

Submitted by: Chair of the Assembly at the
Request of the Mayor

CLERK'S OFFICE

Prepared by: Planning Department
For reading: October 17, 2006

APPROVED

Date: 10-31-06 Anchorage, Alaska
AO 2006- 144

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.15.012, TABLE A, TO CORRECT THE MAXIMUM LOT COVERAGE OF ALL BUILDINGS IN THE R-2A, R-2D AND R-2M ZONING DISTRICTS.

Planning and Zoning Commission, Case 2006-123.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 21.15.012, Table A – Dimension Tolerances for Administrative Variances, is hereby amended to read as follows (*the remainder of the section and table are not affected and therefore are not set out*):

21.15.012 Procedure for obtaining administrative variance for minor dimensional errors.

*** **

TABLE A
Dimension Tolerances for Administrative Variances
(all dimensions are in feet)


TABLE INSET:

Zoning District	Front Yard	Secondary Front Yard	Side Yard	Rear Yard	Lot Area	Lot Width	Lot Coverage	Front Yard Fence Height
***	***	***						
R-1, R-1A [, R-2A, R-2D, R-2M]	0.9	0.4	0.4	0.9	0	0	32%	0
<u>R-2A, R-2D, R-2M</u>	<u>0.9</u>	0.4	<u>0.4</u>	<u>0.9</u>	<u>0</u>	<u>0</u>	<u>42%</u>	<u>0</u>
***	***	***						


(AO No. 99-131, § 4, 10-26-99; AO No. 2002-109, § 1, 9-10-02)

Section 2. This ordinance shall be effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 31st day of October, 2006.


Chair of the Assembly

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2006- 144

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL
CODE SECTION 21.15.012, TABLE A, TO CORRECT THE
MAXIMUM LOT COVERAGE OF ALL BUILDINGS IN THE R-
2A, R-2D AND R-2M ZONING DISTRICTS.
Planning and Zoning Commission, Case 2006-123.

Sponsor: Mayor
Preparing Agency: Planning Department
Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no significant impact on the public sector.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the ordinance should have no significant economic impact on the private sector.

Prepared by: Jerry T. Weaver, Jr.

Telephone: 343-7939



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 765 -2006

Meeting Date: October 17, 2006

From: **MAYOR**

Subject: **PLANNING AND ZONING COMMISSION RECOMMENDATION
OF APPROVAL FOR AN ORDINANCE AMENDING
ANCHORAGE MUNICIPAL CODE SECTION 21.15.012, TABLE
A, TO CORRECT THE MAXIMUM LOT COVERAGE OF ALL
BUILDINGS IN THE R-2A, R-2D AND R-2M ZONING
DISTRICTS.**

1 The Planning Department prepared an amendment to the Anchorage Municipal Code
2 title 21 regarding dimensional tolerances for administrative variances concerning lot
3 coverage.

4
5 On October 26, 1999, the Assembly amended the administrative variance dimensional
6 tolerance for lot coverage in the R-1, R-1A, R-2A, R-2D and R-2M districts from 31
7 percent to 32 percent. At that time, in the R-1 and R-1A district, the maximum lot
8 coverage was 30 percent. It was not noted the maximum lot coverage for the R-2A, R-
9 2D and R-2M districts was actually 40 percent.

10
11 The dimensional tolerance for the R-2A, R-2D and R-2M districts should have an
12 administrative variance tolerance for lot coverage at 42 percent. It appears this was an
13 error in drafting the ordinance. Due to this error, administrative variances for lot
14 coverage in the R-2A, R-2D and R-2M districts are currently not allowed because the
15 current code only allows 32 percent, while the underlying district allows 40 percent
16 coverage by right.

17
18 **THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING**
19 **COMMISSION RECOMMENDATION FOR APPROVING AN ORDINANCE**
20 **AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.15.012, TABLE A,**
21 **TO CORRECT THE MAXIMUM LOT COVERAGE OF ALL BUILDINGS IN**
22 **THE R-2A, R-2D AND R-2M ZONING DISTRICTS.**

23
24 Prepared by: Jerry T. Weaver Jr., Zoning Administrator,
25 Planning Department
26 Concur: Tom Nelson, Director, Planning Department
27 Concur: Mary Jane Michael, Executive Director,
28 Office of Economic and Community Development
29 Concur: Denis C. LeBlanc, Municipal Manager
30 Respectfully submitted, Mark Begich, Mayor

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2006-047

A RESOLUTION AMENDING THE ANCHORAGE MUNICIPAL CODE OF ORDINANCES SECTION 21.15.012 TABLE A, DIMENSION TOLERANCES FOR ADMINISTRATIVE VARIANCES REGARDING LOT COVERAGE.

(Case 2006-123)

WHEREAS, The Municipality has prepared an amendment to the Anchorage Municipal Code Title 21 *Land Use Planning* regarding dimensional tolerances for administrative variances concerning lot coverage.

WHEREAS, a public hearing was held on September 11, 2006.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

A. The Commission makes the following findings of fact:

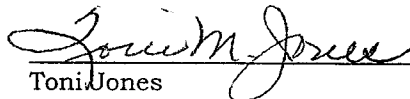
1. On October 26, 1999, the Assembly amended the administrative variance dimensional tolerance for lot coverage in the R-1, R-1A, R-2A, R-2D and R-2M districts from 31% to 32%. At that time, the maximum lot coverage was 30% for the R-1 and R-1A districts. However, the maximum lot coverage in the R-2A, R-2D and R-2M districts was really 40%.
2. As with the R-3 district for single family/duplex developments, the R-2A, R-2D and R-2M districts should have had an administrative variance tolerance for lot coverage at 42%. It appears that this was an error in drafting the ordinance.
3. Due to this error, administrative variances for lot coverage in the R-2A, R-2D and R-2M districts are currently not allowed. Thus, the Planning Department has drafted this ordinance to rectify this situation. Staff has reviewed the remainder of the administrative variance standards and finds that they are correct.
4. The Commission finds that this is a house keeping ordinance to correct an error in existing code.

B. The Commission recommends to the Anchorage Assembly approval of an amendment to the Anchorage Municipal Code of Ordinances Section 21.15.012 Table A, Dimensional Tolerances for Administrative Variances Regarding Lot Coverage.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 11th day of September, 2006.



Tom Nelson
Secretary



Toni Jones
Vice Chair

(Case 2006-123)

transmission lines, with which she concurred. She noted that Staff had concern with Section 5. The proposed alternative language from utilities would soften the requirements on aesthetic mitigation to suggest mitigation measures rather than apply them. She further understood the language to read that the technical information would come from applicants and the Commission would decide whether or not to accept it.

MS. CHAMBERS noted that the only disagreement Staff had with the revised ordinance laid on the table this evening was with respect to Section 5. COMMISSIONER PEASE explained she had understood that Staff had three objections to the version laid on the table this evening. MS. CHAMBERS clarified that there was only one disagreement, that being the proposed changes to Section 5. COMMISSIONER PEASE clarified that she had intended her motion to support the Staff recommendation, which would be the revised version. She withdrew her motion.

COMMISSIONER PEASE moved to adopt the ordinance provided by Staff this evening, with the exception of Section 5, which will be the original language proposed by Staff in the packet dated September 11, 2006. COMMISSIONER COTTEN seconded.

COMMISSIONER ISHAM supported the motion, finding that Staff had worked with the utility companies to develop an ordinance with which there is agreement. He agreed with the Department that Section 5 should be worded as originally proposed.

AYE: Cotten, Pease, Gumennik, Isham, Wang

NAY: None

ABSTAIN: Jones

PASSED

6. 2006-123 Municipality of Anchorage. An Ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Section 21.15.012.B, Administrative Variance for minor dimensional errors; regarding maximum lot coverage of all buildings in the R-2A, R-2D and R-2M zoning districts.

VICE CHAIR JONES resumed the Chair.

Staff member ANGELA CHAMBERS reviewed the ordinance before the Commission. She explained that in 1999 the Assembly amended the dimensional tolerance for lot coverage in the R-1, R-1A, R-2A, R-2D and R-2M districts from 31% to 32% where the lot coverage is 30%. This allowed for applicants to seek an administrative variance if the lot coverage was over the permitted amount by no more than 2%. This has limited the number of variances that must go to the Zoning Board of Examiners and Appeals. However, it was not noted that the maximum lot coverage in the R-2A, R-2D and R-2M districts is 40%. A petitioner recently had the experience of having 42% lot coverage and discovering that an administrative variance was not permitted because it is not provided for in the code. MS. CHAMBERS urged that this ordinance be approved so it can be expedited to the Assembly. She noted that the resolution is before the Commission for its consideration as well.

The public hearing was opened and closed without public comment.

COMMISSIONER ISHAM moved for approval of the ordinance as presented. COMMISSIONER WANG seconded.

COMMISSIONER ISHAM supported the motion, noting that this corrects an oversight in the ordinance adopted in 1999.

AYE: Cotten, Pease, Gumennik, Jones, Isham, Wang
NAY: None

PASSED

COMMISSIONER ISHAM moved for approval of Resolution 2006-047. COMMISSIONER PEASE seconded.

AYE: Cotten, Pease, Gumennik, Jones, Isham, Wang
NAY: None

PASSED

7. 2006-125


A request to Rezone the PC (Planned Community) to make amendments to the Powder Ridge Tract 40A master plan. Powder Ridge Subdivision, Tract 40-A.


POSTPONED


**MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT
MEMORANDUM**

DATE: September 11, 2006

TO: Planning and Zoning Commission

THRU:  Tom Nelson, Director, Planning Department

THRU:  Jerry T. Weaver, Jr., Division Administrator

FROM:  Angela C. Chambers, AICP, Senior Planner

SUBJECT: 2006-123 An Ordinance Amending AMC Title 21 Regarding Dimensional Tolerances for Administrative Variances for Lot Coverage

PROPOSED REQUEST:

The Municipality has prepared an amendment to the Anchorage Municipal Code Title 21 *Land Use Planning* regarding dimensional tolerances for administrative variances concerning lot coverage.

BACKGROUND AND DISCUSSION

On October 26, 1999, the Assembly amended the administrative variance dimensional tolerance for lot coverage in the R-1, R-1A, R-2A, R-2D and R-2M districts from 31% to 32%. At that time, in the R-1 and R-1A district, the maximum lot coverage was 30%. It was not noted that the maximum lot coverage for the R-2A, R-2D and R-2M districts was actually 40%.

As with the R-3 district for single family/duplex developments, R-2A, R-2D and R-2M districts should have had an administrative variance tolerance for lot coverage at 42%. It appears that this was an error in drafting the ordinance.

Due to this error, administrative variances for lot coverage in the R-2A, R-2D and R-2M districts are currently not allowed. Thus, the Department has drafted this ordinance to rectify this situation. Staff has reviewed the remainder of the administrative variance standards and finds that they are correct.

RECOMMENDATION:

The Department recommends approval of the ordinance as written.

Submitted by: Chair of the Assembly at the Request
of the Mayor

Prepared by: Planning Department
For reading:

Anchorage, Alaska
AO 2006-____

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SUBSECTION 21.15.012 B,
ADMINISTRATIVE VARIANCE FOR MINOR DIMENSIONAL ERRORS; REGARDING
MAXIMUM LOT COVERAGE OF ALL BUILDINGS IN THE R-2A, R-2D AND R-2M ZONING
DISTRICTS..

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code subsection 21.15.012B; Table A – Dimension Tolerances
for Administrative Variances, is hereby amended as follows (*The remainder of the section is not
affected and therefore is not set out.*):

Zoning District	Front Yard	Secondary Front Yard	Side Yard	Rear Yard	Lot Area	Lot Width	Lot Coverage	Front Yard Fence Height
R-1, R-1A, (R-2A, R-2D, R-2M)	0.9	0.4	0.4	0.9	0	0	32%	0
<u>R-2A,</u> <u>R-2D,</u> <u>R-2M</u>	0.9	0.4	0.4	0.9	0	0	<u>42%</u>	0

Section 2. This ordinance shall be effective immediately upon passage and approval by the
Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of
_____ 2006.

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ATTEST:

Chair

Municipal Clerk

Z & P/Ordinances/2006



**Municipality of Anchorage
Development Services Department
Building Safety Division**



MEMORANDUM

RECEIVED

DATE: August 14, 2006

AUG 14 2006

TO: Jerry Weaver, Jr., Platting Officer, CPD

**Municipality of Anchorage
Building Division**

FROM: *DR* Daniel Roth, Program Manager, On-Site Water and Wastewater Program

SUBJECT: Comments on Cases due August 14, 2006

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

2006 – 115 Zoning conditional use for a rooming house.

No objection

2006 – 123 An ordinance amending Title 21 for maximum lot coverage

No objection

2006 – 124 PZC Appeal to an action of an admin church site plan review

No objection

2006 – 125 Rezoning to PC Planned community district

No objection

2006 – 126 Zoning conditional use for an off street parking lot

No objection

2006 – 129 An ordinance amending Title 21 for a definition of manufactured vs. mobile homes

No objection

**MUNICIPALITY OF ANCHORAGE
Anchorage Water & Wastewater Utility**

RECEIVED

AUG 15 2006

M E M O R A N D U M

**Municipality of Anchorage
Zoning Division**

DATE: August 14, 2006
TO: Jerry Weaver, Zoning Division Administrator, Planning Department
FROM: Sandy Notestine, Engineering Technician, AWWU
SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing September 11, 2006
AGENCY COMMENTS DUE August 14, 2006

AWWU has reviewed the case material and has the following comments.

2006-123 Title 21.15.012.B (Max Lot coverage R2A, R2D R2M)

1. AWWU has no comment.

**2006-124 Section 33, T12N, R3W Lot 184 & 185 (Appeal to admin. review – R6 Church)
Grid SW 2135**

1. Public water is not available; parcels are outside of the AWWU water service area.
2. Public sewer is not available. Parcels are within the Hillside Wastewater Management Plan area and recommended for on-site service.

2006-126 Athenian Village Tract A2 (Conditional Use –off street parking) Grid SW 1735

1. Sanitary sewer is available to the Tract from 40th Avenue. Public water is not available. If public water facilities are desired the owner must enter into a main extension agreement with AWWU.
2. Any proposed structure commercial or residential larger than a duplex connecting to public water or sanitary sewer system must undergo an AWWU private system review.

**2006-129 Title 21.40.020, 070, 080, 090, 100 & 110 Defining Manufactured Home vs.
Mobile Home**

1. AWWU has no comment.

If you have questions pertinent to public water and sanitary sewer service, you may call me at 564-2757 or the AWWU Planning Section at 564-2739, or email sandy.notestine@awwu.biz.

**Municipality of Anchorage
MEMORANDUM**

RECEIVED

AUG 14 2006

**Municipality of Anchorage
Zoning Division**

DATE: August 11, 2006
TO: Jerry Weaver, Manager, Zoning and Platting Division
FROM: Brian Dean, Code Enforcement Manager
SUBJECT: Land Use Enforcement Review Comments, Planning and Zoning Commission case for the meeting of September 11, 2006.

Case #: 2006-123
Type: Ordinance Amending Title 21 for Maximum lot Coverage

Land Use Enforcement heartily supports the proposed amendment.

(Reviewer: Don Dolenc)



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division



MEMORANDUM

RECEIVED

DATE: August 10, 2006
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor
FROM: Lynn McGee, Senior Plan Reviewer
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of September 11, 2006.

AUG 10 2006
Municipality of Anchorage
Zoning Division

Right of Way has reviewed the following case(s) due August 14, 2006.

- 06-115 Green Valley #2, Lot 10, grid 1727**
(Conditional Use for a Rooming House)
Owner needs to relocate the shed and storage out of the 10' Utility Easements and the portion of the fence out of the West 42nd Avenue right of way or apply for Letters of Non-objection and Encroachment Permit, respectively, from the Right of Way Division.
Review time 15 minutes.
- 06-123 Ordinance Amendment**
(Title 21 for Maximum Lot Coverage)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 06-124 Section 33 T12N R3W, Lot 184 and the East and West ½'s of Lot 185, grid 3135**
(Appeal of Action to Site Plan Review, Church)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 06-125 Powder Ridge, Tract 40A, grid NW0451**
(Rezoning Request to PC Planned Community District)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 06-126 Athenian Village, Tract A2, grid 1735**
(Conditional Use for an Off-street Parking Lot)
Right of Way Division has no comments at this time.
Review time 15 minutes.



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

RECEIVED

AUG 10 2006

Municipality of Anchorage
Zoning Division

DATE: July 28, 2006
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer
FROM: Mada Angell, Assistant Traffic Engineer
SUBJECT: Traffic Engineering and Transportation Planning Comments for the
September 11, 2006 Planning & Zoning Commission

06-123 An Ordinance amending Title 21 for maximum lot coverage

Traffic Engineering and Transportation Planning have no comments.

06-124 Appeal to an action of an administrative church site plan review

When a Traffic Impact Analysis is required it is based on the number of trips during peak hours of roadway use. Churches peak hours of use do not correspond to peak roadway use hours. Therefore, no TIA is required.

06-125 Powder Reserve Tract 40A; Rezone from PC to design standard zoning; Grid NW0451

Traffic Engineering and Transportation Planning request a Traffic Impact Analysis be provided for review prior to a hearing to rezone this property. Vehicular access to the site as well as interior traffic circulation can not be commented upon without a Traffic Department review of a Traffic Impact Analysis.

06-126 Athenian Village; Conditional Use for an off street parking lot; Grid 1735

Traffic Engineering and Transportation Planning have no comment.

2006-115	R. Cartier	Yes 7/31/06	No Objection
2006-116	R. Cartier	Yes 7/31/06	No Comment
2006-118	R. Cartier	Yes 7/31/06	No Objection
2006-119	R. Cartier	Yes 7/31/06	No Objection
2006-122	R. Cartier	Yes 7/31/06	No Objection
2006-123	R. Cartier	Yes 7/31/06	No Comment
2006-124	R. Cartier	Yes 7/31/06	No Objection
2006-125	R. Cartier	Yes 7/31/06	No Objection
2006-126	R. Cartier	Yes 7/31/06	No Objection
2006-127	R. Cartier	Yes 7/31/06	No Objection
2006-128	R. Cartier	Yes 7/31/06	No Objection
2006-129	R. Cartier	Yes 7/31/06	No Comment
S11284-3	J. Weaver	Yes 7/31/06	No Objection
S11527-1	J. Weaver	Yes 7/31/06	No Objection
S11517-1	J. Weaver	Yes 7/31/06	No Objection
S11518-1	J. Weaver	Yes 7/31/06	No Objection
S11521-1	J. Weaver	Yes 7/31/06	No Objection
S11522-1	J. Weaver	Yes 7/31/06	No Comment
S11523-1	J. Weaver	Yes 7/31/06	No Objection
S11525-1	J. Weaver	Yes 7/31/06	No Objection
S11123-3	J. Weaver	Yes 7/31/06	No Objection
S11470-2	J. Weaver	Yes 7/31/06	No Comment
S11505-2	J. Weaver	Yes 7/31/06	No Comment
S11519-1	J. Weaver	Yes 7/31/06	No Objection
S11520-1	J. Weaver	Yes 7/31/06	No Objection
S11524-1	J. Weaver	Yes 7/31/06	No Comment
S11526-1	J. Weaver	Yes 7/31/06	No Comment
S11510-1	J. Weaver	Yes 7/31/06	No Objection

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JUL 31 2006

**Municipality of Anchorage
Zoning Division**

AFD

Pierce, Eileen A

From: Staff, Alton R.
Sent: Tuesday, July 25, 2006 10:56 AM
To: Pierce, Eileen A; Stewart, Gloria I.
Cc: Taylor, Gary A.
Subject: Zoning and Plat Case Reviews

RECEIVED

JUL 25 2006

The Public Transportation Department has no comment on the following plats:

Municipality of Anchorage
Zoning Division

S11174-3
S11484-2
S11487-1
S11489-1
S11490-1
S11496-1
S11497-1
S11504-1
S11505-1
S11506-1
S11507-1
S11508-1
S11509-1
S11511-1
S11512-1
S11513-1
S11514-1
S11518-1
S11135-2
S11516-1
S11517-1
S11518-1
S11521-1
S11522-1
S11523-1

The Public Transportation Department has no comment on the following zoning cases:

2006 -091
-097
-098
-100
-105
-112
-115
-116
-118
-119
-123
-124
-125
-126

Thank you for the opportunity to review.

Alton Staff, Operations Supervisor
Public Transportation Department
People Mover
907-343-8230
Right Fax 907-249-7492



RECEIVED

JUL 24 2006

Municipality of Anchorage
Zoning Division

FLOOD HAZARD REVIEW SHEET for PLATS

Date: 7-21-06

Case: 2006-123

Flood Hazard Zone: NA

Map Number: NA

☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

☐ AMC 21.15.020 requires that the following note be placed on the plat:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

☐ A Flood Hazard permit is required for any construction in the floodplain.

☒ I have no comments on this case.

Reviewer: Jack Puff

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

**** These comments were submitted by citizens and are part of the public record for the cases ****

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

1. Select a Case:

[View Comments](#)

RECEIVED

2. View Comments:

AUG 28 2006

Case Num: 2006-123

An ordinance amending Title 21 for for maximum lot coverage

Site Address: N/A

Location: An Ordinance amending Anchorage Municipal Code Subsection 21.15.012.B, Administrative Variance for minor dimensional errors; regarding maximum lot coverage of all buildings in the R-2A, R-2D and R-2M zoning districts.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Municipality of Anchorage
Planning Division

Public Comments

8/27/06

Clinton R Hodges II

Under the current title 21, the percentage of lot coverage administrative variance is 32%. Apparently, someone has convinced the Mayor's office that the chart has been misinterpreted and that the actual lot coverage administrative variance should be 42%. I urge the Commission to not adopt the Administration's interpretation of the chart. For many years now the chart is interpreted by all land owners as 32%. Subsequently, all development in the R2 category of zoning districts comport to the 32% lot coverage administrative variance. Adopting a different interpretation of the chart would create huge differences in existing neighborhoods between the primary structures built under the current interpretation and structures yet to be built under a different interpretation. Additionally, it should be noted, that in a response to me, Planning and Zoning Director, Mr. Nelson, publicly stated that R-2M is poor land useage. His department, hiding behind the 2020 Comprehensive Plan, is looking for ways to increase the percentage of lot coverage by the primary structure. Their goal is create smaller lots with larger primary structures to support higher population densities ultimately destroying the character of many R2 zoned residential neighborhoods. Evidence supportive of my contention can be found in the first draft of the title rewrite where planning attempted to bump-up R-2M to R3, a higher population density. I urge the Commission to see this ordinance for what it is, an attempt to redefine the population densities of the R2 category of residential neighborhoods, and to vote against the Administrations smoke screen attempt to change the present interpretation as to the lot coverage administrative variance of 32%.

012

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

**** These comments were submitted by citizens and are part of the public record for the cases ****

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

AUG 07 2006

1. Select a Case:

2006-123

[View Comments](#)Municipality of Anchorage
Zoning Division**2. View Comments:****Case Num: 2006-123**

An ordinance amending Title 21 for for maximum lot coverage

Site Address: N/A

Location: An Ordinance amending Anchorage Municipal Code Subsection 21.15.012.B, Administrative Variance for minor dimensional errors; regarding maximum lot coverage of all buildings in the R-2A, R-2D and R-2M zoning districts.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments**8/4/06**

L. Johnston

po box 202428

Anchorage ak 99520

The full ordinances are not available online so it is hard to speak to the proposal. Generally lot coverage should be determined by safety and owners' needs. Buildings should not obstruct drivers' vision nor utility access. Lot building coverage should not interfere with community drainage or ecological considerations. It is unacceptable to consider aesthetic values when determining the size of lot coverage because this priveleges the city's aesthetic values over those of the owners or community.

013

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

**** These comments were submitted by citizens and are part of the public record for these cases.**

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

1. Select a Case: 2006-123

[View Comments](#)

2. View Comments:

JUL 24 2006

Municipality of Anchorage
Zoning Division

Case Num: 2006-123

An ordinance amending Title 21 for for maximum lot coverage

Site Address: N/A

Location: An Ordinance amending Anchorage Municipal Code Subsection 21.15.012.B, Administrative Variance for minor dimensional errors; regarding maximum lot coverage of all buildings in the R-2A, R-2D and R-2M zoning districts.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

7/21/06

Marjorie Feldman

1014 H Street

Anchorage AK 99501

More information and specifics are needed. It is not at all clear what is intended.

7/21/06

Clinton R Hodges II

Under the current Title 21, the maximum lot coverage by the primary structure in an R2M zoned district is quite clear. Can you be more specific?

7/20/06

Fran Durner

Could you please explain exactly what the amended changes to the maximum lot coverage are? Thank you.

[Zoning & Platting Cases On-line website](#)

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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:

1 A. Hear and decide applications for variances from the provisions of chapters 21.35 through 21.65 in
2 accordance with section 21.15.010, except applications for variances from the provisions of subsections
3 21.40.150H., 21.40.160H., and 21.40.170H.

4
5 *(The remainder of this section is not affected by this ordinance and is therefore not set out.)*

6
7 (GAAB 21.30.250, 21.30.350; AO No. 77-355; AO No. 85-23)

8
9 **Section 3.** Anchorage Municipal Code section 21.15.010 is hereby amended to read as follows:

10
11 **21.15.010 Procedure for obtaining variance.**

12
13 A. *Generally.* Except as provided in section 21.15.012, an [AN] application for a variance is subject
14 to this section. Any variance shall be the minimum variance that will make possible a reasonable use of the
15 land[, BUILDING OR STRUCTURE] equivalent to, but not exceeding, the use of similar land [OR
16 STRUCTURES] permitted generally in the same zoning district. A variance from the floodplain regulations
17 must be in accordance with chapter 21.60. A variance from the airport height zoning regulations must be
18 substantiated by a finding of "no hazard" by the Federal Aviation Administration upon completion of an
19 airspace determination and a recommendation from the municipal airports aviation advisory commission.

20
21 B. *Application.* An application for a variance shall be submitted on a form prepared by the
22 municipality. A request for variance may be initiated only by the property owner or his authorized
23 representative. The application must state with particularity the relief sought and must specify the facts or
24 circumstances that are alleged to show that the application meets the following standards:

25
26 1. With respect to variances from the zoning regulations other than the airport height zoning
27 regulations set forth at chapter 21.65:

- 28
29 a. Special conditions exist which are peculiar to the land[, STRUCTURE OR
30 BUILDING] involved and which are not applicable to other land[, BUILDINGS OR
31 STRUCTURES] in the same district;
32
33 b. Strict interpretation of the provisions of the zoning ordinance would deprive the
34 applicant of rights commonly enjoyed by other properties in the same district under
35 the terms of the zoning ordinance;
36
37 c. Special conditions and circumstances do not result from the actions of the applicant
38 and such conditions and circumstances do not merely constitute pecuniary hardship
39 or inconvenience;
40

- 2 d Granting the variance would be in harmony with the objectives of the zoning
3 ordinance and not injurious to the neighborhood or otherwise detrimental to the
4 public welfare;
5 e Granting the variance will not permit a use that is not otherwise permitted in the
6 district in which the property lies; and
7
8 f The variance granted is the minimum variance that will make possible a reasonable
9 use of the land[, BUILDING OR STRUCTURE].
10

12 2. With respect to variances to the subdivision regulations

- 13 a. There are special circumstances or conditions affecting the property such that the
14 strict application of the provisions of the subdivision regulations would clearly be
15 impractical, unreasonable or undesirable to the general public;
16
17 b. The granting of the specific variance will not be detrimental to the public welfare or
18 injurious to other property in the area in which such property is situated;
19
20 c. Such variance will not have the effect of nullifying the intent and purpose of the
21 subdivision regulations or the comprehensive plan of the municipality; and
22
23 d. Undue hardship would result from strict compliance with specific provisions or
24 requirements of the subdivision regulations. The applicant may supplement the form
25 with supporting documents.
26

27 3 With respect to variances from the airport height zoning regulations set forth at chapter
28 21.65: the Federal Aviation Administration has completed an airspace determination which
29 concludes that the proposed variance would not create a hazard.
30

31 C. *Public hearing.* Before a variance application is acted upon, there shall be a public hearing on the
32 application.
33

34 D. *Standards.* Unless otherwise specified by ordinance, the standards to be applied to the consideration
35 of a variance request shall be as set forth in subsection B of this section.
36

37 E. *Approval.*
38

- 39 1. The board empowered to hear the request for the variance shall conduct an inquiry designed
40 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	34%32%	0
R-1, R-1A, R-2A, R-2D R-2M	0.9	0.4	0.4	0.9	0	0	34%32%	
R-3 (1 & 2 Family)	0.9	0.4	0.4	0.9	0	0	44%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.]

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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:

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- 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.

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

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 17 16th day of October, 1999.

As

ATTEST:

Lizanne Longman
Municipal

Content Information**Content ID :** 004464**Type:** Ordinance - AO

Title: An ordinance amending Anchorage Municipal Code subsection 21.15.012 B., administrative variance for minor dimensional errors; regarding maximum lot coverage of all buildings in the R-2A, R-2D and R-2M zoning districts.

Author: weaverjt**Initiating Dept:** Planning**Date Prepared:** 10/3/06 8:43 AM**Director Name:** Tom Nelson

Assembly Meeting
Date MM/DD/YY: 10/17/06

Public Hearing Date
MM/DD/YY: 10/31/06

M.O.A.
 2006 OCT -6 PM 2:56
 CLEM'S OFFICE

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	10/3/06 8:46 AM	Checkin	weaverjt	Public	004464
Planning_SubWorkflow	10/3/06 8:48 AM	Approve	weaverjt	Public	004464
ECD_SubWorkflow	10/3/06 2:57 PM	Approve	barkleyva	Public	004464
OMB_SubWorkflow	10/3/06 5:28 PM	Approve	mitsonjl	Public	004464
AllOrdinanceWorkflow	10/4/06 10:52 AM	Reject	fehlenrl	Public	004464
AllOrdinanceWorkflow	10/4/06 12:12 PM	Checkin	weaverjt	Public	004464
Planning_SubWorkflow	10/4/06 12:15 PM	Approve	weaverjt	Public	004464
ECD_SubWorkflow	10/4/06 3:18 PM	Approve	barkleyva	Public	004464
OMB_SubWorkflow	10/5/06 11:02 AM	Approve	mitsonjl	Public	004464
Legal_SubWorkflow	10/5/06 11:08 AM	Approve	fehlenrl	Public	004464
MuniManager_SubWorkflow	10/6/06 11:39 AM	Approve	leblancdc	Public	004464
MuniMgrCoord_SubWorkflow	10/6/06 2:09 PM	Approve	abbotmk	Public	004464