

See Ad 2011-93 (S)

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Prepared by: Assembly Counsel  
For reading: September 13, 2011

ANCHORAGE, ALASKA  
AO NO. 2011-93

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING  
2 ANCHORAGE MUNICIPAL CODE SECTION 21.40.140 AND RELATED SECTIONS TO  
3 PROVIDE FOR CERTAIN MIXED USE DEVELOPMENT IN THE B-1A LOCAL AND  
4 NEIGHBORHOOD BUSINESS DISTRICT UNDER ALTERNATIVE DEVELOPMENT  
5 DESIGN APPROVAL AUTHORITY AS A PILOT PROGRAM.

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7 WHEREAS, B-1A Local and Neighborhood Business District zoning district is  
8 especially suited to mixed use development, as recognized in the Title 21 Rewrite; and  
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10 WHEREAS, expedited review and approval provisions for alternative development  
11 design authority are well matched to mixed use development; and  
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13 WHEREAS, in advance of final passage of the Title 21 Rewrite, current and  
14 immediate need exists to test and match parameters and standards for limited mixed use  
15 development in the B-1A Local and Neighborhood Business District zoning district, under  
16 review and approval provisions for alternative development design; now, therefore  
17

18 THE ANCHORAGE ASSEMBLY ORDAINS:

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20 **Section 1.** Anchorage Municipal Code section 21.35.020 is hereby amended to add a  
21 definition for mixed use in the B-1A local and neighborhood business district as follows  
22 (*other definitions not affected are not set out*):  
23

24 **21.35.020 Definitions and rules of construction.**

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27 B. The following words, terms and phrases, when used in this title, shall have the  
28 meanings ascribed to them in this section, except where the context clearly  
29 indicates a different meaning:  
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32 Mixed use, as applied in the B-1A local and neighborhood business district,  
33 means a single building containing more than one classification of land use (e.g.  
34 residential, office, retail, institutional) or a single development of more than one  
35 building and use, where the uses of more than one classification of land use are in a  
36 compact urban form, planned and designed as a unified complementary whole, and  
37 functionally integrated to facilitate the use of shared vehicular and pedestrian access  
38 and parking, compatible with an established neighborhood commercial area as  
39 demonstrated by current or historical use, or area designation in the comprehensive  
40 plan.

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1                   2.     Area: 6,000 square feet.  
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3           G.     Location, area and site plan requirements.  
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5           1.     Location. Development of a use under this section shall only be allowed:  
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- 7           a.     With direct access to a publicly dedicated and improved right-of-  
8                 way as set forth in Chapter 21.85; and  
9  
10          b.     At the intersection of a major arterial street and any other publicly  
11                 dedicated rights-of-way; and  
12  
13          c.     For mixed use with minimum contiguous areas of 12,000 square  
14                 feet but no more than 40,000 square feet approved under  
15                 subsection 21.40.140P, the site shall abut two public streets, with  
16                 direct access to a street developed to urban commercial  
17                 standards.

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19          2.     Area limitations.  
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- 21          a.     Minimum contiguous area is 40,000 square feet, unless an  
22                 alternative development design is approved under subsection  
23                 21.40.140P for mixed use.  
24  
25                 i.     The minimum contiguous area is 12,000 square feet for  
26                         mixed use approval under subsection 21.40.140P.  
27  
28          b.     Maximum contiguous area is 2.0 acres.  
29  
30          c.     Notwithstanding the requirements of subsections G.2.a and b of  
31                 this section, additions to local and neighborhood business district  
32                 zones in existence prior to August 2, 1988, are permitted up to a  
33                 total contiguous area of five acres.  
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35          3.     Site plan requirements.  
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- 37          a.     A rezoning to the B-1A district of less than 1.75 acres shall require  
38                 approval of a conceptual site plan per Section 21.15.030.C at the  
39                 time of the rezoning and a final site plan before the issuance of a  
40                 building or land use permit for that site.  
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1 b. In a rezoning to the B-1A district, an alternative development  
2 design approval under subsection 21.40.140P for mixed use  
3 development may substitute for the requirements of G.3.b unless  
4 the commission is otherwise directed by the ordinance approving  
5 the rezoning.

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7 c [b]. The planning and zoning commission shall conduct a nonpublic  
8 hearing site plan review on the final site plan unless the final site  
9 plan is approved by the Assembly in the ordinance approving a  
10 rezoning to the B-1A district, or the site plan has alternative  
11 development design approval under subsection 21.40.140P, or  
12 the commission is directed otherwise by the ordinance approving  
13 the rezoning.

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15 H. Minimum yard requirements. Minimum yard requirements are as follows:

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17 1. Single family and two family r[R]esidential uses.

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19 a. Front yard: 20 feet.

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21 b. Side yard: Five feet.

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23 c. Rear yard: Ten feet.

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25 2. Mixed use yard requirements.

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27 a. Front, side, and rear yard requirements shall be subject to  
28 alternative development design approval under subsection  
29 21.40.140P; and

30  
31 3 [2]. Other uses.

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34 I. Maximum lot coverage. Maximum lot coverage is as follows:

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36 1. Residential: 40 percent.

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38 2. Mixed use: 50 percent unless otherwise approved as an alternative  
39 development design requirement under subsection 21.40.140P.

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41 3 [2]. All other uses: 50 percent.

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- 1 J. Maximum height of structures. Except as otherwise provided in this title, no  
2 portion of a principal structure shall exceed 25 feet in height.  
3
- 4 K. Signs. Signs may be allowed in connection with any permitted use, subject to  
5 the provisions of the supplementary district regulations.  
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- 7 L. Parking. Adequate off-street parking shall be provided in connection with any  
8 permitted use, subject to the provisions of the supplementary district regulations  
9 and approved alternative development design requirements under subsection  
10 21.40.140P.  
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- 12 M. Loading facilities. Where applicable, off-street loading facilities shall be provided  
13 in accordance with the provisions of the supplementary district regulations and  
14 approved alternative development design requirements under subsection  
15 21.40.140P.  
16
- 17 N. Refuse collection. Where applicable, refuse collection facilities shall follow the  
18 requirements of the supplementary district regulations.  
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- 20 O. Landscaping.  
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- 22 1. Buffer landscaping. Buffer landscaping shall be planted along each lot  
23 line adjoining a residential district. A structure, including a fence or wall,  
24 may also be required by the approving authority.  
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- 26 2. Perimeter landscaping. Except adjacent to collector or arterial streets,  
27 visual enhancement landscaping shall be planted along the perimeter of  
28 all outdoor areas used for vehicle circulation, parking, storage or display.  
29
- 30 3. Arterial landscaping. Arterial landscaping shall be planted along all  
31 collector or arterial streets.  
32
- 33 4. Visual enhancement landscaping. All areas not devoted to building,  
34 structures, drives, walks, off-street parking facilities or other authorized  
35 installations shall be planted with visual enhancement landscaping.  
36
- 37 5. Maintenance. All landscaping shall be maintained by the property owner  
38 or his designee.  
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- 40 6. Where mixed use is approved subject to an alternative development  
41 design under subsection 21.40.140P, the requirements in the approval  
42 shall govern.

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2 P. Alternative development design application for mixed use.  
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4 1. Alternative development design applications for mixed use are subject to  
5 review and approval by the department director or designee.  
6

7 2. Alternative development designs for mixed use development shall be  
8 submitted to the community development department, planning division  
9 in the form of a site development plan. Alternative development design  
10 approval is intended to allow flexibility in site design and orientation for  
11 mixed use, when maximizing space, responding to community interests,  
12 and protecting nearby and adjacent residential neighborhoods.  
13

14 3. Certain dimensional requirements may be modified by the approval  
15 authority to allow alternative development design compatible with the  
16 existing local and neighborhood business district, including yard  
17 setbacks, lot coverage, building height, use specific standards, and the  
18 following characteristics of use: parking and parking lot design, loading,  
19 and landscaping.  
20

21 a. The approval authority shall not waive standards for subdivision of  
22 land, nor waive the requirements of 21.75, 21.80, and 21.85 in  
23 regards to subdivisions of land.  
24

25 b. Approval of an application for alternative development design  
26 shall not waive any requirements of Title 23.  
27

28 c. Approval of an application for alternative development design  
29 shall not allow a use not otherwise permitted in the district.  
30

31 4. Threshold Design Criteria. Alternate development design approval for  
32 mixed use under this subsection 21.40.140P requires the approval  
33 authority to find that each of the following is met:  
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35 a. The architectural design, site location, orientation, and scale of the  
36 structures in the proposed alternative integrate design elements  
37 and limitations that are context sensitive and responsive to nearby  
38 residential areas;  
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40 b. The proposed alternative design will not have a negative impact  
41 on pedestrian or vehicular safety, will promote pedestrian access  
42 and connectivity, and reduce the need for vehicle trips;

- 1  
2           c.    The proposed alternative design is compact in scale, in character  
3               with adjacent development goals, and promotes local orientation  
4               of the B-1A district.
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- 6           d.    Mixed use development in the proposed design is compatible with  
7               an established neighborhood commercial area as demonstrated  
8               by current or historical use, or area designation in the  
9               comprehensive plan.

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11       5.    Alternative development design standards for mixed use.

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- 13           a.    Residential use: For mixed use development of contiguous areas  
14               between 12,000 and 20,000 square feet, inclusive, a minimum of  
15               30% of the gross building square footage shall be used for  
16               residential uses. For mixed use development of contiguous areas  
17               greater than 20,000 square feet, the minimum residential use shall  
18               be 50% of the gross building square footage unless the approving  
19               authority determines that residential use is best satisfied by 50%  
20               of the number of residential units allowable by lot size under  
21               residential zoning.
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- 23           b.    Minimum yard requirements in subsection 21.40.050H will serve  
24               as a guide for the mixed use development.
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- 26           c.    The site shall incorporate rear access for the residential units  
27               through either an alley or other approved private driveway.
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- 29           d.    Visual enhancement landscaping meeting the requirements of  
30               21.45.125C.1 shall be planted on the perimeter of any portion of a  
31               parking lot that is adjacent to a residential zoning district unless  
32               the approving authority determines a proposed alternative design  
33               achieves the intent of this requirement and the goals and policies  
34               of the comprehensive plan to the same or better degree than  
35               achievable by meeting the requirement.
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- 37           e.    Additional standards are set out in provisions specific to mixed  
38               use in this section 21.40.140.

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40       6.    Submittal requirements.

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- 42           a.    Application for a site plan as set out in 21.15.030.



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- b. A schematic and narrative showing how the proposed alternative development design dimensions are integrated to meet the intent of the zoning district by protecting, enhancing, and providing consistency with nearby and adjacent residential neighborhoods.
- c. Description of development on properties within 500 feet, and description of traffic and pedestrian circulation within 500 feet.

7. Timing of decision. The approval authority shall render a written decision within 30 calendar days of receipt of an application, unless the approval authority, within the 30-day period, identifies in writing to the applicant the details in the alternative development design application that require additional review before a decision can be rendered.

8. Effect of Approval. Approvals for alternative development designs for mixed use are approved site plans, subject to the specifics of the application approval. Alternative design approval is not a general waiver or weakening of the land use regulations. This procedure is not intended as a substitute for a variance. Rather, the procedure permits a site-specific plan.

a. The purpose of an application for an alternative development design is to promote development and mixed use compatible with the existing and planned local and neighborhood business district.

b. The provisions of subsection 21.40.140P are not intended to allow application solely to permit a higher density than allowed in the district, nor to circumvent other specific standards of the district not subject to the site-specific waiver process.

c. As a site-specific approval for mixed use, modifications and approvals issued in review and approval of an application are not transferable to any other application or site, and shall not be relied on by an applicant as establishing precedent with respect to a different site or application.

9. Alternative development design approval for mixed use is undertaken in the B-1A local and neighborhood business district as set out in this subsection 21.40.140P on a trial basis to meet an immediate need to test parameters and standards in advance of final passage of the Title 21 Rewrite. Expedited implementation will allow maximum benefit from the

