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CLERK'S OFFICE
AMENDED AND APPROVED
Date: 10-26-99

Submitted by Chairman of the Assembly at the
Request of the Mayor
Prepared by Department of Law
For reading: SEPTEMBER 28, 1999

ANCHORAGE, ALASKA
AO NO. 99- 131

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ANCHORAGE MUNICIPAL CODE TITLE 21 CONCERNING PROCEDURES FOR OBTAINING A ZONING VARIANCE, VARIANCES FROM THE CENTRAL BUSINESS DISTRICT BULK REGULATIONS, WHEN A ZONING VARIANCE BECOMES NULL AND VOID, PROCEDURES FOR OBTAINING AN ADMINISTRATIVE VARIANCE FOR MINOR DIMENSIONAL ERRORS, PROJECTIONS INTO REQUIRED YARDS, TEMPORARY HANDICAP ACCESS RAMPS, AND PROCEDURES FOR GRANTING REDUCTIONS FOR REQUIRED PARKING WITH BUILDING ADDITIONS AND CHANGE OF LAND USE.

THE ANCHORAGE ASSEMBLY ORDAINS.

Section 1. Anchorage Municipal Code subsection 21.10.015A. is hereby amended by adding a new subsection 21.10.015A10. to read as follows:

21.10.015 Planning and zoning commission.

A. There shall be a planning and zoning commission, which shall have the following powers and duties:
* * * * *

10. Hear and decide applications for variances under subsections 21.40.150H., 21.40.160H., and 21.40.170H.

11. [10.] Exercise such other powers, and perform such other duties, as are provided by law

(The remainder of this section is not affected by this ordinance and is therefore not set out.)

(GAAB 21.30.120; AO No. 77-355; AO No. 82-49; AO No. 82-167; AO No. 84-20; AO No. 84-70; AO No. 84-211; AO No. 85-72; AO No. 85-160; AO No. 86-54; AO No. 86-155)

Section 2. Anchorage Municipal Code subsection 21.10.025A. is hereby amended to read as follows:

21.10.025 Zoning board of examiners and appeals.

There shall be a zoning board of examiners and appeals, which shall have the following powers and duties:

A. Hear and decide applications for variances from the provisions of chapters 21.35 through 21.65 in accordance with section 21.15.010, except applications for variances from the provisions of subsections 21.40.150H., 21.40.160H., and 21.40.170H.

(The remainder of this section is not affected by this ordinance and is therefore not set out.)

(GAAB 21.30.250, 21.30.350; AO No. 77-355; AO No. 85-23)

Section 3. Anchorage Municipal Code section 21.15.010 is hereby amended to read as follows:

21.15.010 Procedure for obtaining variance.

A. **Generally.** Except as provided in section 21.15.012, an [AN] application for a variance is subject to this section. Any variance shall be the minimum variance that will make possible a reasonable use of the land[, BUILDING OR STRUCTURE] equivalent to, but not exceeding, the use of similar land [OR STRUCTURES] permitted generally in the same zoning district. A variance from the floodplain regulations must be in accordance with chapter 21.60. A variance from the airport height zoning regulations must be substantiated by a finding of "no hazard" by the Federal Aviation Administration upon completion of an airspace determination and a recommendation from the municipal airports aviation advisory commission.

B. **Application.** An application for a variance shall be submitted on a form prepared by the municipality. A request for variance may be initiated only by the property owner or his authorized representative. The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application meets the following standards:

1. With respect to variances from the zoning regulations other than the airport height zoning regulations set forth at chapter 21.65:

- a. Special conditions exist which are peculiar to the land[, STRUCTURE OR BUILDING] involved and which are not applicable to other land[, BUILDINGS OR STRUCTURES] in the same district;
- b. Strict interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance;
- c. Special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience;

- d Granting the variance would be in harmony with the objectives of the zoning ordinance and not injurious to the neighborhood or otherwise detrimental to the public welfare;
- e Granting the variance will not permit a use that is not otherwise permitted in the district in which the property lies; and
- f. The variance granted is the minimum variance that will make possible a reasonable use of the land[, BUILDING OR STRUCTURE].

2 With respect to variances to the subdivision regulations

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

3 With respect to variances from the airport height zoning regulations set forth at chapter 21.65: the Federal Aviation Administration has completed an airspace determination which concludes that the proposed variance would not create a hazard.

C. *Public hearing.* Before a variance application is acted upon, there shall be a public hearing on the application.

D. *Standards.* Unless otherwise specified by ordinance, the standards to be applied to the consideration of a variance request shall be as set forth in subsection B of this section.

E. *Approval.*

- 1. The board empowered to hear the request for the variance shall conduct an inquiry designed to find whether all the standards for issuance of the variance have been met. The board must

1 make general findings of fact sufficient to support its decision as specified in subsection B
2 of this section. A concurring vote of a majority of the fully constituted membership of the
3 board shall be required to grant a variance.

- 4
5 2. In granting any variance each board may prescribe conditions and safeguards to ensure
6 conformity with the purpose and intent of all relevant planning and land use ordinances.
7 Violation of any such condition or safeguard, when made a part of the terms of the variance,
8 shall be deemed an unlawful act and shall act to void the variance.
9

- 10 3. Any variance granted shall become null and void

11
12 a. if the variance is not exercised within one year of the date it is granted, or

13
14 b. if any building, structure or characteristic of use permitted by variance is moved or
15 altered so as to enlarge the variance or discontinue it.
16
17

18 [E. APPROVAL. THE BOARD EMPOWERED TO HEAR THE REQUEST FOR THE
19 VARIANCE SHALL CONDUCT AN INQUIRY DESIGNED TO FIND WHETHER THE
20 STANDARDS FOR ISSUANCE OF THE VARIANCE HAVE BEEN MET. THE BOARD MUST
21 MAKE GENERAL FINDINGS OF FACT SUFFICIENT TO SUPPORT ITS DECISION AS
22 SPECIFIED IN SUBSECTION B OF THIS SECTION. A CONCURRING VOTE OF A
23 MAJORITY OF THE FULLY CONSTITUTED MEMBERSHIP OF THE BOARD SHALL BE
24 REQUIRED TO GRANT A VARIANCE. IN GRANTING ANY VARIANCE EACH BOARD
25 MAY PRESCRIBE CONDITIONS AND SAFEGUARDS TO ENSURE CONFORMITY WITH
26 THE PURPOSE AND INTENT OF ALL RELEVANT PLANNING AND LAND USE
27 ORDINANCES. VIOLATION OF ANY SUCH CONDITION OR SAFEGUARD, WHEN MADE
28 A PART OF THE TERMS OF THE VARIANCE, SHALL BE DEEMED AN UNLAWFUL ACT
29 AND SHALL ACT TO SUSPEND THE EFFECT OF THE VARIANCE. ANY VARIANCE
30 GRANTED SHALL BECOME NULL AND VOID IF THE VARIANCE IS NOT EXERCISED
31 WITHIN ONE YEAR OF THE DATE IT IS GRANTED OR IF ANY STRUCTURE OR
32 CHARACTER OF USE PERMITTED BY VARIANCE IS MOVED, ALTERED OR
33 DISCONTINUED.]
34

35 F *Appeals.* An appeal from a decision of the platting board [OR THE URBAN DESIGN
36 COMMISSION] shall be brought in accordance with sections 21.30.010 through 21.30.100. An
37 appeal from a decision of the zoning board of examiners and appeals shall be brought in accordance
38 with section 21.30.180.
39

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

5 (GAAB 21.05.080.F, 21.10.060; AO No. 79-169; AO No. 85-21; AO No. 85-160, -8-86; AO No. 86-63;
6 AO No. 89-30)
7

8 **Section 4.** Anchorage Municipal Code chapter 21.15 is hereby amended by adding a new section 21.15.012
9 to read as follows:
10

11 **21.15.012 Procedure for obtaining administrative variance for minor dimensional errors**
12

13 **A.** All minimum linear dimensions have a tolerance of 0.1 feet. Any measurement that is verified by
14 a registered surveyor that falls within this tolerance limit complies with the specified dimension.
15 This subsection is not an entitlement to deviate from the requirements of any other code sections.
16

17 **B** The Director of Community Planning and Development, with the concurrence of the Director of
18 Public Works, may grant an administrative variance from the strict application of the dimensional
19 aspects of a zoning ordinance, but only in accordance with Table A and only for construction errors
20 that are the result of excusable neglect on the part of the applicant, provided:
21

22 **1** the amount of deviation does not exceed the limit set forth in Table A plus the tolerance of
23 subsection A above,
24

25 **2** the structural component is an essential element of the structure as opposed to a decorative
26 element or an element constructed as a convenience to applicant and not a necessity,
27

28 **3.** the violation of the zoning ordinance does not materially affect the purpose of the ordinance.
29

30 **4** there is no reasonable alternative to mitigate or remove the violation, and
31

32 **5.** a fee has been received
33

34 **C.** If the request for the administrative variance is denied, the applicant may request a variance under
35 AMC 21.15.010.
36

37 **D.** Definitions
38

For purposes of this section, "Applicant" means the person or entity who created the construction error. Applications for administrative variances from construction errors which existed prior to the effective date of this ordinance may be made by the property owner.

- 2 *Excusable neglect* means the failure of an objectively reasonable and prudent person, in good faith, to take the proper steps at the proper time, but not in consequence of the party's own carelessness, inattention, or willful disregard of the law, but in consequence of some unexpected or unavoidable hindrance or accident. Applicants involved in the professional trades which utilize Title 21 shall not be granted a variance under this section for errors an objectively reasonable and prudent person in their trade knew or should have known violated this title. *Excusable neglect* includes:

- a. Transposition or other manifest clerical errors in mathematical calculations
- b. A reasonable, but mistaken interpretation of a code provision in this title.
- c. Unforeseeable or unavoidable accident.

E. No variance may be granted under this section if doing so will create a violation of Title 23 or Title 24.

F. This code section shall be reviewed by the Zoning Board of Examiners and Appeals at least every two years.

DIMENSION TOLERANCES FOR ADMINISTRATIVE VARIANCES

Table A/(all dimensions are in feet)

Zoning District	Front yard	Secondary front yard	Side yard	Rear yard	Lot area	Lot width	Lot coverage	Front yard fence height
PLI	1.2	0.6	1.2	1.4	0	0	31%32%	0
R-1, R-1A, R-2A, R-2D R-2M	0.9	0.4	0.4	0.9	0	0	31%32%	
R-3 (1 & 2 Family)	0.9	0.4	0.4	0.9	0	0	41%42%	
	0.9	0.4	0.8	1.8	0	0	41%	
	0.9	0.4	0.4	0.9	0	0	0%	
	0.9	0.4	0.4	0.9	0	0	31%	
	2.3	1.2	0.9	0.9	0	0	31%	
	4.4	2.3	2.3	4.4	0	0	31%	
	2.3	1.2	0.8	0.9	0	0	31%	
	2.3	1.2	1.3	2.3	0	0	0	
	-	-	2.3	-	0	0	0	
	0.9	0.4	0.4	0.4	0	0	0	
R-11 Commercial Industrial	0.9	0.4	0.4	1.4	0	0	0	
R-O	0.9	0.4	0.4	0.4	0	0	0	
	0.9	0.4	0.4	0.4	0	0	0	
	0.9	0.4	0.4	0.9	0	0	0	
	-	-	-	-	0	0	0	
	0.9	0.4	0.4	1.4	0	0	0	
	0.9	0.4	-	-	0	0	0	
	0.9	0.4			0	0	0	

Table A (all dimensions are in feet)

Zoning District	Front yard	Secondary front yard	Side yard	Rear yard	Lot area	Lot width	Lot coverage	Front yard fence height
MC	0.9	0.4						
	0.9	0.4	-	-	0	0	0	0
	-	-	-	-	-	-	-	-
	-	-	-	-	0	0	0	0
	-	-	-	-	-	-	-	-
	4.9	2.3	2.3	2.3	0	0	0	0

Section 5. Anchorage Municipal Code section 21.30.110 is hereby amended by adding a new subsection 21.30.110F. to read as follows:

21.30.110 Jurisdiction of board.

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

- A. Enforcement orders issued under section 21.25.030.
- B. Denial of an application for a flood hazard permit.
- C. Denial of an application for a building or land use permit when such denial is based on the requirements of this title, except as provided under section 21.40.240.
- D. Denial of an application for a sign permit when such denial is based on the requirements of this title.
- E. Denial of an application for a mobile home park permit when such denial is based on the requirements of this title.
- F. Denial of a waiver under section 21.45.080.

(GAAB 21.05.080, 21.30.350; AO No. 85-23; AO No. 88-59(S))

Section 6. Anchorage Municipal Code subsection 21.40.020J. is hereby amended to read as follows:

21.40.020 PLI public lands and institutions district.

The following statement of intent and use regulations shall apply in the PLI district

J. Parking. Adequate off-street parking shall be provided in connection with any permitted use and shall conform to the minimum requirements set forth in section 21.45.080. The number of required parking spaces shall be that specified in section 21.45.080 unless it is demonstrated to the administrative [BUILDING] official and the traffic engineer that the patrons and employees of the land use will generate a lower parking demand than anticipated by the supplementary district regulations. The burden of proof and demonstration

of the lower parking demand lie with the property owner. Information that could demonstrate the lower parking demand may include mass transit routing, carpooling, joint parking arrangements or other parking and transit means as set out in a written parking and transportation impact plan submitted to the traffic engineer for approval. Variances to section 21.45.080, pertaining to minimum off-street parking requirements, may be granted by the administrative [BUILDING] official in this use district upon the recommendation of the traffic engineer. Any change in the land use to which the variance was granted shall automatically terminate the variance granted by the administrative [BUILDING] official. Any variances granted shall be executed by the recording of a standard parking agreement.

(GAAB 21.05.050.A; AO No. 77-355; AO No. 79-25; AO No. 81-67(S); AO No. 81-178(S); AO No. 82-24; AO No. 83-78; AO No. 84-34; AO No. 85-18; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-90; AO No. 88-7(S), 7-4-88; AO No. 90-152(S); AO No. 92-93; AO No. 93-148, § 3, 11-16-93; AO No. 95-68(S-1), § 4, 8-8-95; AO No. 96-131(S), § 3, 10-22-96)

Section 7. Anchorage Municipal Code subsections 21.40.150H. and 21.40.150K. are hereby amended to read as follows:

21.40.150 **B-2A central business district core.**

The following statement of intent and use regulations shall apply in the B-2A district.

* * *

* * *

* * *

H *Bulk regulations and maximum lot coverage.* Buildings may be constructed within the full limits of the lot, up to three stories in height. Above three stories in height, construction shall conform to the following bulk requirements:

- 1 *Tower design.* One tower not exceeding the bulk requirements outlined in subsections a and b of this subsection shall be allowed for a development on a parcel of land containing 13,000 square feet or a fraction thereof, or one tower not exceeding the bulk requirements outlined in subsections c and d of this subsection shall be allowed for a development on a parcel of land containing 19,500 square feet. For a development on a parcel of land containing more than 19,500 square feet, one additional tower not exceeding the bulk requirements outlined in subsections a and b of this subsection shall be allowed for every additional 13,000 square feet of land area, or, alternatively, one additional tower not exceeding the bulk requirements outlined in subsections c and d of this subsection shall be allowed for every additional 19,500 square feet of land area.

- a. Maximum plan dimension: 30 feet.

- b. Maximum diagonal plan dimension: 150 feet.
- c. Maximum plan dimension: 130 feet.
- d. Maximum diagonal plan dimension: 180 feet.

Variances from the specific bulk requirement dimensions listed in this section may be granted by the Planning and Zoning Commission [ZONING BOARD OF EXAMINERS AND APPEALS] on developments covering a land area of more than 26,000 square feet, provided that the Commission [BOARD] finds that the spirit and intent of this district are maintained [AND PROVIDED THAT RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION IS FIRST RECEIVED]

K. *Parking.* No off-street parking need be provided, but off-street parking that is provided shall be landscaped in accordance with the supplementary district regulations. No bonus points accrue for providing the landscaping required by this subsection. If off-street parking is provided, it must comply with subsections 21.45.080W.2.-11.

(The remainder of this section is not affected by this ordinance and is therefore not set out.)

(GAAB 21.05.050.W; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 87-148; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 6, 8-8-95)

Section 8. Anchorage Municipal Code subsections 21.40.160H. and 21.40.160K. are to read as follows:

21.40.160 B-2B central business district, intermediate.

The following statement of intent and use regulations shall apply in the B-2B district

H. *Bulk regulations and maximum lot coverage.* Buildings may be constructed within the full limits of the lot, up to three stories in height. Above three stories in height, construction shall conform to the following bulk requirements:

- 1. *Tower design.* One tower not exceeding the bulk requirements outlined in subsections a and b of this subsection shall be allowed for a development on a parcel of land containing 13,000 square feet or fraction thereof, or one tower not exceeding the bulk requirements

outlined in subsections c and d of this subsection shall be allowed for a development on a parcel of land containing 19,500 square feet. For a development on a parcel of land containing more than 19,500 square feet, one additional tower not exceeding the bulk requirements outlined in subsections a. and b. of this subsection shall be allowed for every additional 13,000 square feet of land area, or, alternatively, one additional tower not exceeding the bulk requirements outlined in subsections c and d of this subsection shall be allowed for every additional 19,500 square feet of land area.

- a. Maximum plan dimension: 130 feet
- b. Maximum diagonal plan dimension: 150 feet.
- c. Maximum plan dimension: 130 feet
- d. Maximum diagonal plan dimension: 180 feet

Variances from the specific bulk requirement dimensions listed in this section may be granted by the Planning and Zoning Commission [ZONING BOARD OF EXAMINERS AND APPEALS] on developments covering a land area of more than 26,000 square feet, provided that the Commission [BOARD] finds that the spirit and intent of this district are maintained [AND PROVIDED THAT RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION IS FIRST RECEIVED].

K. *Parking.* No off-street parking need be provided, but off-street parking that is provided shall be landscaped in accordance with the supplementary district regulations. No bonus points accrue for providing the landscaping required by this subsection. If off-street parking is provided, it must comply with subsections 21.45.080W.2.-11.

(The remainder of this section is not affected by this ordinance and is therefore not set out

(GAAB 21.05.050.Y; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 7, 8-8-95; AO No. 96-131(S), § 3, 10-22-96)

Section 9. Anchorage Municipal Code subsections 21.40.170H. and 21.40.170K. are hereby amended to read as follows:

21.40.170 **B-2C central business district, periphery.**

The following statement of intent and use regulations shall apply to the B-2C district:

H *Bulk regulations and maximum lot coverage.* Buildings may be constructed within the full limits of the lot, up to three stories in height. Above three stories in height, construction shall conform to the following bulk requirements:

Tower design. One tower not exceeding the bulk requirements outlined in subsections a and b of this section shall be allowed for a development on a parcel of land containing 13,000 square feet or a fraction thereof, or one tower not exceeding the bulk requirements outlined in subsections c and d of this section shall be allowed for a development on a parcel of land containing 19,500 square feet. For a development on a parcel of land containing more than 19,500 square feet, one additional tower not exceeding the bulk requirements outlined in subsections a and b of this section shall be allowed for every additional 13,000 square feet of land area, or, alternatively, one additional tower not exceeding the bulk requirements outlined in subsections c and d of this section shall be allowed for every additional 19,500 square feet of land area.

a Maximum plan dimension: 130 feet

b. Maximum diagonal plan dimension: 150 feet

c. Maximum plan dimension: 130 feet

d Maximum diagonal plan dimension: 180 feet

Variances from the specific bulk requirement dimensions listed in this section may be granted by the Planning and Zoning Commission [ZONING BOARD OF EXAMINERS AND APPEALS] on developments covering a land area of more than 26,000 square feet, provided that the Commission [BOARD] finds that the spirit and intent of this district are maintained [AND PROVIDED THAT RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION IS FIRST RECEIVED].

K *Parking.* No off-street parking need be provided, but off-street parking that is provided shall be landscaped in accordance with the supplementary district regulations. No bonus points accrue for providing the landscaping required by this subsection. If off-street parking is provided, it must comply with subsections 21.45.080W.2.-11.

(The remainder of this section is not affected by this ordinance and is therefore not set out.

(GAAB 21.05.050.X; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 8, 8-8-95; AO No. 96-131(S), § 3, 10-22-96)

Section 10. Anchorage Municipal Code section 21.45.030 is hereby amended to read as follows:

21.45.030 **Accessory buildings.**

A. **No accessory building shall be erected or maintained in any required yard, except that:**

- 1.** **buildings accessory to a residential use may be erected in a required rear yard which is adjacent to an alley; and**
- 2.** **sheds of 150 square feet or less and not attached to a foundation may be erected in a required side or rear yard.**
- 3.** **dog runs and dog houses not attached to a foundation may be erected in a required side or rear yard.**

B. **No separate accessory building shall be erected closer than ten feet to any principal structure on the lot or an abutting lot or tract.**

[NO ACCESSORY BUILDING SHALL BE ERECTED OR MAINTAINED IN ANY REQUIRED YARD, EXCEPT THAT BUILDINGS ACCESSORY TO A RESIDENTIAL USE MAY BE ERECTED IN A REQUIRED REAR YARD WHICH IS ADJACENT TO AN ALLEY. NO SEPARATE ACCESSORY BUILDING SHALL BE ERECTED CLOSER THAN TEN FEET TO ANY PRINCIPAL OR ACCESSORY BUILDING.]

(GAAB 21.05.060B.)

Section 11. Anchorage Municipal Code section 21.45.070 is hereby amended to read as follows.

21.45.070 **Projections into required yards.**

The following structures, if consistent with the provisions of section 21.45.030, may project into required front, side or rear yards as specified in this section, and shall not be considered in determining lot coverage:

- 1
2 A. Paved terraces may project into required front, side or rear yards, provided that no structures
3 placed there shall violate other requirements of this title.
4
5 B. Unroofed landings and stairs may project into required front and rear yards only, provided that
6 no portion other than a light handrail shall extend higher than 30 inches above the finished grade
7 level.
8
9 C. Windowsills, fireplace chases, belt courses, cornices, eaves and similar incidental architectural
10 features may project not more than two feet into any required yard.
11
12 D. Open fire exits [ESCAPES] may project not more than four feet six inches into any required
13 yard.
14
15 E. A private garage or carport may project into a required rear yard abutting a public alley;
16 however, notwithstanding any other provisions of this section, the garage or carport must be
17 included in determining lot coverage.
18
19 F. The Director of Community Planning and Development, with the concurrence of the Director of
20 Public Works, may permit the installation of temporary handicap access ramps in required front,
21 side and rear yards. Ramps shall not remain installed for longer than 1 year from the date the
22 permit is granted. The design and placement of the ramps shall be reviewed to:
23
24 1. insure the ramp has minimal visual impact on abutting properties, and
25
26 2. is architecturally compatible with the structure in design and bulk, and
27
28 3. the width of the ramp does not exceed 48 inches, and
29
30 4. that no portion, other than a handrail, shall extend higher than 36 inches above the
31 finished grade level, unless approved by a separate building permit.
32

33 (GAAB 21.05.060.F; AO No. 84-56)
34

Section 12. Anchorage Municipal Code subsections 21.45.080A., V., W., and S. are hereby amended to read as follows:

21.45.080 Off-street parking requirements.

A General provisions; applicability

- 1. In all districts where off-street parking is required, the requirements set forth in this section shall be met and satisfactorily maintained.**
- 2. Off-street parking shall be required for any new building on which construction is started after [insert the effective date of this ordinance].**
- 3. Any property against which local improvement assessments have been levied for the construction of public off-street parking shall be exempted from providing and maintaining one space for each 100 square feet of property so assessed.**
- 4. Parking areas in the PLI district shall conform to the requirements of this title unless a variance to the parking requirements is granted by the administrative official in accordance with section 21.40.020.J.**
- 5. Off-street parking shall be required for any addition or enlargement of an existing building, and for any change in the occupancy of any building that would result in additional parking space being required. The number of required parking spaces shall be that specified in this title unless it is demonstrated to the administrative official and the traffic engineer that the addition or enlargement of the existing building, or the change in the occupancy of any proposed building, will not:**
 - a. increase the parking demand, and**
 - b. will not reduce the total number of preexisting required parking spaces, and**
 - c. the amount of the proposed off-street parking is within 90% of the total otherwise required for all the proposed uses and structures, including the addition or enlargement of the existing building.**
- 6. The administrative official shall issue a written waiver or denial of the waiver application within 30 days of receiving an application. Applicants denied relief under subsection 5 may appeal the decision to the Zoning Board of Examiners and Appeals. The board shall not deviate from or alter the required formula under subsection 5.**

7. Required off-street loading space shall not be included as off-street parking space in computation of required off-street parking space.

[A. GENERAL PROVISIONS; APPLICABILITY. IN ALL USE DISTRICTS EXCEPT THE B-2A, B-2B AND B-2C DISTRICTS, THE PARKING SPACE REQUIREMENTS SET FORTH IN THIS SECTION SHALL BE PROVIDED AND SATISFACTORILY MAINTAINED FOR EACH USE LISTED IN THIS SECTION. ANY PROPERTY AGAINST WHICH LOCAL IMPROVEMENT ASSESSMENTS HAVE BEEN LEVIED FOR THE CONSTRUCTION OF PUBLIC OFF-STREET PARKING SHALL BE EXEMPTED FROM PROVIDING AND MAINTAINING ONE SPACE FOR EACH 100 SQUARE FEET OF PROPERTY SO ASSESSED. PARKING AREAS IN THE B-2A, B-2B AND B-2C DISTRICTS MUST BE COVERED WITH CONCRETE OR ASPHALTIC COMPOUND. PARKING AREAS IN THE PLI DISTRICT SHALL CONFORM TO THE REQUIREMENTS OF THIS SECTION UNLESS A VARIANCE TO THE PARKING REQUIREMENTS IS GRANTED BY THE BUILDING OFFICIAL IN ACCORDANCE WITH SECTION 21.40.020.J. OFF-STREET PARKING FACILITIES SHALL BE PROVIDED FOR ANY NEW BUILDING CONSTRUCTED, FOR ANY ADDITION OR ENLARGEMENT OF AN EXISTING BUILDING, AND FOR ANY CHANGE IN THE OCCUPANCY OF ANY BUILDING THAT WOULD RESULT IN ADDITIONAL PARKING SPACE BEING REQUIRED. REQUIRED OFF-STREET LOADING SPACE SHALL NOT BE INCLUDED AS OFF-STREET PARKING SPACE IN COMPUTATION OF REQUIRED OFF-STREET PARKING SPACE.]

V. *Other uses.* In the case of a use not specifically identified in this section, off-street parking facilities shall be the same as the use described in this section which is most similar. In the case of mixed uses, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. The total number of parking spaces may be reduced by the administrative [BUILDING] official if it is demonstrated that a reduction in spaces is appropriate based upon the expected parking needs of the mixed uses and if spillover parking is avoided. The applicant shall prepare a parking evaluation in a form and manner prescribed by the administrative official [TRAFFIC ENGINEER] to justify such reductions.

W. *Standards for parking spaces; parking area design.* Parking spaces provided in accordance with the requirements of this section shall meet the following standards:

3 *Joint use.* A single parking area may be used to serve more than one establishment, provided that:

- a. The applicant shall show that the principal operating hours of the structures, buildings or uses for which the joint use of parking facilities is proposed do not overlap.
- b. The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the administrative [BUILDING] official as to form and content. An agreement for joint parking facilities shall be for the life of the occupancy of the building, and shall provide for the maintenance of jointly used parking facilities. The administrative [BUILDING] official may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement.
- c. The applicant shall demonstrate that the reduced parking requirement allowed through a joint parking agreement will not result in the spillover of parking onto other properties.

X. Adjustment of parking requirements.

1. *Application for permit.* Any person may apply for a permit to reduce the number of off-street parking spaces required by this section for a site that is dedicated to one or more nonresidential uses that include at least 100 employees or tenants at that site. An application shall be submitted to the administrative [BUILDING] official and shall be complete only if it is made in a form prescribed by the traffic engineer [BUILDING OFFICIAL], and is accompanied by the applicable fee and by a parking management plan that includes:
 - a. The number of off-street parking spaces to be provided on the site;
 - b. A site plan that shows the open space reserved on the site for off-street parking use if a permit for reduced parking is either denied, revoked, suspended or not renewed. Such open space shall be in addition to yard, setbacks, driveways, parking, loading and service areas and other open space areas otherwise required by this Code;
 - c. A description of all types of existing and proposed transportation alternatives available for the site, including their times of operation, cost, implementation and administration, and the means by which the applicant intends to encourage their use in lieu of privately operated motor vehicles; and
 - d. An explanation of how the applicant will meet the standards for approval stated in subsection 2 of this subsection.

- 1 2. *Standards for approval.* The administrative [BUILDING] official shall grant a permit to
2 reduce the number of off-street parking spaces required by this section if the applicant
3 demonstrates that:
 - 4 a. The applicant is eligible to make the application and has submitted a complete
5 application.
 - 6 b. The existing and proposed transportation alternatives described in the application
7 are reasonably expected to reduce the demand by tenants and employees on the
8 site for off-street parking on the site so that the number of off-street parking
9 spaces proposed in the application are more likely than not to be adequate for the
10 needs of all users of the site.
 - 12 c. The reduction of off-street parking spaces, as requested in the application, shall
13 not have a material effect on the on-street parking spaces in the immediate area
14 around the site.
 - 15 d. Sufficient open space has been reserved on the site to accommodate the number of
16 off-street parking spaces required by this section if a permit issued under this
17 subsection is either revoked, suspended or not renewed.
 - 18 e. All persons with a legal or equitable interest in the site are prepared to execute
19 and record an agreement that provides for compliance with the terms of the permit
20 to be a covenant that runs with the land for the benefit of the municipality.
- 21
22 3 *Permit conditions.* If the administrative [BUILDING] official, upon recommendation by
23 the traffic engineer, determines that a permit for reduced off-street parking spaces should
24 be granted, that permit may provide for the number of such spaces that satisfy the
25 standards stated in subsection 2 of this subsection, regardless of the number requested by
26 the applicant, and shall state all conditions deemed necessary to accomplish the purpose
27 of this subsection and to otherwise protect the public health, safety and welfare. The
28 administrative [BUILDING] official shall issue a permit only after the applicant
29 demonstrates that the agreement described in subsection 2.e of this subsection has been
30 executed and recorded in a form approved by the administrative [BUILDING] official.
31
32 4. *Renewal of permit.* A permit issued pursuant to this subsection shall be valid for a period
33 of one calendar year. A renewal application shall be submitted to the administrative
34 [BUILDING] official no less than 90 days before the permit expiration date, in a form he
35 prescribes, and it shall include:
 - 36 a. The applicable fees; and
 - 37 b. A description of the applicant's compliance with the permit conditions during the
38 permit term. The applicant shall also provide an annual tenant/employee
39 commuter survey in a form and manner approved by the transit department.
- 40

Based upon the renewal application, the administrative [BUILDING] official may choose to renew the permit for another one year term upon the same or different conditions.

5. *Construction of parking facilities on nonrenewal of permit.* If a permit issued under this section is not renewed, construction of the off-street parking requirements required by this section shall be commenced in a material way no later than 60 days thereafter.
6. *Failure to comply with permit.* It shall be a violation of this chapter each time that the holder of a permit issued under this subsection fails to abide by each and every condition set forth therein, including timely construction of the off-street parking spaces following nonrenewal of such a permit.
7. *Appeals.* An aggrieved applicant may appeal a decision of the administrative [BUILDING] official under this subsection, to the zoning board of examiners and appeals [PLANNING AND ZONING COMMISSION], in accordance with the procedures described in section 21.30.110 [21.15.030.H.2], to determine if the administrative [BUILDING] official has reasonably applied the standards in this subsection.

(The remainder of this section is not affected by this ordinance and is therefore not set out.)

(GAAB 21.05.060.G; AO No. 77-355; AO No. 78-118; AO No. 81-106; AO No. 81-178(S); AO No. 82-69; AO No. 84-90; AO No. 84-117(S); AO No. 85-91, 10-1-85; AO No. 87-31, 7-18-87; AO No. 89-30; AO No. 90-152(S); AO No. 93-172, § 1, 11-16-93; AO No. 96-68, § 1, 5-28-96)

Section 13. This ordinance shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 10 26th day of
October, 1999.

ATTEST:

Lizanne Ferguson
Municipal