



Municipality of Anchorage
Planning Department
Memorandum



Date: July 11, 2022

To: Anchorage Community and Reviewing Agencies

Subject: PZC Case No. 2022-0090, Review and Recommendation by the Planning and Zoning Commission of an Ordinance of the Anchorage Assembly amending AMC Code Title 21, Land Use Planning, to review the proposed text amendments to Accessory Dwelling Unit regulations.

SUMMARY

The Planning Department is seeking public and agency review of proposed text amendments to Accessory Dwelling Unit Standards in Title 21. The proposed changes are intended to facilitate the production of more housing, including compact housing, in the community.

PROJECT NEED AND PURPOSE

Accessory Dwelling Units (ADUs) are one of many tools for addressing housing supply. Most housing is generally produced by professional developers or institutions, but an ADU allows a form of decentralized production which gives each property owner an option to provide additional housing through investment of their own resources. This helps facilitate more small-scale housing production in places people desire it.

The 2040 Land Use Plan (LUP) encourages more compact housing units across the Anchorage Bowl. This project falls under Goals 2 and 4:

Goal 2: Infill and redevelopment meets the housing and employment needs of residents and businesses in Anchorage.

- LUP 2.2. Coordinate redevelopment incentives and public infrastructure investments with development entitlements to enhance walkability and quality of life, and encourage the market to add new residences, shops, and workplaces.
- LUP 2.3. Remove barriers to desired infill development and incorporate flexibility in development requirements to promote adaptive reuse of older buildings and compact infill/redevelopment, including that which reflects traditional urban neighborhood design contexts. LUP Policies 1.5, 3.1, 4.2, 5.2, 5.3, 7.1, 7.2, and 9.3 are also integral to this Goal.

Goal 4: Anchorage's neighborhoods provide a range of places to live, meeting the housing needs of residents at all income levels, household sizes, interests, ages, abilities, and races and ethnicities.

Policies:

- LUP 4.1. Provide sufficient land to meet the diverse housing needs of Anchorage’s citizens, where the integrity of the residential neighborhood area is protected from expanding commercial corridors or non-neighborhood employment activities.
- LUP 4.2. Allow and encourage innovative compact housing types and a variety of housing options that respond to changing preferences.
- LUP 4.3. Promote balanced neighborhoods with diverse infill housing, and provide opportunities for development of affordable and accessible housing that avoids creating areas of concentrated low-income housing.
- LUP 4.4. Encourage property owners to preserve, rehabilitate, or redevelop properties in ways that minimize housing displacement and maintain affordability, health, and safety for residents.

Actions:

- **4-7** Amend Title 21 to ease restrictions that currently deter construction of accessory dwelling units (ADUs). Determine appropriate measures through a meaningful, collaborative public process and include development standards for neighborhood compatibility.
- **4-9** Encourage the construction of accessory dwelling units (ADUs) through a permit review assistance program, applicant guidance materials, improved tracking of ADU development trends, and public information.
- **4-10** Amend Title 21 to reduce restrictions that currently deter construction of compact housing types; and expand provisions that allow for compact housing types, including small-lot housing, cottage houses with shared courtyards, townhouses, and small-scale garden apartments. Determine appropriate measures through a meaningful, collaborative public process and make subject to site development standards including standards for neighborhood compatibility.

The Fairview Neighborhood Plan also calls explicitly for the use of ADUs in that area:

- 1.6 Use accessory dwelling units (“mother in-law apartments”) to achieve increased density in Fairview while respecting its historic character and socioeconomic diversity. ADUs are encouraged in the single family and duplex areas throughout Fairview. If not allowed under existing zoning, they will be approved through the Overlay District process that encourages and facilitates ADUs with single family and duplex housing.

PUBLIC OUTREACH

Staff worked with a range of stakeholders including community councils, developers, institutional partners, agencies, and Planning Department staff to develop this ADU proposal. This included:

- A working group convened several times between November 2021 and July 2022 composed of local developers and non-profit organizations.
- A survey sent to all community councils which collected over 330 responses between November and December 2021.
- A presentation at the March 10, 2022 Community and Economic Development Committee meeting.
- Fielding calls and emails about the project as necessary.
- A walking tour of compact housing in the South Addition neighborhood on May 5, 2022.
- Presentations to 9 community councils and the federation of community councils between April and June of 2022:

	Council	Presentation Date
1	FCC	4/20/2022
2	Downtown CC	5/4/2022
3	Rogers Park CC	5/9/2022
4	Birchwood CC	5/11/2022
5	Rabbit Creek CC	5/12/2022
6	Fairview CC	5/12/2022
7	Hillside CC	5/16/2022
8	Chugiak	5/18/2022
9	Spenard	6/1/2022
10	South Addition	6/22/2022

SCOPE OF PROPOSED CODE CHANGES

The proposed changes to existing code changes focus on the following:

Item	Existing Code (Chapter 5 of Title 21)	Proposal	Rationale
Owner Occupancy	<p>“The landowner shall reside in either the principal dwelling unit or the ADU as his or her primary residence for more than six months of each year.”</p> <p>“With the permit application, the landowner shall submit an affidavit on a form provided by</p>	<p>This restriction removed in the proposal.</p>	<p>Best practices show this is often a significant obstacle to ADU production, there are also no owner</p>

	the municipality, affirming that at least one landowner will occupy the principal dwelling or the accessory unit,”		occupancy requirements for single family homes.
What kinds of buildings ADUs can be accessory to	“A subordinate dwelling unit added to, created within, or detached from a detached single-family dwelling,”	Change the definition of ADU to allow them to be placed with single family and duplex homes.	Allowing ADUs accessory to duplexes allows more housing in areas that more housing is already being provided.
ADU Size	<p>“(a) In class A districts, the gross floor area of the ADU, not including any related garage, shall be no greater than 900 square feet or 75 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is less.</p> <p>(b) In class B districts, the gross floor area of the ADU, not including any related garage, shall be no greater than 900 square feet or 35 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is greater.”</p>	ADUs must still be subordinate to the primary dwelling, but now allow ADU floor area to be either up to 900 square feet or 40% of principal structure, whichever is larger.	Changed to allow flexibility based on feedback from the public.
Vehicle Storage	“One parking space in addition to the parking spaces required for the principal dwelling unit is required for the accessory dwelling unit; but in no event shall there be fewer than three parking spaces per lot. The additional parking space required for the ADU may be on the parent lot or on-street when	This requirement removed in the proposal.	Embedding transportation cost in housing cost makes housing more expensive, additionally the existing code language

	approved by the municipal traffic engineer as provided in subsection 21.07.090F.19.”		is difficult to enforce.
Class A vs. Class B districts	<p>“(a) In class A districts, the gross floor area of the ADU, not including any related garage, shall be no greater than 900 square feet or 75 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is less.</p> <p>(b) In class B districts, the gross floor area of the ADU, not including any related garage, shall be no greater than 900 square feet or 35 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is greater.”</p>	This distinction removed in the proposal.	This change will simplify code.
Setbacks	<p>“The ADU shall, on all street frontages, either have a front setback of at least 40 feet, or be at least 10 feet behind the street facing façade of the principal dwelling unit.”</p> <p>“An ADU shall not encroach into any required setback, except that an ADU may encroach into the side or rear setback abutting an alley. Detached accessory units taller than 15 feet shall adhere to a 10-foot side setback abutting a neighboring R-1 or R-1A lot.”</p>	The proposal calls for the same setbacks as the principal structure, allowing encroachments into side or rear setbacks abutting an alley.	This change will simplify code, and recognizes that if structure bulk can exist as the principal structure then there is no significant difference if the very same bulk form is an ADU.
Bedrooms	“The ADU shall have no more than two bedrooms.”	This restriction removed in the proposal.	Difficult to enforce as is, bedroom limitations may or may not be a

			meaningful standard.
Height	“The maximum height of a detached ADU shall be 25 feet.”	Same as principal structure in underlying zone.	This change will simplify code, and recognizes that if structure height can exist in the same footprint but as the principal structure, then there is no significant difference if an ADU has the same height.
Eagle River/Chugiak	“Size i. Detached ADUs on lots of one acre or more shall have a maximum gross floor area of 1,000 square feet. (Amends subsection 21.05.070D.1.b.iii.(C).(6).(a).) ii. Notwithstanding subsection 1.a. above, the gross floor area of an ADU (excluding a garage) shall not exceed 40 percent of the gross floor area of the principal dwelling (excluding any garage). (Replaces subsection 21.05.070D.1.b.iii.(C).(6).(b).)”	The gross floor area of an ADU, not including any related garage, shall be up to 1,000 square feet or 40% of the total gross floor area of the principal dwelling unit, whichever is larger).	Eagle River/Chugiak communities requested additional flexibility.

The full extent of the proposed changes can be found in Attachment 1.

SPECIAL CONSIDERATIONS: REGULATING SHORT TERM RENTALS

Many community members expressed interest in more housing in their neighborhoods, but also concern about whether the housing would be used for short term rentals or longer-term residents. On each occasion staff emphasized that zoning is rarely any effective way to address a dynamic issue like short term rentals; related conflicts are best resolved through other types of

municipal enforcement. However, staff would like to emphasize that there is a high-priority need in the community to address this issue, and so it may be advisable to make additional policy or regulatory changes to Anchorage Municipal code outside of Title 21 concurrent with or subsequent to this proposal.

REQUEST FOR PUBLIC COMMENTS

The Planning Department appreciates any comments on this draft text amendment and requests any comments by **Monday, August 22nd, 2022**. The Planning and Zoning Commission public hearing is scheduled for **Monday, September 19, 2022, at 6:30 p.m. in the Assembly Chambers of the Z.J. Loussac Library, 3600 Denali Street, Anchorage**. Recommendations and findings from the Planning and Zoning Commission process will be forwarded to the Assembly, which will also hold a public hearing before taking final action. You may submit comments in one of the following ways:

- by CityView:** munimaps.muni.org/planning/allcomments.cfm
(search for case number **2022-0090**)
- by email:** Anchorage2040@muni.org or Daniel.mckenna-foster@anchorageak.gov
- by fax:** (907) 343-7927
- by mail:** Long-Range Planning Division
MOA Planning Department
P.O. Box 196650
Anchorage, AK 99519-6650

For any questions please contact Daniel.mckenna-foster@anchorageak.gov or 907-343-7918. Additional information can be found on the project webpage at:

<https://www.muni.org/Departments/OCPD/Planning/Projects/AnchLandUse/Pages/ADU.aspx>

ATTACHMENTS

1. **Attachment 1:** Draft Assembly Ordinance (Code Amendment)

Attachment 1

Draft Assembly Ordinance (Code Amendment)

Title 21 Amendment to 21.05.070 & 21.10.050

Public Hearing Draft

PZC Case No. 2022-0090

Submitted Chair of the Assembly at
by: the Request of the Mayor
Prepared by: Planning Department
For reading:

ANCHORAGE, ALASKA
AO No. 2022-___

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE, TITLE 21 SECTION
2 21.05.70, ACCESSORY USES, AND 21.10.050, USE REGULATIONS.

3
4 (Planning and Zoning Commission Case No. 2022-0090)
5
6

7 **WHEREAS**, Goal 4 of the 2040 Land Use Plan (LUP) calls for neighborhoods that provide
8 a range of places to live and meet the housing needs of residents at all income levels,
9 household sizes, interests, ages, abilities, and races and ethnicities; and

10
11 **WHEREAS**, The 2040 LUP called for 1,000 new Accessory Dwelling Units (ADUs) in the
12 Bowl by 2040; and,
13

14 **WHEREAS**, 2040 LUP policy 4.2. calls for allowing and encouraging innovative compact
15 housing types and a variety of housing options that respond to changing preferences; and
16

17 **WHEREAS**, 2040 LUP Action 4-7 calls for easing restrictions that deter the construction
18 of ADUs; and
19

20 **WHEREAS**, Building permits since the most recent changes to Accessory Dwelling Unit
21 zoning regulations in 2018 do not indicate substantial increases in the number of ADUs
22 produced; and
23

24 **WHEREAS**, Between 2021 and 2022 the Planning Department has conducted outreach,
25 hosted a work group, and conducted a survey of community councils on perceived
26 obstacles within the zoning code and developed a proposal to address needed changes
27 to improve ADU production; now, therefore,
28

29 **THE ANCHORAGE ASSEMBLY ORDAINS:**

30
31 **Section 1.** Anchorage Municipal Code 21.05.070 is hereby amended to read as follows
32 (*the remainder of the section is not affected and therefore not set out*):
33

34 **21.05.070 ACCESSORY USES AND STRUCTURES**

35
36 *** **

37 **D. Definitions and Use-Specific Standards for Allowed Accessory Uses and**
38 **Structures**
39

1 This section defines the accessory uses listed in table 21.05-3 and also contains
2 use-specific standards that apply to those uses. Accessory uses shall comply with
3 the applicable use-specific standards in this subsection, in addition to complying
4 with the general standards in subsection B.
5

6 **1. Accessory Dwelling Unit (ADU)**
7

8 **a. Definition**

9 A subordinate dwelling unit added to, created within, or detached
10 from a detached single-family or two-family dwelling which provides
11 basic requirements for living, sleeping, cooking, and sanitation. The
12 unit may have a separate exterior entrance or an entrance to an
13 internal common area accessible to the outside.
14

15 **b. Use-Specific Standards**

16 **i. Purpose and Intent**

17 The purpose and intent of this section is to:
18

19
20 **(A)** Fulfill housing policy #15 of *Anchorage 2020:*
21 *Anchorage Bowl Comprehensive Plan*, which provides
22 that accessory housing units shall be allowed in certain
23 residential zones;

24
25 **[B]** PROVIDE A MEANS FOR HOMEOWNERS,
26 PARTICULARLY THE ELDERLY, SINGLE PARENTS,
27 AND FAMILIES WITH GROWN CHILDREN, TO
28 REMAIN IN THEIR HOMES AND NEIGHBORHOODS,
29 AND OBTAIN EXTRA INCOME, SECURITY,
30 COMPANIONSHIP, AND SERVICES;]

31
32 **(B)[C]** Allow more efficient and flexible use of existing
33 housing stock, land supply, and infrastructure;

34
35 **[(D)]** RESPOND TO CHANGING FAMILY NEEDS AND
36 SMALLER HOUSEHOLDS BY PROVIDING A MIX OF
37 HOUSING;

38
39 **(E)** IMPROVE THE AFFORDABILITY OF
40 HOMEOWNERSHIP AND ENHANCE PROPERTY
41 VALUES THROUGH RENTAL INCOME
OPPORTUNITY;

42
43 **(F)** PROVIDE A BROADER RANGE OF ACCESSIBLE
44 AND MORE AFFORDABLE HOUSING WITHIN THE
MUNICIPALITY; AND

1 (G) PROTECT NEIGHBORHOOD STABILITY,
2 PROPERTY VALUES, AND CHARACTER BY
3 ENSURING THAT ADUS ARE INSTALLED UNDER
4 THE PROVISIONS OF THIS TITLE.]
5

6 ii. *Application, Review, and Approval Procedures*
7

8 (A) Any landowner operating or seeking to establish an
9 ADU shall obtain a building or land use permit from the
10 Development Services Department. The permit shall
11 constitute an ADU permit.

12 [(B) WITH THE PERMIT APPLICATION, THE
13 LANDOWNER SHALL SUBMIT AN AFFIDAVIT ON A
14 FORM PROVIDED BY THE MUNICIPALITY,
15 AFFIRMING THAT AT LEAST ONE LANDOWNER
16 WILL OCCUPY THE PRINCIPAL DWELLING OR THE
17 ACCESSORY UNIT, AND THAT THE ADU WILL
18 CONFORM TO THE REQUIREMENTS OF THE
19 PERMIT AND THE REQUIREMENTS OF THIS
20 SECTION. ANY OTHER RESTRICTIONS OR
21 OBLIGATIONS RELATED TO THE ADU USE AND
22 REQUIRED TO BE RECORDED SHALL BE
23 INCLUDED IN THE AFFIDAVIT.

24 (C) THE PERMIT AND THE AFFIDAVIT SHALL BE FILED
25 AS A DEED RESTRICTION WITH THE ANCHORAGE
26 RECORDING DISTRICT TO INDICATE THE
27 PRESENCE OF THE ADU, THE REQUIREMENT OF
28 OWNER-OCCUPANCY, AND CONFORMITY WITH
29 THE REQUIREMENTS OF THE PERMIT AND THE
30 REQUIREMENTS OF THIS CHAPTER.]

31 (B) For purposes of securing financing, potential
32 landowners may request and receive a letter of pre-
33 approval from the municipality indicating the property
34 is eligible for an ADU permit if the potential landowner
35 completes the application process and construction in
36 accordance with this section.
37

38 iii. *Requirements*
39

40 All ADUs shall meet the following requirements:

41 [(A) *PURPOSE*
42 REQUIREMENTS FOR ACCESSORY DWELLING
43 UNITS ADDRESS THE FOLLOWING PURPOSES:

1 (1) ENSURE THAT ACCESSORY DWELLING UNITS
2 MAINTAIN AND ARE COMPATIBLE WITH THE
3 APPEARANCE AND CHARACTER OF THE
4 PRINCIPAL RESIDENCE, LOT, AND
5 NEIGHBORHOOD;

6
7 (2) ENSURE THAT ACCESSORY DWELLING UNITS
8 ARE SMALLER IN SIZE THAN THE PRINCIPAL
9 DWELLING ON THE LOT, AND PRESERVE
10 UNDERLYING LOT COVERAGE LIMITS;

11
12 (3) MINIMIZE NEGATIVE IMPACTS TO ON-STREET
13 PARKING IF ALLOWED BY THE TRAFFIC
14 ENGINEER, AND MINIMIZE THE AMOUNT OF
15 PAVED SURFACE ON A SITE; AND

16
17 (4) PROVIDE CLEAR AND FLEXIBLE STANDARDS
18 THAT MAKE IT PRACTICAL AND ECONOMICAL TO
19 DEVELOP ACCESSORY DWELLING UNITS THAT
20 ARE IN COMPLIANCE WITH THIS CODE.]

21
22
23 **(A)[B]** *Allowed Zoning Districts*

24 ADUs are allowed in all residential zoning districts.

25
26 **(B) [C]** *Requirements for Developing an ADU*

27
28 (1) *One Principal Structure.*

29 One ADU may be added to or created within a
30 [DETACHED SINGLE FAMILY DWELLING ON
31 A LOT, TRACT, OR PARCEL, BUT ONLY IF
32 THE DETACHED SINGLE-FAMILY DWELLING
33 IS THE SOLE PRINCIPAL STRUCTURE ON
34 THAT LOT, TRACT, OR PARCEL] dwelling or
35 two-family dwelling on a lot, tract, or parcel.

36
37 (2) *Detached ADU.*

38 One ADU detached from a single-family or two-
39 family dwelling is permitted on a lot, tract, or
40 parcel in all residential zoning districts.

41
42 (3) *Lot Coverage.*

43 The lot coverage of the principal dwelling unit
44 and all accessory structures combined,
45 including but not limited to the ADU, shall be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

less than or equal to the maximum lot coverage allowed by the zoning district.

[(4) USES.
THE LANDOWNER SHALL RESIDE IN EITHER THE PRINCIPAL DWELLING UNIT OR THE ADU AS HIS OR HER PRIMARY RESIDENCE FOR MORE THAN SIX MONTHS OF EACH YEAR.]

(4) *Building Code Requirements.*

All ADUs shall be built to the adopted municipal building code standards.

(5) *Size.*

[A] ADUs shall be subordinate in size to the primary structure on the lot. The gross floor area of the ADU, not including any related garage, shall be up to 900 square feet or 40 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is greater.

[(A) IN CLASS A DISTRICTS, THE GROSS FLOOR AREA OF THE ADU, NOT INCLUDING ANY RELATED GARAGE, SHALL BE NO GREATER THAN 900 SQUARE FEET OR 75 PERCENT OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL DWELLING UNIT (EXCLUDING THE ADU AND GARAGES), WHICHEVER IS LESS.

(B) IN CLASS B DISTRICTS, THE GROSS FLOOR AREA OF THE ADU, NOT INCLUDING ANY RELATED GARAGE, SHALL BE NO GREATER THAN 900 SQUARE FEET OR 35 PERCENT OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL DWELLING UNIT (EXCLUDING THE ADU AND GARAGES), WHICHEVER IS GREATER.

1 (C) THE ADU SHALL HAVE NO MORE
2 THAN TWO BEDROOMS.]

3
4 (6) *Setbacks.*

5
6 ADUs are subject to the same setbacks of the
7 underlying zone except that an ADU may
8 encroach into the side or rear setback abutting
9 an alley.[DETACHED ACCESSORY UNITS
10 TALLER THAN 15 FEET SHALL ADHERE TO
11 A 10-FOOT SIDE SETBACK ABUTTING A
12 NEIGHBORING R-1 OR R-1A LOT.]

13 [(1) *PARKING.*

14 ONE PARKING SPACE IN ADDITION TO THE
15 PARKING SPACES REQUIRED FOR THE
16 PRINCIPAL DWELLING UNIT IS REQUIRED
17 FOR THE ACCESSORY DWELLING UNIT;
18 BUT IN NO EVENT SHALL THERE BE FEWER
19 THAN THREE PARKING SPACES PER LOT.
20 THE ADDITIONAL PARKING SPACE
21 REQUIRED FOR THE ADU MAY BE ON THE
22 PARENT LOT OR ON-STREET WHEN
23 APPROVED BY THE MUNICIPAL TRAFFIC
24 ENGINEER AS PROVIDED IN SUBSECTION
25 21.07.090F.19. NOTWITHSTANDING THE
26 PROVISIONS OF CHAPTER 21.13,
27 NONCONFORMITIES, ALL OFF-STREET
28 PARKING DEFICIENCIES SHALL BE
29 CORRECTED.

30 EXCEPTIONS:

31 (A) NO ADDITIONAL PARKING SHALL BE
32 REQUIRED FOR THE ACCESSORY
33 DWELLING UNIT IF THE LANDOWNER
34 OF THE REAL PROPERTY EXECUTES
35 A COVENANT, INCLUDED AS A
36 PROVISION IN THE AFFIDAVIT
37 REQUIRED FOR THE ADU PERMIT ON
38 A FORM PROVIDED BY THE
39 MUNICIPALITY, THAT PROHIBITS THE
40 PERSON OCCUPYING AND RESIDING
41 IN THE ADU FROM OWNING,
42 LEASING, OR HAVING A RIGHT TO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

USE A MOTOR VEHICLE; EXCEPT THE PERSON MAY OWN OR LEASE A MOTOR VEHICLE THAT IS NOT INTENDED FOR USE BY THE PERSON OCCUPYING AND RESIDING IN THE ADU AND NOT REGULARLY PARKED AT THE SITE. THE COVENANT SHALL INCLUDE AN AGREEMENT BY THE LANDOWNER TO REQUIRE ANY LEASE, RENTAL AGREEMENT, OR OTHER ARRANGEMENT WITH THE TENANT OF THE ADU TO INCLUDE THE PROHIBITION, WITH THE RIGHT OF EVICTION IF SUCH PERSON ACQUIRES ONE. FOR PURPOSES OF THIS SECTION, A "MOTOR VEHICLE" IS A SELF-PROPELLED VEHICLE DESIGNED TO TRAVEL ON THREE OR MORE WHEELS IN CONTACT WITH THE GROUND.

(8) DESIGN AND APPEARANCE.

THE CONSTRUCTION OF AN ADDITIONAL ENTRY DOOR ON THE SIDE OF A PRINCIPAL STRUCTURE FACING A STREET FOR ENTRANCE INTO AN ACCESSORY DWELLING UNIT IS PROHIBITED, UNLESS NO OTHER ENTRY DOOR ALREADY EXISTS ON THAT SIDE. ENTRANCES ARE PERMITTED ON NON-STREET-FACING SIDES OF THE PRINCIPAL STRUCTURE. DETACHED ADUS ARE EXEMPT FROM THIS STANDARD.]

(7) *Utilities.*

To the extent allowed by law and utility tariff, the ADU shall be connected to the water, sewer, gas, and electric utilities of the single family dwelling unit. However, lots with on-site water or septic systems may have a separate water and/or septic system for the ADU.

[(D) ADDITIONAL REQUIREMENTS FOR DETACHED ADUS

1 (1) THE ADU SHALL, ON ALL STREET
2 FRONTAGES, EITHER HAVE A FRONT
3 SETBACK OF AT LEAST 40 FEET, OR BE AT
4 LEAST 10 FEET BEHIND THE STREET
5 FACING FAÇADE OF THE PRINCIPAL
6 DWELLING UNIT.

7 (2) THE MAXIMUM HEIGHT OF A DETACHED
8 ADU SHALL BE 25 FEET.]

9
10 (C) Height.

11 ADUs shall be subject to the same height limits
12 as the principal structure on the lot.

13
14 (D)[E] Density.

15 ADUs are not included in the density
16 calculations for a site.

17
18 (E)[F] Expiration of Approval of an ADU.

19 Approval of an ADU expires when:

20
21 (1) The ADU is altered and is no longer in conformance
22 with this code;

23 [(2) THE PROPERTY CEASES TO MAINTAIN ALL
24 REQUIRED PARKING SPACES;

25 (3) A LANDOWNER OF THE PROPERTY DOES NOT
26 RESIDE IN EITHER THE PRINCIPAL OR THE
27 ACCESSORY DWELLING UNIT; OR]

28
29 (2)[4] The ADU is abandoned by the landowner
30 through written notification to the municipality on
31 a form provided by the municipality.

32
33
34 [G]

35 [TRANSFER.

36 WHEN A PROPERTY WITH AN ADU IS SOLD
37 OR OTHERWISE TRANSFERRED, THE NEW
38 LANDOWNER SHALL FILE AN AFFIDAVIT OF
39 OWNER-OCCUPANCY WITH THE
40 DEPARTMENT WITHIN 30 DAYS OF THE
41 TRANSFER, AND PAY A PROCESSING FEE.
42 FAILURE TO FILE AN AFFIDAVIT BY THE

1 DUE DATE CONSTITUTES FAILURE TO
2 HAVE A PERMIT, IN VIOLATION OF THIS
3 SECTION. TRANSFERS FROM ONE
4 LANDOWNER TO ANOTHER LANDOWNER
5 DO NOT REQUIRE A NEW AFFIDAVIT SO
6 LONG AS THE RECIPIENT LANDOWNER
7 SIGNED THE ORIGINAL AFFIDAVIT.]

8 **(G)[H] Prior Illegal Use.**
9

10 (1) All structures which meet the definition of
11 accessory dwelling unit which are not
12 recognized as legal nonconforming structures or
13 uses of structures under chapter 21.13 shall
14 comply with this subsection. Such structures
15 may continue in existence provided the
16 following requirements are met:
17

18 (a) A permit application for an ADU is
19 submitted to the building safety division
20 within six months of the effective date of
21 this ordinance.

22 (b) The unit complies with the requirements
23 of this section.
24

25 (2) If the unit does not comply with the requirements
26 of this section at the time the permit application
27 is filed, the building official may grant six months
28 to bring the unit into conformance.
29

30 (3) In addition to any other remedies provided in
31 this code, failure to legalize an existing unit
32 under this subsection shall result in civil
33 penalties as provided at AMC section
34 14.60.030. [ALL LANDOWNERS OF ILLEGAL
35 UNITS SHALL ALSO BE REQUIRED TO
36 EITHER LEGALIZE THE UNIT OR REMOVE
37 IT.]
38

39 (4) This subsection does not apply to existing legal
40 nonconforming uses of structures established
41 pursuant to chapter 21.13.
42
43

44 **Section 2.** Anchorage Municipal Code 21.10.050 is hereby amended to read as follows
45 *(the remainder of the section is not affected and therefore not set out):*

1
2 **21.10.050 USE REGULATIONS**
3

4 *** **

5 **H. Accessory Uses and Use-Specific Standards**
6

7 Except for those uses listed below, see section 21.05.070. For those uses listed
8 below, the use-specific standards or applicable portions of such standards of this
9 chapter shall apply instead of the use-specific standards of chapter 21.05.

10
11 **1. Accessory Dwelling Unit (ADU)**

12 **a. Size**

13
14 i. The gross floor area of an ADU, not including any related garage, shall be
15 up to 1,000 square feet or 40% of the total gross floor area of the principal
16 dwelling unit, whichever is larger)

17
18 [i. DETACHED ADUS ON LOTS OF ONE ACRE OR MORE SHALL HAVE
19 A MAXIMUM GROSS FLOOR AREA OF 1,000 SQUARE FEET. (AMENDS
20 SUBSECTION 21.05.070D.1.B.III.(C).(6).(A).)

21 ii. NOTWITHSTANDING SUBSECTION 1.A. ABOVE, THE GROSS
22 FLOOR AREA OF AN ADU (EXCLUDING A GARAGE) SHALL NOT
23 EXCEED 40 PERCENT OF THE GROSS FLOOR AREA OF THE
24 PRINCIPAL DWELLING (EXCLUDING ANY GARAGE). (REPLACES
25 SUBSECTION 21.05.070D.1.B.III.(C).(6).(B).)]
26

27
28 *** **

29
30
31 **Section 3.** This ordinance shall be effective immediately upon passage and approval
32 by the Assembly.
33

1 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
2 _____, 2022.
3
4
5
6

7 Chair of the Assembly

8 ATTEST:
9

10
11
12 Municipal Clerk

13 (Planning and Zoning Commission Case No. 2022-0090)
14
15
16
17

DRAFT