

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 its land use plan map.

12 **2. Zoning Districts Established**

13 The following zoning districts are established:

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

District Type	Abbreviation	District Name
Residential Districts	R-1	Single-Family Residential
	R-1A	Single-Family Residential (larger lot)
	R-2A	Two-Family Residential (larger lot)
	R-2D	Two-Family Residential
	R-2M	Mixed Residential
	R-3	Mixed Residential
	R-4	Multifamily Residential
	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	
Commercial Districts	B-1A	Local and Neighborhood Business
	B-1B	Community 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
Industrial Districts	I-1	Light Industrial
	I-2	Heavy Industrial
	MI	Marine Industrial

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Other Districts	A	Airport
	AF	Antenna Farm
	DR	Development Reserve
	PCD	Planned Community Development
	PLI	Public Lands and Institutions
	PR	Parks and Recreation
	TA	Turnagain Arm
	TR	Transition
Overlay Zoning Districts	WS	Watershed
	AHO	Airport Height Overlay
	CCO	Commercial Center Overlay
	FHO	Flood Hazard Overlay
Girdwood Districts	Girdwood Districts are set forth in chapter 21.09, <i>Girdwood</i> .	

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3. Zoning Map

The zoning 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 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;
4. Allow for a variety of housing types that meet the diverse economic and social needs of residents;
5. Where appropriate protect the scale and character and unique appeal of existing residential neighborhoods and of community areas generally;

- 1 6. Promote new development that is compatible with surrounding development, and protect
2 residential property from excessive noise, glare, and light pollution; traffic congestion; and
3 other significant adverse effects of incompatible uses;
- 4 7. Protect residential areas from commercial and industrial hazards such as fires,
5 explosions, and toxic fumes and substances;
- 6 8. Where appropriate, minimize the location of residences in high natural hazard areas, and
7 mitigate the risk in those areas where development may be allowed;
- 8 9. Allow for appropriate public and institutional services and facilities, such as schools,
9 parks and recreation uses, religious assembly, utility substations, and
10 telecommunications and transportation infrastructure, while maintaining the residential
11 character of the district; and
- 12 10. Designate areas for residential living that support neighborhood identity and economic
13 vitality and thus give predictability to residential settings and encourage investments and
14 enhancements.

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

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

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

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

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

- 28 1. **Purpose**
29 The R-2A district is intended primarily for single- and two-family residential areas with
30 gross densities between five and seven dwelling units per acre. The minimum lot size is
31 slightly larger than the R-2D district. These areas generally are intended to have well-
32 developed infrastructure, and municipal services generally are intended to be provided.

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

- 34 1. **Purpose**
35 The R-2D district is intended primarily for single- and two-family residential areas with
36 gross densities between five and eight dwelling units per acre. These areas generally
37 are intended to have well-developed infrastructure, and municipal services generally are
38 intended to be provided.

39 **F. R-2M: Mixed Residential District**

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

1 neighborhoods or is to create a transition between single-family, two-family, and higher
2 density multifamily and mixed-use areas. The design of new development, such as
3 building scale and setbacks, parking facility size and location, and yard landscaping,
4 should be complementary to the existing neighborhood and mix of dwelling types.

5 **2. District-Specific Standards**

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

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

10 c. Multifamily buildings with four or fewer units may comply with the single-family
11 primary entrance requirements of 21.07.110E.3. in lieu of meeting the multifamily
12 primary entrance treatment requirements of 21.07.110C.7.

13 **G. R-3: Mixed Residential District**

14 **1. Purpose**

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

24 **H. R-4: Multifamily Residential District**

25 **1. Purpose**

26 The R-4 district is a multifamily medium to high density residential district. It is intended
27 primarily for multifamily and multi-story residential buildings, but also allows single-family,
28 duplex, and townhouse residential development. For multi-story buildings, the maximum
29 size of buildings and intensity of use is regulated by floor area ratio (FAR) and other site
30 development standards. Multi-story development is intended to be applied in areas well
31 served by transit and/or arterial streets, and by supportive commercial services near the
32 major commercial and employment centers in downtown and midtown. Although some
33 commercial development is allowed within a residential development, the district is
34 intended to be primarily residential. For multi-story buildings, development is intended to
35 be oriented to the sidewalk with windows, entrances, and walkways to provide strong
36 pedestrian connections to nearby services.

37 **2. District-Specific Standards**

38 **a. Allowed Commercial Uses**

39 The commercial uses listed below are allowed through the approval process
40 shown in table 21.05-1, shall only be developed in conjunction with multifamily or
41 mixed use dwellings, and are limited to five percent of the gross floor area of the
42 development on a site, or 1,500 square feet, whichever is less.

43 i. Fitness and recreational sports center;

44 ii. Restaurant;

45 iii. Convenience store;

46 iv. Grocery or food store.

- 1 **b. *Alcohol Sales Prohibited***
2 Special land use permits for alcohol shall not be authorized for uses in the R-4
3 district.
- 4 **c. *Floor Area Ratio (FAR)***
5 The maximum floor area ratio (FAR) in the R-4 district is 1.0, but may be
6 increased through the bonus provisions in subsection 21.04.020I.2.c. below.
- 7 **d. *Building Height Increase***
8 Buildings in the R-4 district may exceed the maximum height established in table
9 21.06-1, up to a maximum total height of 60 feet (or slightly more—see
10 subsection d.iv. below), subject to all of the following requirements to encourage
11 the provision of light and air at the ground level, and active uses on the ground
12 floor facing the street:
- 13 i. The development shall participate in the FAR incentives provided in
14 subsection 21.04.020I.2.c. below;
- 15 ii. The ground floor of the building shall be residential or other permitted
16 non-parking use, for at least 25 feet of depth facing the street for the full
17 length of the street facing building elevation, except for vehicle entrances
18 and exits. Where the site has two or more frontages, the standard shall
19 be met on two frontages;
- 20 iii. The height increase shall adhere to the height transitions provisions of
21 subsection 21.06.030D.8.; and
- 22 iv. A pitched roof form may extend above the 60-foot height limit, provided
23 that all parts of the roof (including any dormer features) above the height
24 limit have a slope of at least 1:2, it is not a shed or butterfly roof, and the
25 finished ceiling of the highest habitable floor area does not exceed 60
26 feet in height; and
- 27 v. Development requesting the height increase shall be subject to
28 administrative site plan review, unless a higher level of review is already
29 required.

30 **I. R-4A: Multifamily Residential Mixed-Use District**

31 **1. Purpose**

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

43 **2. District-Specific Standards**

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

45 Development in the R-4A district shall comply with the mixed-use development
46 standards in subsection 21.04.030G.6. and G.7. regarding enhanced sidewalk
47 option and building placement and orientation.

1 **b. Maintaining Residential Character**

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

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

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

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

16 (C) A conditional use permit is required for non-residential uses
17 proposed to occupy greater than 20 and less than or equal to 49
18 percent of the gross floor area of the development as depicted
19 on a site plan.

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

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

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

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

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

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

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

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

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

6 c. **Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts**

7 The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR,
8 but may be increased up to a maximum total FAR of 2.0 in the R-4 district and
9 3.0 in the R-4A district through the following bonus provisions, subject to section
10 21.06.030E. These incentives provide for an incremental increase in the floor
11 area of a development in exchange for incremental increases in any of the
12 following special features deemed of benefit to the community. Increases in the
13 FAR may be achieved through the use of one or more of the following:

14 i. **Bonus for Open Space**

15 One square foot of additional floor area is allowed per square foot of
16 additional open space area. This space shall meet the standards of
17 21.07.030D. and be in addition to any open space required by section
18 21.07.030. The floor area bonus increases to two square feet for open
19 space that meets the standards for high quality spaces in 21.07.030D.6.

20 ii. **Bonus for Below Grade Parking**

21 Two square feet of additional floor area is allowed per gross square foot
22 of covered below grade parking floor area, up to a maximum increase of
23 1.0 FAR. The floor area bonus increases to three square feet on the
24 second parking level below grade.

25 iii. **Bonus for Affordable Housing**

26 Three square feet of additional floor area is allowed per square foot of
27 affordable housing unit floor area, up to a maximum increase of 0.5 FAR.
28 The affordable housing units shall be consistent with the standards of
29 21.07.110H., *Affordable Housing*.

30 iv. **Bonus for Sidewalk/Walkway Widening**

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

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

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

41 vi. **Bonus for Ambient Daylight for Residences**

42 A floor area bonus equal to 10 percent of the lot area (0.10 FAR) but not
43 to exceed 4,000 square feet is allowed for preservation of daylight for all
44 dwellings in the development and facing the development, using the
45 standards of 21.07.110C.9.g. To receive credit, the building shall not
46 exceed a daylight plane rising up over the building at an angle of five feet
47 of run for every three feet of rise, and starting from a height of five feet
48 above finished grade at the foundation of surrounding residential
49 buildings.

- 1 **vii. *Bonus for Pedestrian-Interactive Use***
2 Three square feet of additional floor area is allowed per each square foot
3 of ground-floor space which is to be occupied by a pedestrian-interactive
4 use that meets the standards of 21.07.060F.16.
- 5 **d. *Reduced Parking Ratios***
6 Development in the R-4A district shall be eligible for a reduction of the minimum
7 number of parking spaces, as provided in 21.07.090F.6.
- 8 **e. *Building Height Increase***
9 Buildings in the R-4A district may exceed the maximum height established in
10 table 21.06-1, up to a maximum total height of 90 feet, subject to all of the
11 following conditions. These conditions encourage slender towers with
12 condensed floor plates, light and air at the pedestrian level, and active uses on
13 the ground floor facing the street:
- 14 **i. The development shall participate in the FAR incentives provided for the**
15 **R-4A district in subsection 21.04.020I.2.c. above;**
- 16 **ii. The ground floor of the building shall be residential or other permitted**
17 **non-parking use for at least 25 feet of depth facing the street for the full**
18 **length of the building, except for vehicle entrances and exits. Where the**
19 **site has two or more frontages, the standard shall be met on two**
20 **frontages;**
- 21 **iii. All floor area provided by the height increase shall be for residential**
22 **uses;**
- 23 **iv. The height increase shall adhere to the height transitions of subsection**
24 **21.06.030D.8.;**
- 25 **v. The height increase shall adhere to the applicable design standards for**
26 **tall buildings in subsection 21.07.130C.; and**
- 27 **vi. Unless a major site plan review or a conditional use is required by other**
28 **parts of this section, all developments requesting the height increase**
29 **shall be subject to administrative site plan review.**
- 30 **3. *District Location Requirement***
31 It is essential that this district be limited in extent to particular strategic locations. The
32 subject property shall be:
- 33 **a. In an area designated in the comprehensive plan for residential city center**
34 **intensity or redevelopment/mixed-use, or similar designation in a neighborhood**
35 **or district plan; and**
- 36 **b. Adjacent to or within a designated major employment center or major city center,**
37 **or on a designated transit supportive development corridor or transit route with**
38 **15-minute bus service headways; and**
- 39 **c. Concentrated as a node near the intersection of an arterial street and another**
40 **street of collector classification or greater, in a compact form limited in extent to**
41 **no more than a quarter mile between any two points on the district boundary,**
42 **unless specifically designated otherwise in an adopted neighborhood or district**
43 **plan.**

- 1 **J. 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 **K. 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 **L. 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 **M. 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 **N. 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 **O. 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. 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. Continuous retail frontages, largely
26 uninterrupted by driveways and parking, are encouraged. Uses are to be limited in
27 intensity to promote their local orientation, promote pedestrian access, reduce vehicle
28 trips, and limit adverse impacts on the surrounding area. Upper story residential uses are
29 also allowed.
- 30 2. **District-Specific Standards**
 - 31 a. **Prohibitions**
 - 32 i. Drive-throughs are allowed only on those lots with frontage on and
33 access to an arterial street.
 - 34 ii. Outdoor storage is prohibited in the B-1A district.
 - 35 iii. Nonresidential development that does not have access from a street of
36 collector class or greater on the *Official Streets and Highways Plan* shall
37 not be open to the public between 10:00 p.m. and 7:00 a.m.
 - 38 b. **Gross Floor Area Limitations**
 - 39 i. The gross floor area of each allowed non-residential use is limited to
40 5,000 square feet per use, without any review beyond that required by
41 table 21.05-1.
 - 42 ii. Gross floor area of allowed non-residential uses between 5,001 and
43 10,000 square feet may be requested through a major site plan review.

- 1 iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of grocery or
2 food stores is 20,000 square feet without any review beyond that
3 required by table 21.05-1, provided that the overall site has a floor area
4 ratio of at least 0.35.
- 5 c. **Mixed-Use Development**
6 Mixed-use development in this district shall comply with the standards of
7 subsection G. below.
- 8 **3. District Location Requirements**
9 In addition to the general rezoning criteria, the following requirements shall apply in the
10 creation or expansion of the B-1A district:
- 11 a. The minimum contiguous area for a B-1A district shall be 11,500 square feet.
- 12 b. The maximum contiguous area for a B-1A district shall be 2.0 acres.
- 13 c. The subject property shall be in an established neighborhood commercial area or
14 an area designated in the comprehensive plan for neighborhood-scale
15 commercial.
- 16 **C. B-1B: Community Business District**
- 17 1. **Purpose**
18 The B-1B district is intended for consumer-oriented business uses which serve the needs
19 of the surrounding community. The district is intended for small, compact sites at or near
20 the intersection of streets designated for collector (industrial-commercial), arterial, or
21 greater capacity on the *Official Streets and Highways Plan*.
- 22 2. **District-Specific Standards**
- 23 a. **Prohibitions**
- 24 i. Drive-throughs are allowed only on those lots with frontage on and
25 access to an arterial street.
- 26 ii. Outdoor storage is prohibited in the B-1B district.
- 27 iii. Nonresidential development that does not have access from a street of
28 collector class or greater on the *Official Streets and Highways Plan* shall
29 not be open to the public between 10:00 p.m. and 7:00 a.m.
- 30 b. **Gross Floor Area Limitations**
- 31 i. The gross floor area of each allowed nonresidential use is limited to
32 10,000 square feet per use, without any review beyond that required by
33 table 21.05-1.
- 34 ii. Gross floor area of allowed nonresidential uses between 5,001 and
35 20,000 square feet may be requested through an administrative site plan
36 review.
- 37 iii. Notwithstanding b.i. and b.ii., the maximum gross floor area of grocery or
38 food stores is 40,000 square feet without any review beyond that
39 required by table 21.05-1.
- 40 c. **Mixed-Use Development**
41 Mixed-use development in this district shall comply with the standards of
42 subsection G. below.

1 d. **Nursing Facilities**

2 Nursing facilities with up to 16 residents are a permitted use in the B-1B district.
3 Nursing facilities with more than 16 residents are allowed by conditional use
4 approval in the B-1B district.

5 3. **District Location Requirements**

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

8 a. The minimum contiguous area for a B-1B district shall be two acres.

9 b. The maximum contiguous area for a B-1B district shall be 20 acres.

10 D. **B-3: General Business District**

11 1. **Purpose**

12 The B-3 district is intended primarily for general commercial uses in commercial centers
13 and areas exposed to heavy traffic. These commercial uses are intended to be located
14 on arterials, or within commercial centers of town, and to be provided with adequate
15 public services and facilities. They are subject to the public view and should provide an
16 attractive appearance with landscaping, sufficient parking, and controlled traffic
17 movement. Environmental impacts should be minimized. Abutting residential areas
18 should be protected from potentially negative impacts associated with commercial
19 activity. While B-3 district areas shall continue to meet the need for auto-related and
20 other auto-oriented uses, it is the municipality's intent that the B-3 district also shall
21 provide for safe and convenient personal mobility in other forms. Planning and design
22 shall accommodate pedestrians and bicyclists. In addition to a wide range of commercial
23 office, retail and commercial services, other use categories such as residential and
24 community uses, and mixed-use projects, are allowed.

25 2. **District-Specific Standards**

26 a. **Residential in B-3**

27 Residential household living uses in the B-3 district shall be subject to the R-4
28 related FAR provisions in subsection 21.04.020I.2.c. The building height
29 increase of subsection 21.04.020H.2.d. is available to residential household living
30 uses in the B-3 district.

31 b. **Height Increase Permitted**

32 Buildings in the B-3 district may exceed the maximum height established for
33 areas outside of Midtown in table 21.06-2, up to a maximum height of 60 feet,
34 subject to the following:

35 i. The development shall be within an area designated by the
36 comprehensive plan as a commercial center or other type of urban
37 center above the neighborhood scale.

38 ii. The development shall be subject to administrative site plan review and
39 section 21.07.070, Neighborhood Protection.

40 c. **Conditional Height Increase**

41 Buildings in the B-3 district may exceed the height increase permitted in
42 subsection 2.b. above, up to a maximum height of 75 feet, subject to a
43 conditional use review and the following additional approval criteria:

44 i. The development is within an area designated by the comprehensive
45 plan as a commercial center, town center, or other type of urban center
46 above the neighborhood scale.

- 1 ii. The building height, massing, and intensity of use is consistent with any
2 applicable area-specific element of the comprehensive plan.
- 3 iii. The building complies with subsections 21.04.030G.2. and 3., and any
4 additional placement and orientation conditions determined by the
5 conditional use review.
- 6 d. Mixed-use development in this district shall follow the standards of subsection H.
7 below.

8 **3. District Location Requirements**

- 9 a. Establishment of the B-3 district or changes to existing B-3 district boundaries
10 shall meet the general rezoning criteria of this code and shall not be expanded
11 along street corridors or into surrounding neighborhoods unless consistent with
12 the comprehensive plan.
- 13 b. Future rezonings to B-3 shall take into consideration the desirability of B-3 being
14 located on arterials and being served with adequate public services and facilities.

15 **E. RO: Residential Office District**

16 **1. Purpose**

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

23 **2. District-Specific Standards**

24 **a. Limitations on Retail Uses**

25 Any uses allowed by table 21.05-1 and categorized by this code as
26 “entertainment and recreation,” “personal services, repair, and rental,” or “food
27 and beverage service” may be located in the RO district only within a building
28 that also contains office, health services, and/or residential uses, except that
29 “food and beverage kiosk” may be located in a stand-alone building on those lots
30 with frontage on a street of collector classification or higher. Such commercial
31 uses shall be limited to 25 percent of the gross floor area of the building. No
32 outdoor storage or merchandise display is allowed.

33 **b. Limitations on Visitor Accommodations**

34 Any uses categorized by this code as “visitor accommodations” and allowed by
35 table 21.05-1 shall comply with the multifamily residential design standards set
36 forth in subsection 21.07.110C.

37 **c. Residential in RO**

38 Residential household living uses in the RO district shall be subject to the R-4
39 related FAR provisions in subsection 21.04.020I.2.c. The building height
40 increase of subsection 21.04.020H.2.d. is available to residential household living
41 uses in the RO district.

42 **d. Conditional Building Height Increase**

43 Buildings with nonresidential or group living uses in the RO district may exceed
44 the maximum height established in table 21.06-2, up to a maximum total height
45 of 65 feet, subject to a conditional use review and the following additional
46 approval criteria:

- 1 i. The property is located in a major employment center designated in the
2 comprehensive plan for Downtown, Midtown, or the U-Med District;
- 3 ii. The proposed building height, massing, and intensity of use is consistent
4 with the neighborhood- or district-specific comprehensive plan element
5 applicable to the area;
- 6 iii. The property is not adjacent to any residential district other than the R-4
7 or R-4A districts; and
- 8 iv. The property is not adjacent to any property designated for medium
9 density or lower density residential uses in the comprehensive plan.

10 **3. District Location Requirements**

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

- 13 a. New RO zones shall be located in areas intended principally for low-intensity
14 office uses, or in locations where the development buffers residential
15 neighborhoods from heavy volumes of traffic or more intense commercial retail
16 activity.
- 17 b. Where a new or enlarged RO district is adjacent to existing residentially zoned
18 areas, adequate area shall be provided for buffering or other site design
19 requirements necessary to achieve compatibility.
- 20 c. The RO district shall not be located in or expand into areas that are designated
21 residential in the comprehensive plan.

22 **F. MC: Marine Commercial District**

23 **1. Purpose**

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

28 **2. District-Specific Standards**

29 Applicants for allowed uses as listed in table 21.05-1 shall demonstrate, to the
30 satisfaction of the director, that they are water-dependent and/or water-related, before
31 applying for any required permits or entitlements.

32 **G. Standards for Mixed-Use Development in the B-1A and B-1B Districts**

33 **1. Applicability**

34 This section applies to developments that create a mix of residential with commercial or
35 public/institutional primary uses in the B-1A and B-1B districts.

36 **2. Maximum Residential Use**

37 An administrative site plan review is required if residential uses occupy greater than 50
38 percent of the gross floor area of the development as depicted on a site plan. In no event
39 shall the residential use occupy more than 65 percent in the B-1A district.

40 **3. Floor Area Ratio (FAR) Incentives**

41 Floor area ratio (FAR) incentives are offered to encourage residential development and
42 other features of benefit to the public in mixed-use development. Mixed-use
43 developments may have a floor area ratio of up to 0.5 in the B-1A and B-1B districts and
44 up to 1.0 in the B-3 district by-right. This may be increased by up to two times through the
45 following provisions, subject to section 21.06.030C. These incentives provide for an

1 incremental increase in the floor area of a development in exchange for increases in one
2 or more of the following special features:

3 **a. Bonus for Housing**

4 Two square feet of additional floor area is allowed per gross square foot of
5 housing unit floor area, up to a maximum increase of 0.5 far.

6 **b. Bonus for Open Space**

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

12 **c. Bonus for Below Grade Parking**

13 Two square feet of additional floor area is allowed per gross square foot of below
14 grade parking floor area, up to a maximum increase of 0.5 FAR. The floor area
15 bonus increases to three square feet on the second parking level below grade.

16 **d. Bonus for Affordable Housing**

17 Three square feet of additional floor area is allowed per square foot of affordable
18 housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable
19 housing units shall be consistent with the standards of 21.07.110H., *Affordable*
20 *Housing*. A housing unit receives this affordable housing bonus instead of the
21 housing bonus in subsection 3.a. above.

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

23 One square foot of additional floor area is allowed per square foot of area
24 provided as part of a primary pedestrian walkway that meets the requirements of
25 21.07.060F.4.

26 **f. Bonus for Pedestrian-Interactive Use**

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

30 **g. Bonus for Upper Level Setbacks/Step Backs for Sunlight Access**

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

37 **4. Building Height Increase**

38 Buildings may exceed the district height limits established in table 21.06-2, up to a
39 maximum total height of 35 feet in the B-1A district and 45 feet in the B-1B district,
40 subject to the following:

41 **a.** The development shall participate in at least one of the FAR incentives provided
42 in subsection G.3. above;

43 **b.** The full length of the street facing building elevation shall be a residential or
44 commercial use with habitable floor area, except for vehicle and pedestrian
45 entrances and exits. If a site has more than two street frontages, this
46 requirement shall apply to building elevations on only two frontages;

- 1 c. The development shall be subject to administrative site plan review, unless a
2 higher level of review is already required;
- 3 d. All floor area provided by the height increase shall be for residential uses or for
4 uses that only serve the residents of the building; and
- 5 e. This height increase shall not be used in conjunction with section 21.06.030D.,
6 *Height Adjustments*, to achieve more than 35 feet of building height in the B-1A
7 district.

8 **5. Reduced Parking Ratios**
9 The development is eligible for a reduction of up to five percent of the minimum number
10 of parking spaces, as provided in section 21.07.090F.6.

11 **6. Enhanced Sidewalk Option**
12 An enhanced sidewalk environment may be provided in lieu of required sidewalks and
13 site perimeter landscaping, as provided in 21.07.060F.17.

14 **7. Building Placement and Orientation**
15 Buildings should be placed and oriented to the street, lining sidewalks and public spaces
16 with frequent shops, entrances, windows with interior views, and articulated ground-level
17 facades. The following standards apply:

18 a. Buildings shall comply with the additional window area building orientation menu
19 choice in section 21.07.120E.4.b.vii.;

20 b. Building primary entrances shall be visible from the street, or comply with the
21 street oriented entrances or prominent entrance feature building orientation menu
22 choices of section 21.07.120E.4.b.; and

23 c. Buildings shall comply with the maximum setbacks established in 21.06.020,
24 *Tables of Dimensional Standards*, and 21.06.030C.5.

25 **H. Standards for Mixed-Use Development in the B-3 District**

26 **1. Applicability**
27 This section applies to developments that create a mix of residential with commercial or
28 public/institutional primary uses in the B-3 district.

29 **2. Floor Area Ratio (FAR) Incentives**
30 a. The floor area ratio (FAR) and bonus provisions set out in subsection G.3. above
31 apply.
32 b. In addition to the bonus features available in subsection G.3. above, a floor area
33 bonus equal to ten percent of the lot area (0.10 FAR), but in no case to exceed
34 10,000 square feet, is allowed if a wind tunnel test is performed and the wind
35 speed criteria meeting the specifications of subsection 21.07.130C. are
36 incorporated into the design of a multistory building development to improve
37 microclimatic conditions.

38 **3. Building Placement and Orientation**
39 Buildings are subject to the building placement and orientation standards for mixed-use
40 development in the B-1A/B-1B districts in section 21.04.030G.7. above.

41 **4. Reduced Parking Ratios**
42 The development is eligible for a reduction of up to five percent of the minimum number
43 of parking spaces, as provided in section 21.07.090F.6.

1 **5. Enhanced Sidewalk Option**

2 An enhanced sidewalk environment may be provided in lieu of required sidewalks and
3 site perimeter landscaping, as provided in 21.07.060F.17.

4 **21.04.040 DOWNTOWN DISTRICTS**

5 New downtown districts will be adopted separately through the preparation of updated land use
6 regulations specific to downtown, as indicated in the *Anchorage Downtown Comprehensive Plan*. Until
7 the new downtown districts are implemented, all areas located in the B-2A, B-2B, and B-2C districts shall
8 remain subject to the title 21 land use regulations that existed prior to the implementation of the Title 21
9 Rewrite Project (2002-2012) and were current as of [day before effective date].

10 **A. DT-1: Downtown Core**

11 [RESERVED]

12 **B. DT-2: Downtown Mixed-Use**

13 [RESERVED]

14 **C. DT-3: Downtown Mixed-Use Residential**

15 [RESERVED]

16 **21.04.050 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 other uses that
34 support and/or are compatible with industrial uses. Business-industrial parks and single-
35 commodity bulk retail sales and building supply stores and services are allowed. Many
36 commercial uses are also permitted and/or conditionally allowed, with some limitations on
37 the more intensive customer retail, community service, and commercial employment
38 establishments, to reduce land use and traffic conflicts, promote efficient use of industrial
39 lands, and encourage the location of intensive commercial activities in commercial
40 centers. This district is applied in areas designated as industrial/commercial by the
41 comprehensive plan.

C. I-2: Heavy Industrial District

1. Purpose

The I-2 district is intended primarily as an industrial activity area and reserve for public and private heavy manufacturing, warehousing and distribution, equipment and materials storage, vehicle and equipment repair, major freight terminals, waste and salvage, resource extraction and processing, and other related uses. Some commercial uses, that support or are compatible with industrial uses, are also permitted or conditionally allowed. Non-industrial uses are more limited than in other districts, to prevent land use and traffic conflicts, retain a preserve of activities that is supportive of industrial establishments, and to maintain and protect the supply of industrial lands within the municipality. This district is applied to areas designated as industrial/industrial reserve by the comprehensive plan.

2. District-Specific Standards

a. I-2 zoned lands along the C Street corridor right-of-way south of 96th Avenue, which are located in the “interim existing allowed use area” depicted in figure 1, shall remain, with regard to what uses are allowed, subject to the title 21 land use regulations that existed prior to the implementation of the Title 21 Rewrite Project (2002-2012) and were current as of December 31, 2013, until the updated Anchorage Bowl Land Use Plan Map or an area-specific land use plan is adopted which reclassifies areas which are appropriate for rezoning to a commercial district.

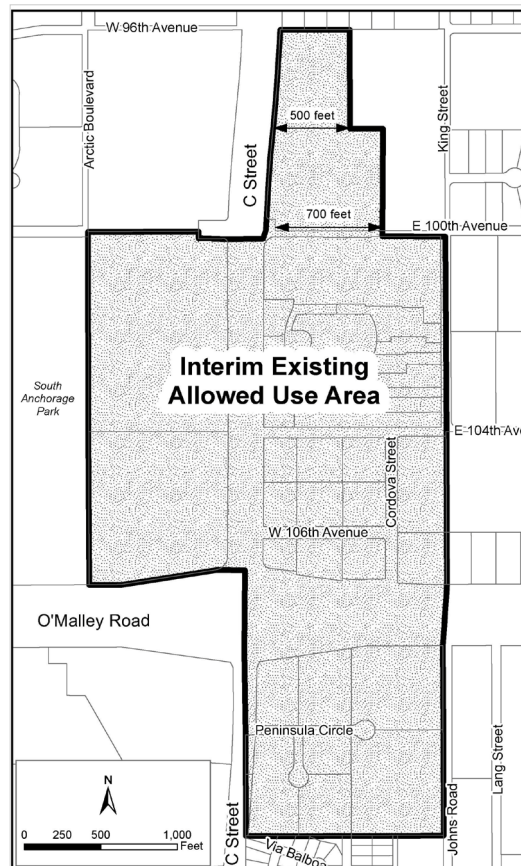


Figure 21.04-1

b. Notwithstanding the allowed uses in the I-2 district in table 21.05-1, all commercial and community uses that are permitted in the I-1 district in table 21.05-1 shall also be permitted in the I-2 district, by the same approval method,

1 until the updated Anchorage Bowl Land Use Plan Map or an area-specific land
2 use plan is adopted which examines industrial land use designations.

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 21.05-1 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 **21.04.060 OTHER DISTRICTS**

13 **A. A: Airport District**

14 An airport zoning district will be adopted separately through the preparation of updated land use
15 regulations specific to airport lands and development, as indicated in the *West Anchorage District*
16 *Plan*. Until an airport district is implemented and airport lands rezoned, all areas within the
17 property boundaries of the Ted Stevens Anchorage International Airport shall remain subject to
18 the title 21 land use regulations that existed prior to the implementation of the Title 21 Rewrite
19 Project (2002-2012) and were current as of [day before effective date].

20 **B. AF: Antenna Farm District**

21 **1. Purpose**

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

25 **2. District-Specific Standards**

26 The planning and zoning commission and the assembly shall consider the following
27 factors when deciding on a request to rezone to the AF district:

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

34 **C. DR: Development Reserve District**

35 **1. Purpose**

36 The DR district may be applied to lands intended for future development, undesignated
37 municipally owned lands, municipal and state tidelands and waters, and military lands.
38 Large-lot single-family residential is allowed by-right, along with limited public and
39 institutional uses; see the use tables in chapter 21.05 for specific allowed uses. Joint
40 Base Elmendorf-Richardson uses, activities, and developments are not subject to the
41 municipal land use regulations including the DR district use limitations.

1 **D. PCD: Planned Community Development District**

2 **1. Purpose**

3 The planned community development district (PCD) is intended to accommodate large-
4 scale acreage for residential, commercial, industrial, or other land use developments and
5 activities, including combinations of uses. It allows for flexibility under controlled
6 conditions not possible with the other defined districts. The flexibility permitted must
7 demonstrate that the final development will be compatible with the intents and purposes
8 of this title and the goals and policies of the comprehensive plan, and do not compromise
9 public health, safety, and welfare. A PCD should include design features to ensure that
10 the PCD is integrated with the surrounding neighborhood through features such as
11 transition densities, external boundary buffering, and pedestrian and street connectivity.
12 The PCD district is limited to unified, comprehensive planned developments which are of
13 substantial public benefit, consistent with the holding capacity of the land, and conform
14 with and enhance the policies of the comprehensive plan.

15 **2. Application**

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

17 **3. Record-Keeping**

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

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

21 **1. Purpose**

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

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

25 **1. Purpose**

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

28 **2. District-Specific Standards**

29 Recreational areas developed for spectator sports, such as soccer and softball fields,
30 shall have L2 buffer landscaping between such areas and abutting residential uses.

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

32 **1. Purpose**

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

43 **2. District-Specific Standards**

44 **a. Permitted Uses**

- 45 **i.** Residential and accessory uses and structures that conform to the
46 *Turnagain Arm Comprehensive Plan*.

- 1 ii. Commercial structures under 4,000 square feet in gross building area in
2 areas designated “Turnagain mixed use” in the *Turnagain Arm*
3 *Comprehensive Plan*.
- 4 iii. Non-structural commercial uses occupying an area of 14,400 square feet
5 or less in areas designated “Turnagain mixed use” in the *Turnagain Arm*
6 *Comprehensive Area Plan*.
- 7 iv. Industrial uses and structures in areas designated “industrial” in the
8 *Turnagain Arm Comprehensive Plan*.
- 9 v. Institutional uses and structures under 4,000 square feet in gross
10 building area in areas designated “community facility” in the *Turnagain*
11 *Arm Comprehensive Plan*.
- 12 vi. Traditional homestead uses and activities in areas designated “rural
13 homestead” in the *Turnagain Arm Comprehensive Plan*.
- 14 **b. Conditional Uses**
15 Any use or structure that does not meet the requirements for a permitted use
16 above, may be allowed through the issuance of a conditional use approval
17 subject to the requirements of section 21.03.080, *Conditional Uses*, and the
18 following additional approval criteria:
- 19 i. Conforms to the goals and policies of the *Turnagain Arm Comprehensive*
20 *Plan*;
- 21 ii. Protects the unique scenic and environmental features of the area; and
- 22 iii. Minimizes impacts to adjacent properties, particularly those adjacent
23 properties in a different land use category.
- 24 **c. Number of Structures Allowed**
25 Only one principal structure is allowed per lot, unless a conditional use approval
26 is obtained for additional principal structures.

27 **H. TR: Transition District**

28 The transition district, developed in the 1960s as the unrestricted district (U), was originally
29 intended for areas that were not expected to develop in the immediate future, and as
30 development patterns occurred, were intended to be rezoned to more restrictive zoning
31 classifications.

32 Parcels zoned transition (T) as of [effective date] shall continue under the transition zoning
33 provisions of the title 21 land use regulations that existed prior to the implementation of the Title
34 21 Rewrite Project (2002-2012) and were current as of December 31, 2013, until such time as
35 they are rezoned to a more appropriate classification.

36 Where the transition-zoned areas are identified in the comprehensive plan as “Development
37 Reserve” or some similar holding classification, the intent of this code is that such areas be
38 rezoned into the development reserve district (DR).

39 **I. WS: Watershed District**

40 **1. Purpose**

41 The WS district is intended to preserve and protect the potable water reserves available
42 to the municipality in the Chugach range. The major responsibility in the management of
43 watershed areas is the control of factors that may contaminate or pollute the water.

1 Agricultural, residential, commercial, industrial, or other urban land uses are incompatible
2 with the concept of watershed conservation.

3 **2. District-Specific Standard**

4 All uses of land within the watershed district permitted by table 21.05-1 shall be subject to
5 the provisions of section 21.07.040, *Drainage, Storm Water Treatment, Erosion Control,*
6 *and Prohibited Discharges.*

7 **21.04.070 OVERLAY ZONING DISTRICTS**

8 **A. General Purpose/Intent**

9 As noted in subsection 21.04.010B., the overlay zoning districts of this section apply in
10 combination with the underlying base zoning districts and impose regulations and standards for
11 specific areas in addition to what is required by the base districts. The requirements of an overlay
12 district shall apply whenever they are in conflict with those in the base district. The following
13 overlay districts are established:

- 14 1. Airport height overlay district;
- 15 2. Commercial center overly district; and
- 16 3. Flood hazard overlay district.

17 **B. Creation, Alteration, or Elimination of Overlay Districts**

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

20 **C. AHO: Airport Height Overlay District**

21 **1. Purpose**

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

25 **2. Specific Airport Height Maps Adopted**

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

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

36 **3. Establishment or Modification**

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

- 40 a. The owner or manager of any airport may prepare an airport height map in
41 accordance with the provisions of this subsection and the stipulations of FAR part
42 77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25. The owner or

1 manager of a governmentally operated airport shall prepare and maintain an
2 airport height map in accordance with FAR part 77, subpart C, paragraph 77.25.
3 The map shall be filed with the department.

- 4 **b.** The map shall be to scale and shall accurately reference the following:
- 5 **i.** Existing subdivisions.
- 6 **ii.** Current zoning districts.
- 7 **iii.** Major reference points in the vicinity of the airstrip or airport.
- 8 **iv.** Existing topography, if available.
- 9 **v.** The airport elevation that shall be the official elevation of the airport or
10 airstrip upon approval of the map.
- 11 **c.** The map required by paragraph a. above, shall accurately depict airspace zones
12 as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical
13 increments. Before submission to the Department the map shall be certified by
14 the Federal Aviation Administration that it depicts the requirements of FAR part
15 77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in
16 any way from the requirements of the FAR, each such deviation shall be
17 indicated in writing on the map and shall be accompanied by a letter of
18 nonobjection by the Federal Aviation Administration. Any such deviation is
19 subject to approval of the department.
- 20 **d.** Before submission to the department any optional map depicting airspace zones
21 provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must
22 be certified by the Federal Aviation Administration indicating that it accurately
23 depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or
24 77.23(A)(3).

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

26 Notwithstanding the height limitations in section 21.06.020, *Dimensional Standards*
27 *Tables*, and in section 21.09.060B., *Dimensional Standards Tables* (Girdwood), all
28 development within the airport height overlay district shall comply with the following
29 height limitations:

- 30 **a.** No structure shall be constructed or maintained so that it exceeds the greater of:
- 31 **i.** Thirty-five feet above ground elevation; or
- 32 **ii.** The maximum height permitted under FAR part 77, subpart C, as
33 depicted on any airport height zone map adopted under section
34 21.04.080.C., *Airport Height Overlay District*.
- 35 **b.** Any structure within three nautical miles of an airport reference point established
36 by federal regulation, the height of which exceeds the level of that reference point
37 by more than 200 feet, shall present to the building official the results of an
38 airspace determination conducted by the Federal Aviation Administration
39 pursuant to its regulations.
- 40 **c.** The height restrictions of this district do not apply to buildings for which building
41 or land use permits were issued prior to June 17, 1986.
- 42 **d.** Vegetation shall not be affected by the height limitation of this section.

1 **D. Commercial Center Overlay**

2 **1. Purpose**

3 This is a zoning tool to make the provisions and incentives of sections 21.04.030G. and
4 H. available to all uses and establishments within a participating commercial area in the
5 B-1A, B-1B, and B-3 districts. This tool increases the variety of development
6 opportunities by enabling different uses, functions, and scales of development to interact
7 together, through a shared set of standards that encourage improvements towards a
8 more vibrant, cohesive center.

9 This overlay is to be applied only in commercial centers identified in the comprehensive
10 plan, such as in a neighborhood or district plan identifying a neighborhood center or
11 larger center. An organization or group of property owners choose to take advantage of
12 these provisions.

13 Making these incentives available to all uses within a defined area strengthens the city's
14 economic base by encouraging more commercial growth and efficient use of existing
15 infrastructure and land supply, in specified urban centers. It provides employment
16 opportunities and services closer to home and reduces vehicle miles travelled in the
17 surrounding area; and encourages enhanced connections and access among different
18 uses and to adjacent neighborhoods.

19 **2. Applicability**

20 **a.** This section applies to all uses in a B-1A, B-1B, or B-3 district that are within
21 boundaries of the commercial center overlay.

22 **b.** Uses in the I-1 or I-2 district located in commercial centers identified in the
23 comprehensive plan may also be a part of a commercial center overlay, under
24 the conditions that apply to the B-3 district. I-1 and I-2 properties in the
25 commercial center overlay are subject to the land use regulations applicable to
26 the B-3 district, including for example allowed uses and dimensional and
27 development standards, except where in conflict with the provisions of this
28 overlay.

29 **3. Provisions of Sections 21.04.030G. and H. Apply Generally**

30 The commercial center overlay district does not require developments to be mixed-use or
31 include residences. The provisions of sections 21.04.030G. and H. apply generally to all
32 uses in their respective B-1A, B-1B, or B-3 districts, except as provided otherwise below.

33 **4. Reduced Parking Ratios**

34 Instead of the five percent reduction provided in sections 21.04.030G. and H., any use is
35 eligible for a reduction of up to 10 percent of the minimum number of parking spaces, as
36 provided in section 21.07.090F.6.

37 **5. Uses Prohibited**

38 Notwithstanding table 21.05-1, the following uses are prohibited: self-storage facilities,
39 vehicle sales and rentals, major vehicle service and repair, data processing facilities;
40 commercial food production, and snow disposal sites.

41 **6. Dimensional Standards**

42 **a.** The minimum front setback is reduced to five feet for building elevations that
43 comply with 21.04.030G.7., *Building Placement and Orientation*.

44 **b.** Uses in the B-1B district are exempt from the gross floor area limitations of
45 section 21.04.030C.2.b., provided that an individual use occupies no more than
46 60,000 square feet of gross floor area.

- 1 **7. Building Entrances**
2 **a.** Buildings located at or within the maximum setback line shall have at least one
3 primary entrance located within 20 feet of the maximum setback line.
- 4 **b.** Buildings not located at the maximum setback line shall have at least one
5 primary entrance located within 20 feet of a public right-of-way, a primary
6 circulation drive, or a primary pedestrian walkway.
- 7 **8. Sidewalks and Walkways**
8 Sidewalks and walkways extending along public streets, primary circulation drives, or
9 commercial building storefronts shall have an unobstructed clear width of at least six feet.
- 10 **E. FHO: Flood Hazard Overlay District**
- 11 **1. Purpose and Intent**
12 The purpose of the flood hazard overlay district is to promote the public health, safety,
13 and general welfare, and to minimize loss due to flood. The provisions of this section are
14 intended to be an addition to all other land use regulations and to:
- 15 **a.** Restrict or prohibit uses and structures that are dangerous to health, safety, or
16 property in time of flood, or that cause increased flood heights or velocities;
- 17 **b.** Require that uses vulnerable to floods, including public facilities that serve such
18 uses, be provided with flood protection or flood proofing at the time of initial
19 construction;
- 20 **c.** Minimize the need for rescue and relief efforts associated with flooding and
21 generally undertaken at the expense of the general public;
- 22 **d.** Minimize prolonged business interruptions;
- 23 **e.** Minimize damages to public facilities and utilities such as water and gas mains,
24 electric, telephone and sewer lines, streets and bridges located in areas of flood
25 hazard;
- 26 **f.** Help maintain a stable tax base by providing for the sound use and development
27 of areas of flood hazard so as to minimize future flood blight areas;
- 28 **g.** Ensure that potential buyers are notified that property is in an area of flood
29 hazard; and
- 30 **h.** Ensure that those who occupy the areas of flood hazard assume responsibility
31 for their actions.
- 32 **2. Notice**
33 Property owners affected by changes to the boundaries of the flood hazard area or by
34 changes in the base flood elevations shall be noticed by mail.
- 35 **3. Interpretation of Section; Disclaimer of Liability**
36 **a.** In the interpretation and application of this section, all provisions shall be:
- 37 **i.** Considered as minimum requirements;
- 38 **ii.** Liberally construed in favor of the governing body; and
- 39 **iii.** Deemed neither to limit nor repeal any other powers granted under state
40 statutes.

- 1 **b.** The degree of flood protection required by this section is considered reasonable
2 for regulatory purposes and is based on scientific and engineering
3 considerations. Larger floods can and will occur on rare occasions. Flood
4 heights may be increased by manmade or natural causes. This section does not
5 imply that land outside the areas of flood hazard or uses permitted within such
6 area will be free from flooding or flood damages. This section shall not create
7 liability on the part of the municipality, any officer or employee thereof, or the
8 Federal Insurance Administration for any flood damages that result from reliance
9 on this section or any administrative decision lawfully made thereunder.

10 **4. Creation of Flood Hazard Overlay District; Official Flood Hazard Reports and Maps**

11 **a. Creation of District; Adoption of Reports and Maps**

12 There is hereby created a flood hazard overlay district. This district shall be
13 defined in its territorial extent by the following reports and maps:

- 14 **i.** Flood insurance study for the municipality of Anchorage, prepared by the
15 Federal Insurance Administration, Federal Emergency Management
16 Agency (FEMA).
- 17 **ii.** Flood insurance rate map (FIRM) prepared by the Federal Insurance
18 Administration, FEMA, including the current digital flood insurance rate
19 map (DFIRM) prepared by the Federal Insurance Administration.
- 20 **iii.** Flood boundary and floodway map, prepared by the Federal Insurance
21 Administration, FEMA, including the current digital flood boundary and
22 floodway map prepared by the Federal Insurance Administration.
- 23 **iv.** Flood hazard boundary map (FHBM), prepared by the Federal Insurance
24 Administration, FEMA, including the current digital flood hazard boundary
25 map (DFHBM) prepared by the Federal Insurance Administration.

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

33 **b. Flood Hazard Areas**

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

- 35 **i.** Areas within the limit of the boundary of the base flood;
- 36 **ii.** Areas within the highest extreme tide;
- 37 **iii.** Areas covered in flood hazard studies prepared for the public works
38 department that supplement the information prepared by FEMA; and
- 39 **iv.** The stream setback area defined in subsection 21.07.020B.4.

40 **c. Review of Maps**

41 As necessitated by FEMA or the municipal engineer, the flood hazard district
42 maps will be reviewed. The review may be conducted by the municipality, the
43 U.S. corps of engineers, or the Federal Insurance Administration, and any new
44 map panels or restudies affecting the boundaries of the flood hazard district,
45 floodway, or floodway fringe area shall then be submitted to the planning and

1 zoning commission for a recommendation and assembly for final adoption as part
2 of this chapter.

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

4 The boundaries of the flood hazard areas established by this chapter shall be
5 determined from the cited maps and reports. Where interpretation is needed as
6 to the exact location of the boundaries, the public works department, upon advice
7 from the U.S. corps of engineers or FEMA, shall make the necessary
8 interpretation.

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

10 **a. Applicability**

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

13 **b. Prohibited Development**

14 i. Any encroachments, new construction, fill, obstructions, substantial
15 improvements and other development or action within the regulatory
16 floodway that would result in any increase in flood levels during the
17 occurrence of a base flood are prohibited.

18 ii. Critical facilities shall not be located in the flood hazard area. For the
19 purposes of this subsection only, critical facilities are defined as fire
20 stations, police stations, hospitals, emergency shelters, schools, and
21 emergency operations centers.

22 **c. Standards for Issuance of Building or Land Use Permit**

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

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

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

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

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

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

- 1 (C) Adequate drainage, as required by the *Design Criteria Manual*
2 (current approved edition), is provided to reduce exposure to
3 flood hazards. The actions of one project shall not adversely
4 impact the receiving waters and the rights of other property
5 owners, as measured by increased flood peaks, flood stage,
6 flood erosion, and sedimentation through storm waters or
7 drainage systems; and
- 8 (D) Base flood elevation data has been provided for subdivision
9 proposals and other proposed development that contains at least
10 50 lots or five acres, whichever is fewer.
- 11 iv. Construction within floodplains shall require that new and replacement
12 water supply systems be designed to minimize or eliminate infiltration of
13 floodwaters into the systems.
- 14 v. Construction within floodplains shall require that:
- 15 (A) New and replacement sewage systems shall be designed to
16 minimize or eliminate infiltration of floodwaters into the systems
17 and discharges from the systems into floodwaters; and
- 18 (B) On-site waste disposal systems to be located to avoid
19 impairment to them or contamination from them during flooding.
- 20 d. **Storage of Materials or Equipment in the Floodplain**
21 The storage or processing of equipment or materials that are buoyant,
22 flammable, explosive or injurious to safety, or which would cause a violation of
23 state water quality standards upon contact with water, are prohibited in the
24 floodplain.
- 25 6. **Regulations Applicable to Subdistricts**
26 a. **Floodway Area**
27 Since the floodway is an extremely hazardous area due to the velocity of
28 floodwaters, which carry debris and potential projectiles and have erosion
29 potential, the following provisions apply:
- 30 i. Permitted uses and structures are parks, parkways, greenbelts, land
31 reserves, golf courses, playgrounds, playfields, and related facilities.
- 32 ii. Permitted accessory uses and structures are picnic tables, playground
33 equipment, outdoor cooking facilities and like structures.
- 34 iii. The following structures and activities are permitted only by flood hazard
35 permit including certification by a registered professional engineer
36 demonstrating that such encroachments shall not result in any increase
37 in flood levels during the occurrence of the base flood discharge or result
38 in violation of the state water quality standards: excavation of sand,
39 gravel and other natural resources, railroad and tramway tracks, streets,
40 bridges, utility installations and pipelines, storage yards for equipment
41 and materials, commercial farming, and land reclamation.
- 42 iv. The following uses are prohibited: landfills, storage yards containing
43 hazardous materials (as defined by the EPA), encroachments not
44 otherwise excepted in this section, including fill, new construction,
45 substantial improvements and other development.

1 **b. Floodway Fringe Area**

2 The regulations listed in this subsection are applicable to the floodway fringe
3 area:

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

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

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

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

17 **7. Construction Requirements**

18 **a. Generally**

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

22 i. The lowest floor, including basement or crawl space, of residential
23 structures shall be elevated to at least one foot above the base flood
24 level. Within the structure, attendant utility and sanitary facilities shall be
25 elevated to at least one foot above the base flood or completely
26 floodproofed.

27 ii. The lowest floor, including basement, of nonresidential structures shall
28 be elevated to at least one foot above the base flood level, unless the
29 structure, with all utility and sanitary facilities, is designed so that below
30 base flood level the structure is watertight with walls substantially
31 impermeable to the passage of water and so that it is capable of resisting
32 hydrostatic and hydrodynamic loads and effects of buoyancy.

33 iii. All fully enclosed areas below the lowest floor that are usable solely for
34 parking, building access, or storage in an area other than a basement or
35 crawl space shall have a minimum of two openings having a total net
36 area of not less than one square inch for every square foot of enclosed
37 area according to FEMA specifications. The bottom of all openings shall
38 be no higher than one foot above grade. Openings may be equipped
39 with screens, louvers or other coverings or devices provided that they
40 permit the automatic entry and exit of floodwaters.

41 iv. Where floodproofing is utilized a registered professional engineer or
42 architect shall certify that the floodproofing methods are adequate.

43 v. For new manufactured home parks and manufactured home
44 subdivisions; for expansions to existing manufactured home parks and
45 manufactured home subdivisions; for existing manufactured home parks
46 and manufactured home subdivisions where the repair, reconstruction or
47 improvement of the streets, utilities and pads equals or exceeds 50
48 percent of value of the streets, utilities and pads before the repair,

- 1 reconstruction or improvement has commenced; and for manufactured
2 homes not placed in a manufactured home park or manufactured home
3 subdivision, require that the repair, and on all property not within a
4 manufactured home park or subdivision stands or lots are elevated on
5 compacted fill or on pilings so that:
- 6 (A) The lowest floor of each manufactured home must be at least
7 one foot above the base flood level.
 - 8 (B) Adequate surface drainage and access for a hauler must be
9 provided.
 - 10 (C) For manufactured homes placed on pilings, pilings must be
11 stable and no more than ten feet apart and reinforced if more
12 than six feet above the ground level.
 - 13 (D) Lots must be large enough to permit steps.
- 14 vi. All manufactured homes to be placed or substantially improved shall be
15 elevated on a permanent foundation such that the lowest floor of the
16 manufactured home is at least one foot above the base flood elevation,
17 and be securely anchored to an adequately anchored foundation system.
- 18 vii. All manufactured homes must likewise be anchored to prevent flotation,
19 collapse or lateral movement, and shall be installed using methods and
20 practices that minimize flood damage. Anchoring methods may include
21 but are not limited to use of over-the-top or frame ties to ground anchors.
- 22 b. **Standards for Shallow Flood Areas (AO Zones)**
23 Shallow flooding areas appear on the flood insurance rate maps as AO zones
24 with depth designations. The base flood depths in these zones range from one
25 to three feet where a clearly defined channel does not exist, or where the path of
26 flooding is unpredictable and where velocity flow may be evident. Such flooding
27 is usually characterized as sheet flow. In these areas, the following provisions
28 apply:
- 29 i. New construction and substantial improvements of residential structures
30 within AO zones shall have the lowest floor, including basement or crawl
31 space, elevated above the highest adjacent grade of the building site, to
32 at least one foot above the depth number specified on the flood
33 insurance rate map (at least two feet if no depth number is specified).
 - 34 ii. New construction and substantial improvements of nonresidential
35 structures within AO zones shall either:
 - 36 (A) Have the lowest floor, including basement, elevated above the
37 highest adjacent grade of the building site, to at least one foot
38 above the depth number specified on the flood insurance rate
39 map (at least two feet if no depth number is specified); or
 - 40 (B) Together with attendant utility and sanitary facilities, be
41 completely floodproofed to or above that level so that any space
42 below that level is watertight with walls substantially
43 impermeable to the passage of water and with structural
44 components having the capability of resisting hydrostatic and
45 hydrodynamic loads and effects of buoyancy. If this method is
46 used, compliance shall be certified by a registered professional
47 engineer or architect.

- 1 iii. Adequate drainage paths are required around structures on slopes to
2 guide floodwaters around and away from proposed structures.
- 3 **8. Flood Hazard Permit**
- 4 **a. Required**
- 5 No person shall engage in development within the flood hazard overlay district
6 unless a flood hazard permit is first issued, pursuant to section 21.03.090, *Flood*
7 *Hazard Permits*.
- 8 **b. Conditions**
- 9 Special conditions may be attached as a condition to the issuance of a flood
10 hazard permit. Conditions shall include any floodproofing measures deemed
11 necessary by the issuing official to further the purposes of this chapter.
12 Floodproofing measures may include requirements that:
- 13 i. The finished surface of the first or main floor shall be at least one foot
14 above the level of the regulatory flood protection elevation.
- 15 ii. Structures or uses below the level of the regulatory flood shall be
16 restricted to those not involving habitual human habitation, such as
17 working space, living space, sleeping space, etc.
- 18 iii. The anchorage shall be suitable to resist flotation and lateral movement.
- 19 iv. For all construction and substantial improvements, fully enclosed areas
20 below the lowest floor that are subject to flooding shall be designed to
21 automatically equalize hydrostatic flood forces on exterior walls by
22 allowing for the entry and exits of floodwaters. Designs for meeting this
23 requirement must either be certified by a registered professional
24 engineer or architect or must meet or exceed the following minimum
25 criteria: A minimum of two openings having a total net area of not less
26 than one square inch for every square foot of enclosed area subject to
27 flooding shall be provided to FEMA specifications. The bottom of all
28 openings shall be no higher than one foot above grade. Openings may
29 be equipped with screens, louvers or other coverings or devices provided
30 that they permit the automatic entry and exits of floodwaters.
- 31 v. All areas below the level of the regulatory flood protection levels shall be
32 coated with paint, membranes, or mortars substantially impermeable to
33 the passage of water.
- 34 vi. Water supply and waste treatment systems must prevent infiltration of
35 water.
- 36 vii. All interior drains must be connected to the sanitary sewer system.
- 37 **9. Nonconforming Uses**
- 38 A structure or the use of a structure or premises located within the flood hazard overlay
39 district that was lawful before the original passage of applicable regulations, but that is
40 not in conformity of the provisions of such regulations, may be continued subject to the
41 following conditions:
- 42 a. No such use shall be expanded, changed, enlarged, or altered in any way which
43 increases its nonconformity with respect to the provisions of this chapter.
- 44 b. If such use is discontinued for 12 consecutive months, any future use of the
45 structure or premises shall conform to this chapter.

1 c. Uses or adjuncts thereof which are or have become nuisances shall not be
2 entitled to continuance as nonconforming uses.

3 d. Any permitted alteration, addition, or repair to any nonconforming structure the
4 cost of which equals or exceeds 50 percent of the fair market value of the
5 structure which would result in substantially increasing the flood damage
6 potential shall be adequately floodproofed in accordance with subsection 8.b.

7 **10. Duties of the Director of the Public Works**

8 a. The director of the public works department shall grant or deny development
9 permit applications in accordance with the provisions of this chapter, except that
10 the platting board is directed and authorized to consider this chapter in relation to
11 any matter brought before that board.

12 b. The director of the public works department shall maintain all records required by
13 the Federal Insurance Administration and shall file an annual report with the
14 federal insurance administrator.

15 c. Additional duties and responsibilities of the director of the public works
16 department are as follows:

17 i. *Permit Review*

18 The director of the public works department shall:

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

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

24 (C) Review all flood hazard permits to determine if the proposed
25 development is located in the floodway, and, if located in the
26 floodway, ensure that the encroachment provisions of subsection
27 6.a. above are met.

28 ii. *Use of Other Base Flood Data*

29 When base flood elevation data have not been provided in accordance
30 with subsection D.3. above, the director of the public works department
31 shall obtain, review and reasonably utilize any base flood elevation data
32 available from a federal, state or other source in order to administer
33 subsections D.6. through D.9. above.

34 iii. *Information to be Obtained and Maintained*

35 The director of the public works department shall:

36 (A) Obtain and record the actual elevation, in relation to mean sea
37 level, of the lowest habitable floor, including basement, of all new
38 or substantially improved structures, and whether or not the
39 structure contains a basement.

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

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

43 (2) Maintain the floodproofing certifications required in
44 subsection 7.a.iv. above.

- 1 (C) Maintain for public inspection all records pertaining to the
2 provisions of this section.
- 3 iv. *Duties Regarding Alteration of Watercourses*
4 The director of the public works department shall:
- 5 (A) Notify adjacent communities and the state coordinating agency
6 prior to any alteration or relocation of a watercourse and submit
7 evidence of such notification to the Federal Insurance
8 Administration.
- 9 (B) Require that maintenance is provided within the altered or
10 relocated portion of the watercourse so that the flood-carrying
11 capacity is not diminished.
- 12 v. *Interpretation of FIRM Boundaries*
13 The director of the public works department shall make interpretations,
14 where needed, as to exact location of the boundaries of the areas of
15 flood hazard, for example, where there appears to be a conflict between
16 a mapped boundary and actual field conditions. The person contesting
17 the location of the boundary shall be given a reasonable opportunity to
18 appeal the interpretation as provided in subsection D.11. below.
- 19 **11. Appeal Procedure**
20 Appeals alleging error by the director of the public works department charged with the
21 enforcement or interpretation of this chapter may be taken to the zoning board of
22 examiners and appeals in accordance with the provisions of section 21.03.050, *Appeals*.
- 23 **12. Standards and Conditions for Variances and Appeals**
24 a. In passing upon variances or appeals, the zoning board of examiners and
25 appeals shall consider all technical evaluations, all relevant factors, standards
26 specified in other sections of this section and:
- 27 i. The danger that materials may be swept onto other lands to the injury of
28 others;
- 29 ii. The danger to life and property due to flooding or erosion damage;
- 30 iii. The susceptibility of the proposed facility and its contents to flood
31 damage and the effect of such damage on the individual owner;
- 32 iv. The importance of the services provided by the proposed facility to the
33 community;
- 34 v. The necessity of the facility of a waterfront location, where applicable;
- 35 vi. The availability of alternative locations for the proposed use which are
36 not subject to flooding or erosion damage;
- 37 vii. The compatibility of the proposed use with existing and anticipated
38 development;
- 39 viii. The relationship of the proposed use to the comprehensive plan and
40 floodplain management program for that area;
- 41 ix. The safety of access to the property in time of flood for ordinary and
42 emergency vehicles;

- 1 x. The expected heights, velocity, duration, rate of rise and sediment
2 transport of the floodwaters and the effects of wave action, if applicable,
3 expected at the site; and
- 4 xi. The costs of providing governmental services during and after flood
5 conditions, including maintenance and repair of public utilities and
6 facilities such as sewer, gas, electrical and water systems and streets
7 and bridges.
- 8 b. Generally, variances may be issued for new construction and substantial
9 improvements to be erected on a lot of one-half acre or less in size contiguous to
10 and surrounded by lots with existing structures constructed below the base flood
11 level, providing the items in subsections 12.a.i. through xi. of this section have
12 been fully considered. As the lot size increases beyond one-half acre, the
13 technical justification required for issuing the variance increases.
- 14 c. The zoning board of examiners and appeals may attach such conditions to the
15 granting of variances or appeals as it deems necessary to further the purposes of
16 this chapter.
- 17 d. The director of the public works department shall maintain the records of all
18 variance and appeal actions and report any variances to the Federal Insurance
19 Administration upon request.
- 20 e. Conditions for variances are as follows:
- 21 i. Variances may be issued for the reconstruction, rehabilitation, or
22 restoration of structures listed on the national register of historic places
23 or the state inventory of historic places, without regard to the procedures
24 set forth in the remainder of this section.
- 25 ii. Variances shall not be issued within any designated floodway if any
26 increase in flood levels during the basic flood discharge would result.
- 27 iii. Variances shall only be issued upon a determination that the variance is
28 the minimum necessary, considering the flood hazard, to afford relief.
- 29 iv. Variances shall only be issued upon:
- 30 (A) A showing of good and sufficient cause;
- 31 (B) A determination that failure to grant the variance would result in
32 exceptional hardship to the applicant; and
- 33 (C) A determination that the granting of a variance will not result in
34 increased flood heights, additional threats to public safety, or
35 extraordinary public expense, create nuisances, cause fraud on
36 or victimization of the public, or conflict with existing local laws or
37 ordinances.
- 38 v. Any applicant to whom a variance is granted shall be given written notice
39 that the structure will be permitted to be built with a lowest floor elevation
40 below the base flood elevation and that the cost of flood insurance will be
41 commensurate with the increased risk resulting from the reduced lowest
42 floor elevation.