070-2: DRIVEWAY STANDARDS FOR RESIDENTIAL USES		
	Single-family/ Two-family Uses	Multiple-family Residential
Minimum width	10 feet	12 feet
Maximum width per driveway This applies to the length of the driveway within a setback and public right-of-way.	20' wide maximum	one-way driveway – 14' max. width two-way driveway – 24' max. width
Two driveways	If two driveways are used for either a single family or a two family lot, they each shall be no more than 10 feet wide.	The total width of both driveways measured within a setback and public right-of-way shall not exceed 40 percent [%] of the frontage of that lot on the street.
More than two driveways	Not allowed.	Allowed if it is shown that they will substantially improve circulation safety both on and off site. All other standards of this subsection apply.
Separation between driveways on a single lot	A minimum 10' wide vegetated separation required where there is more than one driveway to the same street.	
Slope	Slopes of up to 10 percent [%] are allowed on all residential driveways. Driveways with slopes greater than [TEN PERCENT (10 percent [%])] require prior approval by the municipal traffic engineer.	
Materials	Compactible material suitable for intended use. Surface course or pavement of any type is optional.	Concrete or asphalt compound to the standards prescribed by the traffic engineer.

10

3. **Driveway Standards for Commercial Districts and Nonresidential Uses in Residential Districts**

**TABLE 21.09.070-3: DRIVEWAY STANDARDS FOR COMMERCIAL DISTRICTS**  
 (sf = square feet)

	gC-1, gC-2		gC-3, gC-4		gC-5 through gC-104		
	≤5,000 sf lot	>5,000 sf lot	≤5,000 sf lot	>5,000 sf lot	≤5,000 sf lot	5,000 - 43,560 sf lot	>43,560 sf lot
Minimum width	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet
Maximum width per driveway <sup>14</sup>	24 feet	28 feet	24 feet	24 feet	24 feet	24 feet	24 feet
Maximum width of each driveway for two driveways <sup>14</sup>	Not allowed	28 feet	Not allowed	14 feet	Not allowed	14 feet	24 feet
More than two driveways	Lots are allowed a maximum of two driveways per frontage.		Lots are allowed a maximum of two driveways per lot.		Allowed if it is shown to improve circulation safety, on and off site		
Separation between driveways	Where separate driveways are provided on a lot in a GC district, there shall be a naturally vegetated or landscaped area at least 20 feet wide between the driveways. The separation area may not be used for the parking of vehicles.						
Slope	Slopes of up to 10% are allowed on all commercial driveways. Driveways with slopes of 10-15 percent [%] require prior approval of the municipal traffic engineer.						
Orientation	Within the required front setback on any lot, driveways shall run perpendicular to the street.						
Materials	Concrete or asphalt compound to the standards prescribed by the traffic engineer. Permeable materials are allowed if approved by the municipal traffic engineer.						
<sup>14</sup> Maximum width may be exceeded when approved by the municipal traffic engineer.							

4. **Driveway Standards for Industrial Districts**

**TABLE 21.09.070-4: DRIVEWAY STANDARDS FOR INDUSTRIAL DISTRICTS**

	gl-1	gl-2
Maximum width One driveway	30 feet	30 feet
Maximum width Two Driveways	30 feet each	30 feet each
More than two driveways	Not allowed	
Separation between driveways	Where separate driveways are provided on a lot, there shall be a naturally vegetated or landscaped area at least 20 feet wide between the driveways. The separation area may not be used for parking vehicles.	
Slope	Driveways shall not exceed a slope of 10 percent [%].	
Orientation	Within the required front setback on any lot, driveways shall run perpendicular to the street.	
Materials	Concrete or asphalt compound to the standards prescribed by the municipal traffic engineer.	

5. **Driveway Standards for Other Districts**

a. **Number and Width**

i. **GA District**

A lot in the GA district may have up to two driveways with a maximum width of 30 feet.

ii. **GOS and GIP Districts**

The maximum width and maximum number of driveways shall be as specified below.

- 1 (A) Up to 5,000 square foot lot: One driveway, maximum 24 feet  
2 wide; or
- 3 (B) Greater than 5,000 square foot lot: One driveway, maximum 24  
4 feet wide; or two driveways, maximum 14 feet wide.
- 5 iii. *GDR and GRR Districts*  
6 One driveway, maximum 24 feet wide; or two driveways, maximum 14  
7 feet wide.
- 8 b. **Separation Between Driveways**  
9 i. *GA district*  
10 If two driveways are on the lot, there shall be a minimum 20 foot  
11 separation between the two driveways.
- 12 ii. *GOS, GIP, GDR and GRR Districts*  
13 Where separate driveways are on a lot, there shall be a vegetated area  
14 (either natural or landscaped) at least 20 feet in width between the two  
15 driveways. The vegetated area between sections of driveway may not  
16 be used for the parking of vehicles.
- 17 c. **Orientation**  
18 i. *GA, GOS, GIP, GDR and GRR Districts*  
19 Within the required front setback on any lot, driveways shall run  
20 perpendicular to the street.
- 21 d. **Slope**  
22 i. *GOS, GIP, GDR, and GRR Districts*  
23 Driveways shall not exceed a slope of 10 percent.
- 24 O. **Trash Management in Multi-Family, Commercial, Industrial, and Resort Districts**  
25 1. The placement of refuse containers in the front setback is prohibited.  
26 2. All refuse containers stored outdoors shall be bear-proof.  
27 3. Refuse containers shall be screened from public view within a three-sided structure.  
28 Enclosures shall be durably constructed and designed to be consistent with the primary  
29 structure(s) on the property.

## 21.09.080 BUILDING DESIGN STANDARDS

### A. Purpose and General Goals

32 The design standards establish control over certain aspects of the design of multiple-family,  
33 commercial, and resort development in order to retain the visual beauty and character of  
34 Girdwood Valley's natural landscape and to reduce the visual and physical problems arising from  
35 poor site planning. Except as modified by an approved development master plan, these  
36 standards apply to new or remodeled development, as noted in the specific applicability  
37 statements, and related new accessory structures. Specific purposes include:

- 38 1. To preserve and reinforce the unique natural qualities of the site;  
39 2. To fit the building into the land in a way to keep natural landforms and features intact; and  
40 3. To treat the building as an integral part of the natural environment and an attractive  
41 addition to the Girdwood community.

1 No part of chapter 21.09, is meant to preclude, discourage, or inhibit the design, installation, or  
2 implementation of ecologically sound methods of harnessing and utilizing wind, solar, hydro, or  
3 other sources of renewable energy in Girdwood.

4 **B. Alternative Equivalent Compliance**

5 **1. Purpose**

6 Alternative equivalent compliance is a procedure that allows development to meet the  
7 intent of the design-related provisions of this chapter through an alternative design. It is  
8 not a general waiver or weakening of regulations. Rather, the procedure permits a site-  
9 specific plan that is equal to or better than the strict application of a design standard  
10 specified in this chapter. This procedure is not intended as a substitute for a variance or  
11 administrative modification or a vehicle for relief from standards in this chapter.

12 **2. Applicability**

13 The alternative equivalent compliance procedure shall be available only for this section  
14 21.09.080.

15 **3. Procedure**

16 See subsection 21.07.010D. for the alternative equivalent compliance procedure.

17 **4. [PRE-APPLICATION CONFERENCE REQUIRED]**

18 AN APPLICANT PROPOSING TO USE ALTERNATIVE EQUIVALENT COMPLIANCE  
19 UNDER THIS SECTION SHALL REQUEST AND ATTEND A PRE-APPLICATION  
20 CONFERENCE PRIOR TO SUBMITTING THE SITE PLAN FOR DEVELOPMENT, TO  
21 DETERMINE THE PRELIMINARY RESPONSE FROM THE DIRECTOR. BASED ON  
22 THAT RESPONSE, THE SITE PLAN APPLICATION SHALL INCLUDE SUFFICIENT  
23 EXPLANATION AND JUSTIFICATION, IN BOTH WRITTEN AND GRAPHIC FORM,  
24 FOR THE ALTERNATIVE EQUIVALENT COMPLIANCE REQUESTED.

25 **5. DECISION-MAKING RESPONSIBILITY**

26 FINAL APPROVAL OF ALTERNATIVE EQUIVALENT COMPLIANCE UNDER THIS  
27 SECTION SHALL BE THE RESPONSIBILITY OF THE DECISION-MAKING BODY  
28 RESPONSIBLE FOR DECIDING UPON THE APPLICATION. FOR EXAMPLE,  
29 PROPOSED ALTERNATIVE EQUIVALENT COMPLIANCE ON A CONDITIONAL USE  
30 APPLICATION SHALL BE CONSIDERED AND DECIDED UPON BY THE PLANNING  
31 AND ZONING COMMISSION. BY-RIGHT PROJECTS THAT WOULD NOT  
32 ORDINARILY REQUIRE REVIEW UNDER THIS TITLE, YET WHICH ARE PROPOSING  
33 ALTERNATIVE EQUIVALENT COMPLIANCE, SHALL RECEIVE WRITTEN APPROVAL  
34 OF THE ALTERNATIVE EQUIVALENT COMPLIANCE FROM THE DIRECTOR. ALL  
35 APPLICATIONS FOR ALTERNATIVE EQUIVALENT COMPLIANCE SHALL BE  
36 PROCESSED AND REVIEWED IN A TIMELY FASHION.

37 **6. CRITERIA**

38 TO GRANT A REQUEST FOR ALTERNATIVE EQUIVALENT COMPLIANCE, THE  
39 DECISION-MAKING BODY SHALL FIND THAT THE FOLLOWING CRITERIA ARE  
40 MET:

41 **a.** THE PROPOSED ALTERNATIVE DESIGN ACHIEVES THE INTENT OF THE  
42 SUBJECT DESIGN STANDARD TO THE SAME OR BETTER DEGREE THAN  
43 THE SUBJECT STANDARD.

44 **b.** THE PROPOSED ALTERNATIVE DESIGN ACHIEVES THE GOALS OF THE  
45 GIRDWOOD AREA PLAN TO THE SAME OR BETTER DEGREE THAN THE  
46 SUBJECT STANDARD.

1           c.    THE PROPOSED ALTERNATIVE DESIGN RESULTS IN BENEFITS TO THE  
2           COMMUNITY THAT ARE EQUIVALENT TO OR BETTER THAN COMPLIANCE  
3           WITH THE SUBJECT DESIGN STANDARD.

4           **7.    EFFECT OF APPROVAL**

5           ALTERNATIVE EQUIVALENT COMPLIANCE SHALL APPLY ONLY TO THE SPECIFIC  
6           SITE FOR WHICH IT IS REQUESTED AND DOES NOT ESTABLISH A PRECEDENT  
7           FOR ASSURED APPROVAL OF OTHER REQUESTS.]

8    **C.    Single-Family (Detached) Building Design Standards**

9           **1.    Applicability**

10          The following design standards shall apply in the gR-3 district.

11          **2.    Mix of Housing Models**

12          a.    Any development of 10 or more units shall have at least three different types of  
13          housing models. Each housing model shall have at least two of the following  
14          differentiations:

15                  i.    Different floor plans;

16                  ii.   Different placement of the building footprint on the lot;

17                  iii.   Different garage placement; or

18                  iv.   Different roof lines.

19          b.    The development shall be arranged in such a way so whenever any four houses  
20          are next to each other along a street, at least one of each of the three required  
21          models shall be included in the group of four.

22    **D.    Two-Family and Attached Single-Family Building Design Standards**

23          **1.    Applicability**

24          The following design standards shall apply to all two-family and attached single-family  
25          development.

26          **2.    Roof Forms and Materials**

27                  a.    **Height**

28                  Roofs shall vary in height and, with the exception of shed roofs, the majority of  
29                  roof ends shall be lower than the center of the structure.

30                  b.    **Overhangs**

31                  Roof overhangs shall be sufficient to provide weather protection for building  
32                  walls. Overhangs on the gable end shall be a minimum of 12 inches. Overhangs  
33                  on the eave ends shall be a minimum of 24 inches, except the upper eave end of  
34                  a shed roof is not required to have an overhang. This standard shall not apply to  
35                  solariums. Flat-roofed structures shall provide an appropriate means of  
36                  managing runoff to protect exterior walls.

37                  c.    **Snow and Rain Protection**

38                  Roof forms shall be designed to protect the areas where people stand or enter  
39                  the building from snow and rain. Roof forms shall protect doorways, exterior  
40                  stairs, balconies, parking lots [AREAS], deck entrances, and garage entrances.

41                  d.    **Roofing Materials**

42                  Roofing materials shall be non-reflective.

1           **3. Two-Family Dwelling Building Style**

2           A two-family structure shall appear to be a single-family dwelling unit in architectural  
3           form, style, materials and color. “Mirror image” two-family dwellings are prohibited.  
4           There shall be a common front entrance or, if separate entrances are desired, the  
5           entrances shall be on different sides of the building.

6           **E. Multiple-Family and Townhouse Building Design Standards**

7           **1. Applicability**

8           Development of any multifamily residential structure shall, except as specifically provided  
9           herein, comply with the standards of this section. When a structure contains both  
10          residential and commercial uses, section 21.09.080D., *Commercial Building Standards*,  
11          shall apply.

12          **2. Building Style, Massing, and Size**

13          **a. Building Style—General**

14                 Although no specific architectural style is required, it is intended the design of  
15                 buildings take into consideration the Girdwood climate and physical setting. The  
16                 Girdwood physical environment requires structures to be built for its special  
17                 circumstances.

18          **b. Mass**

19                 The mass of a single building or group of buildings shall be organized so it  
20                 appears to be an arrangement of smaller-sized connected structures. Large roof  
21                 forms shall step or be broken by dormers. Upper level residential floors may be  
22                 incorporated into the roof form to reduce the apparent height and mass of  
23                 buildings.

24          **c. Scale and Size**

25                 No wall line shall be longer than 40 feet without a change or alteration in  
26                 alignment of at least four feet in depth from the plane of the façade, extending for  
27                 at least one third the length of the building. The maximum length of any building  
28                 side is 120 feet.

29          **d. Building Façades**

30                 There shall be trim around openings and windows. Exterior corridors to room  
31                 entrances are prohibited for buildings with more than eight dwelling units.

32          **3. Roof Form**

33          **a. Shed or Pitched Roofs**

34                 Sloping roof forms are encouraged.

35          **b. Flat Roofs**

36                 Flat-roofed buildings shall be permitted only if the roof areas are divided into  
37                 separate segments, each no more than 3,000 square feet in area, and separated  
38                 from adjoining segments by at least four feet in vertical elevation.

39          **c. Cornices**

40                 Flat portions of roofs shall have distinctive cornice features.

41          **d. Roof Overhangs**

42                 Roof overhangs shall be sufficient to provide weather protection for building  
43                 walls. Overhangs on the gable end shall be a minimum of 12 inches. Overhangs  
44                 on the eave ends shall be a minimum of 24 inches, except an upper eave end of  
45                 a shed roof is not required to have an overhang. Flat-roofed structures shall

- 1 provide an appropriate means of managing runoff to protect exterior walls.  
2 Solariums are exempt from this subsection.
- 3 **e. *Snow and Rain Protection***  
4 Roof structures shall be designed to protect doorways, exterior stairs, emergency  
5 exits, balconies, vehicle service bays, and garage entrances from snow, ice and  
6 rain. Balconies shall be designed to avoid drainage onto other balconies or  
7 pedestrian spaces below.
- 8 **f. *Roofing Materials***  
9 Roofing materials may be asphalt shingle, metal, slate, or built-up materials on  
10 flat sections. Brightly colored enameled, reflective metal, and wood shakes are  
11 prohibited roofing materials.
- 12 **g. *Projections from Roofs***  
13 **i. *Location on the Roof***  
14 Chimneys, flues, vents and antennae shall penetrate the roof near the  
15 ridge or only where protected from snow movement off the roof. Vent  
16 pipes and flues shall be consolidated into orderly clusters or incorporated  
17 into chimney structures.
- 18 **ii. *Cladding Material***  
19 Chimneys and metal flue pipes shall be clad in wood, stone, or stone  
20 veneer.
- 21 **4. *Porches and Entrances***  
22 **a. *Landing Height***  
23 Where landings are used, they shall be a minimum of six inches higher than  
24 adjacent walkways or streets.
- 25 **b. *Entrances***  
26 Common building entryways shall be a minimum of 12 feet in width or 20 percent  
27 of the width of the building wall, whichever is greater. Fire exits are not  
28 considered building entrances for the purpose of this section. The entrance shall  
29 be weather protected and well lit.
- 30 **c. *Porte Cocheres***  
31 Porte cocheres and porticoes may extend outward from the building entrance  
32 over driveways or drop-off areas to provide weather protection. Exterior materials  
33 and design shall be consistent or compatible with the building.
- 34 **5. *Building Materials***  
35 **a. *Durability***  
36 Durable, weatherproof materials shall be used for foundations and the lower  
37 sections of building facades subject to the affects of snow accumulations and  
38 rain splashback.
- 39 **b. *Alternative Façade Materials***  
40 On multistory buildings, façade materials may include pre-cast concrete or  
41 plaster surfaces, if such surfaces are heavily ribbed, textured, or brush  
42 hammered, and colored to fit the overall building design and mountain setting.  
43 No more than 35 percent of any building façade shall consist of textured or  
44 treated concrete.

- 1           c.     **Remodels**  
2           The architectural design and the materials used in an addition to an existing  
3           structure, or accessory structure, shall be compatible with the architectural style  
4           and building materials used in the existing structure, unless an entire facade is to  
5           be remodeled in a uniform architectural style.
- 6           d.     **Restricted Materials**  
7           No more than 20 percent of any given building façade may be composed of  
8           aluminum, untextured vinyl or plastic siding, T-111 siding, or brick. Up to 35  
9           percent of any given building façade may be composed of stucco, treated or  
10          textured CMU, or simulated stone veneer. No more than five percent of any  
11          given building facade may be painted brick.
- 12          e.     **Prohibited Materials**  
13          The following exterior materials are prohibited:
- 14           i.     Shiny, reflective metal surfaces anywhere on the building;
- 15           ii.    Highly reflective or mirrored glass;
- 16           iii.   Untreated or untextured concrete or masonry;
- 17           iv.    Unstained or untreated wood, except for cedar or redwood; all other  
18           wood elements shall be treated with oil, stain, or other weathering agent,  
19           or painted to resist weathering and discoloration from water;
- 20           v.     Plywood siding without board and batten; and
- 21           vi.    White roof gravels.
- 22          6.     **Building Colors**
- 23           a.     **Principal Colors**  
24           Principal colors on buildings shall generally be natural color tones, such as  
25           browns, tans, wood colors, green, rust, barn red and gray. White or cream  
26           shades of color are permitted on not more than 35 percent of each facade.  
27           Bright, primary colors are permitted on not more than 15 percent of each facade.
- 28           b.     **Trim Colors**  
29           Brighter colors than principal building colors are permitted for trim and highlight  
30           details, such as cornices, window frames, handrails, and entrance doors.
- 31          7.     **Accessory Elements**
- 32           a.     **Detached Parking, Garages, and Carports**  
33           Detached garages, carports and parking garages shall be designed with  
34           architectural elements and materials related to the principal residential building or  
35           buildings, and shall be screened from view from public roads and primary  
36           common areas with landscaping and/or berming.
- 37           b.     **Resident Storage and Other Accessory Buildings**  
38           A multiple-family project shall provide a minimum of 40 square feet per dwelling  
39           unit of covered, enclosed, and secure storage areas for bikes and other  
40           belongings typically cannot be accommodated within individual dwelling units.  
41           This storage area may be provided as part of a garage. Storage and other  
42           accessory buildings shall be designed with materials and/or architectural  
43           elements related to the principal buildings.

1 **F. Commercial, Resort and Public/ Institutional Building Design Standards**

2 **1. Applicability**

3 Development of any structure containing a use categorized in table 21.09.050-1 as a  
4 public/institutional or commercial use shall, except as specifically provided herein, comply  
5 with the standards of this subsection. Where a structure contains both residential and  
6 commercial uses, the standards of this section shall apply.

7 **2. Building Style, Massing and Size**

8 **a. Mountain Building Style – Intent**

9 The design of new buildings shall have the appearance of structures appropriate  
10 for Girdwood’s climate, mountain valley setting, and small western mining town  
11 character. Commercial and resort buildings shall utilize a mountain style defined  
12 primarily by the materials, roof pitches, use of porches, and street treatment as  
13 set forth below and in section 21.09.070F.

14 **b. Residential Building Style – Intent**

15 New buildings in the old and new Girdwood townsite commercial areas shall  
16 have a residential character, even though the zoning permits and encourages  
17 commercial uses. Building forms and detail elements shall have predominantly  
18 pitched roofs, porches, traditional rectangular windows with a vertical orientation  
19 (on the ground floor), avoidance of blank walls or materials associated with  
20 industrial uses. Buildings shall consist of relatively small, human-scaled or  
21 appear to be an aggregation of smaller, simpler forms. Residential apartments  
22 on upper stories are encouraged.

23 **c. Mass**

24 The mass of a single building or group of buildings shall be organized so it  
25 appears to be an arrangement of smaller-sized connected structures. Upper  
26 level residential floors may be incorporated into the roof form to reduce the  
27 apparent height and mass of buildings.

28 **d. Scale and Size**

29 No wall line shall be longer than 40 feet without a change or alteration in  
30 alignment of at least four feet in depth from the plane of the façade, extending for  
31 at least one third the length of the building. The maximum length of any building  
32 side is 120 feet. Large roof forms shall step or be broken by dormers.

33 **e. Building Façade Elements**

34 Windows on the ground floor shall be rectangular and vertically oriented, and  
35 recessed into the exterior wall or window trim, rather than appear as continuous  
36 areas of glass flush with the wall plane. Balconies shall be recessed or covered.  
37 There shall be trim around openings and windows. Exterior corridors to upper  
38 floor room entrances are prohibited for buildings with more than eight dwelling  
39 units.

40 **f. Store Fronts**

41 **i. Design Elements**

42 The front facade for all retail/commercial uses shall be organized to  
43 display merchandise in visible and attractive ways. This requirement  
44 shall be met by providing:

45 **(A)** Horizontal and vertical mullions and sashes to subdivide the  
46 windows into smaller panes;

47 **(B)** Sturdy and weather resistant storefront base materials;

- 1 (C) One or more angled windows, such as bay windows, or recessed  
2 doorways; and
- 3 ii. *Entries*  
4 Entries extending from the main facade, such as arctic entries, are  
5 permitted where these areas are designed as an integral part of the  
6 structure and do not impede pedestrian movement along the building  
7 façade.
- 8 iii. *Glass Windows*  
9 Except for the gC-4 district, commercial buildings shall have a high  
10 percentage of glass windows with interior views in the facades, as  
11 specified below.
- 12 (A) Retail/bar/restaurant uses at ground floor: At least 50 percent  
13 glass.
- 14 (B) Retail/commercial use with a sideyard entrance, the portion of  
15 the store facing the street: At least 50 percent glass designed as  
16 display windows.
- 17 (C) Ground floor offices facing streets or pedestrian areas: At least  
18 30 percent glass.
- 19 (D) Ground floor of grocery store facing streets, pedestrian areas or  
20 major parking **lots** [AREAS]: At least 50 percent glass.

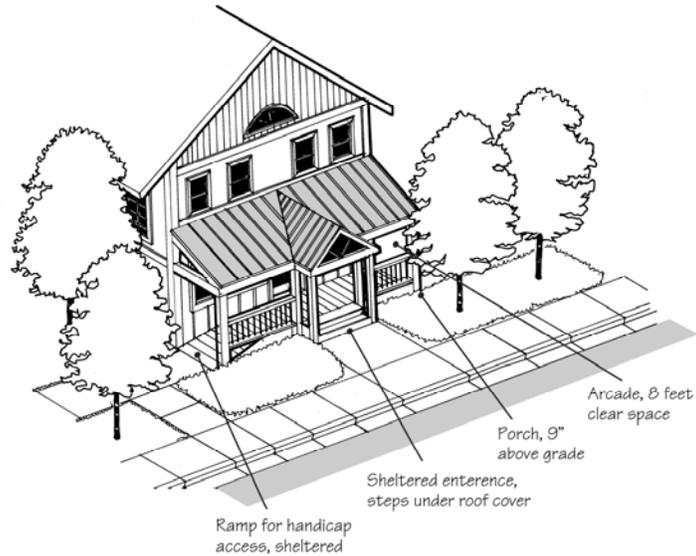
21 3. **Roof Form**

- 22 a. *Pitch*  
23 Roofs visible from a public way shall be primarily pitched. The pitch for the  
24 primary roof structure shall be between 8:12 and 12:12, but may be as shallow  
25 as 5:12, as long as the eave overhangs are at least two and one half feet.  
26 Segments of the roof may be flatter or steeper slopes, however, to achieve a  
27 specific design effect. Wherever a portion of the roof has a shallower pitch than  
28 the standard, or if it is flat, provision shall be made to avoid glaciation.
- 29 b. *Flat Roofs*  
30 Flat portions of roofs shall have distinctive cornice features, to create visual  
31 interest and provide sufficient overhang to protect walls from the weather. Large  
32 visible flat roof forms shall step or be broken by dormers. Design elements may  
33 also be used on flat roofs to create the appearance the building has a pitched or  
34 shed roof. The canopy sheltering cars at fueling stations may be flat but shall  
35 have distinctive cornice detailing. Fueling station canopies shall not be  
36 significantly larger and out of proportion to the fueling station building.
- 37 c. *Overhangs*  
38 Roof overhangs shall be sufficient to provide weather protection for building  
39 walls. Overhangs on the gable end shall be a minimum of 12 inches. Overhangs  
40 on the eave ends shall be a minimum of 24 inches, except the upper eave end of  
41 a shed roof is not required to have an overhang. Solariums are exempt from this  
42 subsection.
- 43 d. *Snow and Rain Protection*  
44 Roof structures shall be designed to protect doorways, exterior stairs, balconies,  
45 vehicle service bays, and garage entrances from snow, ice and rain. Balconies

- 1 shall be designed to avoid drainage onto other balconies or pedestrian spaces  
2 below.
- 3 e. **Roofing Materials**  
4 Roofing materials may be asphaltic shingle, metal, or built-up materials on flat  
5 sections. Brightly colored enameled, reflective metal, and wood shakes are  
6 prohibited roofing materials.
- 7 f. **Projections from Roofs**  
8 i. *Location on Roof*  
9 Chimneys, flues, vents, and antennae shall penetrate the roof near a  
10 ridgeline or only where protected from snow movement off the roof. Vent  
11 pipes shall be collected into orderly clusters or incorporated into chimney  
12 structures.
- 13 ii. *Cladding Material*  
14 Chimneys and metal flue pipes shall be clad in wood, stone, or stone  
15 veneer.
- 16 4. **Porches, Entrances, Arcades, and Roofed Walkways**  
17 A key element of Girdwood mountain style for commercial, public/institutional and resort  
18 buildings is the use of porches with shed roofs to define entrances. To the maximum  
19 extent feasible, all buildings shall utilize porches constructed in accordance with the  
20 following standards:
- 21 a. **Landing Height**  
22 Where landings are used, they shall be a minimum of eight inches higher than  
23 adjacent walkways or streets.
- 24 b. **Rails**  
25 Porch rails shall be semi-open and/or transparent. Details shall be consistent  
26 with other building detailing.
- 27 c. **Entry Size**  
28 Building entrances shall be at least eight feet in width, weather protected, and  
29 well lit.
- 30 d. **Arcades and Roofed Walkways**  
31 i. *Relationship to Buildings*  
32 Arcades or roofed walkways shall be fully attached to the building front  
33 and be of uniform design along the street frontage. Arcades may vary  
34 and step along the street frontage with the line and style of the buildings  
35 to which they belong. Arcade form, width, scale, materials and colors  
36 shall be compatible the adjacent building.
- 37 ii. *Relationship to Streets*  
38 A landscaped strip for snow storage at least eight feet in width shall be  
39 provided parallel to the arcade and shall separate it from the sidewalk  
40 edge.
- 41 iii. *Upper Floor Buildable Area*  
42 After an administrative review and sign-off by the director, the upper  
43 story areas above the arcade may be enclosed as part of the building  
44 area. The director will review the proposal for conformity with design  
45 goals of this chapter and applicable Girdwood area plans.

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- iv. *Clear Space*  
Arcades and roofed walkways shall have a minimum of eight feet clear space between arcade columns and the building wall. The arcade of a grocery store shall allow a minimum of 10 feet clear space. The arcade shall be continuous between all entrance/exit doors.



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**Figure 21.09-15:** Arcades and Roofed Walkways

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- v. *Columns*  
Arcade columns shall be in scale with the overall building but shall not obscure ground level storefronts from adjacent pedestrian areas.
- vi. *Roofs*  
Arcade and walkway roofs may be flat or sloped to complement other roof forms on the building, but the roof form shall be designed to provide adequate drainage and prevent snow dump, icicle build-up, or rainwater dripping over points of entry to the arcade or walkway. Canvas, metal, or acrylic awnings in lieu of structural covered walkways are not acceptable.
- vii. *Elevation above Grade*  
Arcaded or roofed walkways shall be elevated at least eight inches above grade.
- viii. *Pedestrian Scale Lighting*  
Arcade and roofed walkway lighting shall be adequate to provide for safety and aesthetic quality. Pedestrian scaled lighting, including but not limited to bollards, ceiling or post-mounted, or attached to the building, shall be required as part of the design of covered walkways. Light sources shall be shielded, recessed, and/or directed so glare is avoided.

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- 5. **Building Materials**
  - a. **Primary Building Materials**  
It is intended for wood and stone to be the primary exterior building materials. Vertical or horizontal patterns, rough or resawn wood, board and batten, and

- 1 round or square cut logs are permitted. Stone is also permitted. Materials at the  
2 base of buildings shall be resistant to damage from snow or water.
- 3           **b.        Columns, Posts, and Beams**  
4            Primary exterior materials of columns, posts and beams shall consist of heavy  
5            timbers, peeled log poles, steel, concrete, or stone cladding, or a combination of  
6            these materials.
- 7           **c.        Alternative Façade Materials**  
8            On multistory buildings, façade materials may include pre-cast concrete or  
9            plaster surfaces, if such surfaces are heavily ribbed, textured, architecturally  
10           treated to resemble natural materials, or brush hammered, and are colored to fit  
11           the overall building design and mountain setting.
- 12           **d.        Remodels**  
13            The architectural design and the materials used in an addition to an existing  
14            structure, or accessory structure, shall be compatible with the architectural style  
15            and building materials used in the existing structure, unless an entire facade is to  
16            be remodeled in a uniform architectural style.
- 17           **e.        Restricted Materials**  
18            No more than 20 percent of any given building facade may be composed of  
19            aluminum, untextured vinyl or plastic siding, T-111 siding, brick or exposed  
20            concrete. Stucco, treated or textured CMU, or simulated stone veneer may  
21            comprise up to 35 percent of any given building façade. No more than five  
22            percent of any given building facade may be painted brick.
- 23           **f.        Prohibited Materials**  
24            The following materials are prohibited:
- 25                    i.        Shiny, reflective metal surfaces anywhere on the building;
- 26                    ii.       Mirrored or highly reflective glass;
- 27                    iii.       Untreated concrete or masonry;
- 28                    iv.       Unstained or untreated wood, except for cedar and redwood; all other  
29                    wood elements shall be treated with oil, stain, or other weathering agent,  
30                    or painted to resist weathering and discoloration from water;
- 31                    v.        Plywood siding without board and batten; and
- 32                    vi.       White roof gravels.
- 33           **6.        Building Colors**
- 34            **a.        Principal Colors**  
35            Principal colors on a building shall generally be natural color tones, such as  
36            browns, ochre yellows, tans, wood colors, green, rust, barn red and gray. White  
37            and cream shades of color are permitted on not more than 35 percent of each  
38            facade. Bright, primary colors are permitted on not more than 15 percent of each  
39            facade.
- 40            **b.        Trim Colors**  
41            Brighter colors than primary building colors are permitted for trim and highlight  
42            details, such as cornices, window frames, handrails, and entrance doors. Neon

1 tubing or an equivalent illumination technique is prohibited as a building/roofline  
2 outline feature.

3 **7. Accessory Elements**

4 **a. Parking**

5 Detached garages, carports, and parking garages shall be designed with  
6 architectural elements and materials related to the principal commercial building  
7 or buildings, and shall be screened from view from public roads and primary  
8 common areas with landscaping and/or berming.

9 **G. Industrial Building Design Standards**

10 Building and roof colors shall be forest shades, such as dark green, dark brown, or dark gray, to  
11 blend into Girdwood’s forest setting from both the ground and the air.

12 **21.09.090 ZONING MAPS**

13 The following zoning maps are provided:

- 14 **A.** Girdwood Zoning Districts
- 15 **B.** Girdwood Zoning Districts (Lower Valley Enlargement)
- 16 **C.** Single-Family/Two-Family Residential Districts
- 17 **D.** Multiple-Family Residential Districts
- 18 **E.** Commercial Districts
- 19 **F.** Industrial Districts
- 20 **G.** Resort Districts
- 21 **H.** Girdwood Airport, GIP, and GIP-p Districts
- 22 **I.** Girdwood Commercial Recreation Districts 1,2 and 3
- 23 **J.** Girdwood Development Reserve and Recreation Reserve Districts
- 24 **K.** Open Space and Girdwood Watershed Districts

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# CHAPTER 21.11: SIGNS

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## 21.11.010 PURPOSE

The purpose of this chapter is to promote the public health, safety, and welfare by establishing standards and criteria for the construction, installation, maintenance, and operation of signs in the municipality, which are subject to the provisions of this chapter. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this chapter is intended to:

- A. Enhance and protect the physical appearance of the municipality.
- B. Protect property values.
- C. Promote and maintain visually attractive, high value residential, retail, commercial, and industrial districts.
- D. Promote the economic well being of the community by creating a favorable physical image.
- E. Ensure that signs are located and designed to:
  - 1. Provide an effective means of way finding in the community.
  - 2. Afford the community an equal and fair way to advertise and promote its products and services.
  - 3. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
  - 4. Minimize the disruption of the scenic views which when maintained protect important community values.
  - 5. Respect the unique climatic conditions such as the amount of snow fall and the effect of sustained snow piles, the amount of daylight, and the acute shadows regularly occurring on the landscape.
  - 6. Afford businesses, individuals, and institutions a reasonable opportunity to use signs as an effective means of communication.
- F. Provide review procedures that assure that signs are consistent with the municipality's objectives and within the municipality's capacity to efficiently administer the regulations.
- G. Prohibit all signs not expressly permitted by this chapter.

## 21.11.020 APPLICATION OF THIS CHAPTER

- A. The regulations contained in this chapter shall apply to signs outside of the public right-of-way and on the property to which the standard or regulation refers, except when specifically stated otherwise. A sign may only be erected, established, painted, created, or maintained in conformance with the standards, criteria, procedures, and other applicable requirements of this chapter.
- B. Unless otherwise stated in this chapter, all determinations, findings, and interpretations shall be made by the director or other appropriate municipal officials called upon or designated by the director.
- C. The following signs and displays are exempted from this chapter:

- 1            1.     Any sign displaying a public notice or warning required by a valid and applicable  
2                        federal, state, or local law, ordinance, or regulation;
- 3            2.     Flags of any nation, government, or non-commercial organization;
- 4            3.     Any sign inside a building that is not attached to the window or door and is not  
5                        legible from a distance of more than three feet beyond the lot on which the sign is  
6                        located;
- 7            4.     Any work of art that does not display a commercial message;
- 8            5.     Any religious symbol that does not display a commercial message;
- 9            6.     Any traffic control sign, such as "STOP" or "YIELD," located on private property  
10                       that meets applicable governmental standards pertaining to such signs and does  
11                       not display a commercial message;
- 12           7.     Signs erected by state or local government agencies, or their contractors, to  
13                       facilitate the construction, maintenance, or operation of transportation facilities;
- 14           8.     Product dispensers and trash receptacles;
- 15           9.     Holiday and community special event decorations that do not display a  
16                       commercial message;
- 17           10.    Mascots for educational institutions with primarily academic curricula;
- 18           11.    Signs on athletic fields and scoreboards intended for on-premises viewing;
- 19           12.    Construction signs of up to 32 square feet; and
- 20           13.    Temporary signs of six square feet or less in area, except as regulated  
21                       elsewhere in this chapter.

22     **D.     Regulations for nonconforming signs are located in chapter 21.12.**

23     **E.     Regulations regarding sign permits are located in section 21.03.170.**

24     **F.     Regulations regarding sign variances are located in section 21.03.240.**

#### 25     **21.11.030     RELATIONSHIP OF THIS CHAPTER TO STATE LAW**

26     No provision of this chapter shall be interpreted as authorizing the erection or maintenance of any sign or  
27     display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of  
28     an interstate, primary, or secondary highway, or the erection or maintenance of any sign or display  
29     beyond 660 feet of the nearest edge of the right-of-way of the main-traveled way of an interstate, primary,  
30     or secondary highway with the purpose of the message displayed being read from that travel way, in a  
31     manner that would conflict with the provisions of Alaska statutes sections 19.25.075 – 19.25.180.

#### 32     **21.11.040     COMPUTATIONS, AND RULES OF MEASUREMENT, AND DEFINITIONS**

33     The following regulations shall control the computation and measurement of sign area, sign height,  
34     building frontage, and public street frontage:

##### 35     **A.     Determining Sign Area or Dimension of Signs**

- 36            1.     The sign area shall include the face of all the display area(s) of the sign. The sign area  
37                       shall include the frame and structural support unless such structural support is

1 determined to be an architectural feature as defined in **chapter 21.14, or the structural**  
 2 **support is located below the sign face area and its accompanying frame, does not**  
 3 **contain a message, and is clearly distinguishable from the sign face area** [SECTION  
 4 21.13.030]. Architectural features that are either part of the building or part of a  
 5 freestanding structure are not considered signs and are thus exempt from these  
 6 regulations.

7 **2.** For a sign that is framed, outlined, painted, or otherwise prepared and intended to  
 8 provide a background for a sign display, the area of the sign shall be the area of not more  
 9 than three geometric shapes that encompass[ES] the entire area of the sign including the  
 10 background or frame.

11 **3.** For a sign comprised of individual letters, figures, or elements on a wall or similar surface  
 12 of a building or structure, or an irregular shaped freestanding sign, the area of the sign  
 13 shall be the area of not more than three regular geometric shapes that encompass[ES]  
 14 the perimeter of all the elements in the display.

15 **a.** When separate elements are organized to form a single sign, but the elements  
 16 are separated by open space, the area of the sign shall include all the display  
 17 areas, including the space between the elements.

18 **b.** Up to five percent of the permitted sign area may be considered minor  
 19 protrusions, and extend outside of the maximum limitation of three geometric  
 20 shapes and are, therefore, exempted from being included as part of the sign  
 21 area.

22 **4.** For freestanding and projecting signs the sign area shall be computed by the  
 23 measurement of one of the faces when two display faces are joined, are parallel, or are  
 24 within 30 degrees of being parallel to each other and are part of the same sign structure.  
 25 For any sign that has two display surfaces that do not comply with the above regulation,  
 26 or has more than two display surfaces, then each surface shall be included when  
 27 determining the area of the sign.

28 **5.** In determining the area of freestanding signs the following shall be exempted from being  
 29 considered as part of the maximum permitted area:

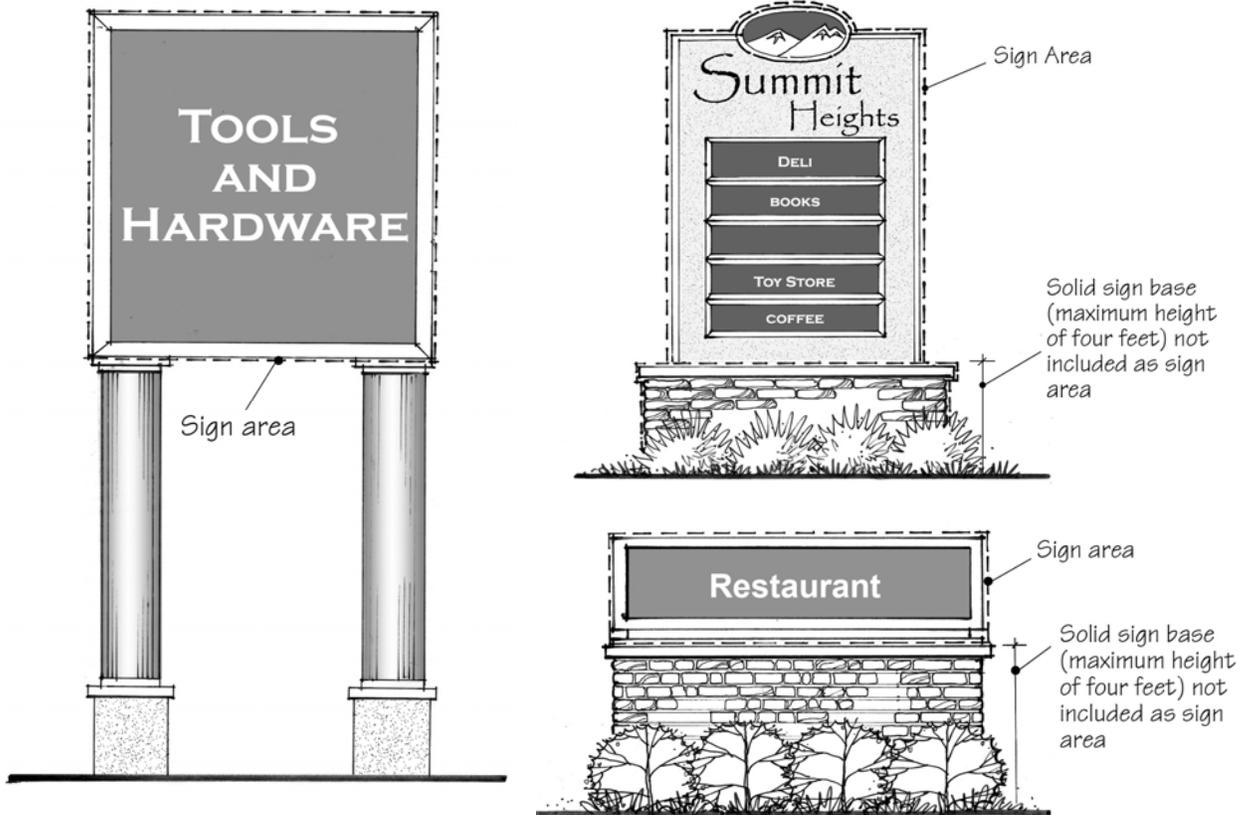
30 **a.** One half square foot of sign area shall be exempted for each digit of the street  
 31 number, up to a maximum of three square feet.

32 **b.** The portion of a solid sign base or other sign support, up to a maximum height of  
 33 four feet that is at least 50 percent screened by landscaping.

34 **c.** The air space under a freestanding sign between supporting posts[,OTHER] and  
 35 air space between a projecting sign and the wall to which it is attached.

36 All other exemptions to the area of a sign may only be approved by the urban design  
 37 commission.

38 **6.** Except as provided in **table 21.11-1** [SCHEDULE 21.47.040] for non-residential uses  
 39 located within residential districts, the height of a freestanding sign shall be measured  
 40 from the elevation of the edge of the public right-of-way immediately adjacent to, or  
 41 nearest the sign structure, to the highest point of the sign, its frame, or decorative  
 42 features.



**B. Determining Building Frontage and Building Unit**

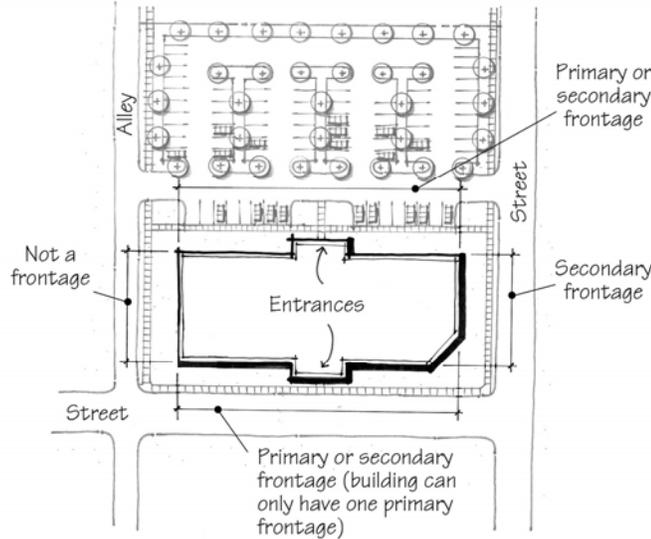
For the purposes of this chapter and for determining allowable wall sign area, the building frontage shall include the building walls that: face a public street, face a parking lot which serves the use, or [THAT] contains a public entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public street.

1. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.
2. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.
3. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
4. The primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit. (See figure 2)
5. The secondary frontage shall be all other frontages. (See figure 2)

**C. Determining Public Street Frontage for Freestanding Signs**

For the purposes of this chapter and for determining allowable freestanding sign area, public street frontage is the length of the public street which is contiguous to the adjacent private parcel

1 for which the sign is being considered. For the purposes of these regulations a public alley is not  
 2 considered a public street. For the purposes of this section, standards, which are based on a  
 3 minimum length of the public street frontage, shall also apply to “any portion thereof” unless the  
 4 specific section states otherwise.



5 **D. Determining Sign Setbacks**

6 The required setbacks for the sign shall apply to all elements of the sign including its frame and  
 7 base.

8 **21.11.050 SIGNS IN RESIDENTIAL DISTRICTS [(R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-3, R-4,**  
 9 **R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11, D-2 AND D-3)] AND THE DEVELOPMENT**  
 10 **RESERVE DISTRICT (DR)**

11 **A. Applicability**

12 Signs for all residential and nonresidential uses in residential districts shall comply with the  
 13 standards set forth in this section. In the TA district, the standards in this section apply only to  
 14 residential parcels.

15 **B. Basic Regulations for Signs in the Residential Districts and the Development Reserve**  
 16 **District (DR) [(R-1, R-1A, R-2A, R-2d, R-2F, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-**  
 17 **10, R-11, D-2 AND D-3)]**

18 Signs for all residential and nonresidential uses in residential districts shall be limited in number,  
 19 area, height, and setback based on the type of use, as set forth in table 21.11-1 [SCHEDULE  
 20 21.47.040].

21 **C. Supplemental Standards for All Changeable Copy Signs**

- 22 1. Signs for permitted nonresidential uses may have up to 100 percent of the sign area  
 23 devoted to changeable copy, except as provided in subsections C.2. and C.3. below [3].
- 24 2. Electronic changeable copy is prohibited for all building signs and is prohibited for  
 25 freestanding signs except as provided in subsection C.3. below.

3. Electronic changeable copy is permitted for freestanding and building signs on parcels that are nine acres or greater with a minimum of 500 feet of frontage on a street of class II or greater classification in the *Official Streets and Highways Plan*. Electronic changeable copy cannot be changed more than one time per 20-second period. Electronic changeable copy freestanding signs are permitted up to a maximum of 80 percent of the actual sign area. One electronic changeable copy building sign per 300 linear feet of frontage is permitted up to a maximum of 20 square feet per sign.

**D. Multi-Occupant Facilities**

When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner’s responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

**E. Instructional Signs**

Instructional signs that are clearly intended for instructional purposes shall be permitted as needed on a lot in a residential district when the lot is devoted to a multifamily or nonresidential use provided such signs comply with the following:

1. The signs are not larger than necessary to serve the intended instructional purpose, but in any event do not exceed six square feet in area;
2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose;
3. The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site.
4. The signs may be placed on the base of a permitted freestanding sign with out the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.

**TABLE 21.11-1 [SCHEDULE 21.47.040]: SIGNS IN THE RESIDENTIAL DISTRICTS [(R-1, R-1A, R-2A, R-2d, R-2F, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11[2], D-2 AND D-3)] AND THE DEVELOPMENT RESERVE DISTRICT (DR)**

Type	Maximum Number Permitted	Maximum Area Per Sign	Standards for Freestanding Signs	
			Maximum Height	Minimum Setback from ROW
[(A) Signs for Each Single Family Dwelling, <b>Two-Family Dwelling</b> [DUPLEX], or Townhouse [TOWNHOMES]				
Permanent Signs				
Building Signplates	1 per dwelling unit	2 sq. ft. <sup>2</sup>	--	--
Freestanding Signs	1 per building	2 sq. ft. <sup>5</sup>	5 ft.	0
Temporary Signs <sup>1</sup>	2 per dwelling unit	6 sq. ft.	5 ft.	0
Signs for Residential Subdivisions	2 per subdivision entrance	30 sq. ft.	8 ft.	5 ft.
Multifamily Buildings				
Permanent Signs				
Building Signplates	1 per public entrance to building	2 sq. ft. <sup>2</sup>	--	--

**TABLE 21.11-1 [SCHEDULE 21.47.040]: SIGNS IN THE RESIDENTIAL DISTRICTS [(R-1, R-1A, R-2A, R-2d, R-2F, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11[2], D-2 AND D-3)] AND THE DEVELOPMENT RESERVE DISTRICT (DR)**

Type	Maximum Number Permitted	Maximum Area Per Sign	Standards for Freestanding Signs	
			Maximum Height	Minimum Setback from ROW
Freestanding Signs	1 per development entrance or per 500 feet of public street frontage, whichever is greater	30 sq. ft.	8 ft.	Equal to height of sign
Temporary Signs				
Freestanding Signs <sup>1</sup>		6 sq. ft.		
Permitted Nonresidential Uses				
Permanent Signs				
Building Signplates	1 per address	2 sq. ft. <sup>2</sup>	--	--
Primary Building Signs	Not Applicable	½ sq. ft. of sign for every lineal ft. of primary building frontage	--	--
Freestanding Signs	1 per 500 feet of public street frontage	40 sq. ft. <sup>3</sup>	8 ft. <sup>4</sup>	10 ft.
Temporary Signs				
Freestanding Signs <sup>1</sup>	2	6 sq. ft.		
Instructional Signs	Shall be exempt from requirements when in compliance with subsection <a href="#">21.11.050C</a> . [21.47.040C.]			
<sup>1</sup> Temporary signs are also subject to provisions of [SEE ALSO] subsection <a href="#">21.11.050D</a> . [21.47.040D.] [(2) THE STANDARDS IN THIS SECTION ONLY APPLY TO RESIDENTIAL PARCELS IN THE R-11 DISTRICT.] <sup>2</sup> A sign plate is not in violation of these regulations if a larger sign is determined to be necessary to accommodate identification as mandated by the municipality. <sup>3</sup> A sign which is located within 40 feet of a property line of a parcel which is either occupied by, or is zoned for, a single-family or two-family dwelling unit shall be limited to a maximum area of 30 square feet. <sup>4</sup> Sign height is measured from the natural grade at the base of the sign. <sup>5</sup> For parcels larger than one acre located within the R-6, R-7, R-8, R-9, R-10, and <a href="#">TA [R-11]</a> residential zoning districts, one freestanding sign no greater than eight square feet shall be permitted.				

1



Figure 3. Non-residential Uses  
 Illustration: 7 ft height, 27 sq ft area  
 Maximum Permitted: 8 ft height, 40 sq ft area



Figure 4. Subdivision Entrance Sign  
 Illustration: 5 ft height, 24 sq ft area (Approx.)  
 Maximum Permitted: 8 ft height, 30 sq ft area

**F. Temporary Signs**

**1. For Single-Family Dwellings, Two-Family Dwellings, or Townhouses [TOWNHOMES]**

Two temporary signs are permitted at any given time on any one parcel. These temporary signs may be displayed for an unspecified amount of time provided these signs do not contain any commercial messages except for the sale or leasing of the property on which the sign is located.

**2. For Multifamily Developments and Nonresidential Uses**

Two temporary freestanding signs that do not exceed six square feet each may be erected for an unspecified time.

**3. Vacant Parcels**

The following signs are permitted for an unspecified period of time:

- a. For a parcel equal to or less than one acre, one temporary sign is permitted up to a maximum of 16 square feet.
- b. For a parcel greater than one acre, one temporary sign is permitted up to 32 square feet. A parcel that also has frontage on a second public street is entitled to a second sign, not to exceed 32 square feet, provided that the length of the frontage along the second public street is a minimum of 300 feet.

Such signs may not be used to display commercial messages referring to products or services that are unrelated to current or pending activities on or uses of the property.

**21.11.060 SIGNS IN THE PUBLIC LANDS AND INSTITUTIONS (PLI) [DISTRICT], [THE] RESIDENTIAL OFFICE (RO) [DISTRICT], [AND THE] WATERSHED (W) [DISTRICT], AND PARKS AND RECREATION (PR) DISTRICTS**

**A. Applicability**

Signs in the PLI, RO, [AND] W, and PR districts shall conform to the standards set forth in this section.

**B. Basic Standards for Building Signs**

**1. Maximum Area of Permanent Building Signs**

Building signs shall conform to the maximum area limitations set forth in table 21.11-2. [SCHEDULE 21.47.050A.]

TABLE 21.11-2: BUILDING SIGNS IN THE PLI, RO, [AND] W, AND PR DISTRICTS		
Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage
Signplate	1/address	2 square feet
Building Sign on Primary Frontage <sup>6</sup> <sub>7</sub>		1 sq. ft. per lineal ft. <sup>8</sup> of primary frontage
Building Sign on Secondary Frontage <sup>6,7</sup>		0.6 sq. ft. per lineal ft. of secondary frontage <sup>8</sup>
Instructional Sign	Shall be exempt from regulations when in compliance with <u>subsection 21.11.060E</u> . [SECTION 21.47.050D.]	

<b>TABLE 21.11-2: BUILDING SIGNS IN THE PLI, RO, [AND] W, [AND PR] DISTRICTS</b>		
Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage
<sup>6</sup> See subsection 21.11.040B. [21.47.030B.] <sup>7</sup> The maximum sign area that is permitted for primary frontage may be transferred to a secondary frontage provided that the maximum sign area on any secondary frontage does not exceed one square foot for each lineal foot of frontage. [SEE ALSO THE WALL SIGN BONUSES WHICH ARE PERMITTED PURSUANT TO SUBSECTION 21.47.050B.2.] <sup>8</sup> The maximum building sign area for a building or any portion of the building which is setback more than 200 feet from the right-of-way that provides primary access to the site may be increased by 25 percent, provided the building is visible from any portion of the adjacent street.		



*Figure 5. Building Signs  
 Illustration: 1.0 sq ft per lineal ft of frontage  
 Maximum Permitted: 1.0 sq ft per lineal ft of frontage*

- 1
- 2
- 3     **2. Placement of Building Signs**
- 4     a. The building signs permitted in table 21.11-2 [SCHEDULE 21.47.050A.] may be
- 5     placed on the wall, awnings, canopies, parapets, or be a projecting sign in
- 6     compliance with subsection 2.b. below. ["B"].
- 7
- 8     b. Projecting signs shall be limited to occupants that have a minimum of ten feet of
- 9     occupant building frontage provided that:
- 10     i. All projecting signs shall have a maximum height of 14 feet and a
- 11     minimum clearance of eight feet from the ground to the bottom of the
- 12     sign. A projecting sign may be a minimum of six feet from the ground
- 13     when it is located above a landscaped area or other area that does not
- 14     permit pedestrian traffic beneath the sign.
- 15     ii. Projecting signs shall be placed on the building so the signs are intended
- 16     to be viewed by the pedestrians on the abutting street or pedestrian way.
- 17
- 18     **C. Basic Standards for Permanent Freestanding Signs**
- 19     1. **Maximum Number, Area and Height, Minimum Setback of Permanent Freestanding**
- 20     **Signs**  
 Permanent freestanding signs shall comply with the maximum number, area, and height  
 limitations, and minimum setback from the street right-of-way set forth in table 21.11-3.  
 [SCHEDULE 21.47.050B.]

**2. Sign Area Proportions**

For any freestanding sign, the horizontal portion (width) of the face shall not exceed four times the height of the face.

**TABLE 21.11-3 [SCHEDULE 21.47.050B]: FREESTANDING SIGNS STANDARDS IN THE PLI, RO, [AND] W, [AND] PR DISTRICTS**

	PLI, W, and PR	RO
Maximum Height	15 ft.	15 ft.
Maximum Area	120 sq. ft.	80 sq. ft.
Number/Frontage	1 per 300 ft. frontage up to a maximum of two	
Minimum Separation	200 ft.	
Minimum Setback from R.O.W.	None on a class II or greater street; otherwise 10 ft.	
Minimum Setback from Side Lot Line <sup>10</sup>	10 ft.	
Entrance and Exit Signs <sup>9</sup>		
Maximum Area	6 sq. ft.	
Maximum Height	5 ft.	
<sup>9</sup> Entrance and exit signs, which are permitted in addition to the above freestanding signs, shall be limited to two for each entrance/exit driveway. <sup>10</sup> If the side lot is adjacent to a residential district [(NOT INCLUDING RO)] then the minimum setback from the side lot line is 30 feet.		

**D. Supplemental Standards for Freestanding Signs****1. Number of Freestanding Signs Allowed**

- a. Lots with less than 300 lineal feet of frontage on any one street may have only one freestanding sign per that street frontage.
- b. Lots with 300 or more lineal feet of frontage on any one street may have two freestanding signs per that street frontage.
- c. No more than two freestanding signs are allowed along any one frontage. Freestanding signs must be separated by a minimum distance of 150 feet. On corner lots, the property frontage on both streets shall be considered when measuring the separation.

**2. Wrapping Structural Steel Supports**

- a. Signs that are eight feet or less in height with exposed structural steel support: The structural steel supports shall have a covering that totals at least four times the width of the structural steel at its widest point and is parallel to the sign face.
- b. Signs that are greater than eight feet in height: All structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point.
- c. The width of the covering shall be symmetrical for all supports. (See figure 6)
- d. The depth of the support coverings shall not exceed the depth of the sign **unless the supports are located on the perimeter of the sign.** (See figure 6)

- e. In all circumstances, the covering shall extend from four inches above the ground to the base of the sign face.
- f. The following materials shall not be the visible covering for structural steel supports:
  - i. T-111
  - ii. Plywood
  - iii. Particle Board
  - iv. Sheet Metal of less than 24 gauge
  - v. Aluminum of less than .063 inches

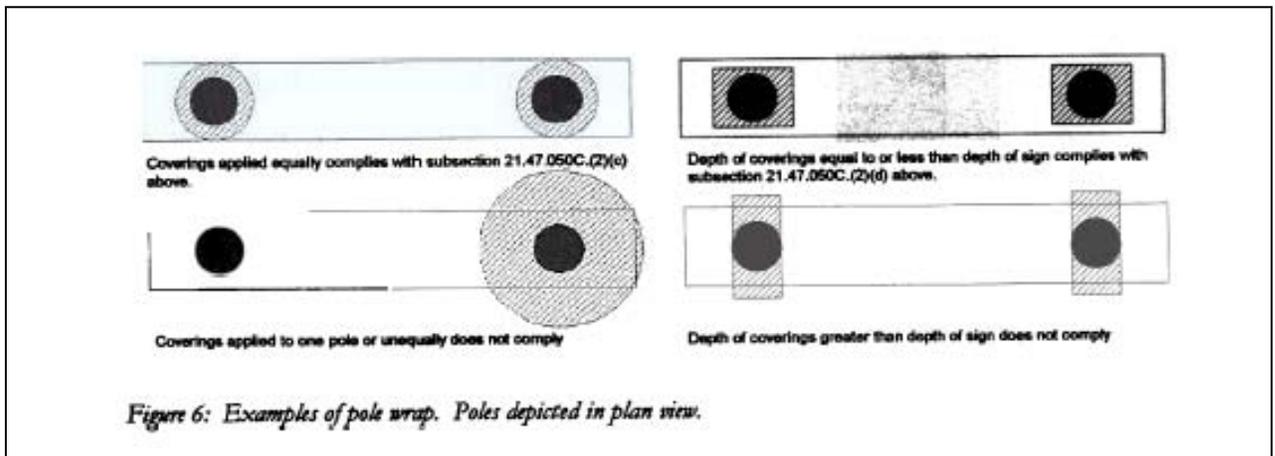


Figure 6: Examples of pole wrap. Poles depicted in plan view.

**E. Supplemental Standards For All Changeable Copy Signs**

1. Freestanding signs may have up to 30 percent of the actual sign area devoted to changeable copy. Building signs and projecting signs may have up to 30 percent of the actual sign area or 120 square feet, whichever is less, devoted to changeable copy.
2. Changeable copy may only be changed manually, provided, however, if the business or institution has frontage on a street of class II or greater classification, the copy may be changed electronically or mechanically as well as manually.
3. Copy which is changed electronically or mechanically shall not be changed more than one time per 20-second period, however, if the business or institution has frontage on a street of class II or greater classification in the *Official Streets and Highways Plan*, the changeable copy shall not change more than one time per two seconds.
4. Scrolling copy is allowed if these requirements are met:
  - a. The message is completed within no less than two seconds and no more than five seconds.
  - b. The complete message remains static before scrolling recommences for no less time than required for other changeable copy signs in the district.

Figure 7. Freestanding sign in PLI Zone  
 Illustration: 3 ft. height, 45 sq ft area (approx.)  
 Maximum Permitted: 15 ft height, 120 sq ft area



1

2 **F. Instructional Signs**

3 Signs that comply with the definition of “instructional sign” shall be permitted as needed provided  
 4 such signs comply with the following:

- 5 1. The signs are not larger than necessary to serve the intended instructional purpose;
- 6 2. The number of instructional signs located on the site are the minimum needed to serve  
 7 the intended instructional purpose.; AND]
- 8 3. Instructional signs shall not exceed six square feet in area.
- 9 4. The signs may be placed on the base of a permitted freestanding sign without the area of  
 10 such instructional sign, or the background, being considered as part of or added to the  
 11 area of the freestanding sign.

12 **G. Temporary Signs**

13 Temporary signs in the PLI, RO, [AND] W, and PR districts are permitted pursuant to table 21.11-  
 14 4 [SCHEDULE 21.47.050E.] as set forth below:

TABLE 21.11-4[SCHEDULE 21.47.050E.]: TEMPORARY SIGNS IN THE PLI, RO, [AND] W, and PR DISTRICTS	
Maximum Area	100 sq. ft. (32 sq. ft. rigid material)
Maximum Number of Signs Per Principal Use	1
Maximum Number of Display Days	60 <sup>11</sup>
Lighting	Internally illuminated or lighted signs are prohibited
Motion	Animation or flashing is prohibited
Maximum Height (Freestanding)	Same as permanent signs
Setbacks	Same as permanent signs
<sup>11</sup> For temporary signs involving the sale, rent, or lease of the property on which the sign is located, the time limit is unlimited.	

15

16 **H. Display of Commercial Flags**

17 In the PLI, RO, [AND] W, and PR districts, a maximum of three flagpoles may be erected on any  
 18 parcel provided that:

- 19 1. A maximum of three commercial flags may be displayed simultaneously.;]

- 1           2.       The maximum length of the flag pole shall be 30 feet. [; AND]
- 2           3.       The total maximum size of all commercial flags displayed shall not exceed 120 square
- 3                 feet. Subject to the total maximum size of commercial flags, a commercial or non-
- 4                 commercial organization may display alongside a national or governmental flag, one
- 5                 organizational flag not larger than the national or governmental flag.
- 6           4.       The corporate or commercial flag may only display the name, trademark, or logo of the
- 7                 business on the parcel and such flag may not be used for other business or advertising
- 8                 purposes.

9   **I.       Unified Sign Plan**

10       To recognize and accommodate irregular site shapes (which are typically characterized by

11       narrow lot frontages resulting in some buildings with [EXTRAORDINARILY] large setbacks and

12       limited visibility to a public street), multiple contiguous lots and/or tracts may be considered as a

13       single site for the purposes of determining the size, number, and placement of freestanding signs

14       permitted pursuant to this section. Solely for the purposes of this section:

- 15       1.       The number and area of the freestanding signs permitted, pursuant to **table 21.11-3**
- 16                 [SCHEDULE 21.47.050B.], shall be determined based on size and frontage of the
- 17                 multiple properties being considered as a single parcel.
- 18       2.       After a unified sign plan has been approved by the municipality and a permit has been
- 19                 issued, the sign rights or limitations shall be recorded with the state district recorder's
- 20                 office as a deed restriction.
- 21       3.       Revocation of a unified sign plan must be approved by all participants in the plan; all
- 22                 signs on the affected properties must be in compliance with this code before the plan can
- 23                 be revoked.
- 24       4.       This section shall not be interpreted as authorizing the erection or maintenance of any
- 25                 sign or display within 660 feet of the nearest edge of the right-of-way and visible from the
- 26                 main-traveled way of an interstate, primary, or secondary highway, or the erection or
- 27                 maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-
- 28                 way of the main traveled way of an interstate, primary, or secondary highway with the
- 29                 purpose of the message displayed being read from that travel way, in a manner that
- 30                 would conflict with the provisions of Alaska statutes sections 19.25.075 – 19.25.180.

31   **21.11.070   SIGNS IN THE COMMERCIAL, MIXED-USE, INDUSTRIAL, MARINE, TURNAGAIN**

32   **ARM (TA), TRANSITION (T), AND AIRPORT MANAGEMENT (AM) DISTRICTS**

33   **[NONRESIDENTIAL DISTRICTS (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I-1, I-2, I-3, MI,**

34   **R-11, AND T)]**

35   **A.       Applicability**

36       Signs in the **commercial, mixed-use, and industrial districts, as well as the marine commercial**

37       **(MC), marine industrial (MI), transition (T), and airport management (AM) districts** [nonresidential

38       **districts (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I-1, I-2, I-3, MI, R-11, and T)]** shall

39       conform to the standards set forth in this section. The standards of this section apply only to the

40       nonresidential parcels in the TA district.

41   **B.       Basic Standards for Building Signs**

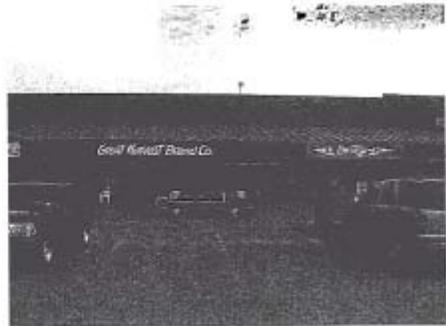
- 42       1.       **Maximum Area of Permanent Building Signs**
- 43                 Building signs shall conform to the maximum area limitations set forth in **table 21.11-5.**
- 44                 **[SCHEDULE 21.47.060A.]**

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**2. Placement of Building Signs**

a. The building signs permitted in **table 21.11-5** [SCHEDULE 21.47.060A.] may be placed on the wall, awnings, canopies, parapets, or be a projecting sign in compliance with subsection **2.b. below.** ["B"].

*Figure 8. Building Signs-General  
Illustration: 1.77 sq ft per lineal ft. frontage  
Maximum Permitted: 2.00 sq ft per lineal ft. frontage*



b. Projecting signs shall be limited to occupants that have a minimum of ten feet of occupant building frontage provided that:

i. All projecting signs shall have a maximum height of 14 feet and a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.

ii. Projecting signs shall be placed on the building so that the signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.

**3. Additional Building Signs for Multiple Story Buildings**

In addition to the building signs in subsection **21.11.070A.** [21.47.060A.] one additional sign is permitted on each of the building's primary and secondary frontages according to the following. For a building with two floors the additional permitted sign area is 40 square feet for an eligible building wall. This additional sign area may be increased by ten square feet for each additional floor in the building provided that the sign is placed at the floor height for which the bonus is given.

**TABLE 21.11-5** [SCHEDULE 21.47.060A.]: **BUILDING SIGNS IN THE COMMERCIAL, MIXED-USE, INDUSTRIAL, MARINE (M), TURNAGAIN ARM (TA)<sup>12</sup>, TRANSITION (T), AND AIRPORT MANAGEMENT (AM) DISTRICTS [NONRESIDENTIAL DISTRICTS (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I-1, I-2, I-3, MI, R-11, AND T)]**

Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage <sup>13</sup>
Signplate	1/address	2 square feet
Building Sign on Primary Frontage <sup>14</sup>		<ul style="list-style-type: none"> <li>1.2 sq. ft. per linear ft. of primary frontage in the <b>DT, CMU, RMU, and MMU districts.</b> [B-2A, B-2B, AND B-2C DISTRICTS.]</li> <li>2 sq. ft. per lineal ft. of primary frontage in all other districts regulated in this section [21.47.060]<sup>15</sup></li> </ul>
Building Sign on Secondary Frontage		1.2 sq. ft. per lineal ft. of secondary frontage

**TABLE 21.11-5 [SCHEDULE 21.47.060A.]: BUILDING SIGNS IN THE COMMERCIAL, MIXED-USE, INDUSTRIAL, MARINE (M), TURNAGAIN ARM (TA)<sup>12</sup>, TRANSITION (T), AND AIRPORT MANAGEMENT (AM) DISTRICTS [NONRESIDENTIAL DISTRICTS (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I-1, I-2, I-3, MI, R-11, AND T)]**

Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage <sup>13</sup>
Building Sign on Door of Rear Entrance		2 sq. ft. per each door
Instructional Sign	Shall be exempt from regulations when in compliance with subsection 21.11.070E. [21.47.060D.]	
<sup>12</sup> The standards of this subsection only apply to nonresidential parcels in the TA district.		
<sup>13</sup> See subsection 21.11.040B. [21.47.030B.]		
<sup>14</sup> The maximum sign area that is permitted for primary frontage may be transferred to a secondary frontage provided that the maximum sign area on any secondary frontage does not exceed two square feet for each lineal foot of frontage.		
<sup>15</sup> The maximum building sign area for a building or any portion of the building that is setback more than 200 feet from the right-of-way that provides primary access to the site may be increased by 25 percent, provided the building is visible from the street.		

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**C. Basic Standards for Permanent Freestanding Signs**

**1. Maximum Area and Height, Minimum Setback of Permanent Freestanding Signs**

Permanent freestanding signs shall comply with the maximum area and height limitations and minimum setback from the street right-of-way set forth in table 21.11-6. [SCHEDULE 21.47.060B.]

**2. Sign Area Proportions**

For any freestanding sign greater than 15 feet in height but less than 20 feet, the horizontal portion (width) of the face shall not exceed four times the height of the face. For any freestanding sign between 20 feet and 25 feet in height, the horizontal portion (width) of the face shall not exceed three times the height of the face.

**D. Supplemental Standards for Freestanding Signs**

**1. Number of Freestanding Signs Allowed**

a. Lots with less than 300 linear feet of frontage on any one street may have only one freestanding sign per that street frontage.

**TABLE 21.11-6: FREESTANDING SIGN REGULATIONS**

	B-1A, NMU and CMU [B-1B]	TA [R-11] (nonresidential COMMERCIAL AND INDUSTRIAL parcels) and T	DT-1, DT-2, DT-3 [B-2A, B-2B, B-2C]	B-3, [B-4,] I-1, I-2, [I-3,] MC, MI, RMU, and AM
Maximum Height	12 ft.	12 ft.	8 ft.	25 ft.
Maximum Area	80 sq. ft.	80 sq. ft.	64 sq. ft.	0.7 sq. ft. per 1 lineal foot of frontage <sup>18</sup>
Number/Frontage	See subsection 21.11.070C. [21.47.060C.]			
Separation	150 ft.			
Minimum Setback from R.O.W.	0 ft.	10 ft.	0 ft.	0 ft.
Minimum Setback from side lot line <sup>17</sup>	10 ft.			

**TABLE 21.11-6: FREESTANDING SIGN REGULATIONS**

	<b>TA [R-11]</b> <b>(nonresidential</b> <b>COMMERCIAL</b> <b>AND</b> <b>INDUSTRIAL</b> <b>parcels) and T</b>	<b>DT-1, DT-2, DT-3</b> <b>[B-2A, B-2B, B-2C]</b>	<b>B-3, [B-4,] I-1, I-2,</b> <b>[I-3,] MC, MI,</b> <b>RMU, and AM</b>
Entrance and Exit Signs <sup>16</sup>	<b>B-1A, NMU and</b> <b>CMU [B-1B]</b>		
Maximum Area	6 sq. ft.		
Maximum Height	5 ft.		
<sup>16</sup> Entrance and exit signs, which are permitted in addition to the above freestanding signs, shall be limited to two for each entrance/exit driveway. <sup>17</sup> If the side lot line is adjacent to a residential district [(NOT INCLUDING RO)] then the minimum setback from the side lot line is 30 feet. <sup>18</sup> The maximum allowable area shall not be less than 70 square feet nor greater than 200 square feet.			

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**b.** Lots with 300 or more lineal feet of frontage on any one street may have two freestanding signs per that street frontage.

**c.** Except in a commercial development as described in subsection 1.d. below, no more than two freestanding signs are allowed along any one frontage. Freestanding signs must be separated by a minimum distance of 150 feet. On corner lots, the property frontage on both streets shall be considered when measuring the separation.

**d.** If a commercial development comprises more than a single platted lot, and one or more of the platted lots or **commercial tract [FRAGMENT]** lots of the commercial development has frontage on a classified street of class III or greater, then each platted lot or **commercial tract [FRAGMENT]** lot having a building and frontage of 100 feet or more on the class III or greater street shall be permitted a freestanding, monument style sign, subject to the limitations of this subsection. In addition, if a building central to the commercial development has frontage of less than 100 feet on the class III or greater street, then one freestanding, monument style sign adjacent to each entrance to the property from the class III or greater street shall be permitted subject to the limitations of this subsection. The height limitation shall be eight feet, excluding the base; the total area of each sign shall not exceed 120 square feet; pole signs are prohibited; and each sign shall comply with all other requirements of this chapter. Signs permitted by this subsection are in addition to all other signage within the commercial development permitted by this chapter including freestanding signs along frontage on classified streets of less than class III, and building signs.

**2. Wrapping Structural Steel Supports**

**a.** Signs that are eight feet or less in height with exposed structural steel support: The structural steel supports shall have a covering that totals at least four times the width of the structural steel at its widest point and is parallel to the sign face.

**b.** Signs that are greater than eight feet in height but less than 15 feet in height: All structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point and are parallel to the sign face.

- 1           c.       Signs 15 feet or greater in height that have a single structural steel support: The
- 2                       structural steel support shall have a covering that totals at least 25 percent of the
- 3                       width of the sign at its widest point and is parallel to the sign face.
- 4           d.       Signs 15 feet or greater in height that have more than one structural steel
- 5                       support: The structural steel supports shall have coverings that collectively total
- 6                       at least 33 percent of the width of the sign at its widest point.
- 7           e.       The width of the covering shall be symmetrical for all supports. (See figure 9)
- 8           f.       The depth of the support coverings shall not exceed the depth of the sign **unless**
- 9                       **the supports are located on the perimeter of the sign.** (See figure 9)

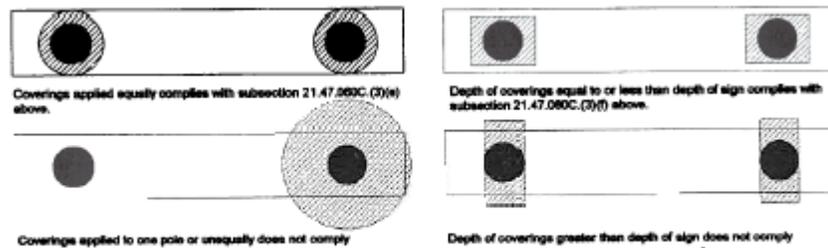


Figure 9: Examples of pole wrap. Poles depicted in plan view.

- 10          g.       In all circumstances, the covering shall extend from four inches above the ground
- 11                       to the base of the sign face.
- 12          h.       The following materials shall not be used for covering for structural steel
- 13                       supports:
- 14                    i.       T-111
- 15                    ii.       Plywood
- 16                    iii.       Particle Board
- 17                    iv.       Sheet metal of less than 24 gauge
- 18                    v.       Aluminum of less than .063 inches



Figure 10. Freestanding sign  
 Illustration: 21 ft height, area unknown  
 Maximum Permitted: 25 ft height



Figure 11. Freestanding sign  
 Illustration: 14 ft height, 85 sq ft area  
 Maximum Permitted: 25 ft height, 200 sq ft area

**3. Multi-Occupant Facilities**

When a freestanding sign is constructed on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

**E. Supplemental Standards for All Changeable Copy Signs**

1. Freestanding signs may have up to 50 percent of the actual sign area devoted to changeable copy. Building signs and projecting signs may have up to 50 percent of the actual sign area or up to 150 square feet, whichever is less, devoted to changeable copy.
2. Copy which is changed electronically or mechanically shall not be changed more than one time per two-second period.
3. Scrolling copy is allowed if these requirements are met:
  - a. The message is completed within no less than two seconds and no more than five seconds.
  - b. The complete message remains static before scrolling recommences for no less time than required for other changeable copy signs in the district.

**F. Instructional Signs**

Signs that comply with the definition of "instructional sign" shall be permitted as needed provided such signs comply with the following:

1. The signs are not larger than necessary to serve the intended instructional purpose;
2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose; [AND]
3. Instructional signs shall not exceed six square feet in area, and[.]
4. The signs may be placed on the base of a permitted freestanding sign without the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.

1 **F. Unified Sign Plan**

2 To recognize and accommodate irregular site shapes (which are typically characterized by  
3 narrow lot frontages resulting in some buildings with [EXTRAORDINARILY] large setbacks and  
4 limited visibility to a public street) multiple contiguous lots and/or tracts may be considered as a  
5 single site for the purposes of determining the size, number, and placement of freestanding signs  
6 permitted pursuant to this section. Solely for the purposes of this section:

7 1. The number and area of the freestanding signs permitted, pursuant to **table 21.11-6**  
8 **[SCHEDULE 21.47.060B.]**, shall be determined based on size and frontage of the  
9 multiple properties being considered as a single parcel.

10 2. After a unified sign plan has been approved by the municipality and a permit has been  
11 issued, the sign rights or limitations shall be recorded with the state district recorder's  
12 office as a deed restriction.

13 3. Revocation of a unified sign plan must be approved by all participants in the plan; all  
14 signs on the affected properties must be in compliance with this code before the plan can  
15 be revoked.

16 4. This subsection shall not be interpreted as authorizing the erection or maintenance of any  
17 sign or display within 660 feet of the nearest edge of the right-of-way and visible from the  
18 main-traveled way of an interstate, primary, or secondary highway, or the erection or  
19 maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-  
20 way of the main traveled way of an interstate, primary, or secondary highway with the  
21 purpose of the message displayed being read from that travel way, in a manner that  
22 would conflict with the provisions of Alaska statutes sections 19.25.075 – 19.25.180.

23 **G. Display of Commercial Flags**

24 In **the districts listed in table 21.11-5**, **[A "B" OR "I" DISTRICT]** a maximum of three flagpoles may  
25 be erected on any parcel provided that:

26 1. A maximum of three commercial flags may be displayed simultaneously. **[;]**

27 2. The maximum length of the flag pole shall be 30 feet. **[; AND]**

28 3. The total maximum size of all commercial flags displayed shall not exceed 120 square  
29 feet. Subject to the total maximum size of commercial flags, a commercial or non-  
30 commercial organization may display alongside a national or governmental flag, one  
31 organizational flag not larger than the national or governmental flag.

32 4. The corporate or commercial flag may only display the name, trademark, or logo of the  
33 business on the parcel and such flag may not be used for other business or advertising  
34 purposes.

35 **H. Temporary Signs**

36 Temporary signs in nonresidential districts are permitted pursuant to **table 21.11-7** **[SCHEDULE**  
37 **21.47.070H.]** as set forth below. **[;]**

38 1. Banners shall not be deemed signs for purposes of sign permitting requirements under  
39 title 23 and the temporary sign removal cash bond requirement in subsection 21.20.007,  
40 provided that these conditions are met:

41 a. The banner is maintained in an "as new" condition at all times and is displayed  
42 and secured so as not to encroach into a public right-of-way.

- 1           **b.**     Notice is filed with the municipality, land use enforcement division, at  
 2                commencement of each display period.
- 3           **c.**     The banner is displayed for no more than 30 consecutive days from the  
 4                commencement date specified in the notice, and for no more than 120 total days  
 5                annually.
- 6           **2.**     Balloons, pennants, ribbons, and streamers are considered decorative display and not  
 7                signs for purposes of sign permitting under title 23 and the temporary sign removal cash  
 8                bond requirement in section 21.20.007. Balloons, pennants, ribbons, and streamers **shall**  
 9                **[MUST]** meet these requirements:
- 10           **a.**     Balloons, pennants, ribbons, and streamers shall be maintained in an “as new”  
 11                condition at all times and shall be displayed and secured so as not to encroach  
 12                into the public right-of-way.
- 13           **b.**     Balloons, pennants, ribbons, and streamers are decoration within the scope of  
 14                enforcement of AMC 15.20.020B.11. and shall not create a public nuisance by  
 15                reason of condition or inappropriate location.
- 16           **3.**     Poster advertisement and other window applications that are affixed or attached to a  
 17                window or door, or are applied or attached within a building and located near a window  
 18                for the purpose of being visible to and read from the outside of the building, are permitted  
 19                without being subject to number, sign permitting under title 23, and the temporary sign  
 20                removal cash bond requirement in section 21.20.007. The total combined area of poster  
 21                advertisement and other window application shall not exceed 50 percent of the window  
 22                area.

<b>TABLE 21.11-7 [SCHEDULE 21.47.060H.]: TEMPORARY SIGNS</b>	
Maximum Area	100 sq. (32 sq. ft. rigid material)
Maximum Number of Signs Per Principal Use	2 <sup>19</sup>
Maximum Number of Display Days	120 <sup>20 21</sup>
Lighting	Internally illuminated or lighted signs are prohibited
Motion	Animation or flashing is prohibited
Maximum Height (Freestanding)	Same as permanent signs
Setbacks	Same as permanent signs
<sup>19</sup> Ideological and political signs are exempt. <sup>20</sup> For decorative display, window poster/other window application, and temporary signs involving the sale, rent, or lease of the property in which the sign is located, the number of days is unlimited. <sup>21</sup> Maximum number of display days per year for all temporary signage if not subject to specific exception or exemption.	

23  
 24 **21.11.080     PROHIBITED SIGNS**

- 25 The following signs are prohibited:
- 26 **A.**     Roof signs, except for signs with no more than 20 percent of the actual sign area extending no  
 27                more than 20 percent of the building height above the roof or parapet wall.
- 28 **B.**     Billboards and other off-premise signs.
- 29 **C.**     Any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the  
 30                main-traveled way of an interstate, primary, or secondary highway, or any sign or display beyond  
 31                660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary,  
 32                or secondary highway erected or maintained with the purpose of the message displayed being

1 read from that travel way, that would conflict with the provisions of Alaska statutes sections  
2 19.25.075 – 19.25.180.

3 **D.** Portable signs.

4 **E.** Flashing, moving, animated, coursing, blinker, racer-type, intermittent, moving or revolving signs  
5 and/or devices except as defined in chapter 21.14 [AMC 21.47.030E.20], whirligig devices,  
6 inflatable signs and oversize tethered balloons, spinners, and other similar types of attention-  
7 getting devices except for pennants, ribbons, streamers, and latex balloons not exceeding 16  
8 inches in diameter, when maintained in an “as new condition”. Pennants, ribbons, streamers, and  
9 latex balloons not maintained in “as new condition” shall be deemed unsightly and subject to  
10 enforcement under subsection 15.20.020B.11. Changeable copy signs are not prohibited when in  
11 compliance with the applicable regulations in this chapter.

12 **F.** Signs in the AF district except for warning signs and identification placards required in subsection  
13 21.05.040K.2.g.v. [21.45.265A.10.]

14 **21.11.090 SUPPLEMENTAL SIGN STANDARDS**

15 **A. Illumination of Permanent and Temporary Signs**

16 Permanent and temporary signs shall be permitted to be illuminated in compliance with the  
17 following:

18 1. Signs shall not include animated, flashing, moving, or intermittent illumination except that  
19 the messages may change no more frequently than the rates specified in subsections  
20 21.11.050B., 21.11.060D., and 21.11.070D. [21.46.040B., 21.47.050C., AND  
21 21.47.060C.]

22 2. Temporary signs shall not be internally illuminated. Any external illumination of these  
23 signs shall be permitted only in commercial and industrial zones.

24 3. All internally illuminated building or free-standing signs with the exception of neon-lighted  
25 signs with exposed neon tubes shall comply with the following:

26 a. Except as provided in [C. OF THIS] subsection 3.c. below, the sign shall be  
27 constructed with either: an opaque background and translucent letters and  
28 symbols; or, a translucent darker colored background with a lighter contrasting  
29 color for the letters and symbols. Registered trademarks and logos are exempt  
30 from this provision.

31 b. No internal lighting shall include exposed incandescent or fluorescent bulbs.

32 c. A changeable copy sign with dark colored letters or symbols on a lighter  
33 contrasting translucent background may be internally illuminated if the internally  
34 illuminated area of the sign does not exceed 20 square feet.

35 d. During daylight hours between sunrise and sunset, luminance shall be no greater  
36 than 5,000 candelas per square meter for LED signs. At all other times, LED  
37 luminance shall be no greater than 800 candelas per square meter.

38 4. Freestanding signs more than 15 feet high shall only be internally illuminated. Signs less  
39 than or equal to 15 feet in height may be either internally or externally illuminated.

40 5. The external illumination of freestanding signs shall comply with the following:

- 1           a.     Any external lighting of signs that have a height of between eight feet and 15 feet  
2           shall [MUST] be from the top of the sign and directed downward;
- 3           b.     The lighting of signs that have a height of eight feet or less may be illuminated  
4           from the top of the sign or from the ground.
- 5           6.     Externally illuminated building signs may only be illuminated from the top of the sign.
- 6           7.     Light sources for externally illuminated signs must be shielded and directed so that the  
7           light shines on the sign and that the light source is not visible beyond the property line.
- 8           8.     Freestanding signs accessory to a single-family dwelling, two-family, or **townhouse**  
9           [TOWNHOME] use in a residential district shall not be illuminated.
- 10          9.     Signs on a building or parcel in a residential district that has multifamily uses shall not be  
11          internally illuminated.
- 12          10.    For signs on permitted nonresidential uses in residential districts the illumination may be  
13          from external sources or by internal illumination of the letters and logos only; internal  
14          illumination of the background portion of the sign is prohibited.
- 15          11.    Reserved.

16 **B.     Preservation of Sight Lines**

17     For the purpose of assuring that drivers and pedestrians have adequate visibility at the  
18     intersection of a roadway, street, driveway, trail, or alley, no sign or portion of a sign between a  
19     height of two and one-half feet and eight feet shall conflict with the American Association of State  
20     Highway and Transportation Officials (AASHTO) sight distance triangle specifications.

21 **C.     Construction Standards**

- 22          1.     The construction, erection, safety, and maintenance of signs shall comply with the  
23          uniform sign code as amended.
- 24          2.     Signs shall be structurally sound and located so as to pose no threat to pedestrian or  
25          vehicular traffic.
- 26          3.     Permanent signs shall be fabricated on and of materials that are of good quality and good  
27          durability.
- 28          4.     Electric signs and all permanent signs involving structural requirements of the building  
29          code shall be installed, repaired, altered, and serviced only by a contractor licensed to  
30          perform such tasks.
- 31          5.     No sign shall be erected so as to obstruct any window, door, fire escape, balcony,  
32          platform, stairway, ladder, vent, or other means of ingress and egress of any building.
- 33          6.     No sign shall be attached to a utility pole, tree, trash receptacle, bench, or other structure  
34          not intended or approved as a sign support.
- 35          7.     Temporary signs shall be durable and weather-resistant and fastened or anchored  
36          sufficiently, whether attached to the building or positioned in the ground.
- 37          8.     No sign regulated by any of the provisions of this section shall be erected in the right-of-  
38          way, in proximity to railroad crossings, or at the intersection of any streets in such a  
39          manner as to obstruct free and clear vision; or at any location where, by reason of the  
40          position, shape, or color, it may interfere with, obstruct the view of, or be confused with,

1 any authorized traffic sign signal or device; or which makes use of the words "STOP,"  
2 "LOOK," "DANGER", or any other word, phrase, symbol, or character in such a manner  
3 as to interfere with, mislead, or confuse traffic.

- 4 9. In the event there is a conflict between the provisions of this section and the provisions of  
5 any applicable building codes, the provisions of the applicable building code shall govern.

6 **D. Maintenance**

7 All signs shall be maintained in accordance with the following:

- 8 1. The property owner, occupant, or other person responsible for the sign shall maintain the  
9 sign in a condition fit for the intended use, and he or she shall have a continuing  
10 obligation to comply with all building code requirements.

- 11 2. If the **director** [ADMINISTRATIVE OFFICIAL] finds that any sign is unsafe, insecure, or  
12 a menace to the public, notice shall be given in writing by the **director** [ADMINISTRATIVE  
13 OFFICIAL] to the owner. The owner of the business shall, within 48 hours of such  
14 notification, correct such unsafe condition or remove the sign. If the correction has not  
15 been made within the 48 hours, the sign may be removed or altered by the municipality to  
16 comply with these regulations at the expense of the owner or occupant of the property  
17 upon which the sign is located. The **director** [ADMINISTRATIVE OFFICIAL] may cause  
18 any sign, which, in the municipality's opinion, creates a danger to persons or property to  
19 be removed immediately and without notice.

- 20 3. Whenever any sign, either conforming or nonconforming to these regulations, is required  
21 to be removed for the purpose of repair, refurbishing, or repainting, the same may be  
22 done without a permit or any payment of fees provided that all of the following conditions  
23 are met:

24 a. There shall be no enlargement or increase in any of the dimensions of the sign or  
25 its structure.

26 b. The sign shall be accessory to a legally permitted, conditional or nonconforming  
27 use.

- 28 4. The **director** [ADMINISTRATIVE OFFICIAL] may order any sign to be repaired whenever  
29 needed to keep the sign in a safe condition. All supports, guys, braces, and anchors for  
30 such signs shall be maintained in a safe condition.

- 31 5. The sign face of any permanent sign which advertises a business that has not been  
32 conducted on the premises for 180 consecutive days or fails to serve the purposes for  
33 which it was intended, or evidences a lack of maintenance, shall be removed by the  
34 owner, agent, or person having the beneficial use of the building, structure, or land upon  
35 which such sign is located, within 30 days after written notice by the **director**  
36 [ADMINISTRATIVE OFFICIAL] and the sign area shall be replaced by a neutral, single  
37 background color panel or similar cover. If the sign is comprised of individually raised  
38 letters then the letters shall be removed. Upon failure to comply with such notice within  
39 the time specified in such order, the **director** [ADMINISTRATIVE OFFICIAL] is hereby  
40 authorized to cause removal of such sign, and any expense incident thereto shall be paid  
41 by the owner of the property on which such sign is located.

# CHAPTER 21.12: NONCONFORMITIES

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## 21.12.010 GENERAL PROVISIONS

### A. Purpose

1. The purpose of this chapter is to regulate continued existence of legal uses, structures, lots, and signs established prior to the effective date of this title, or the effective date of future amendments to this title, that no longer conform to the requirements of this title. All such situations are collectively referred to in this chapter as “nonconformities.” It is the intent of this chapter to permit these nonconformities to continue until they are removed or brought into conformance with this title, and to encourage their re-use and movement towards conformity. The acknowledgement and relief granted to existing property, land uses, and structures provided in this chapter are intended to minimize negative economic effects on development that was lawfully established prior to the effective date of this title and any subsequent amendments.
2. This chapter also regulates characteristics of use such as parking and landscaping. Section 21.12.060 addresses the requirements for developments that don't comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07 (except for section 21.07.020B., *Stream, Water Body, and Wetland Protection*).

### B. Authority to Continue

#### 1. Generally

Any nonconformity that lawfully existed as of the effective date of this title and that remains nonconforming, and any nonconformity that is created as a result of any subsequent rezoning, amendment to the text of this title, or by the acquisition of property for a public purpose, may be continued or maintained as a nonconformity only in accordance with the terms of this chapter, unless such nonconformity falls within the exception set forth in subsection 21.12.010B.2.

#### 2. Exception Due to Variances or Minor Modifications

This chapter shall not apply to any development standard or feature that is the subject of a variance or minor modification granted under this title. Where a variance or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this title, that development standard or feature shall be deemed conforming.

#### 3. Conditional Uses and Site Plan Reviews

- a. A use that lawfully existed as of the effective date of this title that is allowed by conditional use or through an administrative or major site plan review in the district in which it is located under this title, but which lacks a conditional use approval or an approved site plan review, shall not be deemed a nonconforming use, but rather shall be considered to exist as a conditional use or to have an approved site plan. Associated nonconforming structures or lots and characteristics of use that are out of compliance with this title shall be governed by the provisions of this chapter, and if applicable, shall be modified under the provisions of this chapter. Other modifications shall be in accordance with the appropriate modification processes in chapter 21.03.
- b. A conditional use or use with an approved site plan, existing prior to the effective date of this title that is permitted in its entirety as a principal use in the district in which it is located under this title shall not be deemed a nonconforming use. Such use shall be deemed a permitted principal use and the conditional use permit or the approved site plan shall be null and void.

1 **C. Determination of Nonconformity Status**

2 In all cases, the burden of establishing the existence of a legal nonconformity shall be solely upon  
3 the owner of the nonconformity, not the municipality. Verification of nonconforming status may be  
4 established through the process set forth in section 21.03.260, *Verification of Nonconforming*  
5 *Status*.

6 **D. Government Agency Property Acquisitions**

7 If a structure, use of land, use of structure, or characteristic of use does not comply with the  
8 requirements of this title solely as a result of an acquisition of land by a government agency for a  
9 public purpose, then such structure, use of land, use of structure, or characteristic of use on land  
10 not acquired by the government shall be deemed conforming. At the time of such acquisition, the  
11 municipality shall provide documentation of conformity to the affect property owner(s).

12 **E. Change of Ownership or Tenancy**

13 Legal nonconformities are not affected by changes of ownership, tenancy, or management of  
14 property.

15 **F. Maintenance and Repair**

16 1. Repairs or maintenance of nonconformities that are required to keep structures or sites in  
17 a safe condition are permitted, provided that the repair or maintenance does not increase  
18 the extent of nonconformity. For purposes of this section, "maintenance or repair" shall  
19 mean:

20 a. Repairs that are necessary to maintain and to correct any damage or  
21 deterioration to the structural soundness or interior/exterior appearance of a  
22 building or structure without expanding or altering the building or structure;

23 b. Repair of uses or structures that are damaged or destroyed by 50 percent [%] or  
24 less of the replacement cost of the use or structure at the time of damage;

25 c. Replacement, repair, or maintenance of mechanical and electrical equipment;

26 d. Maintenance of land areas to protect against environmental and health hazards  
27 and promote the safety of surrounding land uses;

28 e. Repairs that are required to remedy unsafe conditions that cause a threat to  
29 public safety; and

30 f. Repairs and maintenance of nonconforming signs as set forth in section  
31 21.12.070, *Nonconforming Signs*.

32 2. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a  
33 safe condition of any building or part thereof declared to be unsafe by any official charged  
34 with protecting the public safety, upon order of such official.

35 **G. Replacement Cost**

36 Where the term "replacement cost" is used in this chapter, it shall be determined by the building  
37 official pursuant to municipal code.

38 **H. Willful Destruction**

39 In the event of arson or other willful destruction, any rights to reinstate, replicate, rebuild, or  
40 otherwise reestablish the nonconforming use or structure, as allowed in this chapter, shall be

1 prohibited if such casualty is traceable to the owner or his or her agent. Such instances shall  
2 result in loss of the nonconforming status.

### 3 **21.12.020 SINGLE- AND TWO-FAMILY STRUCTURES AND MOBILE HOMES**

#### 4 **A. Applicability**

5 In this chapter, only sections 21.12.010, 21.12.020, and 21.12.050 shall apply to lawfully erected  
6 nonconforming single- and two-family structures and mobile homes. The other sections of this  
7 chapter shall not apply to lawfully erected single- and two-family structures and mobile homes.

#### 8 **B. Expansions and Enlargements**

9 Any lawfully erected nonconforming single- or two-family structure may be expanded or enlarged,  
10 as long as the nonconformity is not increased.

#### 11 **C. Damage or Destruction**

12 Any lawfully erected nonconforming single- or two-family structure that is damaged or destroyed  
13 may be rebuilt in the same location and to the same dimensions so that the nonconformity of the  
14 damaged or destroyed structure is not increased, but the structure may be rebuilt in a manner  
15 that moves towards conformity.

#### 16 **D. Mobile Homes**

- 17 1. Lawfully erected nonconforming mobile homes may be repaired or replaced, as long as  
18 the nonconformity is not increased.
- 19 2. Lawfully erected nonconforming mobile homes on individual lots may be moved within  
20 the lot in compliance with setback regulations.
- 21 3. Mobile homes in nonconforming manufactured home communities may be repaired or  
22 replaced, in compliance with setback regulations.

### 23 **21.12.030 NONCONFORMING USES OF LAND OR STRUCTURES**

#### 24 **A. Limitations on Continuation of Nonconforming Uses of Land or Structures**

25 Nonconforming uses of land or structures may continue, subject to the general provisions of  
26 section 21.12.010 and the following limitations, or as provided in C below:

- 27 1. No nonconforming use of land shall be enlarged or increased or extended to occupy a  
28 greater area of land than was occupied at the effective date of adoption or amendment of  
29 the regulations that make the use nonconforming. Any nonconforming use on a lot or  
30 portion thereof may be altered to decrease its nonconformity.
- 31 2. No nonconforming use of land shall be moved in whole or in part to any portion of the lot  
32 or parcel other than that occupied by such use at the effective date of adoption or  
33 amendment of the regulations that make the use nonconforming.
- 34 3. No existing structure devoted to a use not permitted by this title in the district in which it is  
35 located shall be enlarged, extended, or constructed except in changing the use of the  
36 structure to a use permitted in the district in which it is located. (For example: a self-  
37 storage facility that is a nonconforming use in a district may not construct new storage  
38 units.)
- 39 4. Any nonconforming use may be moved or extended throughout any parts of a building  
40 that are reasonably adaptable for such use at the time of adoption or amendment of the  
41 applicable regulations, but no such use shall be extended to occupy any land outside

1 such buildings. If a nonconforming use is moved to another part of the building, the  
 2 space vacated shall not be filled with another nonconforming use. (For example: a  
 3 warehouse that is a nonconforming use in a district and occupies half of a building may  
 4 expand into the other half of the existing building, but may not begin to store items  
 5 outside the building.)

- 6 5. No additional structure not conforming to the requirements of this title shall be erected in  
 7 connection with the nonconforming use of land or structure.

8 **B. Change of Use**

- 9 1. Any nonconforming use may be changed to another nonconforming use if all of the  
 10 following criteria are met:

- 11 a. The director finds that the proposed nonconforming use is more appropriate to  
 12 the district than the existing nonconforming use;
- 13 b. Any characteristics of use that are out of compliance with this title are not  
 14 changed to become less compliant with the requirements of this title; and
- 15 c. No structural alterations are made other than those required by title 23, or minor  
 16 interior structural alterations, such as cutting a door into a shear wall.

17 Appeals of the director's decision shall be made to the zoning board of examiners and  
 18 appeals in accordance with subsection 21.03.040B.

- 19 2. If a nonconforming use is superseded by a permitted use, the nonconforming use may  
 20 not thereafter be resumed.

21 **C. Damage or Destruction**

22 Any person wishing to replicate a nonconforming use that has been damaged or destroyed to an  
 23 extent of more than 50 percent of the replacement cost at the time of destruction shall apply as  
 24 stated in C.1. below.

25 1. **Administrative Approval**

- 26 a. An application for administrative approval to rebuild a nonconforming use shall  
 27 contain the information specified in the title 21 user's guide, and shall be  
 28 submitted to the director.

- 29 b. Notice of the application shall be published, mailed, and posted in accordance  
 30 with section 21.03.020H.

- 31 c. There shall be a 30 day comment period, starting from the date of notice, before  
 32 the director acts on the application as provided in subsection C.1.d. below.

- 33 d. The director shall review the application and act to approve, approve with  
 34 conditions, or deny the application based on the approval criteria of subsection  
 35 C.2. below. Findings of the director shall be in writing. The director may impose  
 36 limitations or conditions as may be necessary to meet the approval criteria or to  
 37 reduce or minimize any potential adverse impact on other property in the area.

- 38 e. Appeals of the director's decision may be made to the zoning board of examiners  
 39 and appeals, pursuant to section 21.03.040B.

- 40 f. If the application is approved or approved with conditions, the use shall continue  
 41 to be a nonconforming use and be subject to the provisions of this chapter.

- 1           **2. Approval Criteria**
- 2           **a.**     The nonconforming use is or shall be made compatible with uses allowed on
- 3                     adjacent properties, in terms of site design and operating characteristics (such as
- 4                     lighting, noise, odor, dust, and other external impacts);
- 5           **b.**     The nonconforming use will not limit, impair, or impede the normal and orderly
- 6                     development and improvement of surrounding property for uses permitted on
- 7                     those properties;
- 8           **c.**     Utilities, access roads, drainage, and other necessary facilities are sufficient to
- 9                     service the use, or will be provided;
- 10          **d.**     Adequate measures have been or will be taken to provide ingress and egress
- 11                     that are designed to minimize traffic congestion on the streets; and
- 12          **e.**     The nonconforming use will not result in the creation of additional
- 13                     nonconformities or the need for any variances.
- 14       **D. Abandonment or Cessation of Use**
- 15       **1.**     A nonconforming use shall be presumed abandoned and its nonconforming rights
- 16                     extinguished where any one of the following has occurred:
- 17           **a.**     The owner has indicated, in writing, an intent to abandon the use.
- 18           **b.**     A conforming use, or a less intensive nonconforming use approved by the zoning
- 19                     board, has replaced the nonconforming use.
- 20           **c.**     The building or structure that houses the nonconforming use has been removed.
- 21           **d.**     The use has been discontinued, vacant, or inactive for a continuous period of at
- 22                     least one year.
- 23       **2.**     Once abandoned, the prior legal nonconforming status of the use shall be lost and any
- 24                     subsequent use of the property shall comply with all applicable provisions of this title,
- 25                     unless the nonconforming use is reestablished through the process described in E.
- 26                     below.
- 27       **E. Overcoming Presumption of Abandonment**
- 28       A presumption of abandonment based on evidence of abandonment, as provided in D. above,
- 29       may be rebutted upon a showing of all of the following, to the satisfaction of the zoning board of
- 30       examiners and appeals, that:
- 31       **1.**     The owner has been maintaining the land and structure in accordance with all applicable
- 32                     regulations, including applicable building and fire codes;
- 33       **2.**     The owner has been maintaining or pursuing all applicable permits and licenses;
- 34       **3.**     The owner has filed all applicable tax documents; and
- 35       **4.**     The owner has been engaged in activities that would affirmatively prove there was no
- 36                     intent to abandon, such as actively and continuously marketing the land or structure for
- 37                     sale or lease.

**21.12.040 NONCONFORMING STRUCTURES**

**A. Continuation of Nonconforming Structures Generally**

Nonconforming structures may continue, subject to the general provisions of section 21.12.010 and the following limitations:

1. No nonconforming structure may be enlarged or altered in a way that increases its nonconformity, except as allowed pursuant to B.2. below. Any structure or portion thereof may be altered to decrease its nonconformity, or may be altered or enlarged if the alteration does not intensify the nonconformity. This subsection shall not be construed to allow the expansion of a nonconforming use of structure, which is governed by section 21.12.030 above.
2. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**B. Overheight Buildings**

1. If a lawful building erected prior to **effective date** [DATE OF PASSAGE], does not comply with the requirements of this title with regard to height, such building shall be deemed conforming with regard to height.
2. Where a lawful building, existing on **effective date** [DATE OF PASSAGE], is engineered and constructed for enlargement by the addition of one or more stories, such structure may be enlarged within the full plan dimensions of the existing structure by the addition of not more than two stories. This provision shall apply to buildings that conform to the height limitations as well as to overheight buildings.

**C. Buildings Exceeding Maximum Setback**

If a lawful building erected prior to **effective date** [DATE OF PASSAGE] does not comply with the requirements of this title with regard to maximum structure setbacks, such building shall be deemed conforming with regard to setbacks.

**D. Damage or Destruction**

A person wishing to replicate a nonconforming structure that has been damaged or destroyed to an extent of more than 50 percent of the replacement cost at the time of destruction, shall choose one of the two application and approval methods in subsection D.1. below. The application shall be made within one year of the damage or destruction. The director, with the concurrence of the building official, may approve an extension upon written request showing good cause.

**1. Application and Approval Methods**

**a. Administrative Approval**

- i. An application for administrative approval to rebuild a nonconforming structure shall contain the information specified in the title 21 user's guide and shall be submitted to the director.
- ii. Notice of the application shall be published, mailed, and posted in accordance with section 21.03.020H.
- iii. There shall be a 30 day comment period, starting from the date of notice, before the director acts on the application as provided in subsection a.iv. below.

- 1                   iv.       The director shall review the application and act to approve, approve with  
2                   conditions, or deny the application based on the approval criteria of  
3                   subsection D.2. below. Findings of the director shall be in writing. The  
4                   director may impose limitations or conditions as may be necessary to  
5                   meet the approval criteria or to reduce or minimize any potential adverse  
6                   impact on other property in the area.
- 7                   v.        Appeals of the director’s decision may be made to the zoning board of  
8                   examiners and appeals, pursuant to section 21.03.040B.
- 9                   vi.       If the application is approved or approved with conditions, the structure  
10                  shall continue to be a nonconforming structure and be subject to the  
11                  provisions of this chapter.
- 12               b.        **Conditional Use Approval**
- 13                  i.        An application for conditional use approval shall contain the information  
14                  specified in the title 21 user’s guide, and shall be submitted to the  
15                  director.
- 16                  ii.       The conditional use application shall be processed in accordance with  
17                  the procedures of section 21.03.080B., except that a community meeting  
18                  is not required, and the planning and zoning commission shall base their  
19                  decision on the approval criteria of subsection D.2. below. The  
20                  commission may impose limitations or conditions as may be necessary  
21                  to meet the approval criteria or to reduce or minimize any potential  
22                  adverse impact on other property in the area.
- 23                  iii.       An approved replication conditional use shall expire if start of  
24                  construction has not begun within one year of the planning and zoning  
25                  commission’s approval. The director may approve an extension of up to  
26                  one year upon written request showing cause. For the purposes of this  
27                  section, “replicate” shall mean to rebuild to the same dimensions and in  
28                  the same location as the damaged or destroyed structure, but this shall  
29                  not prevent moving towards conformity.
- 30                  iv.        A nonconforming structure that is approved to be rebuilt per this  
31                  conditional use process shall henceforth be considered a conditional use  
32                  and shall no longer be subject to the provisions of this chapter.
- 33               2.        **Approval Criteria**
- 34                  a.        The nonconforming structure is or can be made compatible with uses allowed on  
35                  adjacent properties, in terms of site design and operating characteristics (such as  
36                  lighting, noise, odor, dust, and other external impacts);
- 37                  b.        The nonconforming structure will not limit, impair, or impede the normal and  
38                  orderly development and improvement of surrounding property for uses permitted  
39                  on those properties;
- 40                  c.        The parking, landscaping, and lighting either conform to the requirements of this  
41                  title, or are moving towards conformity to the maximum extent feasible;
- 42                  d.        Utilities, access roads, drainage, and other necessary facilities are sufficient to  
43                  service the use, or will be provided; and
- 44                  e.        Adequate measures have been or will be taken to provide ingress and egress  
45                  that are designed to minimize traffic congestion on the streets.

1 **E. Legalization of Nonconforming Dimensional Setback Encroachments**

2 **1. Generally**

3 Structures that encroach into required setbacks and were built before January 1, 1986,  
4 may continue in existence provided the following requirements are met:

- 5 **a.** An application for the registration of nonconforming encroachment is submitted to  
6 the department; and
- 7 **b.** The encroachment is determined not to be a life safety hazard by the director.

8 **2. Procedures for Registration**

9 **a.** Application for the registration of nonconforming encroachment shall be  
10 submitted to the department, on a form provided by the department. The  
11 application shall require an as-built drawn by a land surveyor registered in the  
12 state of Alaska, which shows all structures existing on the lot at the date of  
13 application. The application shall also require information supporting the  
14 assertion that the structure and encroachments were constructed prior to  
15 January 1, 1986. The director may require the petitioner to provide additional  
16 information to support this application.

17 **b.** Within 30 days of receipt of all requested information, and upon an adequate  
18 showing that the requirements stated in subsection 21.12.040E.1. above are met,  
19 the director shall issue or deny a certificate permitting the continued use and  
20 existence of the encroachment. The director may impose such conditions on the  
21 certificate as he/she may determine are appropriate to protect the general  
22 welfare. The certificate shall note the size and characteristic of the setback  
23 encroachment and the structure. A copy of the required as-built shall be  
24 attached thereto.

25 **3. Operation**

26 Once registered, the encroachment shall enjoy all the protections and privileges afforded  
27 to a nonconforming structure under the provisions of this chapter.

28 **4. Appeal**

29 Any aggrieved person may appeal the grant or denial of a certificate to the zoning board  
30 of examiners and appeals.

31 **21.12.050 NONCONFORMING LOTS OF RECORD**

32 **A. Nonconforming Lots**

33 **1. Residential Districts**

34 **a.** Except as restricted in subsection B. below, in any residential zoning district  
35 except the R-3, R-4, and R-4A, notwithstanding limitations imposed by other  
36 provisions of this title one single-family detached dwelling and customary  
37 accessory buildings may be erected on lots that fail to meet the requirements for  
38 minimum area and/or width, provided all of the following conditions are met:

- 39 **i.** Any district-specific standards, use-specific standards, and dimensional  
40 and design standards such as setbacks, parking, landscaping, etc. are  
41 met; and
- 42 **ii.** The lot is of record as of the effective date of the original adoption or  
43 amendment of applicable regulations.

- 1           **b.**     Except as restricted in subsection B. below, in the R-3 zoning district,  
2                 notwithstanding limitations imposed by other provisions of this title, one two-  
3                 family dwelling and customary accessory buildings may be erected on lots that  
4                 fail to meet the requirements for minimum area and/or width, provided all of the  
5                 following conditions are met:
- 6                 **i.**         Any district-specific standards, use-specific standards, and dimensional  
7                         and design standards such as setbacks, parking, landscaping, etc. are  
8                         met; and
- 9                 **ii.**        The lot is of record as of the effective date of the original adoption or  
10                       amendment of applicable regulations.
- 11           **c.**     Except as restricted in subsection B. below, in the R-4 and R-4A zoning districts,  
12                 notwithstanding limitations imposed by other provisions of this title, one  
13                 multifamily structure containing not more than three dwelling units, and  
14                 customary accessory buildings may be erected on lots that fail to meet the  
15                 requirements for minimum area and/or width, provided all of the following  
16                 conditions are met:
- 17                 **i.**         Any district-specific standards, use-specific standards, and dimensional  
18                         and design standards such as setbacks, parking, landscaping, etc. are  
19                         met; and
- 20                 **ii.**        The lot is of record as of the effective date of the original adoption or  
21                       amendment of applicable regulations.

22           **2.     Nonresidential Districts**

- 23                 Except as restricted in subsection B. below in any nonresidential zoning district,  
24                 notwithstanding limitations imposed by other provisions of this title, any use allowed in  
25                 the district by table 21.05-2 may be erected on lots that fail to meet the requirements for  
26                 minimum area and/or width, provided all of the following conditions are met:
- 27                 **a.**         The review and approval process indicated in table 21.05-2 is applied;
- 28                 **b.**         The use does not have a minimum lot size greater than the minimum lot size  
29                         required by the underlying zoning district;
- 30                 **c.**         Any district-specific standards, use-specific standards, and dimensional and  
31                         design standards, such as setbacks, parking, open space, landscaping, etc. are  
32                         met; and
- 33                 **d.**         The lot is of record at the effective date of the original adoption or amendment of  
34                         applicable regulations.

35           **B.     Undivided Parcels**

- 36           **1.**     If two or more contiguous lots in single ownership, either of which contains less than  
37                         5,500 square feet of area are of record on or after November 27, 1990, and either is  
38                         nonconforming by virtue of this title or any amendment thereto, the lands involved shall  
39                         be considered to be an undivided parcel for the purpose of this title, and no portion of  
40                         such parcel shall be sold or used that does not contain a lot area and lot width equal to or  
41                         greater than the minimum lot area and width required in the zoning district it is in. If a lot  
42                         that results from being combined through this provision does not meet the dimensional  
43                         requirements of the zoning district or of chapter 21.08, the lot shall be considered a legal  
44                         nonconforming lot at the time of recordation.

- 1 2. This provision shall not apply to those lots legally created as part of a townhouse  
2 development, a cluster housing development, a zero lot line development, or a planned  
3 unit development.

4 **C. Legalization of Lots Created Prior to September 16, 1975**

- 5 1. Lots existing prior to September 16, 1975, that do not meet the district requirements for  
6 minimum area and/or width, and that were not created in accordance with the regulations  
7 of the federal, state, or municipal government, may continue in existence provided the  
8 following requirements are met:

- 9 a. An application for the registration of nonconforming lot is submitted to the  
10 department; and  
11 b. The lot is determined to be sufficient in size to allow construction of a structure  
12 and comply with associated district-specific, dimensional, and development and  
13 design standards such as setbacks, parking, landscaping, etc.

- 14 2. The application shall be on a form provided by the department, and shall be  
15 accompanied by an as-built drawn by a land surveyor registered in the state of Alaska,  
16 which shows the lot boundaries. The department may require additional information to  
17 support the application.

- 18 3. Within 30 days of receipt of all requested information and upon an adequate showing that  
19 the requirements stated in subsection C.1. above are met, the director shall issue or deny  
20 a certificate for the lot. The director may impose such conditions on the certificate as he  
21 or she determines appropriate to protect the general welfare. A copy of the required as-  
22 built shall be attached to the certificate.

- 23 4. Once registered, the lot shall enjoy all the protections and privileges afforded to a  
24 nonconforming lot under the provisions of this chapter.

- 25 5. Any aggrieved person may appeal the grant or denial of a certificate to the zoning board  
26 of examiners and appeals within 30 days of the director's determination.

- 27 6. Nothing in this section shall preclude relief for nonconforming lots by means of a  
28 variance.

- 29 7. Nothing in this section shall exempt any lots from the provisions of subsection B. above.

- 30 8. The department shall publish the registration of a nonconforming lot including the street  
31 address and legal description of the property in a newspaper of general circulation in the  
32 municipality within seven days of the issuance of the certificate.

33 **21.12.060 CHARACTERISTICS OF USE**

34 **A. Developments Are Conforming**

- 35 1. Development that was legally established before [effective date [DATE OF PASSAGE]]  
36 that does not comply with the district-specific standards of chapter 21.04, the use-specific  
37 standards of chapter 21.05, or the design and development standards of chapter 21.07  
38 (except for section 21.07.020B., *Stream, Water Body, and Wetland Protection*) shall be  
39 considered conforming on [effective date [DATE OF PASSAGE]], and subject to this  
40 section. Development that does not conform to section 21.07.020B., *Stream, Water*  
41 *Body, and Wetland Protection*, shall be considered nonconforming.

- 1 2. No change shall be made to any development unless the change is in the direction of  
2 conformity to the requirements of this title.

3 **B. Parking Out of Compliance**

4 Notwithstanding section C. below, if changes to a use or development increase the minimum  
5 number of required parking spaces, the number of spaces related to the increase shall be  
6 provided. For example, if a use or development that is required to have 30 spaces only has 20  
7 spaces, and changes to the use or development allowed through this title create a total minimum  
8 requirement of 35 spaces, the use or development shall, at a minimum, provide the additional 5  
9 spaces. The addition of more spaces may be negotiated through the process outlined in section  
10 C. below.

11 **C. Bringing Characteristics into Compliance**

12 1. **Applicability**

13 This section 21.12.060 applies to all multi-family, commercial, mixed-use,  
14 public/institutional, and industrial development projects that:

- 15 a. Do not comply with the district-specific standards of chapter 21.04, the use-  
16 specific standards of chapter 21.05, or the design and development standards of  
17 chapter 21.07 (except for section 21.07.020B., *Stream, Water Body, and Wetland*  
18 *Protection*);
- 19 b. Involve a development project costing more than 2.5 percent of the assessed  
20 value of the structure (or, if no structure over 150 square feet exists, the  
21 assessed value of the land); and
- 22 c. Require a permit through title 21 and/or title 23.

23 2. **Standard**

- 24 a. An applicant for a building or land use permit for a multi-family, commercial,  
25 mixed-use, or industrial development that meets the applicability thresholds of  
26 section C.1. above, shall be required to spend 10 percent of the total project  
27 costs on bringing the development towards compliance with the district-specific  
28 standards of chapter 21.04, the use-specific standards of chapter 21.05, and/or  
29 the design and development standards of chapter 21.07 (hereafter called  
30 "characteristics").
- 31 b. If the applicant can bring the development into full compliance with title 21 for  
32 less than 10 percent of the total project costs, then no additional monies need be  
33 spent. The municipality shall not require more than 10 percent, but the applicant  
34 may choose to spend more.
- 35 c. If the applicant chooses to spend more than 15 percent, the amount in excess of  
36 15 percent may be credited, as outlined in the user's guide, towards future  
37 improvements under this section.
- 38 d. The director, in consultation with the applicant, shall determine which  
39 characteristics shall be addressed, within the expenditure requirements noted  
40 herein. The director and the applicant shall consider how to maximize the public  
41 benefit and minimize the economic impact to the property owner. The director  
42 shall not require compliance with a standard that would create non-compliance  
43 with a different standard (i.e., the director shall not require the addition of  
44 landscaping that would cause the development to fall under the minimum  
45 required number of parking spaces).

1 e. The applicant may appeal the director's decision to the urban design  
2 commission, which shall hold a non-public hearing on the appeal.

3 f. For the purposes of this section, "total project costs" shall be determined by the  
4 building official pursuant to municipal code, and shall be exclusive of all costs of  
5 improvements that move the development in the direction of conformity to the  
6 requirements of this title.

7 **3. Insignificant Change**

8 If the director and the applicant concur that 10 percent of project costs is not enough  
9 money to result in a significant change to any characteristic, the applicant shall place the  
10 required 10 percent of project costs as outlined in subsection C[B].4. below.

11 **4. No Applicable Characteristics**

12 If no characteristics can be brought towards conformity without causing other  
13 characteristics to come out of compliance, or if the only characteristics left to be  
14 addressed are so major as to require relocating the structure, or something of similar  
15 magnitude, then the applicant shall not be required to perform such work. Instead, the  
16 applicant shall place the required 10 percent of project costs in a municipal account  
17 dedicated to public improvements (such as pedestrian or landscaping improvements) in  
18 the census block group (based on the 2000 census) that the development is in, or an  
19 adjacent census block group.

20 **5. Large Commercial Establishment**

21 If the development project is a Large Commercial Establishment, as defined in section  
22 21.07.120, then the applicant shall spend an additional 10 percent of the total project  
23 costs on bringing the structure into compliance with the design standards of section  
24 21.07.120. If the structure already complies with section 21.07.120, then this subsection  
25 C.5. shall not apply.

26 **6. Timing of Work**

27 The characteristics of use shall be brought towards compliance with all applicable  
28 provisions of this title prior to the issuance of the building or land use permit or shall be  
29 included in the work to be accomplished under the permit.

30 **21.12.070 NONCONFORMING SIGNS**

31 **A. Effective Date**

32 The effective date of this section 21.12.070 is October 1, 2003.

33 **B. Amortization Provisions**

34 **1. Legal Nonconforming Permanent Signs**

35 Any permanent freestanding or building sign lawfully built prior to the adoption of this title  
36 that does not comply with the maximum height, maximum area, or the number of signs  
37 permitted as set forth in this title shall be considered a legal nonconforming sign.

38 **2. Amortization of Permanent Signs**

39 Any permanent sign exceeding current size or height requirements by greater than 50  
40 percent must be brought into compliance with this title before May 16, 2016, which is ten  
41 years from the date of adoption of this provision.

42 **3. Amortization of Illuminated Signs**

43 Any illuminated sign that does not meet the requirements of subsection 21.11.090A., with  
44 the exception of subsection 21.11.090A.3.a., shall be altered to comply with the

1 requirements of this title by May 31, 2008. All LED signs shall comply with the luminance  
2 standards of subsection 21.11.090A.3.d. by November 30, 2005.

3 **4. Amortization of Animated Signs**

4 Any sign that contains non-complying animation, changeable copy, or flashing or moving  
5 parts shall be altered to comply with the requirements of this title within 180 days from the  
6 effective date of this section.

7 **C. Termination**

8 Except as provided in subsection 21.11.090D., a nonconforming sign shall immediately lose its  
9 legal nonconforming status, and therefore shall be brought into conformance with this title or  
10 removed, when any of the following occur:

- 11 1. The size or shape of the sign is changed.
- 12 2. The location of the sign is changed.
- 13 3. The business is sold and there is a change of use of the premises. A change of  
14 use occurs when the type of use is not within the same use category as the  
15 immediate prior allowable use type, determined by reference to the tables of  
16 allowed uses under this title.
- 17 4. The nonconforming sign is accessory to a nonconforming use that has lost its  
18 nonconforming status.
- 19 5. If more than 50 percent of the assessed value of the principal structure on a  
20 property is replaced, repaired, or renovated, the existing sign(s) for the principal  
21 structure shall be removed or brought into compliance with the provisions of this  
22 title at the time of replacement, repair, or renovation.
- 23 6. Change is permitted in the direction of conformity to the requirements of this title.  
24 A sign will lose its legal nonconforming status immediately upon any change  
25 which increases nonconformity. Municipal permit fees are waived for  
26 nonconforming signs to be brought into full conformity, if an estimate by a  
27 licensed and bonded contractor with a designated date of completion of the new  
28 conforming sign is provided by May 16, 2008, which is two years from the date of  
29 passage of this provision.

30 **D. Maintenance of Nonconforming Signs**

31 Nonconforming signs shall continue to be maintained in safe condition pursuant to the building  
32 regulations of the municipality until such sign is required to be removed as set forth in this  
33 section.

34 **E. Reconstruction of Damaged Sign**

35 If a sign and/or its support are damaged to the extent where the repair costs exceed 50 percent of  
36 the replacement cost of the sign, the sign shall be removed or brought into compliance. If the  
37 repair costs do not exceed 50 percent of the replacement cost of the sign, the director may  
38 authorize the sign to be repaired, provided all repair work is completed within 90 days, subject to  
39 the director extending the time for good cause, of the date the director determines the damage  
40 requires replacement or permits repair. In no event may a sign be maintained in an unsafe  
41 condition during the process of this determination or the period necessary for repairs.

1 **F. Historic Signs**

2 The urban design commission may grant exceptions to these standards whenever a sign or  
3 property has been designated an historic sign pursuant to the guidelines and criteria established  
4 and adopted by the urban design commission.

5 **G. Extension of Time to Comply**

6 The dates established in this section for a sign to be brought into compliance with the  
7 requirements of these regulations may be appealed to the zoning board of examiners and  
8 appeals by the owner or lessee of the nonconforming sign pursuant to section 21.03.040B.,  
9 *Appeals to Zoning Board of Examiners and Appeals*. In evaluating the extension of time for a  
10 nonconforming use, the zoning board of examiners and appeals shall consider the following  
11 factors to determine whether the owner of the sign has had reasonable amount of time to recoup  
12 his or her investment:

- 13 1. The value of the sign at the time of construction and the length of time the sign has been  
14 in place;
- 15 2. The life expectancy of the original investment in the sign and its salvage value, if any;
- 16 3. The amount of depreciation and/or amortization of the sign already claimed for tax or  
17 accounting purposes;
- 18 4. The length of the current tenant lease or expected occupancy compared to the date the  
19 sign is to be brought into compliance;
- 20 5. The extent to which the sign is not in compliance with the requirements of this chapter;  
21 and
- 22 6. The degree to which the board determines that the sign is consistent with the purposes of  
23 this chapter.

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# CHAPTER 21.13: ENFORCEMENT

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## 21.13.010 GENERAL PROVISIONS

### A. Purpose

This chapter establishes procedures through which the municipality seeks to ensure compliance with the provisions of this title and obtain corrections for violations of this title. The chapter also sets forth the remedies and penalties that apply to violations of this title. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

### B. Compliance Required

No person shall develop or use any land, building, or structure within the municipality in violation of this title, regulations authorized under this title, or the terms and conditions of entitlements issued under this title.

### C. Entitlements

No entitlement may be issued under this title unless all structures and uses of land and structures permitted under the entitlement conform to this title, the regulations promulgated under this title, and the terms and conditions of the other entitlements issued under this title that apply to the use or structure. An entitlement issued in violation of this section is void.

### D. Continuation of Prior Enforcement Actions

Nothing in this title shall prohibit the continuation of previous enforcement actions undertaken by the municipality pursuant to previous regulations.

### E. Continuing Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this title, provided however the director has the authority to enter into a civil compromise as to the amount of the fine.

## 21.13.020 RESPONSIBILITY FOR ENFORCEMENT AND INSPECTIONS

### A. Primary Responsibility

#### 1. Public Enforcement Actions

Except as otherwise provided, the director shall have primary responsibility for public enforcement actions (see section 21.13.050) to enforce the provisions of this title.

#### 2. Private Enforcement Actions

Except as otherwise provided, the administrative hearings officer shall have primary responsibility for private enforcement actions (see section 21.13.060) to enforce the provisions of this title.

### B. Inspections

1. Subject to subsection B.3. below, at any reasonable time, the director may, upon presentation of proper identification, enter upon and inspect any land, structure, or premises where he or she has reasonable cause to believe there exists a violation of this title, or enter upon such a building or premises to perform a duty of the director under this title.

2. At any reasonable time, the director may enter upon and inspect any land or structure where any entitlement has been applied for or issued. The purpose of such inspection shall be to verify conformity with the application or entitlement.

- 1           **3.**       Where the Constitution of the United States or of the state so requires, the director shall  
2           obtain an administrative search warrant authorizing an inspection and exhibit the warrant  
3           to the person in charge of the premises before conducting the inspection. The director or  
4           representative shall apply to the trial courts of the state to obtain a warrant, stating in the  
5           application the name and address of the premises to be inspected, the authority to  
6           conduct the inspection, the nature and extent of the inspection, and the facts and  
7           circumstances justifying the inspection. Warrants issued under this section shall be  
8           returned within ten days.

9   **21.13.030    VIOLATIONS**

10 Each of the following activities shall constitute a violation of this title:

11 **A.       Activity Inconsistent with Title**

12           Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion,  
13           movement, or use of any building, structure, or sign, or development or subdivision of any land, in  
14           contravention of any provision of this title or any regulation promulgated under this title.

15 **B.       Activity Inconsistent with Entitlement**

16           Any development, use, construction, remodeling, or other activity of any nature in any way  
17           inconsistent with the terms or conditions of any entitlement required to engage in such activity,  
18           whether issued under or required by this title.

19 **C.       Illustrative Examples**

20           Examples of activities inconsistent with this title or with an entitlement issued under this title  
21           include, but are not limited to, the following:

- 22           **1.**       Excavation, grading, cutting, clearing, or other land disturbance activity without obtaining  
23           all necessary approvals required by this title or other applicable regulations;
- 24           **2.**       Damage to or removal of vegetation inconsistent with this title;
- 25           **3.**       Creation, expansion, replacement, or change of a nonconformity inconsistent with this  
26           title;
- 27           **4.**       Reduction or diminishment of lot area, setbacks, vegetative buffers, or open space below  
28           the minimum requirements set forth in this title;
- 29           **5.**       Increasing the density or intensity of any use of any land or structure except in  
30           accordance with the requirements of this title;
- 31           **6.**       Storage or maintenance (intentionally or otherwise) of goods, materials, products, or  
32           other items outdoors including, but not limited to operable vehicles or equipment,  
33           appliances, building materials, machine parts, abandoned vehicles, or snow, except in  
34           compliance with this title;
- 35           **7.**       Filing or recording of a subdivision plat in any public office without approval for recording  
36           by, and bearing the approval of, the platting authority under this title;
- 37           **8.**       Failure to remove any sign installed, created, erected, or maintained in violation of this  
38           title, or for which the sign permit has lapsed; and
- 39           **9.**       Failure to remove a temporary use once authorization for the temporary use under this  
40           title has lapsed.

**21.13.040 REMEDIES AND PENALTIES**

The director shall have the following remedies and powers to enforce this title:

**A. Civil Remedies and Enforcement Powers**

**1. Deny/Withhold Entitlements**

The director may deny or withhold all entitlements, including certificates of occupancy, or other forms of authorization to use or develop any land, structure, or improvements, until a violation, associated civil penalty, and/or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

**2. Revoke Entitlements**

Any entitlement or other form of authorization required under this title may be revoked when the director determines that:

- a. There is a material or substantive departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;
- b. The entitlement was procured by false representation;
- c. The entitlement was issued in error; or
- d. There is a violation of any provision of this title or other applicable regulations.

Written notice of revocation shall be served upon the property owner, agent, applicant, or other person to whom the entitlement was issued, or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

**3. Stop-Work Orders**

- a. Whenever any building or structure or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or municipal law, or in a manner that endangers life or property, the director has the authority to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
- b. With or without revoking permits, the director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this title or a provision of an entitlement or other form of authorization issued under this title.
- c. The stop-work order shall be in writing directed to the person doing the work if known, and a copy mailed to the owner of record of the property, and shall specify the provisions of this title or other law allegedly in violation. After any such order has been posted, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.
- d. The stop-work order may be issued at the same time as the enforcement order (see subsection 21.13.050B., *Non-Emergency Matters*, below), or subsequent to such notice. The stop-work order may also specify a shorter time for correction of the violation than the time period specified in the enforcement order. The stop-work order shall also indicate that failure to comply with the order may subject the violator to civil and/or criminal liability as penalty for the violation(s).

- 1 e. Once conditions for resumption of the work have been met, the director shall  
2 rescind the stop-work order and shall notify the owner in writing of the rescission.
- 3 f. The owner of any property affected by a stop-work order, or his or her  
4 representative, may request that the director reconsider such stop-work order.  
5 The request shall be in writing and shall state the grounds for reconsideration.  
6 The director shall issue written findings and either confirm or rescind the stop-  
7 work order within 7 days of receiving the request for reconsideration. The stop-  
8 work order shall remain in effect until the director either confirms or rescinds the  
9 stop-work order. Decisions of the director may be appealed to the zoning board  
10 of examiners and appeals.
- 11 **4. Civil Penalties**  
12 In addition to other remedies provided in AMC section 1.45.010 or other sections of this  
13 title, violation of this title may be punishable through imposition of a civil penalty as set  
14 forth in AMC section 14.60.030, or, if no penalty is set forth in AMC section 14.60.030, a  
15 civil fine of \$300.00 for each violation.
- 16 **5. Restoration of Disturbed Areas**  
17 The director may require a violator who is regulated under this title and who failed to  
18 retain sediment generated by a land-disturbing activity to restore the waters and lands  
19 affected by the failure so as to minimize the detrimental effects of the resulting pollution  
20 by sedimentation. This authority is in addition to any other civil or criminal penalty or  
21 injunctive relief authorized under this title or applicable law.
- 22 **6. Injunctive Relief**  
23 The director may seek injunctive relief or other appropriate relief in superior court or other  
24 court of competent jurisdiction against any person who fails to comply with any provision  
25 of this title or any requirement or condition imposed pursuant to this title. In any court  
26 proceedings in which the municipality seeks a preliminary injunction, it shall be presumed  
27 that a violation of this title is a real, immediate, and irreparable injury to the public; that  
28 the public will be irreparably injured by the continuation of the violation unless the  
29 violation is enjoined; and that there is no plain and adequate remedy at law for the  
30 subject title violation.
- 31 **7. Abatement**  
32 The municipality may abate the violation pursuant to this subsection.
- 33 a. Before action is taken to abate a violation, a final warning notice shall be posted  
34 on the property and served personally or by certified mail with return receipt  
35 requested to the owner of record of the property.
- 36 b. Unless this notice is appealed to the zoning board of examiners and appeals in  
37 accordance with subsection 21.03.040B. within ten days of the posting of the  
38 final warning, the director shall proceed to abate the violation.
- 39 c. The director shall keep an account of the cost, including incidental expenses,  
40 incurred by the municipality in the abatement of any violation. The director shall  
41 forward a bill for collection to the violator and owner of record of the property  
42 specifying the nature and costs of the work performed. For purposes of this  
43 section, the term "incidental expenses" shall include but not be limited to the  
44 actual expenses and costs to the municipality in the preparation of the notices,  
45 specifications and contracts, work inspection, and interest from the date of  
46 completion at the rate prescribed by law for delinquent real property taxes.

1           d.     The responsibility for payment of the charges for abatement as set forth in this  
2           section shall rest solely upon the owners of the property upon which the  
3           abatement occurred. Such charges become a lien upon the real property upon  
4           which the violation was located. When charges for abatement remain unpaid  
5           after 30 days from billing, the director shall record a claim of lien at the district  
6           recorder's office. The lien shall be subordinate to all existing special assessment  
7           liens previously imposed upon the same property and shall be paramount to all  
8           other liens except for state or municipal property taxes, with which it shall be  
9           upon a parity. The lien shall continue until the charges and all interest due and  
10          payable thereon are paid.

11          e.     The lien created under this section may be enforced as provided in AS  
12          34.35.005--34.35.045. The enforcement of the lien is a cumulative remedy and  
13          does not bar the collection of the charges for abatement or costs and attorney  
14          fees through a personal action.

15 **B. Remedies Cumulative**

16          The remedies provided for violations of this title shall be cumulative and in addition to any other  
17          remedy provided by law, and may be exercised in any order.

18 **21.13.050 PROCEDURES FOR PUBLIC ENFORCEMENT ACTIONS**

19 **A. Emergency Matters**

20          In the case of a violation of this title that constitutes a public health or safety emergency, the  
21          director may use the enforcement powers available under this chapter without prior notice, but he  
22          or she shall attempt to give notice simultaneously with beginning enforcement action or as soon  
23          thereafter as possible. Notice may be provided to the property owner, agent, occupant, or to the  
24          applicant for any relevant entitlement and shall indicate the nature of the emergency.

25 **B. Non-Emergency Matters**

26 **1. Enforcement Orders**

27          a.     In the case of a violation of this title that does not constitute an emergency matter  
28          as described in subsection 21.13.050A., the director may issue an enforcement  
29          order pursuant to this section. The director may order:

30           i.     The discontinuation of a use of land or a structure that is in violation of  
31           this title;

32           ii.    The abatement or removal of a structure or part of a structure that is a  
33           violation of this title;

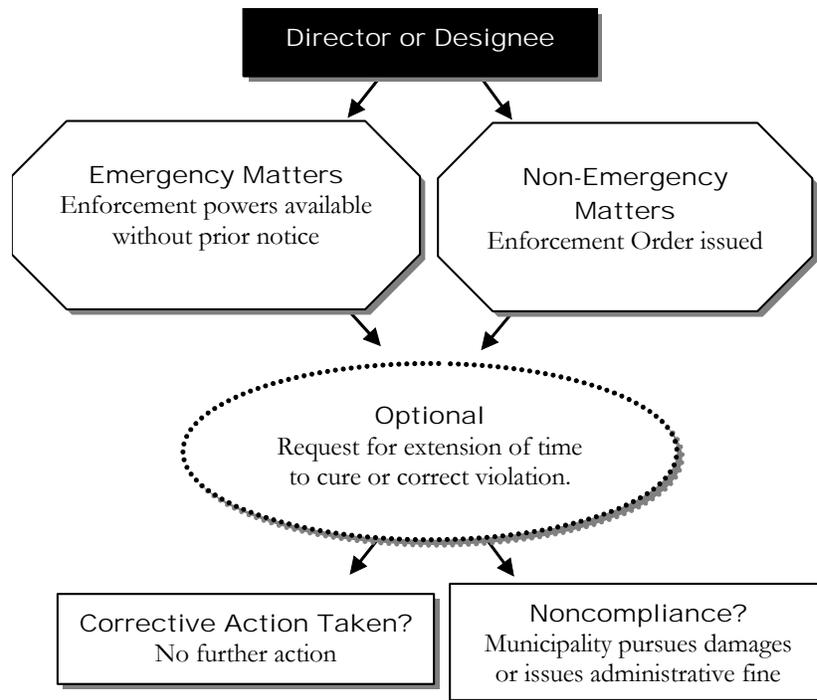
34           iii.   The discontinuation of construction or other activity preparatory to a  
35           structure or use of land or a structure that is a violation of this title;

36           iv.    The suspension or revocation of an entitlement issued under this title  
37           under the authority, or purported authority, of which a violation of this title  
38           is occupied, maintained, constructed, or established;

39           v.     The restoration of any structure, vegetation, land, water body, or other  
40           thing upon the land that is destroyed, damaged, altered, or removed in  
41           violation of this title; and

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- vi. Any other action necessary to prevent, abate, or discontinue a violation of this title.
- b. No penalty shall be assessed pursuant to this title unless and until the violator has been notified of the enforcement order in accordance with this section, with the exception of a violation of a stop-work order.



Public Enforcement Actions

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- c. The enforcement order shall be in writing and shall describe the violation, shall identify the provision or provisions of this title that are being violated, shall specify what actions must be taken to correct the violation (including an order to stop any and all work which violates this title), shall direct the person to correct the violation within a specified reasonable time period (beginning on the date such notice is received) and shall warn that more severe measures (such as a civil penalty or criminal prosecution) may be assessed or brought against the violator if he or she fails to take appropriate action to cure or correct the violation. If no other violator can be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs.
- d. An enforcement order issued under subsection B.1.a. above may be directed to one or more violators. An enforcement order that is served on a violator personally or by certified mail is final with respect to that violator if not appealed to the zoning board of examiners and appeals within 20 days of its service.
- e. An enforcement order need not be issued before other legal action is commenced with respect to a violation of this title. The pendency of any proceeding regarding an enforcement order issued under this section does not

1 stay any other legal action with respect to the violation that is the subject of the  
2 enforcement order.

3 **2. Extension of Time to Cure or Correct Violation**

4 Upon receipt of a written request from the alleged violator or the property owner for an  
5 extension of time to cure or correct the violation, the director may grant not more than two  
6 extensions of time of not more than six months each in which the alleged violator may  
7 cure or correct the violation before the director pursues any of the forms of relief or  
8 penalties listed in section 21.13.040, *Remedies and Penalties*. Such extension of time  
9 shall not be granted unless the alleged violator or the property owner can demonstrate to  
10 the director that the violation cannot be cured or corrected as specified in the  
11 enforcement order.

12 **3. Corrective Action Taken**

13 If the violation is cured or corrected within the time period specified in the enforcement  
14 order, or within the extension of time granted, then the municipality shall take no further  
15 action against the violator.

16 **4. Options Upon Noncompliance**

17 Whenever a written enforcement order has become final, as specified in subsection  
18 B.1.d. above, and the violation continues to exist, the director may:

- 19 a. Pursue any of the forms of relief under section 21.13.040, *Remedies and*  
20 *Penalties*; and/or
- 21 b. Assess an administrative fine, not exceeding \$250.00 per day, for failure to  
22 comply with a final enforcement order.

23 **21.13.060 PROCEDURES FOR PRIVATE ENFORCEMENT ACTIONS**

24 **A. Purpose and Intent**

25 The private enforcement action process set forth in this section is offered as an alternative to the  
26 public enforcement action process set forth in section 21.13.050, *Procedures for Public*  
27 *Enforcement Actions*. It provides a way for private individuals or community councils to charge  
28 that a violation of this or another title has occurred, and to present their case directly to the  
29 administrative hearings officer for consideration and resolution.

30 **B. Authorization**

31 In addition to other remedies available under this code, any person aggrieved by a violation of  
32 this title, AMC section 15.20.020.A. with regard to public nuisances listed in AMC section  
33 15.20.020.B., or AMC sections 25.70.040 and 25.70.045 relating to activities on public grounds,  
34 may initiate a private enforcement action before the administrative hearings officer as provided by  
35 title 14. For purposes of actions brought under this section 21.13.060, the term "person  
36 aggrieved" means any person who lives, owns, or lawfully occupies property within the  
37 municipality, or the duly appointed representative of any community council the boundaries of  
38 which encompass all or part of the area of the alleged violation.

39 **C. Limitations**

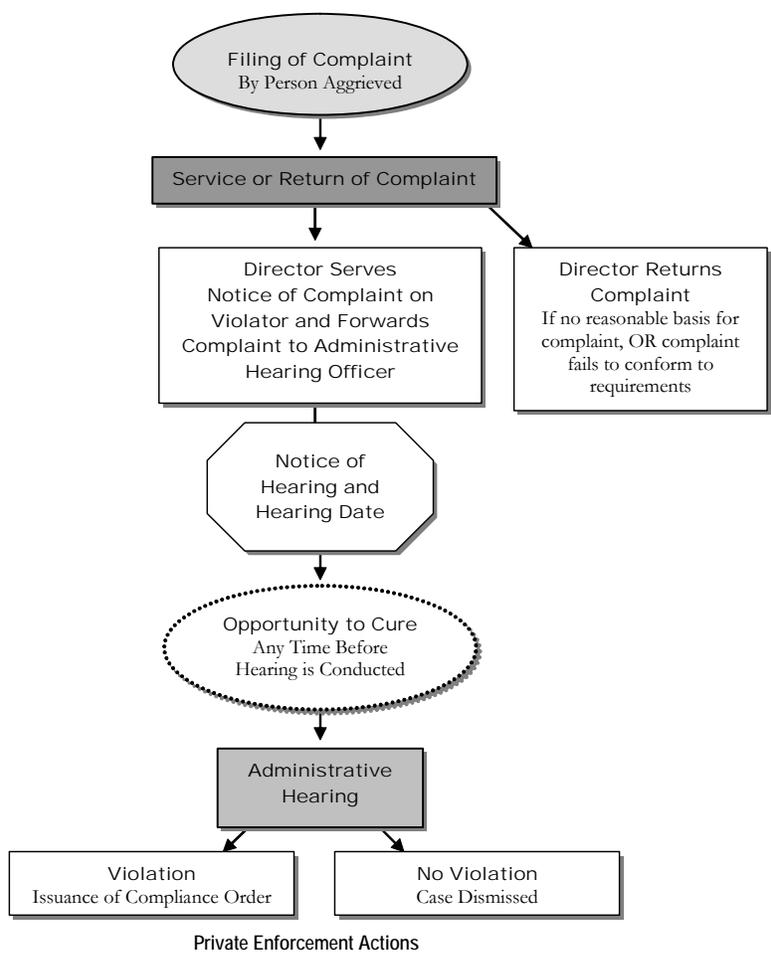
40 The private enforcement action procedure may not be used to address code violations that are  
41 under concurrent consideration by the director through the public enforcement action procedure  
42 under section 21.13.050.

43 **D. Procedure**

44 Private enforcement actions shall follow the following procedure:

- 1           **1. Filing of Complaint**  
2           A private enforcement action is commenced upon filing of a written complaint to the  
3           director by a person aggrieved by a violation described in subsection 21.13.060B. The  
4           complaint must include the following information:
- 5           **a.**       The street address of the property involved or legal description if no street  
6           address has been assigned;
- 7           **b.**       The owner of record for the property;
- 8           **c.**       The occupants of the property (if known);
- 9           **d.**       The name of the persons alleged to have violated the code (if known);
- 10          **e.**       The provision of the code alleged to be violated;
- 11          **f.**       The facts upon which the complaint is based;
- 12          **g.**       A request that the complaint be prosecuted as a private enforcement action;
- 13          **h.**       The name and address of the complainant;
- 14          **i.**       An explanation of how the complainant qualifies as a “person aggrieved”; and
- 15          **j.**       A notarized statement that all information in the complaint is true and correct to  
16          the best of the complainant’s knowledge.
- 17          **2. Service or Return of Complaint**  
18          Within ten days after filing of a complaint, the director shall:
- 19          **a.**       Serve notice of the complaint upon the violator(s) named in person or by certified  
20          mail; or
- 21          **b.**       Return the complaint to the complainant with an explanation as to why the  
22          complaint does not conform to this section; or
- 23          **c.**       Return the complaint to the complainant with an explanation that information  
24          available to the director at the time of review demonstrates that there is no  
25          reasonable basis for the complaint.
- 26          Appeals of the director’s decision may be made to the zoning board of examiners and  
27          appeals in accordance with subsection 21.03.040B.
- 28          **3. Notice of Hearing and Hearing Date**  
29          After serving notice of a complaint on all alleged violators, the director shall forward the  
30          complaint to the administrative hearings officer who shall schedule a hearing pursuant to  
31          AMC section 14.30.050.
- 32          **4. Opportunity to Cure**  
33          The alleged violator may, at any time before a hearing is conducted under this section,  
34          serve on the complainant and the director an answer and any supporting documentation  
35          as appropriate. Upon request of the alleged violator and concurrence of the complainant  
36          filed at least 48 hours prior to the scheduled hearing, the complaint shall be dismissed  
37          and the hearing vacated, with no costs assessed.
- 38          **5. Conduct of Hearing**  
39          Hearings shall be conducted under the provisions of AMC section 14.30.060.

- 1           **6. Responsibility of Complainant**  
 2           In actions brought under this section, the complainant bears the burden of proof and must  
 3           prove the existence of the violation claimed by the preponderance of the evidence.
- 4           **7. Issuance of Compliance Order**  
 5           After the hearing and upon finding that a violation exists, the administrative hearings  
 6           officer shall issue a compliance order as provided by AMC subsection 14.50.010A to  
 7           each violator and set a reasonable time for compliance. In all cases where a violation  
 8           has been found to exist, the violator shall be ordered to pay the reasonable costs, not to  
 9           exceed \$7,500.00, incurred by the municipality in hearing the matter.
- 10          **8. Service of Decisions**  
 11          A final decision of the administrative hearings officer and the compliance order issued  
 12          under subsection 21.13.060D.7. shall be served per AMC subsection 14.30.110B.
- 13          **9. Appeals; Collection of Fines**  
 14          Final decisions issued under this section may be appealed to the superior court pursuant  
 15          to AMC chapter 14.40. Fines imposed under this section shall be collected as provided  
 16          by AMC sections 14.50.030 and 14.50.040.



1 **E. Civil Fine**

2 The administrative hearings officer shall also order payment of a civil fine as provided in AMC  
3 subsection 14.50.010C.

4 **F. Payment of Costs by Complainant**

5 After the hearing and upon a finding that a complaint under this section was brought or  
6 maintained frivolously or in bad faith, the administrative hearings officer may order the  
7 complaining party to pay actual costs incurred by the alleged violator in an amount no greater  
8 than \$7,500.00 plus the reasonable costs, not to exceed \$1,000.00, incurred by the municipality  
9 in hearing the matter.

10 **G. Commencement of Action in Superior Court to Enforce Compliance Order**

11 Any person may commence an action in superior court to enforce a compliance order of the  
12 administrative hearings officer issued under this subsection.

13 **H. Failure to Obey Compliance Order**

14 Upon written request to the municipal attorney by any person who has brought a private  
15 enforcement action under this section that a compliance order issued by the administrative  
16 hearings officer has not been obeyed, that more than 30 days have passed since the date  
17 ordered by the hearings officer for compliance, and that no action has been brought in court to  
18 enforce that order, the department of law shall initiate and pursue action to enforce that order  
19 using all available remedies and penalties authorized in section 21.13.040, *Remedies and*  
20 *Penalties*.

# CHAPTER 21.14: RULES OF CONSTRUCTION AND DEFINITIONS

## 21.14.010 INTERPRETATIONS

### A. General

The director has final authority to determine the interpretation or usage of terms used in this title, pursuant to this section. Any person may request an interpretation of any term by submitting a written request to the director, who shall respond in writing within 30 days. The director's interpretation shall be binding on all officers and departments of the municipality.

### B. Record of Interpretations

The director shall maintain a file of all interpretations made pursuant to this subsection.

### C. Appeal

Any person may appeal an interpretation by the director regarding a term used in this title to the zoning board of examiners and appeals in accordance with section 21.03.050B.

## 21.14.020 RULES OF CONSTRUCTION AND INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this chapter.

### A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this **title [CHAPTER]** shall be construed according to the general purposes set forth in section 21.01.030 and the specific purpose statements set forth throughout this **title [CHAPTER]**. When, in a specific section of this **title [CHAPTER]**, a different meaning is given for a term defined for general purposes in this chapter 21.14, the specific section's meaning and application of the term shall control.

### B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this **title [CHAPTER]** and any heading, caption, figure, illustration, table, or map, the text shall control.

### C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities. Unless stated otherwise, a list does not imply a priority or chronological order.

### D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the municipality, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the municipality. References to days are calendar days unless otherwise stated.

### E. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

1 **F. Delegation of Authority**

2 Any act authorized by this chapter to be carried out by a specific official of the municipality may  
3 be carried out by a designee of such official.

4 **G. Technical and Non-Technical Terms**

5 Words and phrases shall be construed according to the common and approved usage of the  
6 language, but technical words and phrases that have acquired a peculiar and appropriate  
7 meaning in law or practice shall be construed and understood according to such meaning.

8 **H. Public Officials and Agencies**

9 All public officials, bodies, and agencies to which references are made are those of the  
10 municipality, unless otherwise indicated.

11 **I. Mandatory Terms**

12 The word "shall" is mandatory in nature, establishing an obligation or duty to comply with the  
13 particular provision. The word "may" is permissive, indicating compliance is optional.

14 **J. Conjunctions**

15 Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- 16 1. "And" indicates that all connected items, conditions, provisions or events apply; and  
17 2. "Or" indicates that one or more of the connected items, conditions, provisions or events  
18 apply.

19 **K. Tenses, Plurals, and Gender**

20 Words used in the present tense include the future tense. Words used in the singular number  
21 include the plural number and the plural number includes the singular number, unless the context  
22 of the particular usage clearly indicates otherwise. Words used in the masculine gender include  
23 the feminine gender, and vice versa.

24 **L. Measurement of Distances For Separation of Land Uses**

25 Except where stated otherwise, whenever this title requires measurement of distance between  
26 use types, development sites, or lots, such measurement shall be made from the nearest  
27 property line of the first reference point to the nearest property line of the second reference point.

28 **M. Fractions**

29 **1. Generally**

30 Except where stated otherwise, when any calculation for determining a number of items  
31 (such as parking spaces, trees, etc.) results in a fraction, any fraction less than one-half  
32 (0.5) shall be rounded down to the preceding whole number, and any fraction of one-half  
33 (0.5) or greater [ANY CALCULATION WITH A FRACTIONAL RESULT] shall be rounded  
34 up to the next consecutive whole number. Where the calculation results in a fraction  
35 less than one, the fraction shall be rounded up to one.

36 **2. Dimensions**

37 When any calculation for determining required minimum or allowed maximum dimensions  
38 (such as height, lot coverage, open space, etc.) results in a fraction, the dimension shall  
39 be measured to the nearest inch. Any fraction of an inch shall be rounded as provided in  
40 M.1. above.

1           **3. Floor Area Ratio**  
2            Any calculation for determining required minimum or allowed maximum floor area ratio  
3            shall be rounded to two numbers past the decimal point. For example, 2.4287 is rounded  
4            to 2.43, and 4.5324 is rounded to 4.53.

5           **N. Illustrations**  
6            Illustrations in this zoning ordinance are provided for purposes of describing, clarifying or  
7            providing examples. Such illustrations are not to scale and do not replace, limit or expand the  
8            meaning of the text.

1 **21.14.030 DEFINITIONS**

2 When used in this title, the following words and terms shall have the meaning set forth in this section,  
3 unless other provisions of this title specifically indicate otherwise.

4 **Abutting**

5 Touching or bordering.

6 **Abutting Lots**

7 Two lots abut when they share a common lot line.

8 **Access**

9 A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

10 **[ACCESSIBILITY**

11 **THE EXTENT TO WHICH A PROPERTY IS EASILY ACCESSED OR APPROACHED.]**

12 **Adjacent**

13 Abutting or across an alley, a [OR A LOCAL OR PRIVATE] street (public or private, local and collector  
14 classification on the Official Streets and Highways Plan), or pedestrian right-of-way. [Illustration  
15 Recommended]

16 **Adjacent Lots**

17 Two lots are adjacent where they have a common lot line (abutting) or where they are separated only by  
18 an alley or a local or private street or pedestrian right-of-way.

19 **Affordable Housing**

20 See **Housing, Affordable**.

21 **Airport Elevation**

22 The highest point of an airport's usable landing area, measured in feet above mean sea level.

23 **Aisle, Circulation**

24 A private travel way within a parking facility, providing motor vehicle access to parking bays.

25 **Aisle, Parking**

26 A circulation aisle that abuts parking spaces, providing automobile access and permitting maneuvering of  
27 automobiles entering and leaving such spaces.

28 **Alley**

29 A permanent service right-of-way providing a secondary means of access to abutting properties.

30 **AMC**

31 Anchorage Municipal Code.

32 **Amortization**

33 A process where a nonconformity is required to be brought into compliance with the requirements of this  
34 title after a specified [OVER A] period of time. Amortization allows the owner of a legal nonconformity to  
35 recoup the value of the nonconformity within the particular time period. After that time, the municipality  
36 may require the owner to come into compliance without the payment of compensation. [WITH  
37 SUFFICIENT LENGTH TO ALLOW THE OWNER OF THE LEGAL NONCONFORMITY TO REALIZE  
38 ANY REASONABLE INVESTMENT-BACKED EXPECTATIONS REGARDING THE LEGAL  
39 NONCONFORMITY.]

40 **Antenna or Antenna Array**

41 Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in  
42 communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio

1 frequencies (excluding radar signals), amplitude modulation arrays, wireless telecommunications signals,  
2 or other communications signals.

3 **Approach, Transitional, Horizontal, and Conical**

4 Surfaces or zones that are airspace zones defined as set forth in FAR part 77, subpart C, paragraph  
5 77.25.

6 **Appurtenance**

7 The visible, functional, or ornamental objects accessory to, and part of, building or structures.

8 **Architectural Feature** (as used in chapter 21.11, *Signs*)

9 Any construction attendant to, but not an integral part of the sign, which may consist of landscape,  
10 building, or structural forms that enhance the site in general; also, graphic stripes and other architectural  
11 painting techniques applied to a structure that serves a functional purpose, or when the stripes or other  
12 painting techniques are applied to a building provided such treatment does not include lettering, logos or  
13 pictures.

14 **Architectural Feature**

15 A part, portion, or projection that contributes to the aesthetic quality of a building or structure, exclusive of  
16 signs, that is not necessary for the structural integrity of the building structure or to make the building or  
17 structure habitable.

18 **Architectural Bay**

19 A spatial division of a wall, roof, or other part of a building. It is usually repeated at intervals as part of a  
20 series, and is defined as the zone or wall plane between the outside edges of engaged columns,  
21 pilasters, posts, or projecting vertical wall areas. In an exterior building façade, a bay is often simply an  
22 opening in a wall, usually occupied by windows or a doorway. [MARKED OFF BY VERTICAL  
23 SUPPORTS OF A STRUCTURE.] (Illustrate)

24 **Area, Building**

25 The total of areas taken on a horizontal plane in plan view of the principal building and all accessory  
26 buildings or structures exclusive of exterior steps.

27 **Area Lighting**

28 Lighting located on public or private property that is designed to light outdoor spaces. Area lighting does  
29 not include façade or landscape lighting.

30 **Assembly**

31 The assembly of the municipality.

32 **Attendant Parking** (also **Valet Parking**)

33 A parking facility that relies on attendants (or valets) to park and retrieve vehicles rather than on drivers to  
34 park and retrieve their own vehicles.

35 **Average**

36 The [EQUALING OF AN] arithmetic mean.

37 **Average Slope**

38 Average slope is calculated by the following formula:

39 
$$S = (I \times L \times 0.0023) / A$$

40 Where:

41  $S$  = Average slope of lot or tract in percent.

- 1 I = Contour interval (20 feet or less).
- 2 L = Sum of the length of all contours on lot or tract in feet.
- 3 A = Area of the lot or tract in acres.
- 4 **Backlight**
- 5 For an exterior luminaire, flux radiated in the quarter-sphere below horizontal and in the opposite direction
- 6 of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be
- 7 the same as frontlight.
- 8 **Balcony**
- 9 An elevated platform projecting from the wall of a building, enclosed by a railing or parapet, and
- 10 supported entirely by the building without support on the ground by posts, columns, or similar structural
- 11 members. For the purposes of this title, common access passageways are not balconies. [Illustrate]
- 12 **Base Flood (100-Year)**
- 13 The flood having a one percent chance of being equaled or exceeded in any given year.
- 14 **Basement**
- 15 See **Story Below Grade Plane**
- 16 **Bay Window**
- 17 A window or series of windows projecting outward from the wall plane of a building and forming a
- 18 habitable space such as a bay or alcove in a room within.
- 19 **Billboard**
- 20 A sign structure advertising an establishment, merchandise, event, service or entertainment that is not
- 21 sold, produced, manufactured or furnished at the property on which the sign is located. Any other
- 22 outdoor advertising prohibited by the provisions of Alaska statutes sections 19.25.075 – 19.25.180 shall
- 23 also be considered billboards.
- 24 **Blank Wall**
- 25 Any portion of a wall that is not a window or a primary entrance.
- 26 **Block**
- 27 A block is defined by an area of land bounded by streets, or a combination of streets, railroad utility
- 28 corridor, shorelines of waterways, or municipal boundary lines.
- 29 **Block Length**
- 30 The distance between intersections of through streets, such distance being measured along the longest
- 31 street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.
- 32 **[BOARD OF ADJUSTMENT**
- 33 **THE BOARD OF ADJUSTMENT OF THE MUNICIPALITY.]**
- 34 **BOARD OF EXAMINERS AND APPEALS**
- 35 **THE ZONING BOARD OF EXAMINERS AND APPEALS OF THE MUNICIPALITY.]**
- 36 **Brightness**
- 37 The human perception of luminance. See **Luminance** and **Candela**
- 38 **Buffer, Perimeter**
- 39 A unit of land and any plants and structures (i.e., walls, fences) thereon that is used to separate land uses
- 40 from each other.
- 41 **BUG**

- 1 A luminaire classification system that evaluates backlight (B), upright (U), and glare (G).
- 2 **Building**
- 3 Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any  
4 kind.
- 5 **Building, Accessory**
- 6 A building [OR STRUCTURE] that is on the same lot as, and of a nature customarily incidental and  
7 subordinate to, a principal building or structure, and the use of which is clearly incidental and subordinate  
8 to that of the principal building or structure.
- 9 **Building Code**
- 10 The building code which is adopted in the AMC title 23.
- 11 **Building Envelope**
- 12 The three-dimensional space within which a structure is permitted to be built on a lot and which is defined  
13 by regulations governing setbacks, maximum height and bulk; by other regulations; or any combination  
14 thereof.
- 15 **Building, Principal**
- 16 A structure in which is conducted the main use of the lot on which the structure is situated.
- 17 **Building Permit**
- 18 See **Permit, Building**
- 19 **Building Wall** (as used in chapter 21.11, *Signs*)
- 20 Any vertical surface of a building or structure (other than a pitched roof) that is integral to and could  
21 reasonably be constructed as part of the architecture of the building when a sign(s) is not being  
22 contemplated. Examples of building walls include but are not limited to: awnings, canopies, marquees,  
23 the vertical portion of gable roofs, parapets, mechanical penthouses, etc.
- 24 **Business**
- 25 An enterprise that for consideration will provide for the sale or the rental of any article, substance, or  
26 commodity, including but not limited to business services and personal services.
- 27 **Caliper**
- 28 The diameter of a tree trunk measured at six inches above the ground, unless this dimension exceeds  
29 four inches; then the diameter is measured at four and one-half feet above the ground.
- 30 **Camper**
- 31 A portable structure mounted on a truck or truck chassis or a converted hearse, bus, station wagon or  
32 panel truck designed for use as a temporary travel dwelling.
- 33 **Candela**
- 34 A unit measuring luminous intensity of a lighting source. An ordinary candle has a luminous intensity of  
35 one candela. See **Luminance**
- 36 **Canopy**
- 37 A **fixed and** permanent **roof-like structure; either an** architectural element projecting out from **the wall of** a  
38 building [FAÇADE] **or a freestanding cover that shelters an outdoor area from precipitation or wind [OVER**  
39 **A SIDEWALK OR WALKWAY].**
- 40 **CATV**
- 41 A utility that operates non-broadcast facilities that distribute to subscribers the signals of one or more  
42 television broadcast stations.

- 1 **Certificate to Plat**  
2 A certificate prepared by a title company authorized by the laws of the state to write the title, showing the  
3 names of all persons having any record title interest in the land to be platted, together with the nature of  
4 their respective interests therein.
- 5 **Certificate of Occupancy**  
6 A certificate of zoning compliance issued by the municipality allowing the occupancy or use of a building  
7 in the building safety service area, and certifying that the structure or use has been constructed **and [OR]**  
8 will be used in compliance with all applicable municipal codes and ordinances.
- 9 **Certificate of On-Site Systems Approval**  
10 A written confirmation signed by an engineer and the development services department certifying that the  
11 on-site sewer and water system serving a single-family dwelling is functional and complies with all state  
12 and local regulations and codes.
- 13 **Certificate of Zoning Compliance**  
14 A document issued by the municipality indicating that a structure or use meets the applicable zoning  
15 requirements at the time of issuance. A certificate of occupancy is considered a certificate of zoning  
16 compliance.
- 17 **Certified Lighting Professional**  
18 A professional who is Lighting Certified (LC) by the National Council on Qualifications for the Lighting  
19 Professions.
- 20 **Change of Use**  
21 A change of use occurs when the type of use is not the same as the immediate prior use type, as  
22 determined by tables 21.05-1 and -2, *Tables of Allowed Uses*, or tables 21.05-3 and -4, *Tables of*  
23 *Accessory Uses*.
- 24 **Characteristic of Use**  
25 Improvements or amenities required by this title in relation to specified uses of land, water areas,  
26 structures, or premises such as parking, lighting, landscaping, or other such features.
- 27 **Civil Penalty**  
28 A fine levied by the municipality for a violation of this title.
- 29 **Class A Districts**  
30 **A group of zoning districts where more dense population and/or intensive development exists or is**  
31 **allowed, requiring a more urbanized level of improvements. See subsection 21.08.050B.**
- 32 **Class B Districts**  
33 **A group of zoning districts that are less densely populated and/or intensively developed, requiring a less**  
34 **urbanized level of improvements. See subsection 21.08.050B.**
- 35 **Clear Width, Walkway**  
36 **See Walkway Clear Width**
- 37 **Clearing**  
38 The removal of woody plants over six inches above the ground[, **using any method that does not**  
39 **[WITHOUT] disturb[ING] the vegetative mat[, USING ANY METHOD].**
- 40 **Collocation**  
41 The location of antennae on existing structures, including but not limited to towers occupied by another  
42 provider, buildings, water towers, utility substations, utility poles, and church steeples.
- 43 **Color Rendering Index (of a light source) (CRI)**

1 A measure of the degree of color shift that objects undergo when illuminated by the light source as  
2 compared with those same objects when illuminated by a reference source of comparable color  
3 temperature.

#### 4 **Commercial**

5 An enterprise involved in the production, processing, or merchandising of a commodity for, usually[,] but  
6 not necessarily, a profit. **Generally, wholesale, retail trade, and services are considered commercial.**

#### 7 **[COMMERCIAL PARKING**

8 **SEE PARKING, COMMERCIAL]**

#### 9 **[COMMERCIAL TRACT SITE PLAN**

10 A MAP OF A COMMERCIAL TRACT DEPICTING BUILDING FOOTPRINTS, PARKING AREAS,  
11 LANDSCAPING, DRIVEWAY ACCESS POINTS TO THE PROPERTY, SITE DRAINAGE AND ANY  
12 FRAGMENT LOTS TO BE CONTAINED WITHIN THE COMMERCIAL TRACT.]

#### 13 **[COMMON AREAS AND FACILITIES**

14 THOSE AREAS OF A SUBDIVISION, BUILDING, PLANNED UNIT DEVELOPMENT OR  
15 CONDOMINIUM, INCLUDING THE PROPERTY UPON WHICH IT IS LOCATED, THAT ARE FOR THE  
16 COMMON USE AND ENJOYMENT OF THE OWNERS AND OCCUPANTS OF THE SUBDIVISION,  
17 BUILDING, PLANNED UNIT DEVELOPMENT OR CONDOMINIUM. THE AREAS MAY INCLUDE THE  
18 LAND, ROOFS, MAIN WALLS, ELEVATORS, STAIRCASES, LOBBIES, HALLS, PARKING SPACE,  
19 OPEN SPACE, AND COMMUNAL FACILITIES.]

#### 20 **Community Council**

21 **Established as part of Anchorage municipal government in Anchorage Charter Article VIII to 'afford**  
22 **citizens the opportunity for maximum community involvement and self determination', community councils**  
23 **are n[Non]profit, voluntary, self-governing associations composed of residents, property owners, business**  
24 **owners, and representatives from nonprofit associations and other entities located within geographical**  
25 **areas designated as districts by the assembly. [RESIDENTS, FOR THE PURPOSE OF THIS CHAPTER,**  
26 **ARE DEFINED AS RESIDENTS, PROPERTY OWNERS, AND REPRESENTATIVES FROM**  
27 **NONPROFIT ASSOCIATIONS AND OTHER ENTITIES LOCATED WITHIN GEOGRAPHICAL AREAS**  
28 **DESIGNATED AS DISTRICTS BY THE ASSEMBLY.]**

#### 29 **Compatible (or Compatibility)**

30 The characteristics of different uses, activities, or designs **which allow them to be located near or next to**  
31 **each other in harmony. Some elements affecting compatibility include the height, scale, mass, bulk, and**  
32 **setbacks of structures. [THAT, IN TERMS OF DEVELOPMENT INTENSITY, BUILDING COVERAGE,**  
33 **ARCHITECTURAL ELEMENTS, BULK AND OCCUPANCY,] Other characteristics include traffic**  
34 **[GENERATION], parking [REQUIREMENTS], access and circulation, landscaping and buffering, drainage**  
35 **and storm water runoff, exterior lighting, dust, noise, hours of operation [SITE IMPROVEMENT], and**  
36 **demand on public facilities and services [DEMANDS, IS CONSISTENT WITH, MAINTAINS THE**  
37 **CHARACTER OF, AND DOES NOT CREATE ADVERSE IMPACTS ON NEIGHBORING USES.]**  
38 **Compatible does not necessarily mean "the same as." Rather, compatibility refers to the sensitivity of**  
39 **development proposals in maintaining the character of the surrounding context and avoiding adverse**  
40 **impacts on neighboring uses.**

#### 41 **Comprehensive Plan**

42 The **adopted official statement(s) of the municipal assembly that sets forth (in words, maps, illustrations,**  
43 **and/or tables) a collection of goals, objectives, policies, and strategies to [LONG-RANGE MUNICIPAL**  
44 **PLANNING DOCUMENTS AND MAPS THAT SERVES AS THE OFFICIAL POLICY] guide [FOR] the**  
45 **[LONG-RANGE] physical, social, and economic development of the municipality, including the provision**  
46 **of its public infrastructure and services. The comprehensive plan is comprised of a series of distinct plans**  
47 **adopted by the assembly as comprehensive plan elements [OF THE COMPREHENSIVE PLAN], each of**  
48 **which address specific geographic management areas or specific functional [THAT EACH DEAL WITH**

1 SEPARATE] aspects of community planning. [THE TERM "COMPREHENSIVE PLAN" AS USED IN  
2 THIS TITLE REFERS TO ANY OR ALL OF THESE LONG-RANGE PLANS THAT TAKEN TOGETHER  
3 CONSTITUTE THE COMPREHENSIVE PLAN FOR THE MUNICIPALITY.] When practically applied to  
4 decision-making, the term is intended to mean those comprehensive plan elements that are applicable  
5 and pertinent to the decision at hand, in terms of specific geographic area and/or functional topic.

6 **Comprehensive Plan Amendment, Cosmetic**

7 An amendment that affects the appearance, style, wording, or presentation of the comprehensive plan,  
8 but does not alter its meaning, interpretation, or recommendations. Examples of cosmetic amendments  
9 include, but are not limited to: revising map or document style, format, or layout to enhance clarity;  
10 revising map or text content to accurately reflect additions to municipal facilities or revisions to adjoining  
11 jurisdictions' adopted plans; adding explanatory text or labels; and correcting spelling or grammar.

12 **Comprehensive Plan Amendment, Substantive**

13 An amendment that affects the intent of the comprehensive plan. Examples of substantive amendments  
14 include, but are not limited to: revising text to address a new policy direction or the addition of a new  
15 zoning district.

16 **Comprehensive Plan Map**

17 An element of the Anchorage Comprehensive Plan, comprised of one or more land use plan maps,  
18 residential intensity maps, and other maps, as well as supporting text and tables. The comprehensive  
19 plan map provides a geographically explicit statement of the adopted plan's policies for future land use  
20 and growth. It designates the ultimate future location, density, and general character of land uses in the  
21 community. It also serves as a guide for the official zoning map.

22 **Construction**

23 On-site fabrication, installation, alteration, erection, or placement of materials in a permanent fashion for  
24 an improvement.

25 **CRI**

26 See **Color Rendering Index**

27 **Cupola**

28 A small roof tower, usually rising from the roof ridge.

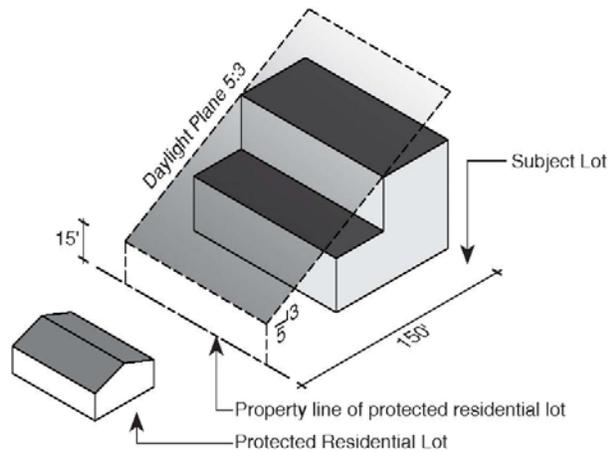
29 **Date of Service**

30 The date that the secretary mails or otherwise distributes the summary of action or approved resolution to  
31 the applicant.

32 **Daylight Plane**

33 A virtual sloping plane that begins at a specified height and rises inward over a site at a specified ratio of  
34 vertical distance to horizontal distance. It is designed to provide light, air and openness to the sky at  
35 ground floor level, and shall not be penetrated by a building as set forth in this title. It may limit the height  
36 or horizontal extent of structures at any specific point on the site where the daylight plane is more  
37 restrictive than the height limit or the minimum setback applicable at such point on the site.

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**Decision-Making Body**

The person, board, or commission with the authority to approve, modify, or deny an entitlement application, as stated in section 21.02.020 and elsewhere in this title.

**Deck**

A platform, either freestanding or attached to a building, and supported on the ground by pillars, posts, columns, or similar structural members.

**Dedication**

The intentional appropriation or conveyance of land or an interest in land by the owner to the municipality for public use. A dedication under the terms of this subsection is a conveyance of an interest in property, either through conveyance of a fee interest in the area dedicated, or through the creation of an easement in gross to perform the indicated function in the area depicted. [THE DEVOTION OF LAND TO A PUBLIC USE BY THE OWNER MANIFESTING THE INTENTION THAT IT SHALL BE ACCEPTED AND USED PRESENTLY OR IN THE FUTURE FOR SUCH PUBLIC PURPOSE. A DEDICATION BY THE OWNER UNDER THE TERMS OF THIS SUBSECTION IS A CONVEYANCE OF AN INTEREST IN PROPERTY, WHICH SHALL BE DEEMED TO INCLUDE THE WARRANTIES OF TITLE LISTED IN AS 34.15.030. THE DEDICATION OF STREETS, ALLEYS, SIDEWALKS, OR PUBLIC OPEN SPACE SHALL CONVEY A FEE INTEREST IN THE AREA DEDICATED. THE DEDICATION OF ALL OTHER PUBLIC RIGHTS-OF-WAY, INCLUDING UTILITY RIGHTS-OF-WAY, SHALL BE DEEMED TO CREATE AN EASEMENT IN GROSS TO PERFORM THE INDICATED FUNCTION IN THE AREA DEPICTED.]

**Defined Bank**

The usual boundaries, not the flood boundaries, of a stream channel.

**Density, Gross**

The total number of dwelling units per acre within any defined geographic area.

**Density, Net**

The total number of dwelling units per acre on a particular tract or parcel of land, not taking into account portions of the tract or parcel that contain rights-of-way for streets, water bodies, wetlands, or other areas restricted from development[ED].

**Department**

Unless otherwise indicated in the text of this code, the planning department (or successor organization) of the municipality.

**Depth**

1 When viewed from the front of an object or a three-dimensional space, the measurement from a forward  
2 plane to a rearward plane.

3 **Developer**

4 That person or entity improving or developing land, who may or may not be the owner of the property.

5 **Development**

6 The initiation, construction, change, or enlargement of any use or structure, the disturbance of land, or the  
7 division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- 8 • Construction or enlargement of a building or structure;
- 9 • Change in the type of use of a building, structure, or land;
- 10 • Material increase in the intensity of use of land, such as an increase in the number of businesses,  
11 offices, manufacturing establishments, or dwelling units located in a building or structure or on the  
12 land;
- 13 • Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on  
14 a parcel of land;
- 15 • Demolition of a structure or the removal of vegetation from a parcel of land;
- 16 • Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- 17 • Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other  
18 body of water or alteration of any wetland; and
- 19 • Any land-disturbing activity that adds to or changes the amount of impervious or partially impervious  
20 cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

21 **Director**

22 Unless otherwise indicated in the text of this code, the director of the planning department or designee.

23 **Double-Frontage Lot**

24 See **Lot, Double-Frontage**

25 **Drainageway**

26 A watercourse that does, or under developed conditions is likely to, convey storm water flows for short  
27 durations. Drainageways include constructed channels and conduits (including storm drain pipes),  
28 ephemeral **channels** [STREAMS], and non-channelized drainage paths along topographic flow lines  
29 whether constructed or natural, vegetated, or non vegetated.

30 **Driveway**

31 A private travel way providing motor vehicle access from a parking space or parking facility to a street. A  
32 driveway is not a street. It does not provide primary frontage or address for buildings, nor is it primarily  
33 designed for non-motorized pedestrian access.

34 **Dwelling**

35 See **Dwelling Unit** [A BUILDING OR PORTION OF A BUILDING DESIGNED OR USED EXCLUSIVELY  
36 AS THE LIVING QUARTERS FOR ONE FAMILY.]

37 **Dwelling Unit**

38 A **building** [STRUCTURE] or portion thereof **designed or used exclusively as the separate residence for**  
39 **one household and** providing independent and complete **living facilities, generally including provisions for**  
40 **sleeping, eating, cooking, and sanitation.** [COOKING, LIVING, SLEEPING AND TOILET FACILITIES  
41 FOR ONE FAMILY.]

42 **Easement**

1 An interest in land owned by another that entitles the easement holder to a specified limited use or  
2 enjoyment.

3 **Efficiency Dwelling**

4 A dwelling unit that has only one combined living and sleeping room. The dwelling may have a separate  
5 room containing only kitchen facilities, and a separate room containing only sanitary facilities.

6 **Elevation, Building**

7 A flat scale drawing of one side or view angle of a building, such as the front, rear, or side [OF A  
8 BUILDING].

9 **Encroachment**

10 The projection or intrusion of a building, structure, or other land-disturbing activity into an area where  
11 such projections or intrusions are typically prohibited.

12 **[ENGINEER**

13 A REGISTERED PROFESSIONAL CIVIL ENGINEER AUTHORIZED TO PRACTICE ENGINEERING IN  
14 THE STATE OF ALASKA.]

15 **Entitlement**

16 Any permit or approval granted under this title, including, but not limited to zoning map amendments,  
17 conditional use permits, preliminary or final plat approval, site plan approval, and variances. For  
18 purposes of administering and enforcing this title, the term also includes building and land use permits.

19 **Entrance, Primary**

20 A principal entry through which people, including customers, residents, or members of the public enter a  
21 building. For any commercial or institutional establishment which serves the visiting public, a primary  
22 entrance is open to the public during all regular business hours and directly accesses lobby, reception,  
23 retail, or other interior areas designed to receive the public. Fire exits, service doors, vehicle entrances,  
24 doors leading directly into a garage or storage space accessory to the use, and employee entrances are  
25 not primary entrances. A building or establishment may have more than one primary entrance.

26 **Ephemeral Channel [STREAM]**

27 A natural drainageway that is channelized over part or all of its length and conveys surface water flows for  
28 short durations only. Ephemeral channels [STREAMS] are transitional to streams but lack the overall  
29 geomorphic, hydrologic, and biologic characteristics commonly associated with stream features.  
30 Prolonged flow may occur along very short and isolated segments of an ephemeral channel [BUT TAKEN  
31 AS A WHOLE EPHEMERAL CHANNELS CONVEY SURFACE WATER FLOWS FOR SHORT  
32 DURATIONS ONLY].

33 **Erosion**

34 The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

35 **Erosion Control**

36 A measure, structure, or device that controls the soil material within the land area under responsible  
37 control of the person conducting a land-disturbing activity.

38 **Existing Vegetation**

39 Vegetation that predates a development application by at least two years.

40 **Extent Reasonably Feasible**

41 Feasible in light of overall project purposes after considering cost, existing technology, and logistics of  
42 compliance with the standard. Under the circumstances, reasonable efforts have been undertaken to  
43 comply with the regulation; [ , THAT ] the costs of full compliance clearly outweigh the potential benefits to  
44 the public and [ , OR ] would unreasonably burden the proposed project based on the percentage of total

- 1 **project costs** [.] and reasonable steps have been undertaken to minimize any potential harm or adverse  
2 impacts resulting from noncompliance with the regulation.
- 3 **Façade, Building**  
4 A vertical **wall** plane of a structure.
- 5 **Family**  
6 One or more persons occupying premises and living as a single housekeeping unit, as distinguished from  
7 a group occupying a roominghouse, club, fraternity house, or hotel.
- 8 **FAR**  
9 See **Floor Area Ratio**
- 10 **Feature, Architectural**  
11 See **Architectural Feature**
- 12 **Fence**  
13 A constructed barrier which is erected to enclose, screen, buffer, enhance, or separate areas.
- 14 **Fence, Open**  
15 A fence constructed with openings between materials used in its construction, such that **THREE-**  
16 **FOURTHS** (75 **percent**[%]) or more of a visual image or light source may be seen through the fence.
- 17 **Fence, Ornamental**  
18 A fence that utilizes wood, metal, or other permanent materials and is primarily designed for its beauty, or  
19 for decorative purposes, although it may also serve other purposes, such as a screening structure.  
20 Ornamental fences do not include chain link fences.
- 21 **Fence, Screening (Opaque)**  
22 A fence, including any gates, constructed of solid material, typically consisting of wood, through which no  
23 visual images or light sources may be seen.
- 24 **Fence, Semi-Open**  
25 A fence constructed with openings between materials used in its construction, such that less than 75  
26 **percent**[%] of a visual image or light source may be seen through the fence.
- 27 **Fence, Sight Obscuring**  
28 **A fence constructed such that less than 25 percent of a visual image or light source may be seen through**  
29 **the fence. Openings in such fence shall not exceed 25 percent in any one square foot of vertical surface**  
30 **area that is more than eight inches above grade.**
- 31 **Final Acceptance**  
32 Acceptance by the municipality, at the successful completion of the warranty period, of a public  
33 improvement, constructed under terms of a subdivision agreement **or development agreement.**
- 34 **Flag**  
35 Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a  
36 government, political subdivision, corporate or commercial entity, or institution. A corporate or  
37 commercial, or institutional flag may only display the name, trademark, or logo of the business or  
38 institution on the parcel and such flag may not be used for other business or advertising purposes.
- 39 **Flag Lot**  
40 See **Lot, Flag**
- 41 **Fleet Vehicle**

1 A group of vehicles owned or operated as a unit, used for operation of an establishment, and often  
2 parked and/or maintained on the premises. Examples include tow trucks, taxis, buses, limousines,  
3 commercial trucks or vans, and police and fire vehicles.

#### 4 **Flood and Flooding**

5 A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 6 • The overflow of inland or tidal waters.
- 7 • The unusual or rapid accumulation or runoff of surface waters from any source.
- 8 • Mudslides that are proximately caused or precipitated by accumulations of water on or under the  
9 ground.
- 10 • The collapse or subsidence of land along the shore of a lake or other body of water as a result of  
11 erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or  
12 suddenly caused by an unusually high water level in a natural body of water, accompanied by a  
13 severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tide surge,  
14 or by some similarly unusual or unforeseeable event which results in flooding as defined in this  
15 subsection.

#### 16 **Flood Insurance Rate Map (FIRM)**

17 The official map on which the Federal Insurance Administration has delineated both areas of special flood  
18 hazards and the risk premium zones applicable to the community.

#### 19 **Flood Insurance Study**

20 The official report provided by the Federal Insurance Administration that includes flood profiles, the flood  
21 boundary/floodway map, and the water surface elevation of the base flood.

#### 22 **Flood Hazard Area**

23 Land adjacent to a watercourse that includes the streambed, floodway, flood fringe, and the floodplain.

#### 24 **Floodplain**

25 That area of land adjoining the channel of a river, stream or other similar body of water which may be  
26 inundated by a flood that can reasonably be expected to occur. The floodplain, shall include all the land  
27 within the limits of the 100-year flood, and the floodway within it if such floodway is delineated.

#### 28 **Floodproofing**

29 Any combination of structural and nonstructural additions, changes or adjustments to structures which  
30 reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities,  
31 structures and their contents.

#### 32 **Floodway, Regulatory**

33 The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to  
34 discharge the base flood without cumulatively increasing the water surface elevation more than one foot.  
35 The boundaries of this area shall be established on the basis of the maps and reports adopted by section  
36 21.04.060D., *Flood Hazard Overlay District*.

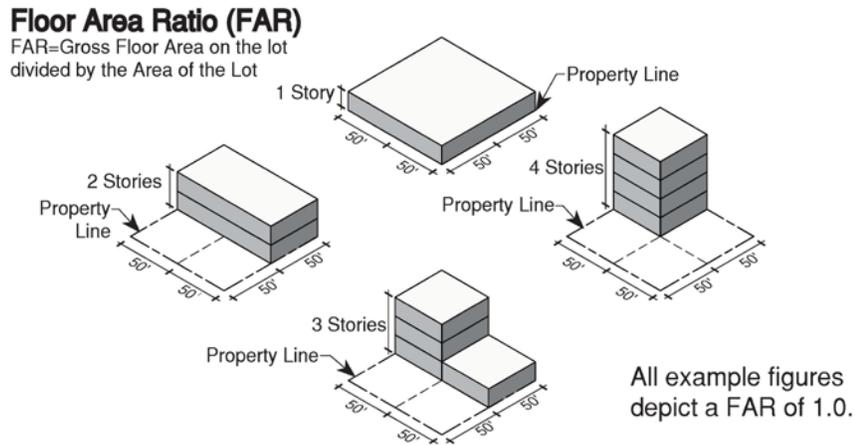
#### 37 **Floodway Fringe**

38 That area of land lying between the outer limit of the regulatory floodway and the outer limit of the base  
39 flood elevation. The boundaries of this area shall be established on the basis of the maps and reports  
40 adopted by section 21.04.060D., *Flood Hazard Overlay District*.

#### 41 **Floor Area Ratio (FAR)**

42 The ratio of the total [BUILDING] gross floor area of all building(s) on a lot, to the area of the [ITS] lot.  
43 Floor area ratio[AR] is calculated by dividing the total gross floor area of all buildings on a lot [OR  
44 PARCEL] by the area of the lot [OR PARCEL]. For example, a floor area ratio of 1.0 yields 12,000

1 square feet of building gross floor area on a lot with an area of 12,000 square feet. A floor area ratio of  
2 2.0 on the same lot would yield 24,000 square feet of building gross floor area.



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4 **Floor Plate**

5 The total indoor and outdoor horizontal floor area of any given story of a building, measured to the  
6 exterior of the wall, terrace, or balcony, and including the horizontal area of any open air interior space  
7 such as a multistory atrium that is open to the floor(s) below.

8 **Footcandle**

9 A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and  
10 originally defined with reference to a standardized candle burning at one foot from a given surface.

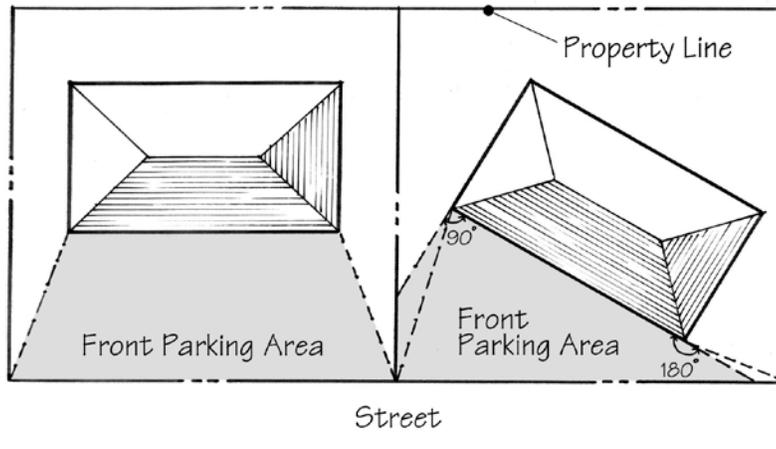
11 **Fragment Lot**

12 A division of a commercial tract for purposes of facilitating construction or financing of a commercial  
13 development requiring multiple phases of construction. The term "fragment lot" does not include  
14 properties outside of the boundaries of an approved commercial tract. Fragment lots may be described in  
15 metes and bounds descriptions.

16 **Front Parking Lot [AREA]**

17 The portion of a site's parking lot [AREAS] that is [ARE] between the façade of the principal building and  
18 an abutting street. The front parking lot [AREA] shall be determined by drawing a line from the front  
19 corners of the building to the nearest property corners. If any such line, when connected to the plane of  
20 the front façade of the building, creates an angle that is greater than 180 degrees, then the line shall be  
21 adjusted to create an angle of 180 degrees. If any such line, when connected to the plane of the front  
22 façade of the building, creates an angle that is less than 90 degrees, then the line shall be adjusted to  
23 create an angle of 90 degrees when connected to the plane of the front façade of the building. The front  
24 parking lot [AREA] includes all parking spaces that fall at least halfway into the boundaries of the front  
25 parking lot [AREA], and all parking spaces associated with any pad sites located within the front parking  
26 lot [AREA] boundaries.

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**Frontage**

The edge of something, usually a lot, building, or parking lot, that abuts a street. Also see **Frontage, Lot.**

**Frontage, Lot**

All property abutting a street or road easement, measured as the uninterrupted length of the lot line along the right-of-way between the side lot lines of a lot. The measurement of lot frontage in the case of a corner lot shall extend to the point of intersection of the front lot lines abutting the rights-of-way. In no case shall the line along an alley be considered as frontage.

**Frontage Road**

A street adjacent to an arterial or higher order street that is intended to serve lots adjacent to the arterial.

**Frontage, Street**

See **Frontage, Lot**

**Full Cutoff**

See **Luminaire, Full Cutoff**

**Full Membership**

The total number of seats on a board or commission.

**[GEOTECHNICAL ADVISORY COMMISSION**

THE GEOTECHNICAL ADVISORY COMMISSION OF THE MUNICIPALITY.]

**Glare**

Lighting that causes visual discomfort or reduced visibility.

**Grade**

The elevation of the surface of the ground, paving, or sidewalk around a building or structure.

**Grade, Existing**

The elevation of the surface of the ground or paving around a building or structure, prior to land-disturbing activity or grading.

**Grade, Finished**

The final elevation of the surface of the ground or paving around a building or structure, after grading or completion of a development.

**1 Grade Plane**

2 The reference plane representing the average grade around a structure, as measured in subsection  
3 21.06.030D., which is used to determine the height of the structure. [ELEVATION OF THE HIGHEST  
4 ADJOINING SIDEWALK OR GROUND SURFACE WITHIN A FIVE-FOOT HORIZONTAL DISTANCE  
5 FROM THE EXTERIOR WALL OF THE BUILDING, WHEN SUCH SIDEWALK OR GROUND SURFACE  
6 IS NOT MORE THAN TEN FEET ABOVE LOWEST GRADE WITHIN A FIVE-FOOT HORIZONTAL  
7 DISTANCE FROM THE EXTERIOR WALL OF THE BUILDING OR;

8 AN ELEVATION TEN FEET HIGHER THAN THE LOWEST GRADE WHEN THE SIDEWALK OR  
9 GROUND DESCRIBED ABOVE, IS MORE THAN TEN FEET ABOVE THE LOWEST GRADE.  
10 (ILLUSTRATION)]

**11 Grading**

12 Any stripping, cutting, excavation, filling, or stockpiling of earth or land, including the land in its cut or filled  
13 conditions, to create a new grade.

**14 [GREENBELT]**

15 A LINEAR OPEN SPACE ESTABLISHED ALONG EITHER A NATURAL CORRIDOR, SUCH AS A  
16 RIVERFRONT, STREAM VALLEY, OR RIDGE LINE, OR OVER LAND ALONG A RAILROAD UTILITY  
17 CORRIDOR CONVERTED TO RECREATIONAL USE, A CANAL, A SCENIC ROAD, OR OTHER  
18 ROUTE.]

**19 Grid**

20 The 100-scale grid designation as established by the municipality.

**21 Gross Floor Area**

22 The total horizontal area of all of the floors of a building, measured [FROM EXTERIOR] to the exterior of  
23 the wall, including [INTERIOR BALCONIES,] mezzanines, stairwells, hallways, elevator shafts, and  
24 ventilation shafts, etc.

**25 Ground Cover**

26 Grasses or other low-growing plants and landscaping.

**27 Ground Floor [LEVEL]**

28 That portion of a building that is the first story above grade plane.

**29 Ground Floor [LEVEL] Wall Area**

30 Exterior wall areas up to the ceiling height of the first floor, or 10[9] feet above finished grade, whichever  
31 is less.

**32 Grubbing**

33 Removal, by any method, of stumps, roots, and vegetative matter from the ground surface [AFTER  
34 CLEARING], exposing bare soil.

**35 Guest**

36 Any person hiring or occupying a room for living or sleeping purposes.

**37 Guest Parking Space**

38 See Parking Space, Guest

**39 Guestroom**

40 A room intended or designed to be used for sleeping purposes.

**41 Habitable Floor Area**

42 In the case of residential uses, habitable floor area means floor area designed and used for living,  
43 sleeping, eating or cooking, or combinations thereof. Bathrooms, closets, storage rooms, unfinished

1 attics, utility spaces and similar areas are not considered habitable floor area. In the case of non-  
2 residential uses, habitable floor area means building space, such as office, industrial or retail floor space,  
3 which use involves human presence, excluding parking garages, storage facilities, utility rooms,  
4 bathrooms, or display windows separated from retail activity.

5 **Hard Surfaced**

6 Covered with a material that provides a flat and stable surface. Concrete, asphalt, brick pavers, large  
7 stone pavers, and wood pavers are examples of hard surfacing. Gravel, river rock, mulch, and bare dirt  
8 are not hard surfacing.

9 **Hardscape**

10 For the purposes of the exterior lighting section in 21.07.100, paved areas of a site, including but not  
11 limited to parking lots, driveways, plazas, sidewalks, steps, and similar construction.

12 **Hardscape Area**

13 For the purposes of the exterior lighting section in 21.07.100, area in square feet of all hardscape  
14 including any medians, walkways, and landscape areas 10 feet or less in width within the hardscape  
15 area, which is used to calculate allowed lumens for the complete site method.

16 **Hardscape Perimeter**

17 For the purposes of the exterior lighting section in 21.07.100, perimeter in linear feet of all site hardscape  
18 plus perimeter of landscape areas, buildings, and structures that are greater than 10 feet in width, which  
19 is used to calculate allowed lumens for the complete site method.

20 **Height** (as used in section 21.04.060C., *Airport Height Overlay District*)

21 For the purpose of the airport height map, the distance above mean sea level, unless otherwise specified.

22 **Height**

23 When viewed from the front of an object or a three-dimensional space, the measurement of the vertical  
24 distance from a horizontal plane to another horizontal plane.

25 **Height, Building**

26 The height of a building as measured in subsection 21.06.030D. [VERTICAL DISTANCE ABOVE A  
27 GRADE PLANE MEASURED TO THE HIGHEST POINT OF A FLAT ROOF, NOT INCLUDING A  
28 PARAPET, OR TO THE DECK LINE OF A MANSARD ROOF, OR TO THE MIDPOINT OF THE  
29 HIGHEST GABLE OF A PITCHED OR HIPPED ROOF.]

30 **High Rise**

31 A building or portion of a building that exceeds 75 feet in building height.

32 **Household**

33 A domestic unit consisting of a person or group of people who share living arrangements. Members of a  
34 household have [THE MEMBERS OF A FAMILY WHO LIVE TOGETHER ALONG WITH ANY NON-  
35 RELATIVES AND HAVING] common access to, and common use of, all living areas and all [AREAS  
36 AND] facilities [FOR THE PREPARATION AND STORAGE OF FOOD] within the dwelling unit. A  
37 household occupies a single dwelling unit, so that its members live and eat separately from any other  
38 persons in the building, and have access to the outside of the building either directly or through a  
39 common hall.

40 **Housing, Affordable**

41 Housing that has a sales price or rental amount that is within the means of a household with a low or  
42 moderate income as defined by federal code. In the case of dwelling units for rent, affordable housing  
43 means housing for which the rent and utilities constitute no more than 30 percent of the gross annual  
44 income of households earning less than 80 percent of the median annual income adjusted for household  
45 size, as determined by the Federal Department of Housing and Urban Development. In the case of  
46 dwelling units for sale, affordable housing means housing for which principal, interest, taxes, insurance,

1 homeowners association fees, and assessments are no more than 30 percent of the gross annual income  
2 of households earning less than 80 percent of the median annual income, adjusted for household size, as  
3 determined by the Federal Department of Housing and Urban Development. [HOUSING RENTING FOR  
4 A MONTHLY RENT OF NOT MORE THAN 30% OF THE TOTAL MONTHLY HOUSEHOLD INCOME OF  
5 LOW-INCOME HOUSEHOLDS OR HOUSING THAT MAY BE PURCHASED WITH MONTHLY  
6 PAYMENTS INCLUDING: PRINCIPAL, INTEREST, TAXES, INSURANCE, HOMEOWNERS  
7 ASSOCIATION FEES, AND ASSESSMENTS THAT DO NOT ADD UP TO MORE THAN 30% OF THE  
8 TOTAL MONTHLY HOUSEHOLD INCOME OF LOW INCOME HOUSEHOLDS. LOW INCOME  
9 HOUSEHOLDS ARE DEFINED TO BE A HOUSEHOLD EARNING LESS THAN 80% OF THE MEDIAN  
10 ANNUAL INCOME FOR THE ANCHORAGE METROPOLITAN STATISTICAL AREA (MSA), ADJUSTED  
11 FOR HOUSEHOLD SIZE, AS DETERMINED BY THE UNITED STATES DEPARTMENT OF HOUSING  
12 AND URBAN DEVELOPMENT. A DEED RESTRICTION ENSURES THE PRESERVATION OF THE  
13 AFFORDABLE HOUSING UNIT AS AN OBLIGATION THAT RUNS WITH THE LAND AND IS BINDING  
14 ON SUBSEQUENT OWNERS FOR THE LIFETIME OF THE UNIT OR BUILDING.]

### 15 **Housing, Senior**

16 Senior housing is defined as follows, or according to successor portions of the federal code of definitions  
17 as adopted by the planning department. Housing that is (a) provided under any State or Federal program  
18 that the Federal Department of Housing and Urban Development determines is specifically designed and  
19 operated to assist elderly persons (as defined in the State or Federal programs); or (b) intended for and  
20 solely occupied by persons 62 years of age or older; or (c) intended and operated for occupancy by  
21 persons 55 years of age or older and at least 80 percent of the occupied units are occupied by at least  
22 one person who is 55 years of age or older. A housing facility or community meets the definition of  
23 category (c) only if it publishes and adheres to policies and procedures that demonstrate the intent of  
24 category (c), and complies with rules issued by the Federal Department of Housing and Urban  
25 Development for verification of occupancy (which shall provide for verification by reliable surveys and  
26 affidavits) and includes examples of the types of policies and procedures relevant to a determination of  
27 compliance with such rules issued by the Federal Department of Housing and Urban Development.  
28 [HOUSING DESIGNED FOR, AND OCCUPIED BY AT LEAST ONE PERSON 62 YEARS OF AGE OR  
29 OLDER PER DWELLING UNIT, AND WHICH HAS SIGNIFICANT FACILITIES AND SERVICES  
30 SPECIFICALLY DESIGNED TO MEET THE PHYSICAL OR SOCIAL NEEDS OF OLDER PERSONS AS  
31 DESCRIBED IN §100.306, "SIGNIFICANT FACILITIES AND SERVICES SPECIFICALLY DESIGNED  
32 FOR OLDER PERSONS," 24 C.F.R. PART 100 (DEPARTMENT OF HOUSING AND URBAN  
33 DEVELOPMENT – HOUSING FOR OLDER PERSONS) OR ANY AMENDMENTS THERETO.]

### 34 **IESNA**

35 Illuminating Engineering Society of North America.

### 36 **Illuminance**

37 The measure of light intensity striking a surface, measured in footcandles.

### 38 **Impervious (or Impermeable) Surface**

39 A surface that permits insignificant or no infiltration of runoff water over the duration of a single rainfall or  
40 water runoff event; any surface with little or no capacity to transmit water. [AN AREA OF GROUND THAT,  
41 BY REASON OF ITS PHYSICAL CHARACTERISTICS OR THE CHARACTERISTICS OF MATERIALS  
42 COVERING IT, DOES NOT ABSORB RAIN OR SURFACE WATER. ALL PARKING AREAS,  
43 DRIVEWAYS, ROADS, SIDEWALKS, AND WALKWAYS, WHETHER PAVED OR NOT, AND ANY  
44 AREAS COVERED BY BUILDINGS OR STRUCTURES, CONCRETE, ASPHALT, BRICK, STONE,  
45 WOOD, CERAMIC TILE, OR METAL, SHALL BE CONSIDERED TO BE IMPERVIOUS SURFACES.]

### 46 **Improvement Areas**

47 Portions of the municipality divided up into geographic areas for the purposes of determining public  
48 improvement requirements and providing public services.

### 49 **Improvements**

1 Any construction incident to servicing or furnishing facilities for a subdivision, such as grading, street  
2 surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary  
3 sewers, storm sewers, culverts, bridges, utilities, waterways, lakes, bays and other appropriate items with  
4 an appurtenant construction.

#### 5 **Industrial**

6 An activity **which may involve** [INCLUDING] manufacturing, processing, warehousing, storage,  
7 distribution, shipping, and/or other related **or similar** uses.

#### 8 **[INDUSTRIAL DEVELOPMENT**

9 **A PLANNED INDUSTRIAL AREA DESIGNED SPECIFICALLY FOR INDUSTRIAL USE.]**

#### 10 **Initial Lamp Lumens**

11 Lumen rating of a lamp when the lamp is new and has not depreciated in light output (rated lamp  
12 lumens). Light loss factor equals 1.0.

#### 13 **Inside Dimension**

14 **The minimum** [INSIDE] dimensions of an area **or space such as a private open space or parking space,**  
15 **[DO] not including** [INCLUDE] the width of walls, fences, railings, or other physical boundaries defining  
16 the perimeter of the area. **For example, a private open space with a minimum inside dimension of 15 feet**  
17 **is such that a 15 by 15 foot square will fit entirely within it.**

#### 18 **Joint Trench**

19 A trench excavated for the underground placement of utility distribution lines owned or operated by two or  
20 more utilities.

#### 21 **Junk**

22 Any worn-out, wrecked, scrapped, partially or fully dismantled, discarded tangible material, or  
23 combination of materials or items, including junk vehicles as defined in section 15.20.010. Also included  
24 are machinery, metal, rags, rubber, paper, plastics, chemicals, and building materials which cannot,  
25 without further alteration and reconditioning, be used for their original purpose.

#### 26 **LED**

27 **See Light Emitting Diode**

#### 28 **Land-Disturbing Activity**

29 Any use of the land by any person for any activity that results in a change in the natural cover or  
30 topography and that may cause or contribute to sedimentation **or other forms of environmental**  
31 **degradation.** [WITHIN WATERSHED MANAGEMENT AREAS, LAND-DISTURBING ACTIVITY SHALL  
32 **INCLUDE THE CLEAR CUTTING OF TREES UNLESS SPECIFICALLY EXEMPTED BY THIS TITLE.]**

#### 33 **Landowner**

34 Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors,  
35 assigns, and agent or personal representative of the owner. The person shown on the records at the  
36 Anchorage recording district shall be presumed to be the person in control of the property.

#### 37 **Landscaping**

38 Trees, shrubs, ground covers, and related improvements, including furniture and other facilities intended  
39 to enhance public activity spaces both within and outside the affected development. This definition shall  
40 include spaces of varying degrees of enclosure from interior spaces to transitional spaces and outdoor  
41 spaces.

#### 42 **[LANDSCAPING MAINTENANCE**

43 **INCLUDES BUT IS NOT LIMITED TO APPROPRIATE WATERING, PRUNING, WEEDING,**  
44 **INSECTICIDE SPRAYING, FERTILIZING, PLANT REPLACEMENT, AND OTHER NECESSARY**

1 FUNCTIONS AS REQUIRED TO KEEP ALL PLANT MATERIALS IN A VIGOROUS HEALTHY  
2 GROWING CONDITION.]

3 **Large Domestic Animal**

4 Domestic or semi-domestic animals such as horses, ponies, miniature ponies, cows, pigs, llamas, musk  
5 oxen, and other similar animals of similar size, but not dogs (*canis familiaris*).

6 **Legal Access**

7 Having legal access means being contiguous to a roadway as described in AMC section 9.04.010.

8 **Legal Nonconforming Status**

9 A state or condition where a documented nonconforming use, structure, lot, or sign, is allowed to remain  
10 and be maintained pursuant to chapter 21.12, *Nonconformities*.

11 **Light Emitting Diode (LED)**

12 A semiconductor device that emits visible light when an electric current passes through it.

13 **Light Trespass**

14 Unwanted light that falls on neighboring properties or produces glare or distraction for observers away  
15 from the area for which the light is intended (also called “nuisance glare”).

16 **Loading Space, Off-Street**

17 A space located on premises for pickup and delivery at the premises.

18 **Lot**

19 A unit of land within a subdivision, bounded by streets and/or other lots, that is described and fixed  
20 [PARCEL OF LAND SHOWN AS AN INDIVIDUAL UNIT] on the most recent plat of record. [THE TERM  
21 “LOT” INCLUDES “PLOT,” “PARCEL,” OR “TRACT.”]

22 **Lot Area**

23 The amount of horizontal land area contained inside the lot lines of a lot or site.

24 **Lot Coverage**

25 That percentage of the total lot area covered by buildings, except as provided in subsection  
26 21.06.030B.2., *Structures Not Considered in Measuring Lot Coverage*.

27 **Lot, Corner**

28 A lot located at the intersection of two or more streets. A lot abutting on a curved street shall be  
29 considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost  
30 point of the lot meet at an interior angle of less than 135 degrees.

31 **Lot, Depth of**

32 The mean horizontal distance between the front and rear property lines of a lot, measured in the general  
33 direction of its side property lines between the midpoint of such lines, except that such measurement shall  
34 not extend outside the lot lines of the lot being measured.

35 **Lot, Flag**

36 An irregularly shaped lot in which the buildable section typically has no street frontage, but has an arm  
37 that provides street access, called the “flag pole.” The width of the arm does not meet the minimum lot  
38 width standards in the zoning district in which it is located.

39 **[LOT, FRONT**

40 THE FRONT OF A LOT SHALL BE CONSTRUED TO BE THE PORTION NEAREST THE STREET.]

41 **Lot Frontage**

42 **See Frontage, Lot**

1 ALL PROPERTY ABUTTING THE RIGHT-OF-WAY OF A DEDICATED STREET, PRIVATE STREET,  
2 OR ROAD EASEMENT, MEASURED ALONG THE RIGHT-OF-WAY BETWEEN SIDE LOT LINES OF A  
3 LOT. IN NO CASE SHALL THE LINE ALONG AN ALLEY BE CONSIDERED AS LOT FRONTAGE.]

4 **Lot, Interior**

5 A lot other than a corner lot, with frontage only on one street.

6 **Lot Line**

7 The fixed boundaries or property lines of a lot described by survey located on a plat filed for record.

8 **Lot Line, Front**

9 **Any** [THAT] boundary of a lot measured along the edge of **a** [THE] right-of-way of a dedicated street,  
10 private street or road easement that abuts that line. [IN THE CASE OF A CORNER LOT, ALL LINES  
11 THAT MEET THIS DESCRIPTION ARE FRONT LOT LINES.]

12 **Lot Line, Rear**

13 That boundary of a lot that is most parallel to the front lot line and does not intersect the front lot line.

14 **Lot Line, Side**

15 That boundary of a lot that is neither a front or rear lot line.

16 **Lot Line, Street**

17 **A lot line abutting a street.**

18 **Lot, Nonconforming**

19 A lot that met all legal requirements when it was platted or otherwise recorded but that does not comply  
20 with the minimum lot area or minimum lot dimensions of this title, or a subsequent amendment hereto, for  
21 the zoning district in which it is located.

22 **Lot of Record**

23 A lot that is recorded by the district recorder's office.

24 **Lot, Double-Frontage**

25 A lot other than a corner lot with frontage on more than one street.

26 **Lot, Townhouse**

27 A lot subdivided for **a townhouse use** [THE PURPOSES OF ACCOMMODATING TOWNHOUSE-STYLE  
28 ATTACHED SINGLE-FAMILY RESIDENTIAL DWELLING UNITS].

29 **Lot Width**

30 The distance between straight lines connecting the front and rear lot lines at each side of the lot,  
31 measured between the midpoints of such lines, provided that such measurement shall extend to the side  
32 property lines and shall not extend beyond the lot lines of the lot being measured. Flag-shaped lot width  
33 shall be measured at the midpoint of the lot excluding the flagpole area of the lot.

34 **Lowest Floor**

35 The lowest floor of the lowest enclosed area, including basement or crawl space. An unfinished or flood  
36 resistant enclosure, usable solely for parking of vehicles, building access or storage, in any area other  
37 than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built  
38 so as to render the structure in violation of the application nonelevation design requirements of section  
39 21.04.080D.

40 **Lumen**

41 The unit of luminous flux (radiant energy): a measure of the amount of light emitted by a lamp. See also

42 **Illuminance**

- 1 **Luminaire**  
2 A complete lighting unit consisting of one or more electric lamps, the lamp holder, reflector, lens, ballast,  
3 and/or other components and accessories.
- 4 **Luminaire, Full Cutoff**  
5 A luminaire emitting a light distribution where zero candela intensity occurs at or above an angle of 90  
6 degrees above nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100  
7 (10 percent[%]) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the  
8 luminaire.
- 9 **Luminance**  
10 The luminous intensity (photometric brightness) of a light source or reflecting surface, measured in  
11 candelas per square meter.
- 12 **M.A.S.S.**  
13 An abbreviation for the “*Municipality of Anchorage Standard Specifications*,” which is a manual that  
14 identifies the approved common construction practices associated with subdivision development and  
15 public works projects.
- 16 **Maintenance Easement**  
17 An easement on [APPURTENANT TO] a lot or parcel permitting entry to that [UPON ANOTHER] lot or  
18 parcel for the purpose of maintaining, repairing, or reconstructing a structure or other feature on the  
19 [FORMER] lot or parcel, or an abutting lot or parcel.
- 20 **Major Drainageway**  
21 That portion of any drainageway, constructed or natural, that either does, or will under full development,  
22 carry a significant peak flow; all ephemeral channels are major drainageways; [STREAMS AND] all  
23 constructed or natural drainageways with total contributing areas larger than 40 acres are major  
24 drainageways.
- 25 **Manual of Uniform Traffic Control Devices (MUTCD)**  
26 The most current manual or successor document(s) addressing the design and use of traffic control  
27 devices, as published, amended and/or interpreted by the U.S. Department of Transportation.
- 28 **Manufactured Home**  
29 A transportable, factory-built dwelling unit constructed after June 15, 1976, in conformance with the  
30 [ENTIRELY IN A CONTROLLED FACTORY ENVIRONMENT, BUILT TO THE] federal Manufactured  
31 Home Construction and Safety Standards, as evidenced by an affixed certification label in accordance  
32 with 24 CFR 3280.11 [(AKA HUD CODE)].
- 33 **Manufactured Home Community**  
34 A parcel, or contiguous parcels, of land divided into two or more mobile home or manufactured home lots  
35 for rent or sale.
- 36 **Maximum Extent Feasible**  
37 That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or  
38 minimize potential harm or adverse impacts have been undertaken. “Feasible and prudent” means  
39 consistent with sound engineering practice and not causing environmental, social, or economic problems  
40 that outweigh the public benefit to be derived from compliance with the standard which is modified by the  
41 term “feasible and prudent.”
- 42 **Mean Sea Level**  
43 The average height of the sea for all states of the tide. Datum is Greater Anchorage Area Borough, Post  
44 Quake, U.S. Geodetic Survey of 1972.
- 45 **Mechanical Penthouse**

1 An enclosed structure above the roof of a building used exclusively for the shelter of mechanical  
2 equipment or shelter of vertical shaft openings in the roof.

3 **Minor Amendment**

4 An amendment to an approved permit or other form of approval granted under this title that involves a  
5 relatively small[ER] amount of change from the original approval. Specific rules for granting minor  
6 amendments are set forth in chapter 21.03, *Review and Approval Procedures*.

7 **Minor Modification**

8 A minor deviation from otherwise applicable standards of this title approved under section 21.03.120.

9 **Mixed-Use**

10 A single building containing more than one classification of land use (residential, office, retail, institutional,  
11 etc.) or a single development of more than one building and use, where the uses of different  
12 classifications (residential, office, retail, institutional, etc.) are in a compact urban form, planned as a  
13 unified complementary whole, and functionally integrated to facilitate the use of shared vehicular and  
14 pedestrian access and parking lots.

15 **Modify Fuels**

16 Reduce the amount of non-fire-resistant vegetation or alter the type of vegetation to reduce the fire risk.

17 **Monument**

18 A permanent survey control point.

19 **Mounting Height**

20 The height of a luminaire above grade.

21 **Multimodal**

22 Having or involving more than one mode of transportation.

23 **Municipal Attorney**

24 The official legal representative for the municipality.

25 **Municipal Engineer**

26 The chief engineer of the municipality; often the director of the public works department.

27 **Municipality**

28 The municipality of Anchorage.

29 **New Structures** (as used in section 21.04.060D., *FHO: Flood Hazard Overlay District*)

30 Structures for which the start of construction commenced on or after September 25, 1979. The start of  
31 construction means the first placement of a permanent foundation and appropriate structural framing.

32 **Nonconforming Lot**

33 A lot, the area and/or dimensions of which were lawful prior to the adoption, revision, or amendment of  
34 the zoning ordinance but that fail by reason of such adoption, revision, or amendment to conform to the  
35 present requirements of the zoning district.

36 **Nonconforming Structure**

37 A structure or building, the size, dimensions, and/or location of which were lawful prior to the adoption,  
38 revision, or amendment of the zoning ordinance but that fail by reason of such adoption, revision, or  
39 amendment to conform to the present requirements of the zoning ordinance.

40 **Nonconforming Use**

1 A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but  
2 that fails by reason of such adoption, revision, or amendment to conform to the present requirements of  
3 the zoning district.

4 **Nonconformity**

5 Any legally approved structure, lot, sign, or use of land that no longer conforms with the requirements of  
6 this title.

7 **Nursing Facility**

8 Has the same meaning as set forth in Alaska Statutes chapter 18.20.

9 **OS&HP**

10 *Official Streets and Highways Plan.*

11 **Obstruction** (as used in section 21.04.060D., *FHO: Flood Hazard Overlay District*)

12 Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification,  
13 bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across  
14 or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or  
15 change the direction of the flow of water, either in itself or by catching or collecting debris carried by such  
16 water, or that is placed where the flow of water might carry the material downstream to the damage of life  
17 or property.

18 **Off-Street**

19 Located outside the street or the right-of-way of a street.

20 **On-Site Remediation**

21 Removal of volatile and semi-volatile contaminants from soils, sediments, slurries and filter cakes within  
22 300 feet of the location where the material was originally contaminated.

23 **Open Space, Common**

24 Open space for the common use and enjoyment of the owners and occupants of the subdivision, building,  
25 planned unit development or condominium. Common means shared by all tenants and is distinguished  
26 from space designated for private use.

27 **Ordinary High Water Mark (OHWM)**

28 The line on a shore or bank of a body of water established by the normal fluctuations of water and  
29 indicated by a relatively abrupt change in observable physical, hydrologic, and biologic characteristics  
30 above and below the line. For a stream or lake the OHWM is approximately equivalent to the 'bank.' For  
31 a marine shoreline, the OHWM is approximately equivalent to the 'mean high water line.' In all cases, an  
32 appropriate mix of indicators used to establish the OHWM at a particular location are selected using  
33 means and methods that consider the type of water body and the characteristics of the surrounding area.

34 **Outdoor Trash Container**

35 A container used for the temporary storage of rubbish, pending collection, that is stored outside of a  
36 walled structure for one or more nights per week.

37 **Overlay District**

38 A unique set of zoning regulations that are superimposed on one or more established zoning districts and  
39 shown on the zoning map, and subsequently impose additional or replacement [IN ADDITION TO OR IN  
40 PLACE OF THE] regulations to those of the underlying district. The overlay district may be used to  
41 impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or  
42 implement some form of site or architectural design program. Developments within an overlay district  
43 must conform to the requirements of the underlying district as modified by the overlay district and as set  
44 forth in the enacting ordinance.

45 **Owner**

- 1 Any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others:
- 2 1) Has legal or equitable title to any premises, dwelling, or dwelling unit, with or without  
3 accompanying actual possession thereof; or
- 4 2) Has charge, care, or control of any premises, dwelling, or dwelling unit, as agent of the owner  
5 or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The  
6 person shown on the records of the district recorders office of the state of Alaska to be the  
7 owner of a particular property shall be presumed to be the person in control of that property.

8 **Parapet**

9 A low, protective wall at the edge of a roof that is part of an exterior wall, fire wall, or party wall that rises  
10 above the roof.

11 **Parcel**  
12 See Lot

13 **Parking Angle**

14 The angle formed by a parking space and the wall or centerline of the facility, ranging from ninety degrees  
15 (perpendicular) to zero [THIRTY] degrees (parallel).

16 **Parking Bay**

17 A [THE] section or module of a parking facility that consists of [CONTAINING] a parking [DRIVING] aisle  
18 and a [ONE OR TWO] row[S] of parking spaces on one or both sides of the aisle. Parking bays are not  
19 loading berths.

20 **Parking Cash Out**

21 Allowing commuters to choose cash instead of a free parking space. For example, a commuter who is  
22 offered a parking cash-out might be able to choose to receive \$50 per month in cash if they use an  
23 alternative mode besides a single-occupancy vehicle.

24 **[PARKING, COMMERCIAL]**

25 PARKING OPERATED AS A COMMERCIAL ENTERPRISE FOR WHICH USERS PAY A DIRECT FEE.]

26 **Parking District, Municipally Recognized**

27 An area recognized or designated by the municipal Assembly in which a central authority such as an area  
28 improvement district or a parking authority supplies one or more centralized parking facilities, manages  
29 the parking supply and/or implements other parking management strategies to serve the area, rather than  
30 each individual development site having to supply all of its own parking.

31 **Parking Facility**

32 An area for off-street parking of motor vehicles, either a surface parking lot or structured parking, and  
33 including associated driveways, circulation and parking aisles, parking spaces, queuing lanes, and  
34 passenger loading areas.

35 **Parking Lot**

36 An at-grade, surface parking facility built directly on the ground. [AREA FOR PARKING MOTOR  
37 VEHICLES.]

38 **Parking, On Street Curb**

39 Parking spaces within the street or street right-of-way and abutting the curb of a street.

40 **Parking, Shared**

41 A parking facility that serves multiple uses or destinations.

42 **Parking Space**

1 A space for the parking of one automobile.

2 **Parking Space, Bicycle**

3 An area and facility such as a rack or locker used for parking and securing one bicycle.

4 **Parking Space, Guest**

5 A parking space that is available for exclusive use by guests in a residential development, and not  
6 exclusive to or physically associated with any individual dwelling.

7 **Parking, Stacked**

8 Vehicles parked one above the other using a mechanical car stacker.

9 **Parking Structure, Automated**

10 A parking structure operated by automatic mechanical parking equipment such as automobile elevator or  
11 lift systems.

12 **Parking, Structured**

13 A parking facility that is a multistory building or structure, under a building or structure, or a portion of a  
14 building, such as occupying a story within a multifamily building. Structured parking may be either on,  
15 above, or below grade.

16 **[PARKING, SURFACE (OR PARKING LOT)**

17 **A PARKING FACILITY BUILT DIRECTLY ON THE GROUND.]**

18 **Parking, Tandem**

19 One vehicle parked behind another.

20 **Parking, Unbundled**

21 Parking rented and sold separately from building space, so occupants only pay for the amount of parking  
22 they want.

23 **Party of Interest**

24 The applicant, the owner of the subject property, the owner of property within the notification area for the  
25 subject application, and anyone that presented oral testimony at a public hearing or written testimony on  
26 the application.

27 **Pathway**

28 A stable surface, usually paved, located along a roadway, for multiple pedestrian and non-motorized uses  
29 and purposes.

30 **Pedestrian Oriented**

31 A characteristic of a development or district that emphasizes the street sidewalk and/or connecting  
32 pedestrian access to the site and building(s), such that a person can comfortably walk from one location  
33 to another, and optional pedestrian activities such as strolling, window shopping, or relaxing can take  
34 place. Pedestrian oriented features include: buildings placed within a short setback distance from the  
35 sidewalk; primary entrances and windows on building facades which face the street; a mix of civic,  
36 commercial, and/or residential uses; shared open spaces and plazas; architectural details and visual  
37 interest at the pedestrian scale; pedestrian amenities such as wide walkways, seating, bicycle facilities,  
38 public art, landscaping, lighting, and wayfinding signs; and northern climate features such as atriums,  
39 canopies, transit shelters, wind protection, and orientation for sunlight access.

40 **[PERMEABLE SURFACE**

41 **AN AREA OF GROUND THAT, BY REASON OF ITS PHYSICAL CHARACTERISTICS AND THE**  
42 **CHARACTERISTICS OF MATERIALS COVERING IT, IS ABLE TO ABSORB RAIN OR SURFACE**  
43 **WATER AT A RATE EQUAL OR GREATER THAN THAT OF LAWN TURF. EXAMPLES INCLUDE**

1 NATURAL VEGETATION, LAWN TURF, LANDSCAPE BEDS, GARDENS, MULCH, DECORATIVE  
2 GRAVEL, AND SOME TYPES OF POROUS PAVEMENTS.]

3 **Permit, Building**

4 A land use permit issued by the municipality pursuant to the municipal code and the [STATE] building  
5 code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement,  
6 conversion, remodeling, demolition, moving, or repair of a building or structure within the building safety  
7 service area.

8 **Permit, Land Use**

9 An official document issued by the municipality pursuant to this title required for the erection, construction,  
10 establishment, moving, alteration, enlargement, repair, placement, or conversion of any building,  
11 structure, or land in any district established under this title.

12 **Permit, Sign**

13 An official document issued by the municipality pursuant to this title required for the construction,  
14 installation, maintenance, and operation of signs within the municipality.

15 **Permit, Flood Hazard**

16 An official document issued by the municipality pursuant to this title for uses, structures, or activities listed  
17 in the floodplain regulations.

18 **Person**

19 Any individual, lessee, firm, partnership, association, joint venture, corporation, or agent of the  
20 aforementioned groups, or the state of Alaska or any agency or political subdivision thereof.

21 **Physical Access**

22 [HAVING PHYSICAL ACCESS MEANS B]Being adjacent to a street [ROAD] suitable for travel by  
23 passenger automobiles that is connected to the publicly dedicated and improved transportation network  
24 of the municipality.

25 **Pillow**

26 A sleeping accommodation for one person.

27 **Plan, Landscape**

28 A plan, drawn to scale, showing dimensions and details of the portion of a site devoted to planting  
29 materials and their maintenance.

30 **Plan, Master**

31 The maps, illustrations, and supporting text associated with a planned development which conveys the  
32 allowable uses, densities, non-residential intensities, and arrangement of uses within the boundaries of  
33 the planned development along with any associated conditions, phasing schedules, and other  
34 agreements.

35 **Plan, Site**

36 A plan depicting the proposed development of a property, in terms of the location, scale, and  
37 configuration of buildings, uses, and other features containing all the information required by this title. A  
38 site plan may include but is not limited to lot lines, adjacent lots and streets, building sites, required  
39 [RESERVED] open space, buildings, interior vehicular, [AND] pedestrian, and bicycle access, parking lot  
40 design (calculations and layout), signage, lighting, [AND] screening devices, existing and proposed  
41 landscaping, topography, drainage, and, depending on requirements, floor plans, building elevations and  
42 locations of proposed utility services and lines, and any other information that reasonably may be  
43 required in order that an informed decision can be made by the approving authority.

44 **Plan, Subdivision**

1 A proposed plan of development to establish a subdivision that contains all information such as lot lines,  
2 streets, easements, and other features required by this title.

### 3 **Planning Commission**

4 The planning and zoning commission of the municipality.

### 5 **Plat**

6 A map and associated text [DOCUMENT] prepared by a registered surveyor that delineates property lines  
7 and related information, prepared in compliance with the regulations of this title. [REPRESENTING A  
8 TRACT OF LAND SHOWING THE BOUNDARIES AND LOCATION OF INDIVIDUAL PROPERTIES,  
9 STREETS, AND OTHER RELATED ITEMS FOR IDENTIFYING PROPERTY.]

### 10 **Plat, Final**

11 A map and associated text of a subdivision of land, meeting all the requirements of this code, and [MADE  
12 UP IN FINAL FORM] ready for approval and recording.

### 13 **Plat, Preliminary**

14 A map and associated text prepared by a registered surveyor showing the required [SALIENT] features of  
15 a proposed subdivision of land and submitted to the platting authority for purposes of preliminary  
16 consideration and approval.

### 17 **Platting Authority**

18 The platting officer, municipal platting board, [DIRECTOR,] or any other board so designated by the  
19 assembly.

20 **[PLOT**  
21 **SEE LOT]**

### 22 **Porch**

23 A covered or partially enclosed exterior entrance space projecting from the façade of a building, having a  
24 floor and roof, and forming a covered approach or vestibule to an entrance doorway. The front of the  
25 porch is open, with only supporting posts, railings, and roof, or partially enclosed with solid walls or  
26 railings up to 36 inches high measured from the floor of the porch.

### 27 **Pre-Application Conference**

28 A meeting between an applicant and the municipal staff intended to familiarize both parties with  
29 conceptual plans or proposals presented by the applicant and applicable code provisions.

### 30 **Primary Pedestrian Walkway**

31 See subsection 21.07.060F.4.

### 32 **Principal Building/Structure**

33 A building/structure in which is conducted the main use of the lot on which the building/structure is  
34 located.

### 35 **Prisoner**

36 The same meaning as defined in AS 33.30.901 as to state prisoners, and includes persons convicted of a  
37 felony described in AS 11.41, *Offenses Against the Person*, in Alaska or of an offense with the same or  
38 substantially similar elements in another jurisdiction until they have successfully completed all conditions  
39 of parole and probation and are no longer under the supervision of the court, the Alaska department of  
40 corrections, another state or municipal agency, or contractor to those entities. The term "prisoner" also  
41 includes federal offenders in the custody, control or under the care of supervision of the United States  
42 attorney general or the bureau of prisons.

### 43 **Private Enforcement Action**

1 A process by which a private individual, homeowner's association, or community council can request that  
2 the administrative hearings officer hear and investigate charges that another person or owner of land has  
3 violated the requirements of this title.

4 **Profession**

5 An occupation, such as law, medicine, or engineering, which requires considerable training and  
6 specialized study.

7 **Projection, Wall Plane**

8 A portion of a building wall—i.e., a wall plane or façade wall—that extends outward beyond the face of the  
9 adjacent wall plane or façade wall on the building, so as to create articulation of the building wall.

10 **Property Line**

11 A demarcation limit of a lot dividing it from right-of-way, or other lots or parcels of land.

12 **Public Enforcement Action**

13 An action brought by the municipality against owners or users of land for violating the provisions of this  
14 title.

15 **Public Facility**

16 Any buildings and structures (including streets and highways) owned or leased by a government agency  
17 not exempt by law from municipal land use regulation

18 **Public Use Easement**

19 A right of use over portion(s) of real property granted by a property owner for specific present or future  
20 uses of land by the public, or governmental entity, that is reserved, conveyed, or dedicated through the  
21 recording of a plat, deed, or easement document.

22 **Public Utility**

23 Any person or organization subject to regulation under AS 42.05.

24 **Publicly Accessible**

25 Open to the general public during regular business hours.

26 **Recess, Wall Plane**

27 A portion of a building wall—i.e., a wall plane or façade wall—which is set back from the adjacent wall  
28 plane or façade wall on the building, creating articulation of the building wall.

29 **Record of Survey Map**

30 A map prepared by a professional land surveyor that reestablishes survey controls, boundaries, locations  
31 of improvements, or the alignment of right-of-ways for recording.

32 **Recreational Vehicle**

33 A **vehicle** [VEHICULAR TYPE UNIT] primarily designed as temporary living quarters for travel, camping,  
34 recreational, or vacation usage, which either has its own motive power or is mounted on or drawn by  
35 another vehicle. The basic entities are travel trailer, camping trailer, pickup truck camper, fifth-wheel, and  
36 motor home.

37 **Redevelopment**

38 The [REMOVAL AND REPLACEMENT,] rehabilitation, [OR] adaptive reuse, or removal and replacement  
39 of an existing structure or structures, or of land from which previous improvements have been removed.

40 **Reflectance**

41 The fraction of solar radiation reflected by a material.

42 **Regulatory Floodway**

- 1 See **Floodway, Regulatory**
- 2 **Reinforcement**
- 3 Repair, replacement, or addition of a crossarm, guy, pole, stub, or conductor for a utility distribution
- 4 facility.
- 5 **Relocation** (as used in section 21.07.050, *Utility Distribution Facilities*)
- 6 A change in alignment of more than six spans.
- 7 **Reserve Strips**
- 8 Narrow strips of privately-owned land adjacent and parallel to a street.
- 9 **Residential**
- 10 Activity involving the occupation of buildings for living, cooking, sleeping, and recreation.
- 11 **Residential Subdivision**
- 12 A subdivision, or that part of a subdivision, **in a residential** [THAT IS WITHIN AN R-1, R-1A, R-2A, R-2D,
- 13 R-2F, R-2M, R-3, R-4, R-4A, R-5, R-6, R-7, R-8, R-9, R-10 OR TA] zoning district.
- 14 **Restoration**
- 15 **Putting or bringing back into a former, normal, or unimpaired state or condition.**
- 16 **Rezoning (Zoning Map Amendments)**
- 17 An amendment to the **official zoning** map [AND/OR TEXT OF THIS TITLE] to effect a change in the
- 18 boundaries of any zoning district or the zone classification of any parcel of land in the municipality.
- 19 **Right-of-Way**
- 20 Streets, avenues, ways, boulevards, drives, circles, courts, alleys, sidewalks, walkways, trails, and other
- 21 such areas granted or dedicated for the use of the public for the placement of utilities and/or for the
- 22 passage of vehicles and/or pedestrians, including the space above and beneath such areas.
- 23 **Roof**
- 24 **The cover of any building or structure, including the eaves and similar projections.**
- 25 **Runway**
- 26 A defined area on land or water **intended** [PREPARED] for use for landing and takeoff of aircraft.
- 27 **Salvageable Improvements**
- 28 As used in section 21.08.060, *Subdivision Agreements*, and describes those portions of street
- 29 improvements constructed within a dedicated right-of-way that are usable as a part of the finally
- 30 constructed street. Salvageable improvements include such items of work as clearing and grubbing,
- 31 removal of unsuitable material and placement of classified backfill, but do not include temporary surfacing
- 32 and other work that would not be usable or beneficial to final street construction. This definition applies
- 33 only to those streets that are not, during their initial construction, improved to the final paved standard of
- 34 the municipality.
- 35 **[SECONDARY BUILDING**
- 36 A BUILDING DETACHED FROM A PRINCIPAL BUILDING LOCATED ON THE SAME LOT AND
- 37 CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL BUILDING OR USE.]
- 38 **Senior Housing**
- 39 See **Housing, Senior**
- 40 **Setback**
- 41 The **horizontal** [MINIMUM] distance [REQUIRED] between any [BUILDING OR] structure and a [STREET
- 42 RIGHT-OF-WAY OR] lot line, or from some other feature or object [FROM WHICH A SEPARATION

1 DISTANCE IS REQUIRED]. A required setback establishes a minimum required separation distance with  
2 the exception that a required maximum setback establishes a maximum allowed separation distance.

3 **Setback, Front**

4 A setback that extends across the full frontage of a lot or tract on a public or private street. The front  
5 setback is defined by the front lot line.

6 **Setback, Rear**

7 A setback that extends across the full rear of a lot or tract. The rear setback is defined by the rear lot  
8 line. Lots with two or more frontages [CORNER LOTS, DOUBLE-FRONTAGE LOTS, AND THREE-  
9 SIDED LOTS] do not have rear setbacks.

10 **Setback, Side**

11 Any setback that is not a front or rear setback. Generally, side setbacks extend from the inner boundary  
12 of the front setback (or from the front property line of the lot or tract where no front setback is required) to  
13 the inner boundary of the rear setback (or to the rear property line of the lot or tract where no rear setback  
14 is required.) For lots with two or more frontages [CORNER AND DOUBLE-FRONTAGE LOTS], setbacks  
15 remaining after front setbacks have been established shall be considered side setbacks.

16 **Service Connection**

17 Conductors transmitting utility service from a utility distribution line to a customer's riser or service  
18 entrance.

19 **Shrub**

20 A woody perennial plant having more than one main stem at the ground, usually attaining a height of less  
21 than 15 feet.

22 **Sidewalk**

23 A concrete pathway within a vehicular right-of-way, aligned with a road and constructed either adjacent to  
24 the curb or separated from the curb, for multiple pedestrian and non-motorized uses and purposes.  
25 Sidewalks are generally found in class A zoning districts. [AN IMPROVED RIGHT-OF-WAY FOR  
26 PEDESTRIAN CIRCULATION THAT IS PART OF THE STREET RIGHT-OF-WAY.]

27 **Sight Distance Triangle**

28 The land area regulated to ensure unobstructed visibility for motorists entering or leaving an intersection  
29 or driveway. [A TRIANGULAR SHAPED PORTION OF LAND ESTABLISHED AT STREET, DRIVEWAY,  
30 OR ALLEY INTERSECTIONS WHICH IS REGULATED SO THAT THE VISIBILITY OF MOTORISTS  
31 ENTERING OR LEAVING THE INTERSECTION IS NOT OBSTRUCTED.]

32 **Sight Obscuring**

33 As applied to landscaping, sight obscuring means that within three years of installation, the landscaping  
34 shall visually obscure the target to the extent that the majority of the field of view is plant material, rather  
35 than the target.

36 **Sign**

37 Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors,  
38 or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to,  
39 or to announce or promote, an object, product, place, activity, person, institution, organization, or  
40 business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs,  
41 colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an  
42 announcement, direction, or advertisement.

43 **Sign, Animated**

44 A sign that contains animation or animated effects, changeable copy, flashing, or moving parts.

45 **Sign, Banner**

- 1 A sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a  
2 building or other structure at one or more edges.
- 3 **Sign, Building**  
4 Any sign attached to any part of a building and including wall, awning, canopy, and projecting signs. A  
5 wall sign is a building sign that is parallel to and does not extend from the wall more than 12 inches.
- 6 **Sign, Changeable Copy**  
7 A portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure,  
8 framing, or background allowing the letters, characters or graphics to be modified from time to time  
9 manually or by electronic or mechanical devices, such as a bulletin board or electronic message board.  
10 [CHANGEABLE COPY SIGNS MAY NOT BE USED TO DISPLAY COMMERCIAL MESSAGES  
11 RELATING TO PRODUCTS OR SERVICES THAT ARE NOT OFFERED ON THE PROPERTY.]
- 12 **Sign, Construction**  
13 A temporary sign identifying a project or facility during the time of construction. Such signs typically  
14 include the name of an architect, engineer, and/or contractor for a building or project located on the  
15 parcel.
- 16 **Sign, Entrance or Exit**  
17 A sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.
- 18 **Sign, Freestanding**  
19 A sign supported from the ground and not attached to any building. A freestanding sign may be  
20 supported by one or more poles or a solid base. Pole signs are considered freestanding signs.
- 21 **Sign, Historic**  
22 Any sign that has been designated as historic by the urban design commission.
- 23 **Sign, Ideological or Political**  
24 Any temporary sign displaying or advocating an idea, opinion, or position on any social, cultural, religious,  
25 or political issue and containing no commercial message.
- 26 **Sign, Illuminated**  
27 Any sign which is partially or entirely illuminated internally or externally so as to make the sign more  
28 visible.
- 29 **Sign, Inflatable**  
30 Any inflatable shape or figure designed or used to attract attention to a business event or location.  
31 Inflatable promotional devices shall be considered to be temporary signs under the terms of this chapter  
32 and, where applicable, subject to the regulations thereof.
- 33 **Sign, Instructional**  
34 A sign that has a purpose secondary to the use on the lot and that is intended to instruct employees,  
35 customers, or users as to matters of public safety or necessity such as specific parking requirements, the  
36 location or regulations pertaining to specific activities on the site or in the building, and including a sign  
37 erected by a public authority, utility, public service organization, or private industry that is intended to  
38 control traffic; direct, identify or inform the public; or provide needed public service as determined by the  
39 rules and regulations of governmental agencies or through public policy.
- 40 **Sign, Nonconforming**  
41 A sign which was legally erected, but which is no longer in compliance with the requirements of this title.
- 42 **Sign, Off-Premises**  
43 See **Billboard**

- 1 **Sign Plate**  
2 A building sign which does not exceed two square feet indicating the street number, the name of the  
3 person, business, profession or activity occupying the lot, building, or part thereof; or other information  
4 pertaining to the use on the lot.
- 5 **Sign, Portable**  
6 Any sign that is not permanently attached to the ground or other permanent structure, or a sign designed  
7 to be transported on wheels, skids, a bench, runners, brackets, or has a frame to which wheels, skids,  
8 runners, brackets, or similar mechanical devices can be attached to or support the sign. A portable sign  
9 also includes inflatable devices and mobile signs such as parked trailers or vehicles, which include signs  
10 which are visible from the public right-of-way unless such vehicle is used in the normal day-to-day  
11 operations of the business.
- 12 **Sign, Pole**  
13 A sign that is mounted on a freestanding pole or poles, or other support structure that is visible.
- 14 **Sign, Projecting**  
15 A sign that is attached to a building wall and extending perpendicular to (or approximately perpendicular  
16 to) the building wall and 12 inches or more beyond the face of the wall.
- 17 **Sign, Roof**  
18 A sign, or any portion thereof, erected, constructed, painted, placed, or projecting upon or extending  
19 above the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall  
20 or any other structural element of the building.
- 21 **Sign, Temporary**  
22 A sign that is designed to be used only temporarily and is not intended to be permanently attached to a  
23 building, structure or permanently installed in the ground. These include, but are not limited to, political  
24 signs, special event signs, and for sale or leasing signs. Mobile and portable signs are temporary signs.  
25 Temporary signs may be displayed as window signs.
- 26 **Sign, Traffic**  
27 A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian  
28 movement.
- 29 **Sign, Window**  
30 A sign that is applied or attached to a window or door, or a sign located near a window within a building  
31 for the purpose of being visible to and read from the outside of the building except for signs that are not  
32 legible from a distance of more than three feet beyond the building in which such sign is located.
- 33 **Single-Family Style Structure**  
34 A residential building containing one dwelling unit for one household and not attached to any other  
35 dwelling by any means—i.e., a house.
- 36 **Site**  
37 A lot or group of contiguous lots that is proposed for development and is in single ownership or has  
38 multiple owners, all of whom join in an application for development.
- 39 **Site Plan**  
40 See **Plan, Site**
- 41 **Site Plan Review**  
42 The review of a site plan of a project, public or private, to ensure compliance with the development and  
43 design standards and provisions of this title, to ensure consistency with previous approvals, to minimize  
44 or mitigate negative impacts on adjacent properties, and to encourage quality development reflective of  
45 the goals, policies, and objectives of the comprehensive plan. [THE PROCESS WHEREBY THE

1 REVIEWING AUTHORITY REVIEWS THE SITE PLANS AND MAPS OF A DEVELOPER TO ENSURE  
2 THAT THEY MEET THE STATED PURPOSES AND STANDARDS OF THE ZONE, PROVIDE FOR THE  
3 NECESSARY PUBLIC FACILITIES SUCH AS ROADS AND SCHOOLS, AND PROTECT AND  
4 PRESERVE TOPOGRAPHIC FEATURES AND ADJACENT PROPERTIES THROUGH APPROPRIATE  
5 SITING OF STRUCTURES AND LANDSCAPING.]

6 **Site Selection**

7 The process by which the municipality shall review and decide the selection of a site for specified public  
8 facilities.

9 **Skylight**

10 An opening in a roof or ceiling, glazed with a transparent or translucent material, for admitting daylight.

11 **Soil Management**

12 Maintenance of the soil to preserve and enhance the capacity of soil to function within ecosystem  
13 boundaries to sustain biological productivity, maintain environmental health, and promote plant and  
14 animal health.

15 **Slope**

16 The vertical elevation of a land area divided by the horizontal distance, expressed as a percentage.

17 **Solar Access (Sunlight Access)**

18 The availability of, or access to, unobstructed direct sunlight.

19 **Solar Orientation**

20 A south facing orientation of a property line, street frontage, right-of-way, fence, building wall, or window  
21 surface where the line, frontage, wall, or window faces within 30 degrees of south. This orientation of a  
22 surface in relation to the path of the sun may be used to maximize the amount of sunlight and heat gained  
23 from solar radiation.

24 **Solar Reflector**

25 An appurtenance designed to reflect the light and heat of the sun so that it augments the amount of solar  
26 radiation entering an interior habitable space, solar collector, or outdoor open space.

27 **Space** (as used in section 21.05.030A.8., *Manufactured Home Community*)

28 A defined land area in a manufactured home community on which a mobile home or manufactured home  
29 may be placed and which is described by boundary lines measured in terms of:

- 30 • Its depth expressed as a mean distance between the front and rear of the space, measured in the  
31 general direction of the side space lines.
- 32 • Its width expressed as a mean distance between the side lines of the space, measured in the general  
33 direction of the front and rear space lines.

34 **Space, Reverse-Frontage** (as used in section 21.05.030A.8., *Manufactured Home Community*)

35 A space which abuts a local street on one side and a street of Class I or greater classification on the  
36 opposite side.

37 **[SPECIAL HAZARD AREA**

38 AN AREA HAVING SPECIAL FLOOD, MUDSLIDE, OR FLOOD-RELATED EROSION HAZARDS.]

39 **Special Limitation**

40 A provision of a rezoning [ADOPTED BY] ordinance which restricts some aspects of development to a  
41 greater degree than otherwise allowed by the applied zoning district. [THE PERMITTED PRINCIPAL  
42 USES AND STRUCTURES OTHERWISE ALLOWED IN A ZONING DISTRICT OR WHICH REQUIRES

1 COMPLIANCE WITH DESIGN STANDARDS NOT OTHERWISE REQUIRED BY ZONING DISTRICT  
2 REGULATIONS OR OTHER SECTIONS OF THIS TITLE.]

### 3 **Start of Construction**

4 Includes substantial improvement, and means [THE DATE THE BUILDING PERMIT WAS ISSUED,  
5 PROVIDED THE ACTUAL START OF CONSTRUCTION, REPAIR, RECONSTRUCTION, PLACEMENT  
6 OR OTHER IMPROVEMENT WAS WITHIN 180 DAYS OF THE PERMIT DATE. THE ACTUAL START  
7 MEANS] either the first placement of permanent construction of a structure on a site, such as the pouring  
8 of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of  
9 excavation; or the placement of a manufactured home on a foundation. Permanent construction does not  
10 include land preparation, such as clearing, grading and filling; nor does it include the installation of streets  
11 or walkways; nor does it include excavation for a basement, footings, piers or foundation, or the erection  
12 of temporary forms; nor does it include the installation on the property of accessory buildings, such as  
13 garages or sheds not occupied as dwelling units or not part of the main structure.

### 14 **Step-Back**

15 A terrace in the vertical rise of a building form such that the upper mass or wall plane of the building is set  
16 back or recessed from the lower building mass or wall plane.

### 17 **Storage**

18 Temporary or permanent containment, holding, leaving, stockpiling, or placement of products, goods, or  
19 materials, usually with the intention of retrieving them at a later time; overnight parking of commercial  
20 vehicles.

### 21 **Storm Water**

22 Surface water runoff originating from surface water, rain, snowmelt, wash waters, street wash, subsurface  
23 drainage, or other drainage but excludes wastewater as defined in AMC title 15.

### 24 **Story**

25 That portion of a building included between the upper surface of a floor and the upper surface of the next  
26 floor or roof above.

### 27 **Story Above Grade Plane**

28 Any story having its finished floor surface entirely above finished grade plane, except that a basement  
29 shall be considered as a story above grade plane where the finished surface of the floor above the  
30 basement is:

- 31 a. More than six feet above grade plane; or
- 32 b. More than 12 feet above the finished grade at any point.

### 33 **Story Below Grade Plane**

34 Any story having its finished floor surface below finished grade plane, unless it meets the definition of  
35 story above grade plane. [THAT PORTION OF A BUILDING THAT IS A STORY BELOW GRADE  
36 PLANE.]

### 37 **Story, One-Half**

38 A story under a gable, shed, or hipped roof that contains habitable floor area, including floor area under  
39 dormers, not exceeding 50 percent of the floor area of the floor below.

### 40 **Stream**

41 A watercourse [PERENNIALY OR INTERMITTENTLY] conveying perennial or intermittent surface  
42 waters not solely the result of constructed subsurface drainage. When a stream does flow it conveys  
43 more water than that contributed from a single storm runoff event and includes natural ground water  
44 discharge as a component in its flow. A stream may be intermittent in time or space. [BUT WHEN  
45 FLOWS DO OCCUR A PROLONGED, HYDRAULIC CONNECTION MUST EXIST CONTINUOUSLY

1 EITHER ALONG THE SURFACE OR AT SHALLOW DEPTHS. A STREAM SHALL] However it must  
 2 generally retain its identity as a hydraulically [SINGLE] continuous drainage feature along [OVER] its  
 3 whole length, [ACROSS PERENNIAL AND INTERMITTENT REACHES, THROUGH UNDERGROUND  
 4 PASSAGES, OR ACROSS OTHER SURFACE WATER BODIES,] even though its surface flow may  
 5 periodically break up or disappear along its alignment[, EITHER IN TIME OR IN SPACE].

6 [THOUGH SOME OF THESE FEATURES MAY NOT BE PRESENT LOCALLY WHERE FLOW IS  
 7 SPATIALLY OR TEMPORALLY INTERMITTENT, OR WHERE THE STREAM HAS BEEN PIPED OR  
 8 OTHERWISE SUBSTANTIALLY MODIFIED, O]Overall a stream displays a distinctive combination of  
 9 geomorphic, hydrologic, and biologic characteristics, though some of these features may be absent  
 10 where flow is intermittent or where the stream has been piped or otherwise modified. Principal [THE  
 11 CORE] defining characteristics include:

- 12 • Unique geometric, [CHANNEL,] sedimentary, and other physical characteristics,  
 13 including bed and banks, along part or all of the stream's alignment;
- 14 • Prolonged flow from natural sources conveyed along continuous surface [OR PERIODIC  
 15 OPEN] channels [SEGMENTS], or along a discontinuous but hydraulically connected  
 16 series of surface channels; [AND HYDRAULIC CONTINUITY ALONG THE STREAM'S  
 17 ENTIRE LENGTH;] and
- 18 • [OVERALL B]Biologic characteristics representative of prolonged surface flows along the  
 19 open channel segments of the stream.

#### 20 Stream Bed

21 That portion of a stream utilized for water flow during nonflood periods, normally extending from the  
 22 thalweg (low point) to each bank.

#### 23 Street

24 A thoroughfare [RIGHT-OF-WAY] improved for vehicular and pedestrian travel permanently open to  
 25 general public use, that affords the principal means of access, frontage and address to individual  
 26 buildings, lots and blocks. [ABUTTING PROPERTY, SUCH AS AN] Streets include a road, avenue,  
 27 place, drive, boulevard, highway or any other similar means of public thoroughfare, except an alley. A  
 28 street is not a driveway. Unless otherwise indicated, the term street shall refer to both public and private  
 29 streets. A street may be located on private property and not be publicly owned or maintained, if it  
 30 performs the roles of a public street.

#### 31 Street, Access

32 A street constructed to provide physical access to a subdivision.

#### 33 Street, Arterial

34 Higher order streets with controlled access that are intended for through or regional traffic moving  
 35 between urban centers and not intended for local or residential neighborhood traffic. These streets have  
 36 multiple travel lanes, provide access to regional travelways, and carry high volumes of traffic. Arterials  
 37 are either "major arterials" or "minor arterials," as designated in the Official Streets and Highways Plan.

#### 38 Street, Collector

39 Streets that penetrate various land use classifications to provide both land access and mobility within  
 40 neighborhoods and commercial areas. Their primary function is traffic service, collecting traffic from  
 41 intersecting streets and funneling it to major thoroughfares. A major collector roadway/street has limited  
 42 direct access from individual lots/parcels. A minor collector roadway/street allows direct access of  
 43 individual lots/parcels.

#### 44 Street, Cul-de-Sac

45 A street having only one outlet, with provision for a turnaround at its termination, and which is not  
 46 intended to be extended or continued to serve future subdivisions or adjacent land.

- 1 **Street, Dead End**  
2 A right-of-way that terminates without a cul-de-sac or a temporary turnaround and the terminus of which  
3 has the same width as the width of the right-of-way.
- 4 **Street Facing Building Elevation**  
5 The building elevation facing upon the street, comprised of all façade walls that are oriented toward the  
6 street at an angle of less than 90 degrees, and not separated from the street by another principal  
7 structure or site.
- 8 **Street, Half**  
9 A portion of a right of way, including the street pavement that is directly adjacent to a lot's frontage as  
10 measured from the ultimate street centerline.
- 11 **Street, Interior**  
12 A street contained entirely within the boundaries of a subdivision.
- 13 **Street, Local**  
14 A[N INTERIOR] street whose primary function and design is to provide access to abutting property. [IN A  
15 SUBDIVISION DESIGNED AND INTENDED TO SERVE LOCAL AREAS.] Local streets feed traffic into  
16 collector and arterial street systems.
- 17 **Street, Loop**  
18 A street that originates and terminates at intersections with the same street.
- 19 **Street Lot Line**  
20 See Lot Line, Street
- 21 **Street, Peripheral**  
22 A street parallel to the boundary of a subdivision and whose right-of-way abuts that boundary.
- 23 **Street, Stub**  
24 A dead-end interior street provided for eventual extension onto unplatted land.
- 25 **Street Typology**  
26 A street classification system that augments the functional classifications (arterials, collectors, local  
27 streets) with designations that relate the street design to the adjacent land use, development pattern, and  
28 its functions for users in addition to automobile traffic—pedestrians, bicyclists, and transit riders.  
29 Examples of street typology designations include residential street, main street, transit street, commercial  
30 street, and mixed-use street.
- 31 **Structure**  
32 Anything that is constructed or erected and located on or under the ground, or attached to something  
33 fixed to the ground, including a walled and roofed building, and/or a gas or liquid storage tank that is  
34 principally above ground.
- 35 **Structure, Accessory**  
36 A structure that is on the same lot as, and of a nature customarily incidental and subordinate to a principal  
37 building or structure, and the use of which is clearly incidental and subordinate to that of the principal  
38 building or structure.
- 39 **Subdivider**  
40 A person, firm, association, partnership, corporation, governmental unit, or combination of any of these  
41 that may hold any recorded or equitable ownership interest in land being subdivided. The terms shall  
42 also include all heirs, assigns, or successors in interest, or representatives of the subdivider, owner,  
43 proprietor, or developer.

**1 Subdivision**

2 The division of a tract or parcel of land into two or more lots, sites or other divisions for the purpose,  
3 whether immediate or future, of sale, lease or building development, including any combining or  
4 resubdivision, and, when appropriate to the context, the process of subdividing or the land subdivided.

**5 Subdivision Agreement**

6 A document which is approved by the department of **public works** [PROJECT AND ENGINEERING]  
7 which specifies the tentative location, construction schedule, and estimated costs of public improvements  
8 to be constructed as part of subdivision development.

**9 Survey, As-Built**

10 A plan **prepared by a professional land surveyor in such a manner as to accurately identify and depict the**  
11 **location of all on-site improvements.** [SHOWING THE TRUE AND ACTUAL LOCATION AND NATURE  
12 OF BUILDINGS, STRUCTURES, PLANT MATERIALS, UTILITY EASEMENTS, AND OTHER  
13 FEATURES OR IMPROVEMENTS THAT HAVE BEEN INSTALLED ON OR OFF THE PROPERTY  
14 PURSUANT TO A SITE AND/OR SUBDIVISION PLAN APPROVED UNDER THIS TITLE, TO BE USED  
15 TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE.]

**16 Surveyor**

17 A **person** [LAND SURVEYOR] who is registered in the state **of Alaska as a professional land surveyor.**

**18 Substantial Improvement**

19 Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50  
20 **percent**[%] of the market value of the structure either:

- 21 • Before the improvement or repair is started; or
- 22 • If the structure has been damaged and is being restored, before the damage occurred. For the  
23 purposes of this definition, substantial improvement is considered to occur when the first  
24 alteration of any wall, ceiling, floor or other structural part of the building commences, whether or  
25 not that alteration affects the external dimensions of the structure. The term does not, however,  
26 include either:
- 27 1. Any project for improvement of a structure to comply with existing state or local health,  
28 sanitary or safety code specifications which are solely necessary to ensure safe living  
29 conditions; or
  - 30 2. Any alteration of a structure listed on the National Register of Historic Places or a state  
31 inventory of historic places.

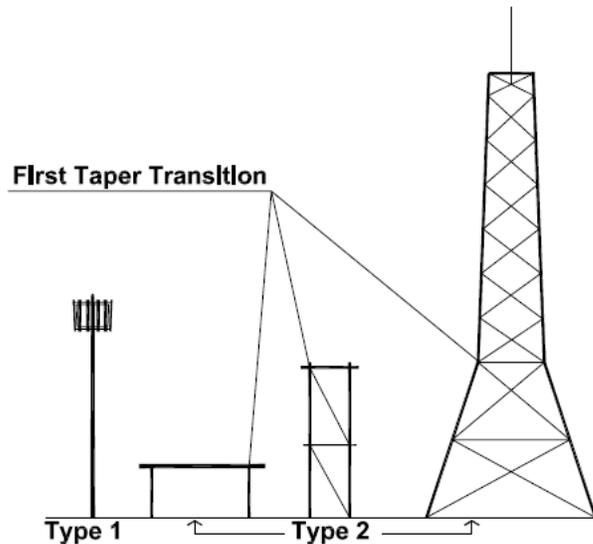
**32 Surrounding Development**

33 Immediately adjacent development on the same block face or on facing blocks as the subject site, as well  
34 as prevalent patterns established in the existing neighborhood located within one-quarter mile of the  
35 subject development site.

**36 Take Action**

37 To approve, approve with conditions, deny, refer to another body, or postpone a decision on an  
38 application for entitlement.

- 1 **Taper Transition**
- 2 A point on a telecommunication tower where the angle of the structure form changes, or the top of the
- 3 tower, whichever point is lower.



- 4
- 5 **Target Area**
- 6 An area designated under section 21.07.050 as a location in which overhead distribution lines are to be
- 7 placed underground as provided in this chapter.

- 8 **Topographic Flow Line**
- 9 A topographically-defined surface drainage path; a line of continuous fall in elevation across a land
- 10 surface that will tend to accumulate and concentrate overland runoff from an area; the local flow path
- 11 likely to be taken across a land surface by surface runoff as it integrates into a concentrated flow; any
- 12 actual line of major surface flow conveyance. A topographic flow line is present solely as a result of the
- 13 topography of the land surface itself and exists independent of the infiltration characteristics of the land
- 14 surface or the presence or absence of vegetation along the flow line.

- 15 **Topographic Map**
- 16 A map showing the landform by the use of contour lines.

- 17 **Tower, Amateur Radio**
- 18 An antenna and structure of any type used exclusively by an [LICENSED] amateur radio operator
- 19 licensed by the Federal Communications Commission. [WHICH IS PART OF FEDERALLY LICENSED
- 20 AMATEUR RADIO STATION FOR RADIO COMMUNICATION FOR THE PURPOSE OF SELF-
- 21 TRAINING, INTERCOMMUNICATION, AND TECHNICAL INVESTIGATIONS CARRIED OUT BY
- 22 AMATEURS SOLELY WITH A PERSONAL AIM AND WITHOUT PECUNIARY INTEREST.]

- 23 **Tower, Community Interest**
- 24 Any structure principally designed to support an antenna(e) where the height of the structure (not
- 25 including any building height, if installed on top of a building) exceeds 100 feet, measured to the top of
- 26 any antennae.

- 27 **Tower, Local Interest**
- 28 Any structure principally designed to support antennae and not meeting the definition of a community
- 29 interest tower.

- 1 **Tower Site**  
2 A lot, tract, or aggregate of abutting lots or tracts that has been planned and coordinated for development  
3 with separate community interest towers and/or local interest towers in any combination, including  
4 subordinate and related equipment and buildings in accordance with the applicable zoning district.
- 5 **Townhouse Style Structure**  
6 A residential building with two or more dwelling units in a row, in which units are attached at the sidewall,  
7 no part of any unit is located over any part of another unit, each dwelling unit has its own front and rear  
8 access to the outside, and all dwelling units are separated from one another by common fire-resistant  
9 walls.
- 10 **[TOWNHOUSE UNIT**  
11 **ONE OF THREE OR MORE ATTACHED DWELLING UNITS WHERE EACH UNIT IS ON ITS OWN**  
12 **LOT.]**
- 13 **Tract**  
14 A parcel of land which has been reserved for future development, future subdivision, or protection of open  
15 space or a specific natural feature(s). [A UNIT, OR CONTIGUOUS UNITS, OF LAND UNDER SINGLE  
16 OWNERSHIP.]
- 17 **Traffic Control Device**  
18 Includes all physical, mechanical and electrical equipment that directs, channelizes, commands or  
19 controls traffic movement. These devices include but are not limited to signs (including street name  
20 signs), channelization, signals, and striping.
- 21 **Traffic Engineer**  
22 Unless otherwise indicated, the director of the Traffic Department, or designee.
- 23 **Trail**  
24 A stable surface, usually either paved or consisting of compacted granular fill, within a dedicated  
25 easement or right-of-way, for the purposes of pedestrian and non-motorized (unless specifically  
26 designated for motorized uses) use. A trail is not aligned with a road. [A WAY DESIGNED AND USED  
27 FOR EQUESTRIAN, PEDESTRIAN, CROSS COUNTRY SKIING, AND /OR CYCLING, OR OTHER  
28 SIMILAR FORMS OF NON-MOTORIZED TRANSPORT.]
- 29 **Trailer**  
30 Has the same meaning as set forth in AMC title 9.
- 31 **Travel Trailer**  
32 A motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor  
33 vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and  
34 vacation uses, identified by a model number, serial number and vehicle registration number, equipped  
35 with limited water storage and other self-contained living facilities.
- 36 **Tree**  
37 A woody perennial plant having a single main stem.
- 38 **Tree, Deciduous**  
39 A tree that loses its leaves annually.
- 40 **Tree, Evergreen**  
41 A tree that retains its foliage [LEAVES] throughout the year.
- 42 **Tree, Landmark**  
43 A healthy tree with at least a 12 inch caliper; or a tree that has significant historical or cultural value.

**1 Tree Protection Zone**

2 The area around a tree or grouping of trees in which no grading or construction activity may occur,  
3 including the storage of materials. The minimum tree protection zone is measured as a radius around the  
4 tree or grouping of trees which is a minimum of 1.5 feet from the trunk of a tree for every one inch of tree  
5 caliper.

**6 Tributary**

7 Any branch, fork, or channel that flows into and connects to a stream and also meets the basic definition  
8 of a stream.

**9 Unified Sign Plan**

10 A comprehensive site plan where contiguous lots and or tracts are considered as a single site for the  
11 purposes of determining the size, number, and placement of freestanding signs.

**12 Uplight**

13 For an exterior luminaire, flux radiated in the hemisphere at or above a horizontal plane.

**14 [URBAN DESIGN COMMISSION**

15 THE URBAN DESIGN COMMISSION OF THE MUNICIPALITY.]

**16 Use, Accessory**

17 As applied to a use, building, or structure, customarily subordinate or incidental to and located on the  
18 same lot with a principal use, building, or structure.

**19 Use, Conditional**

20 A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use  
21 permit and subject to the limitations and conditions specified therein.

**22 Use, Principal**

23 Any main activity permitted by this title.

**24 Use, Temporary**

25 Those land uses and structures that are needed or are in place for only short periods of time.

**26 Use District**

27 See **Zoning District**

**28 Utility**

29 A public utility as defined in Alaska Statutes title 42.

**30 Utility Distribution Line**

31 All or any part of a conductor and supports owned or operated by a utility and used:

- 32 • To transmit **electrical power from a main source substation to consumers, at a voltage of 34.5 kV**  
33 **or less** [NO MORE THAN 69 KILOVOLTS OF ENERGY]; or
- 34 • To transmit messages, impressions, pictures, or signals by means of electricity or  
35 electromagnetic waves; between a distribution substation or central office and the lot line of a  
36 customer's premises, excluding auxiliary equipment such as aboveground transformers,  
37 switching devices, pad-mounted distribution facilities, and CATV power supplies.

**38 Utility Transmission Line**

39 **A line used for electrical power transmission between utility substations and switching yards, usually at a**  
40 **voltage of 34.5 kV or greater.**

**41 Vacation**

42 The act of making legally void any right-of-way, easement, public area, or other public interest.

**1 Variance**

2 A grant of relief from the requirements, or a relaxation of the strict application of the terms of this chapter  
3 that permits construction in a manner that would otherwise be prohibited by this **title** [CHAPTER]. This  
4 definition shall not be construed to permit a use in any district which use is prohibited therein.

**5 Verification of Nonconforming Status**

6 A document issued by the municipality confirming the legal nonconforming status of a use, structure, or  
7 characteristic of use.

**8 Violator**

9 A violator of this title is a person who:

- 10 • Occupies, maintains, alters, constructs, or establishes a structure, or use of land or a structure, in  
11 violation of this title;
- 12 • Owns, controls, or has the right to control land or a structure where a structure, or use of land or a  
13 structure, is occupied, maintained, altered, constructed, or established in violation of this title; or
- 14 • As principal or agent, violates this title under section 21.13.030, *Violations*.

**15 Walkway**

16 A **stable** surface, **usually** either **paved or consisting of compacted granular fill** [IMPROVED OR NOT], for  
17 the purpose of pedestrian and other non-motorized use. **A walkway**[, WHICH] connects two points and is  
18 not aligned along a vehicular public right-of-way. **A walkway may be in a dedicated pedestrian easement.**  
19 **Examples include pedestrian linkages within one site, mid-block, between subdivisions, and leading from**  
20 **roads to public amenities such as schools or parks.**

**21 Walkway[, ] Clear Width**

22 That portion of the total width of a walkway, trail, **pathway**, or sidewalk cross-section which is  
23 unobstructed and kept clear for pedestrian movement.

**24 Walkway, Primary Pedestrian**

25 **See Primary Pedestrian Walkway** [A WALKWAY DESIGNED FOR PEDESTRIANS TO ACCESS A  
26 PRIMARY ENTRANCE TO A BUILDING FROM A RIGHT-OF-WAY.]

**27 Wall**

28 The vertical exterior surface of a building or structure, or a constructed barrier typically consisting of  
29 masonry or stone, which is also used to enclose, screen, buffer, enhance, or separate areas.

**30 Wall, Ornamental**

31 A freestanding wall that is primarily designed for its beauty or decorative purposes, although it may also  
32 serve other purposes such as a screening structure. Ornamental walls do not include smooth-faced  
33 concrete masonry units.

**34 Wall Plane**

35 **A flat or level wall surface on a building wall.**

**36 Wall Plane Projection**

37 **See Projection, Wall Plane**

**38 Wall Plane Recess**

39 **See Recess, Wall Plane**

**40 Warranty Acceptance**

41 Agreement by the municipality, at the completion of construction of a public improvement, constructed  
42 under terms of a subdivision agreement **or development agreement**, that the project is ready to be placed  
43 on warranty.

**1 Warranty Period**

2 The period for which a subdivider's warranty remains in effect under section 21.08.060, *Subdivision*  
3 *Agreements*.

**4 Water Body**

5 Any area of water with a permanent minimum surface area measured at ordinary high water of 2,500  
6 square feet, that is not actively maintained for, or constrained to, a single specific human use (e.g.,  
7 wastewater treatment pond or flood detention pond). [A POND, LAKE, OR OTHER NATURAL OR  
8 ARTIFICIAL COLLECTION OF WATER, WHETHER PERMANENT OR TEMPORARY, NOT INCLUDING  
9 WETLANDS OR WATERCOURSES.]

**10 Watercourse**

11 A natural channel or other surface pathway produced wholly or in part by the flow of surface water or that  
12 is likely to carry flows of surface water [AT OR VERY NEAR THE SURFACE], or any artificial channel or  
13 surface pathway constructed for the conveyance of surface water. Also any topographic flow line that  
14 either does, or under developed conditions is likely to, accumulate and convey storm water runoff as a  
15 concentrated flow. Also any conveyance, whether an open channel or closed conduit, constructed wholly  
16 or in part for the transport of storm water runoff. Watercourses include all surface water conveyance  
17 features and are further classified as either "streams" or "drainageways".

**18 Water-Dependent**

19 Any use or activity which can be carried out only on, in, or adjacent to water areas because the use  
20 [WHOSE PRIMARY PURPOSE] requires direct access to a water body[, OR WHICH CAN BE CARRIED  
21 OUT ON, IN OR ADJACENT TO A WATER BODY ONLY. THE ACTIVITY OR USE WOULD NOT BE  
22 POSSIBLE IF LOCATED AWAY FROM WATER SITES OR WITHOUT DIRECT WATER ACCESS].

**23 Water-Related**

24 Any use or activity which is not directly dependent upon access to a water body, but which provides  
25 goods or services that are directly associated with water dependence [OR PROVIDE DIRECT PHYSICAL  
26 OR VISUAL PUBLIC ACCESS OR USE OF THE MUNICIPAL WATERFRONT,] and which, if not located  
27 adjacent to [A] water [BODY], would result in a public loss of quality in goods or services offered [OR  
28 PUBLIC ACCESS TO THE WATERFRONT].

**29 Width**

30 When viewed from the front of an object or a three-dimensional space, the measurement from a vertical  
31 plane to another vertical plane.

**32 Window**

33 An opening in the wall of a building for admitting light to the interior, usually fitted with a frame containing  
34 panes of transparent or translucent material. A display case on an exterior wall is not a window.

**35 Window Area**

36 The exterior area of a window on a building elevation, including the window pane, muntins, sash and  
37 frame, but excluding shutters, trim (including sill, molding, and dressing), flower boxes, or other  
38 architectural features beyond the window frame and trim itself. This definition is used in provisions such  
39 as those requiring a certain percentage of the building wall area to consist of windows, or requiring a  
40 maximum portion of the window area that may be covered by a sign.

**41 Window, Providing Visual Access (or Visual Access Window)**

42 Windows that allow views between the outdoors and interior habitable space such as [INTO] working  
43 areas, lobbies, entrances, sales areas, or other public areas[, OR INDOOR MERCHANDISE DISPLAYS  
44 OR ART]. The window is transparent enough to permit [THE] views between [of] activities within a  
45 building and public space such as [FROM] nearby streets and sidewalks, and so that objects beyond or  
46 behind the window can be distinctly seen. [DISPLAY CASES LESS THAN THREE FEET DEEP AND/OR  
47 ATTACHED TO THE OUTSIDE WALL ARE NOT WINDOWS PROVIDING VISUAL ACCESS.]

1 **[ZONING BOARD OF EXAMINERS AND APPEALS**  
2 **THE ZONING BOARD OF EXAMINERS AND APPEALS OF THE MUNICIPALITY.]**

3 **Zoning District**

4 A specifically delineated area or district within which uniform standards govern the use, placement,  
5 spacing, size, and form of land and buildings.

6 **Zoning Map**

7 The map or maps that are a part of this title and that delineate the boundaries of all mapped zoning  
8 districts within the physical boundaries of the municipality.

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