TITLE 21 REWRITE

AO No. 2012-124

(AM No. 712 - 2012)

Exhibit A:
"Assembly Committee Draft Title 21 Chapters"

Showing annotated technical edits and changes
proposed by the Administration,
the Planning and Zoning Commission, and
the Assembly Title 21 Committee

December 18, 2012

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TITLE 21 REWRITE

CHAPTER 21.01

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

Page 1 ANNOTATION

The Assembly Committee agreed on an effective date that provides a grace period for developers and municipal staff to prepare for implementation, and that falls after the construction season is over, but before planning for the next year's season ramps up: sometime between October and January.

PZC Rationale for amending the purpose statements:
-Some of the sub-paragraphs were overly broad and sounded like mandates.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Tech Edit Addition
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CHAPTER 21.01: GENERAL PROVISIONS

21.01.010 TITLE AND EFFECTIVE DATE

This title shall be officially known as "Title 21, Land Use Planning, of the Anchorage Municipal Code of Ordinances." It also may be called "Title 21," the "Zoning Ordinance," or "the Land Use Ordinance," and is referred to throughout this document as "this title." This title shall become effective on December 1, 2013.

21.01.020 AUTHORITY

This title is adopted pursuant to authority granted generally by the Alaska Constitution, the Alaska Statutes (A.S.), and the Municipal Charter, and specifically by:

A. Alaska Constitution, Article X, Sect. 11 (Home rule powers);

B. Municipal Charter, section 10.02(7) (Requires ordinances for land use controls);

C. Municipal Charter, section 12.02 (Requires a planning commission); and

D. A.S. 29.35.180(b) (Requires a home rule borough to provide for planning, platting, and land use regulation).

21.01.030 PURPOSE OF THIS TITLE

The purpose of this title is to implement the comprehensive plan in a manner which protects the public health, safety, welfare, and economic vitality by:

A. Encouraging the efficient use of existing infrastructure and the available land supply in the municipality, including redevelopment [OF UNDERUTILIZED LAND];

B. [PROMOTING A BALANCED,] Encouraging a diverse supply of [AFFORDABLE,] quality housing located in safe [AND LIVABLE] neighborhoods;

C. [PROMOTING] Encouraging a balanced supply of nonresidential land uses that are compatible with adjacent land uses and have good access to transportation networks;

D. [PROMOTING] Encouraging well-planned development that [CREATES A SENSE OF PLACE AND] reflects the municipality's unique northern setting, natural resources, and majestic surroundings;

E. [PROVIDING] Encouraging appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development [IN THE MUNICIPALITY];

[CONSERVING THE VALUE OF BUILDINGS AND LAND;]

F. Protecting the [WIDE] diversity of fish and wildlife habitats by minimizing [THE] adverse impacts of land development on the natural environment;

G. Protecting [DEVELOPMENT AND] residents of the municipality from flooding, wildfires, seismic risks, and other hazards;

H. Encouraging development of an [SUSTAINABLE AND] accessible system of recreational facilities, parks, trails, and [NATURAL] open space that meets [YEAR-ROUND] neighborhood and community-wide needs;

I. Promoting [COMPACT] development in city centers and infill areas so as to create efficient travel patterns;

Page 2 ANNOTATION

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[ENCOURAGING THE RETENTION OF MATURE VEGETATION;]

J. Promoting development patterns and site designs that protect and enhance the surrounding community character and a variety of appealing and distinctive neighborhoods [PROTECTING AND ENHANCING LIVABLE AND DISTINCTIVE NEIGHBORHOODS];

K. Promoting a pattern of land use and development upon which to provide for adequate transportation, water supply, sewerage, and other public facilities [FACILITATING THE ADEQUATE AND SAFE PROVISION OF TRANSPORTATION, WATER, SEWAGE, DRAINAGE, SCHOOLS, PARKS, AND OTHER PUBLIC FACILITIES]; and

L. Encouraging land and transportation development patterns that promote public health and safety [AND OFFER TRANSPORTATION CHOICES].

21.01.040 APPLICABILITY AND JURISDICTION

A. General

The provisions of this title shall apply to all land, buildings, structures, and uses thereof located within the municipality, unless an exemption is provided by the terms of this title.

B. Application to Governmental Units

To the extent allowed by law, the provisions of this title shall apply to all land, buildings, structures, and uses owned by government agencies, including all municipal, state, and federal lands, within the corporate limits of the municipality. Where the provisions of this title do not apply to such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this title.

C. Compliance Required

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with this title. No lot of record that did not exist on the effective date of this title shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this title, unless allowed by section 21.01.090, *Transitional Provisions*.

21.01.050 OFFICIAL ZONING MAP

A. Incorporation Into this Ordinance

The official zoning map designates the location and boundaries of the various zone districts established in this title. It consists of a series of map pages adopted by ordinance and any subsequent amendments in accordance with this title. The official zoning map is incorporated herein by reference and referred to as the "zoning map" in this title. The zoning map shall be kept on file in the office of the department and is available for public inspection during normal business hours. The map shall be the final authority as to the current zoning status of lands, water areas, buildings, and other structures in the municipality.

B. Changes to Official Zoning Map

Changes made in zoning district boundaries or other matters portrayed on the official zoning map shall be made only in accordance with the provisions of section 21.03.160, *Rezonings (Zoning Map Amendments)*.

C. Interpretation of District Boundaries

In the case of any dispute regarding the zoning classification of property subject to this title, the official zoning map contained in the department shall control, or other official records as provided

Page 3 ANNOTATION

The Assembly Committee deleted this language, due to the addition of clarifying language in 21.01.080D. below, and because by law, Title 21 cannot conflict with the comprehensive plan.

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below. The director shall use the rules set forth below to interpret the map. Appeals shall be made to the zoning board of examiners and appeals in accordance with section 21.03.050[040], *Appeals*.

1. Where the zoning map shows a zoning district boundary line located within or following a street or alley right-of-way, utility line right-of-way, or public use easement, the district boundary shall be considered to be in the center of the right-of-way or easement. If the actual location of such right-of-way, or easement, as indicated in a recorded legal description of such, varies slightly from the location shown on the zoning map, then the actual location shall control.

2. Where the zoning map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.

3. Where the zoning map shows a district boundary to coincide with a property line or municipal border, the legal property line or municipal border shall be considered to be the district boundary, unless otherwise indicated on the map.

4. Where the zoning map shows a district boundary to not coincide or approximately coincide with any street, alley, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the zoning map.

5. Where the zoning map shows a district boundary dividing an existing lot, each part of the lot shall be used in conformity with the standards established by this title for the zoning district in which that part is located.

6. Where the case record conflicts with the zoning map, the case record shall control. For example, if the zoning map shows a property to be zoned R-1, yet the case record shows that the property was actually zoned I-1, the case record would control and the map would be changed to reflect the case record. Any permits issued in reliance on the erroneous designation shall be considered valid under this title; however, the lot, structure, or use shall be considered nonconforming and governed by chapter 21.12, *Nonconformities*.

21.01.060 CONFLICTING PROVISIONS

A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This title is intended to complement other municipal, state, and federal regulations that affect land use. This title is not intended to revoke or repeal any other public law, ordinance, regulation, or permit, except as expressly set forth in ordinance. However, where conditions, standards, or requirements imposed by any provision of this title are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern.

[CONFLICT WITH COMPREHENSIVE PLAN

IT IS VITAL THAT THE MORE SPECIFIC DESIGN AND DEVELOPMENT STANDARDS THAT ARE CONTAINED IN TITLE 21 AND ARE INTENDED TO APPLY TO INDIVIDUAL DEVELOPMENT APPLICATIONS APPLY OVER THE GENERAL GOALS AND POLICIES OF THE COMPREHENSIVE PLAN WHERE THERE MAY BE A POTENTIAL CONFLICT WHEN DEALING WITH DEVELOPMENT APPLICATIONS. WHERE CONDITIONS, STANDARDS, OR REQUIREMENTS IMPOSED BY ANY PROVISION OF THIS TITLE ARE EITHER MORE RESTRICTIVE OR LESS RESTRICTIVE THAN ANY PROVISION FOUND IN THE COMPREHENSIVE PLAN, THE PROVISION OF THIS TITLE SHALL GOVERN.]

Page 4 ANNOTATION

PZC Rationale for adding text:
-Provides clarification as to the difference between the sections.

Technical edits to the table of comprehensive plan elements reflect new comprehensive plan elements and amendments to existing elements that were adopted since Chapter 21.01 was provisionally adopted on April 10, 2007.

Administration Addition
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B. Conflict with Private Agreements

This title is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this title are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this title shall govern. Nothing in this title shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this title. In no case shall the municipality be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

21.01.070 SEVERABILITY

A. Invalidating a Provision

If any court of competent jurisdiction invalidates any provision of this title, then such judgment shall not affect the validity and continued enforcement of any other provision of this title.

B. Invalidating the Application of a Provision

If any court of competent jurisdiction invalidates the application of any provision of this title, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment, unless the circumstances leading to the invalidation are the same or substantially similar with respect to the other building, structure, or use.

C. Invalidating a Condition

If any court of competent jurisdiction invalidates any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment, unless the circumstances leading to the invalidation of the condition are the same or substantially similar.

21.01.080 COMPREHENSIVE PLAN

A. Purpose

The purpose of the comprehensive plan is to set forth the goals, objectives, strategies, and policies governing land use development of the municipality. As adopted, this section and the documents incorporated in this section constitute the comprehensive plan of the municipality.

B. Elements

1. Adopted Elements

The comprehensive plan consists of the adopted elements identified in the following table, and which are incorporated in this chapter by reference. Plans or other elements that are not listed below are not official elements of the comprehensive plan, though they may be valid planning tools.

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date [1]	Amendments
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	AO 2000-119(S); 2-20-2001	AO 2002-119; 9-10-2002
	Spenard Commercial District Development Strategy	AR 1986-121; 6-17-1986 AO 1987-145; 12-15-1987	
	Tudor Road Public Lands and Institutions Plan	AR 1986-162; 9-9-1986	
	3500 Tudor Road Master Plan	AO 2007-118; 11-13-2007	

Page 5 ANNOTATION

Technical edits to the table of comprehensive plan elements reflect new comprehensive plan elements and amendments to existing elements that were adopted since Chapter 21.01 was provisionally adopted on April 10, 2007.

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TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date [1]	Amendments
	Anchorage Downtown Comprehensive Plan [CENTRAL BUSINESS DISTRICT COMPREHENSIVE DEVELOPMENT PLAN]	AO 2007-113; 12-11-2007 [AR 1983-194(S); 9-13-1983]	
	Hillside District Plan	AO 2010-22; 4-13-2010	
	Utility Corridor Plan	AO 1990-13(S); 2-27-1990	AO 2003-78; 8-19-2003 AO 2005-121(S); 10-25-2005 AO 2007-97; 7-17-2007
	Section 36 Land Use Study (recommending Alternative 2)	AO 1992-125; 11-10-1992	
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	AO 1991-88; 6-3-1991	AIM 1991-178
	Potter Valley Land Use Analysis	AO 1999-144; 12-7-1999	
	U-MED/Universities[Y] and [-]Medical District Framework Master Plan	AO 2003-129; 10-21-2003	AO 2009-69; 6-23-2009 AO 2012-79; 8-21-2012
	West Anchorage District Plan	AO 2012-47; 7-10-12	
Turnagain Arm	Turnagain Arm Comprehensive Plan	AO 2009-126; 12-1-2009 [AO 1987-22; 4-7-1987]	
	Girdwood Area Plan	AO 1994-238(S); 2-28-1995	AO 1998-176; 11-24-1998 AO 2006-47; 4-11-2006 AO 2007-112; 9-11-2007
	Crow Creek Neighborhood Land Use Plan	AO 2006-47; 4-11-2006	
	Glacier-Winner Creek Access Corridor Study Final Routing Report	AO 1997-11; 2-4-1997	
	Girdwood-Iditarod Trail Route Study	AR 1997-84; 5-20-1997	
	Girdwood Commercial Areas and Transportation Master Plan	AO 2000-124(S); 2-20-2001	
Chugiak; Eagle River; Eklutna	Chugiak-Eagle River Comprehensive Plan	AO 1992-133; 1-12-1993	AO 1996-86; 6-25-1996--amended by Alternative 1 of HLB Parcel 1-085 Land Use Study AO 2006-93(S-1); 12-12-2006 AO 2009-104; 9-15-2009—amended by Chugiak-Eagle River Site Specific Land Use Plan, January 2009
	Eagle River Greenbelt Plan	AR 1985-88; April 1985	
	[Chugiak-Eagle River Long-Range Transportation Plan 2002 Update]	[AO 2003-128; 9-23-2003]	
	Eagle River Central Business District Revitalization Plan	AO 2003-74; 5-20-2003	
Environmental Quality	Anchorage Coastal [ZONE] Management Plan	AO 2007-107; 8-28-2007 [AR 1979-153; 8-28-1979]	[AO 1981-3; 3-3-1981]
	208 Areawide Water Quality Management Plan	AR 1979-151; 7-31-1979	AO 1982-33(S); 4-20-1982
	Eagle River PM-10 Control Plan	AR 1990-30; 2-6-1990	AR 1991-197; 9-24-1991
	Little Campbell Creek Watershed Management Plan	AO 2008-74; 6-24-2008	
	[HILLSIDE WASTEWATER MANAGEMENT PLAN]	[AO 1982-52; 5-18-1982]	[AO 1985-167; 9-24-1985 AO 1985-168; 9-24-1985 AO 1993-203; 12-7-1993 AO 1997-64; 6-3-1997 AO 1998-78; 6-2-1998 AO 1998-90; 8-18-1998 AO 1999-51; 3-23-1999 AO 2001-141(S); 10-23-2001 AO 2004-150; 11-16-2004]
	1992 Air Quality Attainment Plan for Anchorage, Alaska	AR 1992-279; 12-8-1992	

Page 6 ANNOTATION

Technical edits to the table of comprehensive plan elements reflect new comprehensive plan elements and amendments to existing elements that were adopted since Chapter 21.01 was provisionally adopted on April 10, 2007.

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TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date [1]	Amendments
	Anchorage Wetlands Management Plan	AO 1982-33(S); 4-20-1982	AO 1984-16(SA); 2-28-1984 AO 1984-130(S); 8-14-1984 AO 1984-163; 7-31-1984 AO 1995-129; 3-12-1996
Transportation	Street and Highway Landscape Plan	AO 1981-180; 11-3-1981	
	Areawide Trails Plan	AO 1996-140; 4-8-1997	
	Anchorage Non-Motorized Transportation Plan: Pedestrian Plan	AO 2007-96; 10-9-2007	
	Anchorage Non-Motorized Transportation Plan: Bicycle Plan	AO 2010-08; 3-23-2010	
	Official Streets and Highways Plan	AO 1979-10; 6-19-1979	AO 1983-200; 12-6-1983 AO 1984-255; 1-22-1985 AO 1986-132; 8-19-1986 AO 1996-97(S); 8-13-1996 AO 1997-85; 6-3-97 AO 2000-122; 8-15-2000 AO 2005-115; 10-25-2005
	2035 Metropolitan Transportation Plan [ANCHORAGE LONG-RANGE TRANSPORTATION PLAN 2025]	AO 2012-30(S); 4-10-2012 [AO 2005-115; 10-25-2005]	
Parks, Greenbelts, and Recreational Facilities	Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan	AO 2005-122; 4-18-2006	
	Anchorage Park, Greenbelt and Recreation Facility Plan, Volume 2: Eagle River—Chugiak—Eklutna	AO 1985-188; 12-17-1985	
	Anchorage Park, Greenbelt and Recreation Facility Plan, Volume 3: Turnagain Arm	AO 1985-188; 12-17-1985	AO 1987-4; 2-17-1987
	Areawide Library Facilities Plan	AR 1984-83; 4-10-1984	
	Updated Far North Bicentennial Park Plan	AR 1985-87; 5-14-1985	AO 2002-165; 12-10-2002
	Campbell Creek Park System Acquisition and Development Plan	GAAB Resolution No. R1986-72	
	Rabbit Creek Greenbelt Plan	AR 1987-16; 3-31-1987	
	Chester Creek Greenbelt	AR 11-1975; October 1975	

[1] AO 2000-119(S), at section 9, provides that elements of the comprehensive plan that were originally adopted by resolution are herby ratified and confirmed, and shall be deemed to have been adopted on the date that they were adopted by resolution.

2. New Elements

Procedures for amending the comprehensive plan are set forth in section 21.03.070, *Comprehensive Plan Amendments*. That process may be used to amend existing elements of the plan or to adopt new plan elements, including, but not limited to:

a. Plan elements that address new topic areas, such as, but not limited to, housing or public utilities;

b. Neighborhood plans;

c. Town center, district, or small-area plans; and

d. Land use maps or residential intensity maps.

C. Periodic Review

The comprehensive plan shall be subject to periodic review in accordance with the procedure described in section 21.03.070, *Comprehensive Plan Amendments*.

Page 7 ANNOTATION

The Assembly Committee added language to clarify the relationship between Title 21 and the Comprehensive Plan.

Administration amendment to clarify how existing special limitations will be treated under the new code.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
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D. Implementation—Conformity to Plans

1. The elements of the comprehensive plan shall be implemented as provided in this [SECTION AND AS PROVIDED IN THE REMAINDER OF THIS] title. [ZONING MAP AMENDMENTS, LAND USE APPROVALS, AND SUBDIVISIONS SHALL CONFORM TO THE COMPREHENSIVE PLAN ELEMENTS LISTED IN THIS SECTION.]

2. The specific requirements and regulations of this title govern in land use and building approvals and actions under this title, except as provided in subsections D.3. and D. 4. below.

3. Amendments to this title, rezonings, conditional uses, subdivisions, and other related discretionary actions under this title shall be consistent with the comprehensive plan, including the goals, objectives, policies, and strategies of the elements identified in table 21.01-1.

4. Rezonings, conditional uses, and subdivisions shall conform to the land use plan map and other applicable comprehensive plan maps of the elements identified in table 21.01-1.

5. Where comprehensive plan elements conflict, the most recently adopted shall govern.

21.01.090 TRANSITIONAL PROVISIONS

The purpose of transitional provisions is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this title and any future amendments to this title.

A. Violations Continue

Any violation of the previous title 21 ordinance shall continue to be a violation under this title and shall be subject to the penalties and enforcement set forth in chapter 21.13, *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this title.

B. Special Limitations

1. If a provision of this title conflicts with a special limitation of a zoning district, the more restrictive provision or limitation shall apply.

2. If any special limitation becomes unnecessary or void as a result of any provision of this title, other remaining special limitations of the zoning district shall still apply.

C. Uses, Characteristics of Use, Structures, and Lots Rendered Lawful [CONFORMING]

A use, characteristic of use, structure, or lot not lawfully existing at the time of the adoption of this title is deemed lawful as of the effective date of this title, provided it conforms to all of the requirements of this title.

D. Uses, Structures, and Lots Rendered Nonconforming

1. When a lot is used for a purpose that was a lawful use before the effective date of this title, and this title no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by chapter 21.12, *Nonconformities*.

2. [BUILDINGS, S]Structures[,] and lots that legally existed on the effective date of this title may become nonconforming, based on the provisions of chapter 21.12, *Nonconformities*.

Page 8 ANNOTATION

Administration Addition
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E. Processing of Applications Commenced or Approved Under Previous Ordinances

1. Pending Applications

a. Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this title, shall, within twelve months of the date of acceptance for completeness, be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete. However, in such cases, if the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this title. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

b. For multi-phase projects, this subsection shall apply only to those phases for which complete applications have been submitted for approval but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this title.

c. An applicant with an approved pending application may waive review available under prior ordinances through a written letter to the director and request for review under this title.

2. Preliminary Plats

a. Any complete preliminary plat application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this title, shall, within twelve months of the date of acceptance for completeness, be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete. Subsequently, the final plat for such subdivision applications also shall be processed and reviewed according to the provisions of the ordinance applicable at the time of submission of the complete application for preliminary plat.

b. An application for which preliminary approval of a plat was granted prior to the effective date of this title may be processed for a final decision in accordance with the preliminary approval, applicable terms of the ordinance in place at the time of preliminary approval, and any other approved permits and conditions, even if the application does not comply with one or more requirements set forth in this title. Preliminary approvals granted under the previous title 21 may be extended no more than once, and for no longer than 24 months (12 months for abbreviated plats), pursuant to the extension procedures applicable under the previous ordinance.

3. Approved Projects

a. Conditional use permits, subdivision plats, site plan approvals, grading permits, building permits, land use permits, sign permits, and variances, any of which are valid on [effective date] shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.

b. Any building or development for which a building permit or land use permit was granted prior to the effective date of this title shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this title.

Page 9 ANNOTATION

The Assembly Committee added language to clarify how phased projects are treated during the transition period.

PZC amendment, to clarify that the transitional provisions apply to any future amendment to Title 21, not just the 2002-2013 Title 21 Rewrite Project.

PZC amendment to delete section F. at the advice of the Department of Law.

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c. If the development for which the building permit or land use permit is issued prior to the effective date of this title fails to comply with the time frames for development established for the permit, including any approved extensions, the building or land use permit shall expire and future development shall be subject to the requirements of this title.

d. For multi-phase projects, the phases of the project may be developed in accordance with the approved master phasing plan, subject to the approval period and time extensions provisions provided in subsection 21.03.200C.7.e.

4. Remanded Cases

If the board of adjustment remands a case to another decision-making body, that body shall process the case under the rules applicable at the time the original complete application was submitted for approval, unless the applicant has waived review under previous ordinances pursuant to subsection D.1.c. above.

5. Future Amendments

The transitional provisions described in this section shall apply to any future amendment to this title, with the referenced effective date meaning the effective date of the amendment that impacts any particular application.

[INVESTMENT-BACKED EXPECTATIONS

[RESERVED]]

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TITLE 21 REWRITE

CHAPTER 21.02

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

Page 10 ANNOTATION

Generally, technical table edits (in yellow and gray) reflect clarifications and also changes that were made to Chapter 3, *Review and Approval Procedures*, after Chapter 2 was provisionally adopted.

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CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

21.02.010 PURPOSE

This chapter sets out the powers and duties of land use boards and commissions, the role of the assembly, and the responsibilities of municipal staff in the administration of this title.

21.02.020 TABLE OF DECISION AND REVIEW AUTHORITY

A. Table 21.02-1 summarizes the major review and decision-making responsibilities of the assembly, the municipal staff, and the other entities that have roles in the procedures set forth in chapter 21.03, *Review and Approval Procedures*. Such other entities are referred to as the "land use boards and commissions" and include: the planning and zoning commission, the platting board; the zoning board of examiners and appeals; the board of adjustment, the urban design commission; and the geotechnical advisory commission.

B. Table 21.02-1 is a summary tool and includes many, but not all, duties of these entities. Other duties and responsibilities are set forth in subsequent sections of this chapter and this title and other parts of the municipal code. Some other duties and responsibilities not listed in the table may require public hearings.

C. The referenced notes are set forth immediately below the table.

D. Even though not referenced in this chapter, the applicant, boards, commissions, or municipal administration may request that other boards, commissions, government agencies, and non-governmental agencies review some applications, including, but not limited to, rezonings, site plans, design reviews, and subdivisions. Title 21 matters referred to other agencies will follow the procedures established in chapter 21.03, *Review and Approval Procedures*.

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
D = DECISION = Responsible for Review and Final Decision
H = HEARING = Public Hearing Required
R = REVIEW = Responsible for Review and/or Recommendation Only

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Alcohol—Special Land Use Permit	21.03.040	D-H/A[1]						R/D[1]
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070C.	D-H[2][1]	R-H[2][1]					R
Conditional Uses	21.03.080		D-H				A	R
Flood Hazard Permits	21.03.090					A		D
Land Use Permits	21.03.100				A[3][2]	A[3][2]		D
Master Plan, Institutional	21.03.110A.	D-H	R-H					R
Minor Modifications	21.03.120	[D[3]]	D[4][3]	D[4]	[D[3]]	A[5]	A[5]	D[4][3]
Neighborhood or District Plans	21.03.130	D-H	R-H					R

Page 11 ANNOTATION

Major Site Plan Review: The Assembly Committee used a proposal passed by the Planning and Zoning Commission in 2007 that gives site plan review of small- and medium-sized facilities to the Urban Design Commission, and site plan review of large facilities to the Planning and Zoning Commission.

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TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
D = DECISION = Responsible for Review and Final Decision
H = HEARING = Public Hearing Required
R = REVIEW = Responsible for Review and/or Recommendation Only

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
[PLANNED UNIT DEVELOPMENT (PUD)	21.03.140		D-H				A	R]
Public Facility Site Selection [(EXCEPT SCHOOLS)]	21.03.140[150]	D-H/A-H[6]	R-H/ D-H[6]					R
[SCHOOL SITE SELECTION	25.25	D-H	R-H					R]
Rezonings (Map Amendments)	21.03.160[170]	D-H	R-H					R
Sign Permits	21.03. 170[180]					A		D
Site Plan Review, Administrative	21.03. 180[190]B.		[A]	A				D
Site Plan Review, Major	21.03. 180[190]C.		D-H[7]	D-H[7]			A	R
Street [AND TRAIL] Review	21.03. 190B.[200]		R[8]/D	R [8]/D				R
Trail Review	21.03.190C.			R/D				R
Preliminary Plat	21.03. 200[210]C.5.		D-H[9]	D-H[9]	D-H[9]		A	R
Abbreviated Plat	21.03. 200[210]D.				A-H			D
Commercial Tract Plat	21.03.200E.		D-H[10]	D-H[10]	D-H[10]			R
[SPECIAL LAND USE PERMIT FOR ALCOHOL	21.03.050	D-H						R]
Title 21, Text Amendments	21.03. 210[220]	D-H	R-H		R-H[11]			R
Vacation of Public and Private Interest in Land	21.03.230[240]				D or A[12]		A[12]	R or D[12]
Variances from the provisions of chapter 21.06, *Dimensional Standards and Measurements* [MOST PROVISIONS OF THIS TITLE]	21.03. 240[250]					D-H		R
Variances from the provisions of subsections 21.07.020C., *Steep Slope Development*; 21.07.060, *Transportation, Connectivity, and Pedestrian Facilities; and* chapter 21.08, *Subdivision Standards*	21.03. 240[250]		D-H[13]	D-H[13]	D-H		A	R

Page 12 ANNOTATION

The Planning and Zoning Commission recommended the transfer of current code authority for utility and telecommunication variances to the Zoning Board of Examiners and Appeals.

Administrative Variances: The Assembly Committee proposed that the administrative variance approval process be more standardized and transparent in code for potential applicants. As part of this, the process was added to table 21.02-1 for consistency and completeness in listing the commonly used powers and duties of the various boards and commissions.

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TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
D = DECISION = Responsible for Review and Final Decision
H = HEARING = Public Hearing Required
R = REVIEW = Responsible for Review and/or Recommendation Only

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Variances from the district-specific standards of chapter 21.04, *Zoning Districts*; the use-specific standards of chapter 21.05, *Use Regulations*; and the provisions of chapter 21.07, *Development and Design Standards* and [THE PROVISIONS OF] chapter 21.11[10], *Signs*,	21.03.240 [21.11.110]			D-H			A	R
Variances from the provisions of subsections 21.07.050, *U*[U]*tility D*[D]*istribution Facilities*, and 21.05.040K., *T*[T]*elecom-munication F*[F]*acilities* [STANDARDS]	21.03. 240[250] D.2.b.		[D-H]			D-H	[A]	R
Administrative Variances	21.03.240J.					A		D
Verification of Nonconforming Status	21.03. 250[260]					A		D

NOTES:

[1] See section 21.03.040, *Alcohol-Special Land Use Permit*, to determine whether the Assembly or the director is the decision-making body.

[2][1] Only substantive comprehensive plan amendments require a public hearing. See section 21.03.070, *Comprehensive Plan Amendments*.

[3][2] The appeal body for subsection 21.03.100[110]E., *Improvements Associated with Land Use Permits*, is the platting board. Appeals related to provisions in title 23 are made to the building board of examiners and appeals.

[4][3] An applicant may request application of the minor modification process only once during the review process.

[5] See section 21.03.120C.5. for appropriate appeal body.

[6] Site selection for municipal facilities is approved by the assembly. See section 21.03.140.

[7] See section 21.03.180C. for the division of major site plan review decision-making authority.

[8] See section 21.03.190[200], *Street and Trail Review*.

[9] The planning and zoning commission may act as the platting authority for conditional uses [OR MAJOR SITE PLAN REVIEWS] that create a subdivision. The planning and zoning commission or the urban design commission may act as the platting authority for major site plan reviews that create a subdivision.

[10] The planning and zoning commission or the urban design commission (whichever is the decision-making authority—see section 21.03.180) shall act as the platting authority for a commercial tract whose site plan includes a large retail establishment. The platting board shall be the platting authority for all other commercial tracts.

[11] Code amendments relating to chapter 21.08, *Subdivision Standards*, require a hearing by the platting board. All code amendments require a hearing by the planning and zoning commission.

[12] See section 21.03.230[240], *Vacation of Public and Private Interest in Lands*.

[13] When the planning and zoning commission or the urban design commission acts as the platting authority, they shall have variance authority over these sections as well.

KEY TO ABBREVIATIONS:

ASBLY = Anchorage Assembly
PZC = Planning and Zoning Commission
PB = Platting Board
ZBEA = Zoning Board of Examiners and Appeals
BOA = Board of Adjustment
UDC = Urban Design Commission
MS = Municipal Staff

Page 13 ANNOTATION

Generally, technical edits (in yellow and gray) reflect clarifications and section restructuring, and also changes that were made to Chapter 3, *Review and Approval Procedures*, after Chapter 2 was provisionally adopted.

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21.02.030 PLANNING AND ZONING COMMISSION

[POWERS AND DUTIES

THE PLANNING AND ZONING COMMISSION HAS THE FOLLOWING RESPONSIBILITIES.]

A. Recommendation to the Assembly

The planning and zoning commission shall make a recommendation to the assembly on the following:

1. Comprehensive plan amendments (21.03.070);

2. Institutional master plans (21.03.110);

3. Neighborhood or district plans (21.03.130);

[SCHOOL SITE SELECTIONS;]

[MAJOR SITE PLAN REVIEWS;]

4. Public facility site selection for municipal facilities (21.03.140);

[PRELIMINARY PLATS, WHEN A MAJOR SITE PLAN REVIEW CREATES A SUBDIVISION OR REQUIRES THE VACATION OF A DEDICATED PUBLIC AREA, AND THE COMMISSION DIRECTS IN THE MAJOR SITE PLAN APPROVAL THAT IT SHALL ACT AS THE PLATTING AUTHORITY (21.03.180F.);]

[UNIFIED DEVELOPMENT PLATS, WHERE THE SITE PLAN INCLUDES A LARGE COMMERCIAL ESTABLISHMENT;]

[APPEALS FROM ADMINISTRATIVE SITE PLAN REVIEWS;]

5. Rezonings (zoning map amendments), to include overlay districts (21.03.160); and

6. Title 21 text amendments (21.03.210).

B. Decision-Making Authority

The planning and zoning commission has decision-making authority over the following:

1. Conditional uses (21.03.080);

[PLANNED UNIT DEVELOPMENTS;]

2. Preliminary plats, when a conditional use creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the conditional use approval that it shall act as the platting authority (21.03.080F.);

3. Public facility site selections, except for municipal facilities (21.03.140) [(EXCEPT SCHOOLS)];

4. Appeals from the director's decision regarding consistency with an institutional master plan (21.03.110F.);

5. Major site plan reviews for non-residential development with a gross floor area of 100,000 square feet or more, and for residential development of 140 units or more (21.03.180C.);

Page 14 ANNOTATION

The powers and duties of the urban design commission are shown as technical edit additions, because when Chapter 2 was provisionally adopted, the Assembly was undecided as to the role of the urban design commission and left this section reserved. Through the provisional adoption of Chapter 3, the urban design commission was assigned powers and duties that are reflected here (with Assembly Committee amendments).

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6. Preliminary plats, when a major site plan under the authority of the planning and zoning commission creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);

7. Draft design study report for new construction and reconstruction of streets of collector class or greater in the *Official Streets and Highways Plan* (21.03.190);

8. Commercial tract plats, where the site plan includes a large commercial establishment under the authority of the planning and zoning commission (21.03.200E.); and

9. [VARIANCES FROM THE PROVISIONS OF SUBSECTION 21.05.040K., *TELECOMMUNICATION FACILITIES*, AND SECTION 21.07.050, *UTILITY DISTRIBUTION FACILITIES*.][; AND]

C. Other Powers and Duties

The planning and zoning commission shall:

[MAKE A RECOMMENDATION TO THE APPROPRIATE AGENCY ON NEW CONSTRUCTION AND RECONSTRUCTION OF STREETS OF COLLECTOR CLASS OR GREATER IN THE *OFFICIAL STREETS AND HIGHWAYS PLAN*, AND ON PUBLIC TRAIL PROJECTS INVOLVING ALL TRAILS FOR WHICH ANY PORTION UTILIZES PUBLICLY-OWNED LAND, EASEMENTS, OR RIGHTS-OF-WAY THAT ARE OVER ONE-HALF MILE IN LENGTH (21.03.190B.).]

1. Develop, review, and make recommendations to the assembly regarding policies, plans, and ordinances to implement the municipal function of planning for the economic, social, and land use needs of the community.

2. Review and make recommendations to the assembly and school board regarding the annual capital improvement program of the municipality and school district.

3. Review and make recommendations to the mayor regarding the annual work program of the department.

4. Promulgate regulations to implement or make specific the provisions of this title, except provisions of chapter 21.08, *Subdivision Standards*, which shall be reviewed by the platting board prior to consideration by the planning and zoning commission [ARE RESERVED TO THE PLATTING BOARD].

5. Exercise such other powers, and perform such other duties, as are provided by law.

21.02.040 URBAN DESIGN COMMISSION

A. Decision-Making Authority

The urban design commission has decision-making authority over the following:

1. Appeals of administrative site plan reviews (21.03.180B.);

2. Major site plan reviews for non-residential development with a gross floor area of less than 100,000 square feet, and for residential development of fewer than 140 units (21.03.180C.);

3. Preliminary plats, when a major site plan review under the authority of the urban design commission creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);

Page 15 ANNOTATION

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4. Plans in hand design drawings review for new construction and reconstruction of streets of collector classification or greater on the *Official Streets and Highways Plan* (21.03.190);

5. Commercial tract plats, where the site plan includes a large commercial establishment under the authority of the urban design commission (21.03.200E.);

6. Variances from the district-specific standards of chapter 21.04, *Zoning Districts*; the use-specific standards of chapter 21.05, *Use Regulations*; and the provisions of chapter 21.07, *Development and Design Standards* and chapter 21.11, *Signs*; and

7. Appeals of the director's decision regarding subsection 21.12.060B., *Bringing Characteristics Into Compliance*.

B. Other Powers and Duties

The urban design commission shall:

1. Advise the mayor, assembly, and planning and zoning commission regarding urban design, northern climate design, and winter city design matters, including design-related amendments to the comprehensive plan and title 21.

1. Review and make recommendations regarding any entitlement requests, in accordance with authority delegated by the planning and zoning commission or platting board under this title.

2. Perform those duties stated in title 7, relating to the art funding requirements for public buildings and facilities.

3. Designate historic signs pursuant to subsection 21.12.070F.

4. Exercise such other powers, and perform such other duties, as are provided by law.

[RESERVED]

21.02.050 PLATTING BOARD

[POWERS AND DUTIES

THE PLATTING BOARD HAS THE FOLLOWING RESPONSIBILITIES.]

A. Decision-Making Authority

The platting board has decision-making authority over the following:

1. Preliminary plats (except in those situations where a different board or commission acts as the platting authority—see subsections 21.03.080F., *Platting for Conditional Uses*, and 21.03.180F., *Platting for Site Plans*);

2. Commercial tract [UNIFIED DEVELOPMENT] plats, when not included in a large commercial establishment site plan review (21.03.200E.);

3. Vacations of public and private interest in lands, where the platting board is the platting authority ([SEE SUBSECTION] 21.03.230C.);

4. Variances from the provisions of chapter 21.08, *Subdivision Standards* (21.03.240);

5. Variances from the following provisions of chapter 21.07: subsection 21.07.020C., *Steep Slope Development*, and section 21.07.060, *Transportation, Connectivity, and Pedestrian Facilities* [RESERVED];

Page 16 ANNOTATION

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6. Modification or removal of plat note(s) (21.03.200G.);

7. Appeals of the following decisions:

a. [APPEALS OF] Land use permits [ISSUED] under subsection 21.03.100E, *Improvements Associated with Land Use Permits*;

b. [APPEALS OF] Record of survey maps (21.03.150);

c. Abbreviated plats (21.03.200D.);

d. Right-of-way acquisition plats (21.03.200F.); and

e. Vacations of public and private interest in lands, where the platting officer is the platting authority (21.03.230).

B. Other Powers and Duties

The platting board shall:

1. Interpret [PROMULGATE REGULATIONS TO IMPLEMENT] or make specific the provisions of chapter 21.08, *Subdivision Standards*.

1. Review and make recommendations to the planning and zoning commission regarding all proposed amendments to chapter 21.08, *Subdivision Standards*.

2. Authorize extensions of subdivision agreements as provided in section 21.08.060C., *Time Limit for Completion of Improvements*.

3. Exercise such other powers, and perform such other duties, as are provided by law.

21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS

[POWERS AND DUTIES

THE ZONING BOARD OF EXAMINERS AND APPEALS HAS THE FOLLOWING RESPONSIBILITIES.]

A. Decision-Making Authority

The zoning board of examiners and appeals has decision-making authority over the following:

1. Appeals pursuant to subsection 21.03.050[040]B.;

2. Variances from the provisions of chapter 21.06, *Dimensional Standards and Measurements*; [ALL PROVISIONS OF THIS TITLE EXCEPT SUBSECTION 21.05.040K., *TELECOMMUNICATION FACILITIES*; SECTION 21.07.050, *UTILITY DISTRIBUTION FACILITIES*; CHAPTER 21.08, *SUBDIVISION STANDARDS*; AND CHAPTER 21.11, *SIGNS*;]

[APPEALS OF THE DIRECTOR'S DECISION REGARDING SUBSECTION 21.12.060B., *BRINGING CHARACTERISTICS INTO COMPLIANCE*;]

3. Variances from the provisions of subsection 21.05.040K., *Telecommunication Facilities*, and section 21.07.050, *Utility Distribution Facilities* (21.03.240).

4. Overcoming presumption of abandonment pursuant to subsection 21.12.030E.; and

5. Time extensions for amortized signs, pursuant to subsection 21.12.070G.

Page 17 ANNOTATION

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B. Other Powers and Duties

The zoning board of examiners and appeals shall:

1. Adopt general rules or make findings in specific cases regarding proposed changes of nonconforming uses, pursuant to section 21.12.030B., *Change of Use*.

1. Interpret or make specific the provisions of this title, except provisions of chapter 21.08, *Subdivision Standards*.

2. Exercise such other powers, and perform such other duties, as are provided by law.

C. Subpoenas

The zoning board of examiners and appeals has the right to subpoena witnesses and documents using a form provided by the municipal clerk and submitted to the clerk for issuance at least five working days before the date of the hearing.

21.02.070 BOARD OF ADJUSTMENT

A. Powers and Duties

The board of adjustment has the responsibilities set forth in subsection 21.03.050[040]A.1.

B. Subpoenas

The board of adjustment has the right to subpoena witnesses and documents using a form provided by the municipal clerk and submitted to the clerk for issuance at least five working days before the date of the hearing.

21.02.080 GEOTECHNICAL ADVISORY COMMISSION

A. Powers and Duties

1. The geotechnical advisory commission shall serve as a technical advisory board in the municipality.

2. The commission shall act in an advisory capacity to the assembly, the mayor, boards, commissions, and heads of municipal departments and agencies, and shall have the following responsibilities:

a. To make recommendations and give advice on geotechnical engineering issues and natural hazards risk mitigation.

b. To recommend and review special studies relating to geotechnical engineering and natural hazards risk mitigation issues.

c. To act in an advisory capacity regarding proposed development located in high or moderate snow avalanche hazard zones, in areas designated with high or very high susceptibility to seismically induced ground failure, and in areas susceptible to other natural hazards.

21.02.090 ASSEMBLY

A. Decision-Making Authority

The assembly has the following decision-making authority under this title:

1. Special land use permit for alcohol—for beverage dispensary and package store liquor licenses (21.03.040);

2. Comprehensive plan amendments (21.03.070);

Page 18 ANNOTATION

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3. Institutional master plans (21.03.110);

4. Neighborhood or district plans (21.03.130);

[SCHOOL SITE SELECTIONS;]

5. Public facility site selection for municipal facilities (21.03.140);

6. Rezonings (zoning map amendments), to include overlay districts (21.03.160);

7. Title 21 text amendments (21.03.210);

8. Appeals on public facility site selections for non-municipal facilities (21.03.140); and

9. Any other action not delegated to the planning and zoning commission, platting board, zoning board of examiners and appeals, board of adjustment, urban design commission, or municipal staff, as the assembly may deem desirable and necessary to implement the provisions of this title.

B. Land Use Procedure

1. The land use review and approval procedures specified in chapter 21.03, *Review and Approval Procedures*, supplement the assembly's procedures under title 2.

2. Where a board or commission has authority under this title to review and comment on a land use matter, the assembly shall not take final action on the matter until it has received and taken notice of the review comments and recommendations of the board or commission.

21.02.100 MUNICIPAL STAFF

Municipal departments shall have the review and decision-making responsibilities set forth in this chapter and other sections of this title, to be carried out in accordance with the terms of this title. The departments also shall have such additional powers and duties as may be set forth in other ordinances, rules, and operating procedures of the municipality.

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TITLE 21 REWRITE

CHAPTER 21.03

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

Page 19 ANNOTATION

Due to the complicated nature of master plans, they are proposed to be added to the list of applications that require pre-application conferences.

Administration Addition
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CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES

21.03.010 PURPOSE AND STRUCTURE OF THIS CHAPTER

This chapter describes the procedures for review and approval of all applications for development activity in the municipality. Common procedures, which are applicable to all or most types of development applications, are set forth in section 21.03.020. Subsequent sections set forth additional provisions that are unique to each type of application, including timetables, staff and review board assignments, review standards, and other information.

21.03.020 COMMON PROCEDURES

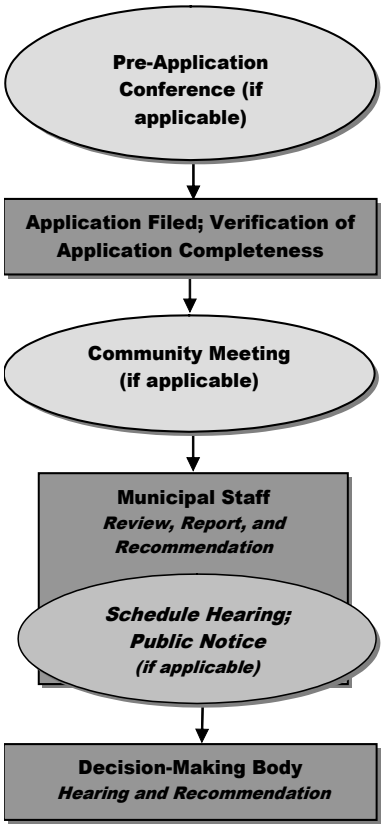
A. Applicability

The common procedures of this section 21.03.020 shall apply to all applications for development activity under this title unless otherwise stated. [THE WORD "DIRECTOR" MEANS THE DIRECTOR OF THE PLANNING DEPARTMENT OR HIS OR HER DESIGNEE.]

B. Pre-Application Conferences

1. Purpose

The pre-application conference is an informal discussion to familiarize the applicant and the municipal staff with the applicable provisions of this title that are required to permit the proposed development.



Common Procedures

2. Applicability

a. ***Required for New Applications***

A pre-application conference is required prior to submittal of the following types of applications:

i. Rezonings (Map Amendments) (section 21.03.160);

ii. Subdivisions, except for Abbreviated Plats (section 21.03.200);

iii. Conditional Uses (section 21.03.080);

iv. Institutional Master Plans (section 21.03.110);

v. Major Site Plan Review (section 21.03.180C);

vi. Public Facility Site Selection (section 21.03.140);

vii. Girdwood Area Master Plans and Development Master Plans (sections 21.09.030E. and F.); and

viii. Projects including Class A or B wetlands within or adjacent to the application area.

Page 20 ANNOTATION

Administration Addition
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No application for these types of approvals shall be accepted until after the pre-application conference is completed and the applicant receives written notification of the conclusions.

b. ***Exception for Some Changes to Already-Approved Applications***
Pre-application conferences are not required for minor amendments to already-approved conditional uses or site plans. All other changes to already-approved applications require a pre-application conference.

c. ***Optional for All Other Applications***
A pre-application conference is optional prior to submittal of any other application under this title not listed in subsection 2.a. above.

d. ***Waiver***
The director may waive the pre-application requirement if the director finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her judgment, make a pre-application conference unnecessary. The waiver shall be made in writing and shall become a part of the case record for the application.

3. Initiation of Pre-Application Conference
The potential applicant shall request a pre-application conference, in the manner prescribed in the user's guide, with the director. Prior to the pre-application conference, the applicant shall provide to the director a description of the character, location, and magnitude of the proposed development and any other supporting documents such as maps, drawings, models, and the type of entitlement sought. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal to enable staff to make the informal recommendations discussed below.

4. Pre-Application Conference Content

a. The director shall schedule a pre-application conference after receipt of a proper request. At the conference, the applicant, the director, and any other persons the director deems appropriate and available to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this title, the parties should discuss in general the proposed development and the applicable requirements and standards of this title.

b. The conference attendees shall discuss the desired development activities with respect to the following items:

i. Applicability of municipality policies, plans, and requirements as they apply to the proposed development.

ii. Appropriateness of the development with respect to the policies set forth in the comprehensive plan and the regulations in this title.

iii. Need, if any, to prepare a subdivision plat.

iv. Any site plan considerations or requirements.

v. Any concerns or requirements related to the anticipated impact upon public rights-of-way and public improvements, and appropriate requirements to mitigate those impacts, including but not limited to traffic impact analyses.

vi. Any concerns related to neighborhood impacts, land use, landscaping concepts, and overall project design.

Page 21 ANNOTATION

PZC states: "This deletes the director's ability to waive the requirement for a community meeting. Community input is valuable and a long standing practice. The Municipal Charter states that the involvement of citizens should be maximized."

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vii. Possible alternatives or modifications related to the proposed application.

viii. Procedures that will need to be completed to review and act on the proposed application [CHANGE].

c. A checklist of discussion items indicating topics discussed at the pre-application conference shall be mailed to the applicant within ten days of the conference. The checklist shall be considered proprietary information until an application has been submitted.

5. Informal Review Comments Not Binding

The review comments of the director are not binding upon the applicant or the municipality, but are intended to serve as a guide to the applicant in making the application and to advise the applicant in advance of the formal application of any issues which will or may subsequently be presented to the appropriate decision-making body. Because a pre-application conference precedes the actual application, some key issues relating to a specific proposal may not be apparent at the pre-application conference.

6. Application Required Within Six Months

After a pre-application conference has been completed, an application must be submitted within six months, unless one extension is granted by the director not to exceed an additional six months. If a complete application is not submitted within six months or an extension has not been granted, a new pre-application conference shall be required prior to submitting an application.

C. Community Meetings

1. Purpose

The community meeting is an informal opportunity for the developer to inform the surrounding area residents and property owners of the details of a proposed development and application, how the developer intends to meet the standards contained in this title, and to receive public comment and encourage dialogue at an early time in the review process.

2. Applicability

a. ***Types of Applications***

The applicant shall hold a community meeting for any of the following types of applications[, UNLESS A WAIVER IS GRANTED BY THE DIRECTOR PURSUANT TO SUBSECTION 2.B. BELOW].

i. Rezonings (zoning map amendments);

ii. Subdivisions, except for abbreviated plats;

iii. Conditional uses;

iv. Institutional master plans;

v. Major site plan review; and

vi. Public facility site selection [(INCLUDING SCHOOLS)].

[WAIVER

AN APPLICANT MAY REQUEST, WITH JUSTIFICATION, A WAIVER OF THE COMMUNITY MEETING ALONG WITH HIS OR HER APPLICATION. THE DIRECTOR MAY WAIVE THE COMMUNITY MEETING REQUIREMENT IF HE OR SHE DETERMINES THAT THE PROPOSED DEVELOPMENT OR SUBDIVISION WILL NOT HAVE SIGNIFICANT COMMUNITY IMPACTS IN ANY OF THE AREAS LISTED BELOW. THE WAIVER SHALL BE JUSTIFIED IN

Page 22 ANNOTATION

This amendment clarifies that the community council meeting is the appropriate venue for the required community meeting, and any deviation from using the community council meeting should be justified.

From PZC: "Use of the community council meeting should be encouraged and if it is not used, the applicant must explain why. The appropriate Board or Commission should be able to review the reasons for not having a community council meeting."

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WRITING, PROVIDED ALONG WITH THE VERIFICATION OF APPLICATION COMPLETENESS, AND SHALL BE INCLUDED AS PART OF THE CASE RECORD.

i. TRAFFIC;

ii. IMPACTS UPON NATURAL RESOURCES PROTECTED UNDER CHAPTER 21.07 OF THIS CODE;

iii. PROVISION OF PUBLIC SERVICES SUCH AS POLICE AND/OR FIRE SERVICE, SCHOOLS, OR PARKS;

iv. COMPATIBILITY OF BUILDING DESIGN OR SCALE; OR

v. OPERATIONAL COMPATIBILITY, SUCH AS LIGHTING, HOURS OF OPERATION, ODORS, NOISE, LITTER, OR GLARE.]

b. ***Community Councils***

The applicant is encouraged to use the community council(s) meeting of the project area as the community meeting when the community council(s) meeting is available. If an applicant chooses not to use the community council for the community meeting, the applicant shall provide a written explanation to the director outlining the reasons for this decision. The explanation shall be available to the appropriate board or commission at the time of authorization review. If the community council(s) meeting for the project area is not scheduled in a timely manner, the applicant shall organize a community meeting. If the project area spans more than one community council and the applicant chooses to attend community council meetings, the applicant shall attend the community council meetings of all applicable community councils.

3. Timing and Number of Community Meetings

When required, there shall be at least one community meeting held after the pre-application conference (if applicable), but prior to the submittal of an application.

4. Notice of Community Meeting

The applicant shall provide written (mailed) notice of the community meeting in accordance with subsection H.4. below, at least 21 days prior to the community meeting.

5. Attendance at Community Meeting

a. If a community meeting is required, the applicant or applicant's representative shall attend the community meeting. The applicant shall be responsible for scheduling the community meeting, coordinating the community meeting, and for retaining an independent facilitator if the applicant determines one is needed.

b. All community meetings shall be convened at a place in the vicinity of the proposed development.

6. Summary of Community Meeting

The applicant shall prepare a written summary of the community meeting(s), which shall be submitted to the director and the affected community council(s) no later than seven days after the date of the meeting. The written summary shall be included in the departmental report. At a minimum, the written summary shall include the following information:

a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposals;

Page 23 ANNOTATION

Fee waivers are allowed for a short board situation (when not enough board or commission members are present to take action on cases), so this amendment is needed for consistency.

Administration Addition
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b. Content and dates of mailing, [DATES MAILED,] and number of mailings, including letters, meeting notices, and any other written material;

c. The number of people that participated in the meeting(s);

d. A summary of concerns, issues, and problems expressed during the meeting(s), including:

i. The substance of the concerns, issues, and problems;

ii. How the applicant has addressed or intends to address concerns, issues, and problems expressed at the meeting(s); and

iii. Concerns, issues, and problems the applicant is unwilling or unable to address and why.

D. Authority to File Applications

1. When an authorized agent files an application under this title on behalf of a property owner, the agent shall provide the municipality with written documentation that the owner of the property has authorized the filing of the application.

2. When a review or decision-making body initiates action under this title, it does so without prejudice toward the outcome.

E. Application Contents, Submittal Schedule, and Fees

1. Title 21 User's Guide
The director shall compile the requirements for application contents, forms, fees, and the submittal and review schedule (including typical time frames for review) in a user's guide, which shall be made available to the public. The director may amend and update the user's guide from time to time.

2. Form of Application
Applications required under this chapter shall be submitted in a form and in such number as required in the user's guide.

3. Processing Fees
Applications shall be accompanied by the fee amount established by the assembly and listed in the user's guide. Fees are not subject to waivers except as specifically allowed by this title.

4. Waivers
The director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The director may waive such requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver. The waiver shall be made in writing and shall become a part of the case record for the application.

F. Verification of Application Completeness

1. The director shall only initiate the review and processing of an application if such application is complete. The director shall make a determination of application completeness and notify the applicant in writing within 15 days of application filing. If the application is determined to be complete, the application shall then be processed according to this title. If an application is determined to be incomplete, the director shall provide an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.

Page 24 ANNOTATION

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2. An application shall be considered complete if it is submitted in the required form, includes all mandatory information, including all supporting materials specified in the title 21 user's guide, and is accompanied by the applicable fee. A pre-application conference shall have been held, if required, pursuant to subsection 21.03.020B, *Pre-Application Conferences*.

3. As a consequence for any false or misleading information submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

G. Additional Information

1. Requested Information

Nothing in this section prohibits the department or the decision-making body on the application from requesting additional information deemed necessary for review, after the application is complete. Any supplemental technical reports, special studies, and/or revised application materials that are requested following the original application must be received at least thirty days prior to a public hearing. The municipality may postpone and reschedule a public hearing or approval deadline if such reports and studies are submitted less than thirty days prior to a public hearing, unless the applicable board or commission waives this time limit in a specific case for cause. Copies of such additional materials shall be delivered to all reviewers who received the original application packet.

2. Voluntary Information

Any supplemental information, such as revised application materials, that is voluntarily submitted by the applicant, should be submitted before the departmental report is finalized. Any such information submitted after the departmental report is finalized shall cause the application to be automatically postponed to the next regular meeting in order for the department to have time to review the new information, unless the board or commission determines that the new information does not significantly alter the application.

H. Notice

1. Content of Notices

Public notice required under this chapter shall, unless otherwise specified in this title:

a. Identify the date, time, and place of the public hearing, if applicable;

b. If applicable, describe the property involved in the application by street address or by legal description and nearest cross street;

c. Describe the nature, scope, and purpose of the proposed action;

d. If applicable, indicate that interested parties may appear at the hearing and speak on the matter; and

e. Indicate where additional information on the matter may be obtained.

2. Summary of Notice Requirements

The following table 21.03-1 summarizes the notice requirements of the procedures set forth in this chapter. Unless otherwise specified in this title, procedures not listed in this table have no public notice requirements.

Page 25 ANNOTATION

Street and trail reviews should be noticed in accordance with the current process, which was negotiated with the state DOT.

Throughout the process, it became apparent that there are several different administrative variances allowed--staff consolidated the processes for these.

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TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
		Notice Required			
Type of Application or Procedure	**Section**	**Written (Mailed)**	**Published**	**Posted**	**Community Council**
Alcohol—Special Land Use Permit	21.03.040	✓	✓	✓	✓
Appeals to Board of Adjustment	21.03.050A.	✓	✓	-	-
Appeal of an Enforcement Order	21.13	-	-	✓	-
Appeals to ZBEA	21.03.050B.	✓	✓	-	✓
Comprehensive Plan Amendments, Substantive	21.03.070C.	-	✓	-	✓
Conditional Uses	21.03.080	✓	✓	✓	✓
Master Plan, Area	21.09.030E.	✓	✓	✓	✓
Master Plan, Development	21.09.030F.	✓	✓	✓	✓
Master Plan, Institutional	21.03.110	✓	✓	✓	✓
Neighborhood or District Plans	21.03.130	-	✓	-	✓
Nonconforming Uses of Land or Structures, Replication of	21.12.030C.	✓	✓	✓	✓
Nonconforming Structures, Replication of	21.12.040D.	✓	✓	✓	✓
Public Facility Site Selection	21.03.140	✓	✓	✓	✓
Rezonings (Zoning Map Amendments)	21.03.160	✓	✓	✓	✓
Site Plan Review, Major	21.03.180C.	✓	✓	✓	✓
Street and Trail Review	21.03.190	-	✓	-	✓
Subdivisions (with existing physical access)	21.03.200	✓	✓	✓	✓
Subdivisions (without existing physical access)	21.03.200	✓	✓	-	✓
Abbreviated Plats	21.03.200D.	-	✓	-	✓
Modification or Removal of Plat Notes	21.03.200G.	✓	✓	✓	✓
Title 21, Text Amendments	21.03.210	-	✓	-	✓
Vacation of Public and Private Interest in Land	21.03.230	✓	✓	✓	✓
Variances	21.03.240	✓	✓	✓	✓
Administrative Variances	21.03.240J.	✓	✓	✓	✓

3. Written (Mailed) Notice

When table 21.03-1 requires that written notice be provided, the director shall deposit such notice into first class mail at least 21 days prior to the scheduled date of the hearing.

Page 26 ANNOTATION

The Assembly Title 21 Committee felt that limiting the mailing to parcels within a mile of the lot proposed to be developed was a reasonable limitation on mailed notice, as areas over a mile away were outside the impact area of a development.

This amendment carries forward municipal ordinance that was changed in early 2010, replacing publication of notice in a newspaper with posting on the municipal website.

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In computing such period, the day of mailing shall not be counted, but the day of the hearing shall be counted. Written notice shall be provided to the following persons or groups:

a. ***Owners of Subject Property***
All persons listed on the records of the municipal assessor as owners of land subject to the application, at the mailing addresses of such persons in the records of the municipal assessor.

b. ***Adjacent Property Owners***
All persons listed on the records of the municipal assessor as owners of any land within 500 feet of the outer boundary of the land subject to the application, or owners of the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor. Any mailing to the 50 nearest parcels shall not include parcels that are entirely located more than a mile from the land subject to the application, which may reduce the number of mailings.

c. ***Additional Persons***
Such additional persons or geographic areas as the director may designate.

4. Published Notice
When table 21.03-1 requires that notice be published, the director shall cause a notice to be published on the municipal public notice web page of the municipal website. [IN A NEWSPAPER HAVING GENERAL CIRCULATION.] The notice shall be published at least 21 days before the scheduled hearing date. In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.

5. Posted Notice
When table 21.03-1 requires that notice be posted, the applicant shall cause a notice(s), on a form(s) provided by the department, to be posted on the property, visible from each developed right-of-way adjacent to the property, for at least 21 days before the scheduled public hearing date. In computing such period, the day of posting shall not be counted, but the day of the public hearing shall be counted. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way. Posted notices shall include all the content specified in subsection H.1. above except for the legal description. Before the public hearing, the applicant shall submit to the department an affidavit, signed by the person who did the posting or the person who caused the posting to be done, that notice was posted as required by this subsection. Posted notices shall be removed by the applicant within 30 days after the close of the public hearing on the application.

6. Community Councils
When table 21.03-1 requires that notice be given to community councils, a[A]ny officially recognized community council whose boundary includes any part of the subject property, and any additional such council whose boundary lies within 1,000 feet of any part of the subject property shall receive written (mailed) notice in accordance with H.3. above. Furthermore, the department shall provide notice to additional community councils in the following instances:

a. Each recognized community council within the municipality shall receive written notice where the subject parcel is one of the following regional public lands or facilities: Ted Stevens Anchorage International Airport; Merrill Field Airport; Birchwood Airport; Far North/Bicentennial Park; Kincaid Park; Russian Jack Springs Park; Beach Lake Park; Edmonds Lake Park; Bird Creek Regional Park;

Page 27 ANNOTATION

This amendment provides that only community councils that encompass or are close to street/trail project areas or neighborhood or district plan areas are provided notice, instead of all councils. This change cuts down on staff work load and the amount of information received by councils that isn't directly relevent to them.

This amendment codifies current Planning Division policy, which is to post staff reports on entitlement applications to the Division's website, for the public to see in advance of a public hearing.

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Chugach State Park; Anchorage Coastal Wildlife Refuge; BLM tract(s) near Far North/Bicentennial Park.

b. If the subject parcel is a branch public facility that serves a specific delineated area, such as a public school or fire station, then any community council whose boundaries lie within the delineated district of service of a branch public facility shall receive written notice. This requirement shall only take effect after the municipality has established maps delineating areas of service for the type of branch facility, and has adopted procedures and responsibilities for updating service area boundaries.

c. Any community council whose boundaries lie beyond the minimum notification distance shall receive notice regarding proposals of potentially major scope or controversy that, in the opinion of the director, are likely to have a significant impact on the residents of the community council beyond the minimum notification distance.

d. Any community council within the impact area of a street or trail project, a neighborhood or district plan, or other area-specific element of the comprehensive plan, shall receive written notice. The impact area shall, at a minimum, include all community councils within 1,000 feet of the project/plan boundaries. The impact area shall include additional community councils if the recommendations in the project/plan affect specific public lands or facilities as provided in subsections 6.a. or 6.b. above, or are likely to impact residents beyond the minimum impact area, as provided in subsection 6.c. above.

e. All community councils shall receive notice of [NEIGHBORHOOD OR DISTRICT PLANS, STREET AND TRAIL REVIEW,] substantive amendments to the comprehensive plan (except as provided in subsection 6.d. above), and amendments to the text of title 21.

7. Constructive Notice

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to, errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this title.

8. Presumption of Notice

When the records of the municipality document the publication, mailing, and posting of notices as required by this subsection, it shall be presumed that notice of a public hearing was given as required by this subsection.

I. Departmental Report

For every decision that requires a public hearing or where otherwise required by this title, the department shall prepare a report to be given to the decision-making body approximately one week before the initial public hearing on the application. The report shall include project background, public comments received, the summary of community meeting (if applicable), and the department's recommendation for action. The report shall be posted on the municipal website.

Page 28 ANNOTATION

Administration Addition
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J. Referrals

The applicant, boards, commissions, or the municipal administration may request that government agencies, non-governmental agencies, and other boards and commissions besides the decision-making body review an application, but the final decision-making authority shall remain with the body identified in this chapter.

K. Concurrent Processing

1. Where possible without creating an undue administrative burden on the municipality's decision-making bodies and staff, this title intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process. Review and decision-making bodies considering applications submitted simultaneously shall render separate reports, recommendations, and decisions on each application based on the specific standards applicable to each approval.

2. Some forms of approval depend on the applicant having previously received another form of approval, or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this title intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this title has its own timing and review sequence.

3. The expected time frame and approval process for a consolidated application shall follow the longest time frame and approval process required from among the joined application types.

L. Postponements

1. If only five or fewer board or commission members are in attendance at the hearing, the applicant may request a postponement of his or her case, and the fee for the first postponement request shall be waived.

2. The applicant may request a postponement of his or her case for any other reason, which he or she shall state to the decision-making body [COMMISSION]. If the decision-making body grants the postponement request, the applicant shall pay the postponement fee listed in the user's guide, and a new hearing date shall be determined by the department.

a. If public notice pursuant to subsection H. above has not been given, the director is the decision-making body for the purpose of granting a postponement.

b. If public notice pursuant to subsection H. above has been given, the decision-making body is the board or commission identified in this chapter for the entitlement requested.

3. Re-notice of the new time for hearing is only required if the postponement is for more than 30 days, or if no date certain is set for the hearing at the time of postponement.

M. Conditions of Approval

1. The decision-making body is authorized to impose such conditions upon the entitlement as may be necessary to conform to the standards of this title, reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the comprehensive plan and this title. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.

Page 29 ANNOTATION

This technical amendment lists the types of administrative permits to which this section applies.

By allowing permittees to be renewed for two years, this amendment provides flexibility to the applicant, and is likely to reduce staff overhead time addressing permit renewals.

Administration Addition
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2. No conditions of approval, except for those attached to variance approvals, shall be less restrictive than the requirements of this title or applicable special limitations.

3. Unless there is a time schedule stated as part of the condition, all conditions of approval shall be met within one year of the date of approval (unless the condition is ongoing, such as a specification of hours of operation).

N. Decision

Recommendations and decisions shall be made in accordance with title 4.

O. Lapse of Approval

1. The lapse of approval time frames established by the procedures of this title may be extended only when all of the following conditions exist:

a. The provisions of this title must expressly allow the extension;

b. An extension request must be filed prior to the applicable lapse-of-approval deadline; and

c. The extension request must be in writing and include justification.

2. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval (the one being extended).

P. New Application Required

If an application is inactive for one year awaiting action by the petitioner, the application shall be discarded and a new application shall be required.

21.03.030 ADMINISTRATIVE PERMITS

A. Applicability

It shall be a violation of law for any person to engage in a land use for which an administrative permit is required by this title without first obtaining such a permit. An administrative permit is required for the following uses:

1. Premises containing uses where children are not allowed (21.05.020B.);

2. Roominghouse (21.05.030B.4.);

3. Telecommunication tower and antenna (21.05.040K.)

4. Unlicensed nightclub (21.05.050D.8.c.);

5. Hostel in a residential zoning district (21.05.050J.3.); and

6. Bed and breakfast (21.05.070D.2.)

B. Administrative Permits

Except as otherwise allowed in this title, a permit issued by the director and pursuant to this section shall be valid between January 1 or the date of issuance and December 31 of either the year in which it is issued or the year after it is issued, EXCEPT THAT PERMITS FOR BED AND BREAKFASTS SHALL BE VALID BETWEEN THE DATE OF ISSUANCE AND DECEMBER 31 OF THE YEAR AFTER THE PERMIT WAS ISSUED. Permits and renewals may be for one or two years, at the choice of the applicant. An application for renewal of a permit shall be submitted in the same manner as the original application and no later than December 1 immediately preceding the expiration date of that permit.

Page 30 ANNOTATION

Technical amendments to this section clarify wording and authorities, based on current code requirements.

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C. Regulations

The director may promulgate regulations to implement this section, as provided in AMC chapter 3.40. Permits shall be issued and renewed as outlined in the title 21 user's guide.

D. Appeals

Denial of an administrative permit may be appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.050B.

21.03.040 ALCOHOL—SPECIAL LAND USE PERMIT

A. Applicability

1. Any use that includes the retail sale of alcoholic beverages is subject to the review process set forth in this section. This process shall apply to such a use regardless of whether it is listed in the use table[s] in section 21.05.010 as being permitted as a matter of right or subject to site plan review or the conditional use process. The applicant shall be required to obtain approval through both the process in this section and the separate process referenced in the use table.

2. Notwithstanding A.1. above, catering and special event permits issued by the state alcoholic beverage control board are exempt from these approval requirements, but shall meet AMC title 10 requirements and the following:

a. When multiple permits are issued for the same location, the permits shall be for discreet events, and shall not be used to avoid the special land use permit process; and

b. The catering and special event permit shall be reviewed by the chief of police in order to address any recurring problems at the site that have involved the police.

3. No modification of an existing special land use permit for alcohol shall be required for the first duplicate liquor license provided:

a. There is no increase in the square footage of the premise licensed for the retail sale or dispensing of alcoholic beverages; or

b. If there is an increase in the square footage of the licensed premise, such increase is five hundred square feet or less, whether or not the area of increase is used year-round. In such case the licensed business shall request a minor modification to their approval by submitting a site plan for department review, along with the fee specified in the user's guide. The department shall review the site plan for potential impacts including, but not limited to, parking, lighting, noise, and traffic.

B. General Standards

[THE FOLLOWING PROVISIONS APPLY TO ALL USES, IN ALL DISTRICTS, INVOLVING THE RETAIL SALE, DISPENSING, OR SERVICE OF ALCOHOLIC BEVERAGES INCLUDING, BUT NOT LIMITED TO, LIQUOR STORES, RESTAURANTS, BARS, DINNER THEATERS, MOVIE THEATERS, BREW PUBS, TEAROOMS, AND CAFES.]

[1.] Any use, whether principal or accessory, involving the retail sale or dispensing of alcoholic beverages is permitted only by approval [OF THE ASSEMBLY] under this section. This provision applies to all uses, in all districts, involving the retail sale, dispensing, or service of alcoholic beverages including, but not limited to, liquor stores, restaurants, bars, dinner theaters, movie theaters, brew pubs, tearooms, and cafes, but[.THIS REQUIREMENT] applies only to the retail sale or dispensing of alcoholic beverages and not to related principal or accessory uses.

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[2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE TO THE CONTRARY, AN APPROVAL FOR USES INVOLVING THE RETAIL SALE OF ALCOHOLIC BEVERAGES SHALL ONLY REQUIRE THE APPROVAL OF THE ASSEMBLY.]

C. Application and Review Procedure

1. Application Submittal

Applications for a special land use permit for [ASSEMBLY] alcohol [APPROVAL] shall be submitted to the director within seven days after application is made to the state alcoholic beverage control board for issue or transfer of location of a liquor license. Applications shall contain a zoning map showing the proposed location and any other information specified in the title 21 user's guide. The assembly may promulgate regulations concerning the mandatory information to be submitted with the application for a special land use permit for alcohol.

2. Departmental Review

The department shall prepare and submit a report and a list of all licenses located within a minimum of 1,000 feet of the proposed use to the assembly, and shall address the conformity of the proposed application with this title and AMC chapter 10.50. The department shall also submit a proposed resolution for assembly consideration in connection with liquor license applications.

3. Public Notice

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H., *Notice*.

4. Action

a. The special land use permit for alcohol for any use that includes the retail sale of alcoholic beverages, with the exception of a restaurant or eating place that [LICENSED BY THE STATE ALCOHOLIC BEVERAGE CONTROL BOARD TO] sells beer and wine for consumption only on the licensed premises, shall be considered by the assembly. After holding a public hearing, the assembly shall approve, approve conditionally, or deny the application. In considering action, the assembly shall apply the criteria set forth in this title for conditional uses in section 21.03.080D[C]., *Approval Criteria*. The assembly shall not take into consideration the sum paid by any person to acquire the license for which a permit is requested.

b. The special land use permit for alcohol for a restaurant or eating place that [LICENSED BY THE STATE ALCOHOLIC BEVERAGE CONTROL BOARD TO] sells beer and wine for consumption only on the licensed premises, shall be considered by the director. In considering whether to approve, approve conditionally, or deny the application, the director shall apply the criteria set forth in this title for conditional uses in section 21.03.080D[C]., *Approval Criteria*. The director shall not take into consideration the sum paid by any person to acquire the license for which a permit is requested. The director's decision may be appealed to the assembly.

5. Conditions of Approval

a. The assembly or the director may, in connection with an approval under this section, impose such special terms and conditions or modify existing conditions governing operation of that license as are in the public interest, and are consistent with the purposes of this title.

b. Conditions of approvals under this section are enforceable under the provisions of this title. The assembly may revoke such an approval for failure to comply with conditions of the permit, provided a public hearing with notice to the owner affected is first held.

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c. A copy of the conditions imposed by the assembly or the director in connection with approval under this section shall be maintained on the premises involved at a location visible to the public.

6. Effect of Denial

An application for approval under this section that has been denied [BY THE ASSEMBLY] shall not be accepted for rehearing for a period of one year following such denial if the director finds the proposed application is substantially the same as that denied [BY THE ASSEMBLY], and if no substantially new evidence or change in circumstances has occurred. This paragraph shall not apply to an application filed under assembly direction at a hearing at which a like application was considered. This paragraph does not apply if the alcoholic beverage control board remands a case that was previously denied [BY THE ASSEMBLY].

7. Expiration

An approval granted under this section shall expire:

a. One hundred twenty days after the transfer of the license to sell alcoholic beverages from the premises has been approved by the state alcoholic beverage control board, unless there is an application filed with the control board prior to the expiration of the 120 day period;

b. The use holding the permit has been discontinued, vacant, or inactive for a continuous period of at least one year; or

c. If the operation of the business becomes substantially different from the business and operation reviewed by the assembly or the director when the alcohol approval was granted under this section, unless the licensee applies for and receives [ASSEMBLY] approval for a modification of the existing alcohol approval to reflect the change.

For the purposes of this section, "substantially different" means any material change in the operation of the business which could result in significant impact on the use and enjoyment of adjacent properties by property owners or occupants. A material change includes, without limitation, an increase in the late night or early morning hours of operation; a change involving the type of entertainment presented which results in an increase in noise level at the property line; or a change from a business which meets the requirements of the state alcoholic beverage control board statutes and regulations for a restaurant designation permit to a business which would not meet such requirements.

21.03.050 APPEALS

A. Appeals to Board of Adjustment

1. Jurisdiction of Board

The board of adjustment shall decide appeals:

a. From decisions regarding the approval or denial of a preliminary plat (subsection 21.03.200C.);

b. From decisions regarding the approval or denial of a variance from the all of the provisions of this title with the exception of subsection 21.05.040K., *Telecommunication Facilities*; chapter 21.06, *Dimensional Standards and Measurements*; and section 21.07.050, *Utility Distribution Facilities* [; CHAPTER 21.08, *SUBDIVISION STANDARDS*; AND CHAPTER 21.11, *SIGNS*];

c. From decisions regarding the approval or denial of vacations of public and private interest in land where the platting board is the platting authority (section 21.03.230);

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d. From decisions regarding the approval or denial of a development master plan (subsection 21.09.030F.);

e. From decisions regarding the approval or denial of applications for conditional uses (section 21.03.080); and

f. From decisions regarding the approval or denial of applications for major site plan reviews (subsection 21.03.180C.).

2. Appellants Before Board

Decisions may be appealed to the board of adjustment by:

a. Any municipal agency; or

b. Any party of interest for the application, as defined in chapter 21.14.

3. Appellees Before Board

a. Appellees before the board may be:

i. The party in whose favor the lower administrative body's decision was rendered.

ii. Any municipal agency.

iii. Any party of interest for the application, as defined in chapter 21.14.

b. An appellee shall file a notice of intent to file a brief with the municipal clerk's office on a form prescribed by the municipal clerk, within 10 days after the deadline for filing an appeal. The municipal clerk shall serve notice to such appellees in writing of the date the record is available and of the date the appellant's brief is filed.

4. Perfection of Appeal; Notice of Appeal; Appeal Fee

a. An appeal to the board of adjustment must be perfected by the appellant within 20 days after the date of service of the decision. The appeal is perfected by the filing of a notice of appeal, appeal fee, and cost bond in accordance with this section.

b. The notice of appeal must be filed with the municipal clerk on a form prescribed by the municipality and must contain detailed and specific allegations of error. If the appellant is not the applicant, the appellant's notice of appeal shall include certificate of service on the applicant.

c. The appellant shall pay the current appeal fee. In addition, the appellant shall file a cost bond equal to the estimated cost of preparation of the record. Following completion of the record, the actual cost thereof shall be paid by the appellant. All costs and fees shall be returned to the appellant if the decision of the lower body is reversed in whole or in part.

5. New Evidence or Changed Circumstances

a. Allegations of new evidence or changed circumstances shall not be considered or decided by the board of adjustment. Allegations of new evidence or changed circumstances shall be raised by written motion for rehearing, filed with the municipal clerk within 20 days after the date of service of the initial decision of the lower administrative body.

i. The municipal clerk shall reject any motion filed more than 20 days after the date of service of the initial decision of the lower administrative body, without hearing or reconsideration by the lower administrative body.

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ii. A decision of the lower administrative body on any issues remanded from the board of adjustment is not an initial decision as described in subsection 5.a. above.

iii. The municipal clerk shall reject any motion alleging new evidence or changed circumstances filed in response to a lower administrative body's decision on any issue(s) presented on remand.

b. If the written motion for rehearing is filed in a timely manner, the administrative body from which the appeal is taken shall decide whether to reopen and rehear the matter. A rehearing shall be held if the lower administrative body determines:

i. If true, that the alleged new evidence or changed circumstances would substantially change the decision of the body, and

ii. The party alleging new evidence or changed circumstances acted promptly and with diligence in bringing the information to the body's attention.

6. Appeal Record

a. The appellant shall arrange for the preparation of the transcript of the board hearing by a court reporter or the board and commission recording secretary and shall pay the cost of such preparation. The appellant shall file the transcript with the municipal clerk. If the appellant fails to file the transcript within 30 days after the filing of the notice of appeal, the municipal clerk shall reject the appeal.

b. Upon timely perfection of an appeal to the board of adjustment, the municipal clerk shall assemble an appeal record. The record shall contain:

i. A copy of the notice of appeal filed by the appellant.

ii. A verbatim transcript of the proceedings before the administrative body from which the appeal has been taken.

iii. Copies from the department of all documentary evidence, memoranda, exhibits, correspondence, and other written material submitted to the administrative body prior to the decision from which the appeal is taken.

iv. A copy from the department of the written decision of the administrative body, including its findings and conclusions.

c. Upon completion of the record, the municipal clerk shall serve notice on the appellant of the cost of its preparation. If the appellant fails to pay the costs within seven days of receiving the notice, the appeal shall be rejected. Upon timely payment of costs, the municipal clerk shall serve a copy of the record on the appellant. The municipal clerk shall also serve notice on the appellees who have filed a notice of intent to file a brief that the record is available for pickup. Upon request, the municipal clerk shall provide a copy of the record to an appellee or the public. A copying cost for the record will be charged as set out in AMCR 3.90.002. The appellee shall also be charged any mailing costs.

7. Written Arguments

a. ***Brief of Appellant***

The appellant may file a written brief of points and authorities in support of those allegations of error specified in the notice of appeal with the municipal clerk's office within 15 days after service of the appeal record. If the appellant files a brief, allegations of error specified in the notice of appeal and not included in the appellant's brief may be deemed waived or abandoned. The municipal clerk

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shall deliver a copy of the appellant's brief to the municipal staff assigned responsibility for the appeal. The municipal clerk shall also serve notice on those appellees who have filed a notice of intent to file a brief that the appellant's brief is available for pickup. Upon request, the municipal clerk shall provide a copy of the appellant's brief to appellees, who shall be charged copying costs as provided in AMCR 3.90.002 and any mailing costs applicable.

b. ***Brief of Appellee***

An appellee who has filed a notice of intent to file a brief may also file with the municipal clerk's office a written response (appellee's brief) to the notice of points on appeal and any brief in support thereof within 15 days after service of notice by the municipal clerk that the appellant's brief is available for pick-up. The municipal clerk shall serve notice on the appellant that appellee briefs have been filed. The director may prepare and submit to the municipal clerk a written response (staff's brief) to the notice of appeal and any brief in support thereof within 15 days after service of notice by the municipal clerk that the appellant's brief is available for pick-up.

c. ***Reply Brief***

An appellant may file a written reply brief to appellee briefs submitted pursuant to subsection 7.b. The appellant's reply brief is due within 15 days after service of notice by the municipal clerk that the appellee's brief is available for pick-up.

d. ***Form of Briefs***

The municipal clerk shall not accept a brief unless it is in the form prescribed by this subsection.

i. *Required Attachments*

All briefs shall be filed with an attached copy of the ordinances and regulations principally relied upon, set out verbatim. All briefs shall also include an excerpt of record of the pages on which the brief relies.

ii. *Text of Brief, Exclusive of Attachments*

Briefs shall be typewritten on 8½- by 11-inch pages, double-spaced, with quotations over two lines being single-spaced and indented.

iii. *Page Limitation*

The brief of appellant and the brief of appellee are each limited to 25 pages exclusive of exhibits and attachments. The reply brief is limited to 10 pages exclusive of exhibits.

8. Appeal Packet; Notice of Hearing

Following the time set for the municipal clerk's receipt of all written argument from the appellant, the appellee, and the municipal staff, the municipal clerk shall prepare and distribute to the members of the board of adjustment an appeal packet containing only the appeal record assembled by the clerk and any briefs filed in accordance with subsection A.7. above. The board of adjustment shall set a date for consideration of the issues on appeal. The municipal clerk shall publish notice of the date in a newspaper of general circulation and shall serve notice by mail on the appellant and those appellees who have submitted briefs. The municipal clerk shall make appeal packets shall be made available to the public upon request with costs payable by the public as provided in AMCR 3.90.002.

9. Procedural Changes

Upon timely application and for good cause shown, the board of adjustment may relax or modify the procedural rules or the rules relating to costs contained herein for the orderly transaction of appeals before the board.

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10. Conduct of Hearing

a. The meeting at which the board of adjustment deliberates and decides an appeal shall be open to the public and a record of the hearing shall be made.

b. The board of adjustment shall not hear argument nor take additional testimony or other evidence. The board of adjustment may consider only the material contained in the appeal packet.

11. Scope of Review

a. The board of adjustment shall consider an appeal solely on the basis of the record established before the lower administrative body, the notice of appeal, the briefs, and the law.

b. The board of adjustment may exercise its independent judgment on legal issues raised by the appellant. The term "legal issues," as used in this section, means those matters that relate to the interpretation or construction of ordinances or other provisions of law.

c. The board of adjustment shall, unless it substitutes its independent judgment pursuant to subsection 11.d. below, defer to the judgment of the lower administrative body regarding factual issues. Findings of fact adopted expressly or by necessary implication by the lower administrative body may be considered as true if they are supported in the record by substantial evidence. The term "substantial evidence," for the purpose of this section, means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record affords a substantial basis of fact from which the fact in issue may be reasonably inferred, it shall be considered that the fact is supported by substantial evidence.

d. The board of adjustment may, by unanimous vote, substitute its independent judgment for that of the lower administrative body on any disputed issues or findings of fact. such judgment must be supported on the record by substantial evidence.

12. Decision

a. The board of adjustment, by majority vote, may affirm, modify, or reverse the decision of the lower administrative body in whole or in part. A decision reversing or modifying the decision appealed from shall be in a form which finally disposes of the case on appeal except where the case is remanded in accordance with subsection 13.a. below.

b. Every decision of the board of adjustment to affirm, modify, or reverse the decision of the lower administrative body pursuant to subsection 12.a. above shall be based upon and include written findings and conclusions adopted by the board. Such findings must be reasonably specific so as to provide the community, and, where appropriate, reviewing authorities, a clear and precise understanding of the reason for the board's decision. The board may seek the assistance of legal counsel in the preparation of its decision.

c. Every final decision of the board of adjustment shall clearly state on its face it is a final decision with respect to all issues involved in the case, and that the parties have 30 days from the date of service of the decision to appeal to the superior court.

13. Remand

a. The case shall be remanded to the lower body where the board of adjustment determines any of the following:

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Amendments for completeness--to capture all decisions that are appealed to ZBEA.

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i. There is insufficient evidence in the record on an issue material to the decision of the case;

ii. There has been a substantial procedural error that requires further public hearing; or

iii. The lower administrative body has made a legal error that, in the opinion of the board of adjustment, warrants a remand.

b. If the board of adjustment remands a case to the lower administrative body, the board shall describe any issue upon which further evidence shall be taken, and shall set forth any further directions the board deems appropriate for the guidance of the lower administrative body.

c. Cases on remand following a decision of the board shall take precedence over all other matters on the agenda of the lower administrative body.

d. A board of adjustment decision remanding a case on one or more issues is not a final decision with respect to any issues involved in the appeal. The board of adjustment's decision remanding the case is and shall state that it is the final decision with respect to all matters affirmed by the board of adjustment's decision, when, following service of the lower administrative body's decision on remand, no appeal is perfected within the period specified in subsection 21.03.050A.4. The decision shall also state that the parties have 30 days from the expiration of said period to appeal to the superior court.

B. Appeals to Zoning Board of Examiners and Appeals

1. Jurisdiction of Board

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

a. Interpretation of zoning district boundaries under subsection 21.01.050C.

b. Denial of an administrative permit under section 21.03.030.

c. Denial of a certificate of zoning compliance under section 21.03.060.

d. Interpretation of whether a conditional use amendments is major or minor under subsection 21.03.080D.2.

e. Denial of an application for a flood hazard permit under section 21.03.090.

f. Denial of an application for a building or land use permit under subsection 21.03.100 when such denial is based on the requirements of title 21, except for subsection 21.03.100E.

g. Compliance with an institutional master plan under subsection 21.03.110F.

h. Denial of a minor modification under section 21.03.120 when the director is the decision-making body.

i. Denial of an application for a sign permit under subsection 21.03.170 when such denial is based on the requirements of title 21.

j. Determination of use classification under subsection 21.03.220.

k. Administrative variance for occupancy limits in assisted living facilities under subsection 21.03.240J.

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l. Denial of a verification of legal nonconforming status under section 21.03.250.

m. Alleging an error in the enforcement or interpretation of the flood hazard overlay district under subsection 21.04.080D.

n. Site enhancement plan for a self-storage facility under subsection 21.05.060D.4.

o. Denial of or imposition of conditions on a certificate for legalization of nonconforming dimensional setback encroachment under section 21.12.030, or a certificate for legalization of lots created prior to September 16, 1975 under subsection 21.12.050C.

p. Denial of administrative approval to reinstate a damaged nonconforming use under subsection 21.12.030C., or to rebuild a damaged nonconforming structure under subsection 21.12.040D.1.a.

q. Overcoming presumption of abandonment under subsection 21.12.030E.

r. Enforcement orders issued under chapter 21.13, *Enforcement.*

s. Interpretation of general definitions and use definitions.

2. Initiation of Appeal

Appeals to the zoning board of examiners and appeals may be brought by any party of interest for the application.

3. Time Limit for Filing; Notice of Appeal; Appeal Fee

a. An appeal of an administrative decision to the zoning board of examiners and appeals, as set out in subsection B.1. above, must be filed no later than 20 days after the date of service of the decision.

b. Notice of appeal must be filed with the director on a form prescribed by the municipality and must contain detailed and specific allegations of error.

c. The appellant shall pay an appeal fee as set by the assembly, which shall accompany the filing of the notice of appeal. The appeal fee shall be returned to the appellant if the decision of the lower administrative body is reversed in whole, and one-half of the fee shall be returned if the decision is reversed in part.

4. Scope of Review

The zoning board of examiners and appeals shall conduct a full evidentiary hearing on an appeal and make its decision on the basis of this title, the evidence, and the argument presented.

5. Notice and Public Hearing

a. A public hearing shall be held within 60 days of the filing of a proper notice of appeal.

b. Notice of the appeal hearing shall be published on the municipal public notice web page of the municipal website [IN A NEWSPAPER OF GENERAL CIRCULATION] at least 14 days prior to the hearing, and, in addition, the appellant shall be sent a notice by mail at least 14 days prior to the hearing.

c. The zoning board of examiners and appeals may prescribe rules of procedure for additional notification in cases where a decision of the board would have a substantial effect on the surrounding neighborhood.

Page 39 ANNOTATION

PZC stated: "The director is given discretion to make decisions and often an appeal process is specified. However, there should always be checks and balances and every decision of the director provided for in the code should be allowed to be appealed."

This amendment clarifies the final appeal body for section 21.03.100E.

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6. Decision

a. The zoning board of examiners and appeals may affirm or reverse the decision of the decision-making body in whole or in part. It shall require a majority of the full membership, minus those members who disqualify themselves with conflicts of interest in accordance with AMC title 4.

b. Every decision of the zoning board of examiners and appeals to affirm or reverse an administrative action shall be in writing and based on and include written findings and conclusions adopted by the board. Such findings must be reasonably specific so as to provide the community and, where appropriate, reviewing authorities, with a clear and precise understanding of the reasons for the board's decision.

c. Every final decision of the zoning board of examiners and appeals shall clearly state it is a final decision and that the parties have 30 days from the date of mailing, or other distribution of the decision to file an appeal to the superior court.

C. Appeal of Director's Decision

If the right to appeal the director's decision is not otherwise provided in this code, the decision of the director may be appealed to the board or commission that has decision-making and/or review authority over the type of issue being appealed as set forth in table 21.02-1.

D. Judicial Appeals—Judicial Review Authorized

In accordance with Appellate Rule 601 et seq., of the *Alaska Rules of Court*, a municipal officer, a taxpayer, or a person jointly or severally aggrieved may appeal to the superior court:

1. A final decision of the board of adjustment on an appeal from a decision regarding the approval or denial of an application for a conditional use.

2. A final decision of the municipal manager or platting board on an appeal from a decision of the building official regarding off-site improvements for a land use permit.

3. A final decision of the board of adjustment on an appeal from the platting board regarding an application for a subdivision.

4. A final decision of the zoning board of examiners and appeals.

5. Any final action or decision under this title that is appealable to the superior court under the *Alaska Rules of Court* and/or laws of the state of Alaska.

21.03.060 CERTIFICATE OF ZONING COMPLIANCE

A. Purpose

A certificate of zoning compliance shall be required at the completion of any development in the municipality for which a permit is required, to ensure that the development complies with all applicable standards of this title.

B. Applicability

A certificate of zoning compliance shall be required prior to the occupancy of any building, structure, or land, except that temporary uses and structures in accordance with section 21.05.080, *Temporary Uses and Structures*, shall be exempt from certificate of zoning compliance requirements. Where issued, a certificate of occupancy shall be considered the certificate of zoning compliance.

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C. Issuance

1. Certificate

Upon approval by the director, the building official shall issue a certificate of zoning compliance, which is valid as long as the conditions of the building or land use permit remain in effect.

2. Conditional Certificate

a. Upon approval by the director, the building official may issue a conditional certificate of zoning compliance for a specified portion or portions of a building prior to final completion of the entire building and/or site.

b. The conditional certificate shall be valid only for the period of time stated in the certificate, not to exceed 270 days.

c. Conditions that are attached to the conditional certificate of zoning compliance must be completed prior to the expiration of the certificate. When such conditions have not been completed prior to the expiration date of the conditional certificate, the certificate of zoning compliance shall immediately expire.

d. Upon receipt of a written application to the building official stating satisfactory reasons for the failure to complete work within the given time period, the building official may renew the certificate for a specified period of time, not to exceed 180 days.

e. Only one renewal may be granted, except that single family homes and phased projects may be granted more than one renewal.

3. Inside the Building Safety Service Area

Inside the building safety service area, the building official shall issue a certificate of zoning compliance when, after examination of the building, structure, landscaping, and/or other improvements or changes to the property, the municipality finds that the property complies with the applicable provisions of this title and other applicable ordinances and construction codes of the municipality.

4. Outside the Building Safety Service Area

Outside the building safety service area, the building official shall issue a certificate of zoning compliance when the municipality finds that the property complies with the applicable provisions of this title. For all development except for single- and two-family development, such finding shall follow an examination of the building, structure, landscaping, and/or other improvements or changes to the property. Single- and two-family development shall provide a certified as-built to the building official. Provisions of this title that cannot be verified by a certified as-built may be subject to a physical examination of the property through a final zoning inspection.

5. Appeals

Denial of a certificate of zoning compliance may be appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.050B.

21.03.070 COMPREHENSIVE PLAN AMENDMENTS

A. Purpose and Scope

This section provides uniform procedures, schedules, and review criteria necessary for amendments to the comprehensive plan. It includes allowances for concurrent comprehensive plan map and zoning map amendments.

Page 41 ANNOTATION

In practice, the Planning Division releases as least one draft (if not multiple drafts) of comprehensive plan elements several months before any public hearing is scheduled, but that was not a requirement of the current code. This amendment clarifies that the public must have no less than three weeks before a public hearing to review a draft plan. In practice, the Division will generally provide additional time.

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B. Levels of Plan Review

The comprehensive plan should be reviewed and reassessed regularly in order to evaluate its effectiveness and adequacy in guiding the growth of the municipality and to determine whether or not the plan continues to meet the long-term planning needs of the municipality. Because this review need not necessarily result in the complete revision of the plan, several levels of review are contemplated in this section.

1. Complete Plan Revision (20-year Intervals)

The director shall initiate a full review and complete revision of the comprehensive plan at least once every 20 years, preferably following the decennial census. As part of this review, the director shall provide the planning and zoning commission with an overall assessment of the adequacy and effectiveness of the existing plan, including identification of new issues not adequately addressed, issues which require further study and investigation, and suggested improvements. The planning and zoning commission shall consider the staff assessment and shall recommend amendments or issues that the commission feels should be pursued or investigated. Any amendments shall follow the procedures of subsections C. and D. below.

2. Targeted Plan Review (10-year Intervals)

The director shall initiate a targeted review of the plan at least once every 10 years, or in conjunction with an area-wide rezoning, in order to make it consistent with economic and demographic trends, recent and proposed land use decisions, and adopted studies and plans. Any amendments shall follow the procedures of subsections C. and D. below.

3. Other Plan Amendments

In addition to the regularly scheduled reviews described above, any review or decision-making body, or the director of any municipal department, may propose a plan amendment at any time. All such proposals shall be processed in accordance with the procedures in subsections C. and D. below.

C. Procedure for Substantive Amendments

1. Procedure

a. *Initiation*

A petition for amendment to the comprehensive plan may be initiated by any review or decision-making body, or, if accompanied by a rezone application, by a property owner.

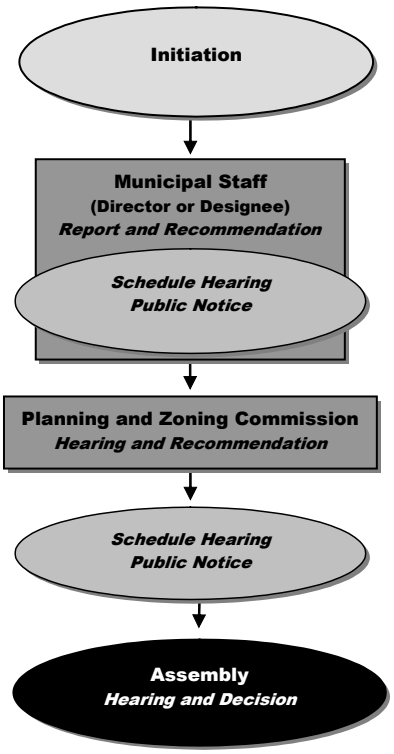
b. *Public Notice*

i. Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.

ii. Substantive amendments to be considered by the planning and zoning commission shall be available for public review at least 21 days in advance of the public hearing.

c. *Departmental Review*

The department shall review each proposed substantive amendment in light of the



Comprehensive Plan Amendments (Substantive)

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approval criteria set forth in subsection C.2. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission. This report shall include a discussion of all plans and policies that have been adopted by the municipality and are relevant to the proposed amendment.

d. ***Planning and Zoning Commission Action***
The planning and zoning commission shall hold a public hearing on the proposed amendment. Based on testimony received, the department's report, and the approval criteria in subsection C.2. below, the commission shall recommend that the assembly approve, approve with modifications, or deny the proposed amendment.

e. ***Assembly Action***
The assembly shall hold a public hearing on the proposed amendment. Based on the commission's recommendation, testimony received, and the approval criteria in subsection C.2. below, the assembly shall:

i. Approve the amendment by ordinance, either as submitted or with modifications suggested by staff, the planning and zoning commission, or the assembly;

ii. Reject the proposed amendment; or

iii. Refer the proposed amendment, and/or any substantial modifications proposed by the assembly, back to the planning and zoning commission or to a committee of the assembly for further consideration.

2. Approval Criteria
The planning and zoning commission may submit a recommendation for approval, and the assembly may approve an amendment if, in the judgment of the commission or the assembly, the amendment meets the following approval criteria:

a. The proposed amendment is necessary in order to address one or more of the following:

i. A change in projections or assumptions from those on which the comprehensive plan is based;

ii. Identification of new issues, needs, or opportunities that are not adequately addressed in the comprehensive plan;

iii. A change in the policies, objectives, principles, or standards governing the physical development of the municipality or any other geographic areas addressed by the comprehensive plan; or

iv. Identification of errors or omissions in the comprehensive plan.

b. The proposed amendment maintains the internal consistency of the comprehensive plan, and is consistent with the other elements of the comprehensive plan without the need to change other components of the plan to maintain internal consistency.

c. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.

d. If the proposed amendment is to the comprehensive plan map, the requested land use designation is found to be equally or more supportive of the

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comprehensive plan goals, objectives, policies, and guidelines, than the old land use designation.

e. If the proposed amendment is to the comprehensive plan map, the subject site is consistent with the adopted description and locational criteria for the requested land use designation, and is physically suitable to accommodate the proposed designation, including but not limited to access, physical constraints, provision of utilities, and compatibility with surrounding designations and development patterns.

3. Concurrent Zoning Changes Allowed

a. Requests for rezonings (zoning map amendments) may be considered concurrently with a comprehensive plan map amendment. The zoning map amendment shall be to a zone corresponding to the requested comprehensive plan map designation. Concurrent zoning map amendments shall meet all of the approval criteria of subsection 21.03.160[170]E.

b. The planning and zoning commission shall submit its report and recommendation regarding the comprehensive plan map amendment to the assembly at the same time it submits the report and recommendation on the rezoning case. The assembly and planning and zoning commission shall consider the plan amendment proposal and rezoning request separately, and shall act separately on the two items.

D. Procedure for Cosmetic Amendments

1. Initiation

Any review or decision-making body, or director of any municipal department, may, at any time on their own motion, request that the director investigate and evaluate a specific cosmetic amendment proposal. No public hearing or public notification is required.

2. Departmental Review

The department shall review each proposed cosmetic amendment and shall provide a report to the planning and zoning commission.

3. Planning and Zoning Commission Action

The planning and zoning commission shall submit, within a reasonable time, a report and recommendation to the assembly regarding whether or not the proposed amendment should be adopted as submitted, adopted with modifications, or rejected.

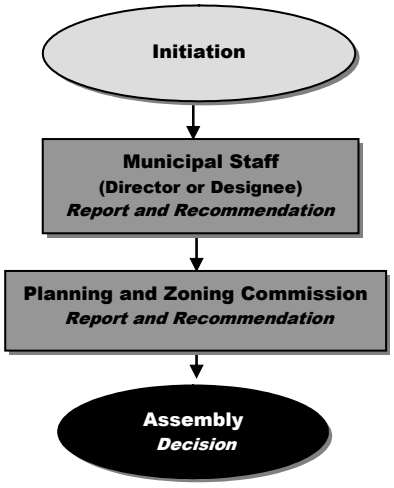
4. Assembly Action

The assembly shall consider the reports and recommendations of the planning and zoning commission and the director at a regularly scheduled assembly meeting, and will take action to either:

a. Approve or deny the amendment;

b. Approve the amendment with modifications; or

c. Refer the matter back to the planning and zoning commission for further consideration.



Comprehensive Plan Amendments (Cosmetic)

Page 44 ANNOTATION

From PZC: "Provides clarification regarding remodeling."

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21.03.080 CONDITIONAL USES

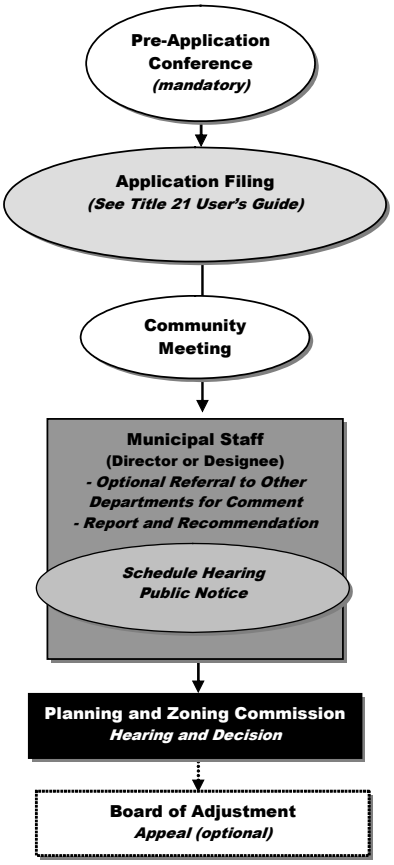
A. Purpose

The conditional use approval procedure is intended for situations where a use may or may not be appropriate in a district, depending on the specific location, the use characteristics, and potential conditions to decrease the adverse impacts of the use on surrounding properties and/or the community-at-large. It also provides a discretionary review process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure provides public review and evaluation of a use's operating characteristics and site development features through a public hearing process.

B. Applicability

1. Land uses requiring conditional use approval are identified in table 21.05-1, *Table of Allowed Uses*, table 21.05-3, *Table of Allowed Accessory Uses*, and table 21.09-1, *Table of Allowed Uses* (Girdwood).

2. This section shall not apply to remodeling, renovation, or repair to interior portions of structures that are subject to conditional use approval under this title, except those interior areas that affect conformity to the approval criteria for conditional use approval or the development and design requirements of this title.



Conditional Uses

C. Procedure

1. Initiation
An application for a conditional use approval shall be initiated by the owner(s) of the subject property.

2. Pre-Application Conference
Before filing an application, the applicant shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.

3. Community Meeting
A community meeting is required in accordance with subsection 21.03.020C.

4. Application Submittal
Applications for a conditional use approval shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

5. Public Notice
Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.

6. Departmental Review
The department shall review each proposed conditional use approval application in light of the approval criteria of subsection D[C]. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

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7. Planning and Zoning Commission Action
The planning and zoning commission shall hold a public hearing on the proposed application and act to approve, approve with conditions, or deny the proposed conditional use, based on the approval criteria of subsection D[C]. below.

8. Appeal
Decisions on conditional use approvals may be appealed to the board of adjustment in accordance with subsection 21.03.050A.

D. Approval Criteria

The planning and zoning commission may approve a conditional use application if, in the judgment of the commission, all of the following criteria have been met in all material matters:

1. The proposed use is consistent with the comprehensive plan and all applicable provisions of this title and applicable state and federal regulations;

2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in chapter 21.04;

3. The proposed use is consistent with any applicable use-specific standards set forth in chapter 21.05;

4. The site size, dimensions, shape, location, and topography are adequate for the needs of the proposed use and any mitigation needed to address potential impacts;

5. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties of the permitted uses listed in the underlying zoning district;

6. The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

7. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent feasible;

8. The proposed use is appropriately located with respect to the transportation system, including but not limited to existing and/or planned street designations and improvements, street capacity, access to collectors or arterials, connectivity, off-site parking impacts, transit availability, impacts on pedestrian, bicycle, and transit circulation, and safety for all modes; and

9. The proposed use is appropriately located with respect to existing and/or planned water supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.

E. Amendments to Approved Conditional Uses

1. Original Procedure Applies for Most Amendments
Amendment of a conditional use approval shall follow the same process required for the original approval of a conditional use, unless the amendment is determined to be a minor amendment as described in subsection E[D].2. below.

2. Administrative Approval of Minor Amendments
The director may administratively approve [ADMINISTRATIVELY] minor amendments to any approved conditional use upon written application and documentation by the applicant, and upon the director's determination that the amendment is a minor amendment.

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This type of conditional use was added to address existing business parks that successfully combine commercial and industrial uses, often including a small mix of retail.

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a. ***Procedure***

i. Upon receiving a written request from the applicant for a conditional use amendment, the director shall determine if the proposed amendment will be processed as a minor amendment or major amendment. The applicant may appeal the director's decision in writing to the zoning board of examiners and appeals within 10 days of the decision.

ii. Immediately following the director's determination that a proposed amendment is minor, the director shall:

(A) Issue a minor amendment affidavit, which shall be transmitted to the planning and zoning commission for their information; and

(B) Attach a form stating the nature of the modification, date of approval, and bearing the signature of the director to the conditional use on file in the department.

iii. If the original approval had been recorded, the amended plan shall be recorded by the municipality at the applicant's expense.

b. ***Types of Minor Amendments***

The following are amendments which the director may reasonably determine to be "minor":

i. Insubstantial changes to the text to add clarity or correct conflicting provisions.

ii. Changes in street alignment if such changes further the intent of the plan and this code, and are acceptable to the municipal engineer.

iii. Changes in building envelope, setback, and similar provisions of 10 percent[%] or less.

iv. Incidental changes in landscaping, sign placement, lighting fixtures, etc. to further the intent of the plan and this code.

F. Platting for Conditional Uses

1. If development under an approval under this section creates a subdivision or requires the vacation of a dedicated public area, the approval is not effective until a final plat for the subdivision or vacation is approved and recorded in accordance with this title. A preliminary plat required under this section is subject to approval as required by section 21.03.200, *Subdivisions*.

2. Unless the planning and zoning commission directs in the final approval that it shall act as the platting authority, the platting board is the platting authority for subdivisions under this subsection.

3. The platting authority under this subsection may require that any street right-of-way, walkway, utility easement, or other public area designated under the final approval be dedicated to the public.

G. Conditional Use for a Business-Industrial Park Planned Unit Development

1. **Intent and Approval**

A business-industrial park planned unit development (BIP-PUD) is intended to provide comprehensively planned commercial-industrial developments that are compatible with surrounding areas. BIP-PUD developments should have integrated, campus-style site plans designed to accommodate a variety of public/institutional, commercial, and

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industrial uses. High standards for architecture, landscaping, and site planning are encouraged. The planning and zoning commission shall evaluate the proposed planned unit development in accordance with the conditional use approval criteria at D[C]. above.

2. Zoning District

A BIP-PUD is allowed only in the B-3 and I-1 districts. Business-industrial parks existing on [effective date] in other zoning districts shall be considered conforming in those districts.

3. Allowed Uses

a. For a BIP-PUD in the B-3 district, in addition to the uses allowed in the B-3 district, a developer may propose to include the following industrial uses in a BIP-PUD: general industrial service; governmental service; manufacturing, light; warehouse; wholesale establishment.

b. For a BIP-PUD in the I-1 district, in addition to the uses allowed in the I-1 district, a developer may propose to include the following uses in a BIP-PUD: child care center, health services, and government administrative and civic buildings, if the location of the latter is consistent with subsection 21.05.040C.4.b.ii.

c. For initial uses proposed in the BIP-PUD that require a conditional use approval, the conditional use application(s) may be combined with the BIP-PUD conditional use and treated as one application and approval process.

4. Development Agreement

The developer shall inter into a development agreement with the private development division, using the provisions established in subsection 21.03.100E., *Improvements Associated with Land Use Permits*.

5. Minimum Standards

All BIP-PUDs shall meet the following minimum standards, in addition to the applicable standards of this title. The planning and zoning commission may apply additional standards as it may deem necessary to meet the approval criteria.

a. The minimum site area for a BIP-PUD is seven acres.

b. In keeping with a campus-style site plan, the number of access points to the BIP-PUD shall be limited to only what is necessary, as determined by the traffic engineer.

c. Pedestrian walkways shall be provided to streets abutting the BIP-PUD. All transit stops abutting a BIP-PUD shall be connected to the internal street/sidewalk system by a pedestrian walkway. Abutting streets without any transit stops shall have at least one pedestrian walkway connection with the BIP-PUD.

d. L2 [L3] buffer landscaping shall be provided along the exterior lot lines of the BIP-PUD.

e. A BIP-PUD shall have a defined internal street system, which shall have pedestrian facilities and landscaping in accordance with the provisions of this title. Streets shall allow vehicles to travel into and within the development. Driveways shall access parking areas.

f. Except for stand-alone restaurants located along an outside edge of a BIP-PUD, all buildings shall have a common architectural character utilizing similar materials. The standards of 21.07.130 shall not apply.

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g. Maximum individual building footprint shall be 30,000 square feet.

h. Individual tenancies for instructional services; health services; and office, business or professional, shall not exceed 5,000 square feet.

i. Individual tenancies for government administration and civic buildings and religious assembly shall not exceed 15,000 square feet.

j. Individual tenancies for uses in the retail sales use category shall not exceed 20,000 square feet.

k. The uses in the entire BIP-PUD may aggregate their parking as long as the following standards are met:

i. Required parking for each use shall be located no farther than 800 feet from the primary entrance of the use;

ii. Relatively direct pedestrian pathways shall be available from required parking to each use;

iii. At no time shall the aggregate of the required parking of all uses in the BIP-PUD, which may include parking reductions and alternatives noted in subsection 21.07.090F., exceed the total number of parking spaces provided.

l. Loading areas and refuse collection areas shall be internal to the site and not located between any building and any BIP-PUD exterior lot line.

m. The maximum floor area devoted to retail sales uses shall not exceed 35 percent of the total gross building area of the entire development.

n. Outdoor storage and display is prohibited.

H. Conditional Use for a Residential Planned Unit Development

1. Intent and Approval

A residential planned unit development (PUD) is intended to allow flexibility for residential development in the zoning ordinance and to achieve the creation of a more desirable environment than would be possible through a strict application of the zoning ordinance. The planning and zoning commission shall evaluate the proposed planned unit development in accordance with the conditional use approval criteria at D[C]. above, and the following additional criteria:

a. Creative use of the land, imaginative architectural design, a consolidation of usable open space and recreation areas, and the preservation of natural features.

b. The mixing of compatible land uses, residential densities, and housing types within the neighborhood.

c. The efficiency of the configuration of utilities, vehicular circulation, and parking facilities.

d. Enhancing the surrounding environment.

e. Maintaining population densities and lot coverage that are consistent with available public services and the comprehensive plan.

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Allows PUDs in some Girdwood zoning districts.

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2. Minimum Standards

All planned unit developments shall meet the following minimum standards. In addition, the planning and zoning commission may require compliance with such other design standards relating to the construction, design, and placement of buildings, landscaping, streets, roadways, walkways, drainageways, and other site design features as it may deem necessary. A PUD shall comply with any special limitations of the zoning district. The user's guide may include guidelines to assist developers in meeting such standards.

a. ***Minimum Site Area***

The minimum site area for a PUD shall be 2.0 acres for PUDs located entirely in the [R-2F,] R-2M, R-3, and R-4 zoning districts. If any portion of a proposed PUD is located within the R-1, R-1A, R-2A, R-2D, R-5, [OR] R-7, GR-1, GR-2, GR-2A, GR-3, GR-4, or GR-5 zoning districts, the minimum site area shall be 5.0 acres. If any portion of a proposed PUD is located within the R-6, R-8, or R-9 zoning districts, the minimum site area shall be 10 acres.

b. ***Open Space***

A minimum of 30 percent of the site shall be reserved as open space which shall meet the following standards:

i. At least one-half of such open space shall be contiguous;

ii. The open space shall not include public or private streets or rights of way; parking facilities, driveways, other motor vehicle circulation areas, loading areas, or refuse collection areas; slopes over 15 percent; 50 percent of designated snow storage areas; drainage easements, ditches, swales, or other areas intended to collect and channel water;

iii. In class A districts, no portion of the required open space shall be less than 2,000 square feet in area or less than 30 feet in its smallest dimension, except for individual yards, balconies, or decks pursuant to b.iv. and b.v. below;

iv. In class B districts, no portion of the required open space shall be less than half of the minimum lot size of the underlying district in area, or less than 100 feet in its smallest dimension, except for individual yards, balconies, or decks pursuant to b.v. and b.vi. below;

v. A minimum of 12 percent and a maximum of 50 percent of required open space shall consist of yards which shall be reserved for the residents of individual dwelling units; and

vi. In multistory buildings, balconies or decks may be used in lieu of individual yards provided that the total area of all balconies or decks is not less than the total yard area otherwise required.

c. ***Design***

i. Any nonresidential use permitted in a PUD shall be compatible with the residential nature of the development. Parking areas which are intended to serve nonresidential uses shall be separated from those designed to serve residential areas. Unless nonresidential and residential uses are combined within a single structure, nonresidential uses shall be separated from dwelling units by L2 [L3] buffer landscaping.

ii. Pedestrian walkways shall connect residential and nonresidential uses within a PUD.

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iii. L[EVEL] 2 buffer [4 SCREENING] landscaping shall be planted along each boundary of the PUD adjacent to a nonresidential district or a right-of-way designated for collector or greater capacity on the *Official Streets And Highways Plan*.

iv. Common open space with L3 [L4] screening landscaping shall be provided along any lot line abutting a residential neighborhood where any abutting lot is greater than 150 percent of the average lot size along that lot line of the PUD.

v. Any two adjacent buildings within a PUD shall be separated from each other by a distance equal to one-half the height of the taller building.

vi. Each dwelling unit shall be provided with either heated parking, or at least one electrical outlet that is convenient to the required parking space(s).

d. ***Access and Connectivity***
PUDs shall comply with section 21.07.060, *Transportation and Connectivity*.

e. ***Utility Installation***
All new utilities shall be installed underground.

f. ***Homeowners' Agreements***
Any PUD which will involve the formation of a horizontal property regime under the terms of AS 34.07.010 et seq. or any mandatory homeowners' or similar association shall submit for review by the commission the articles of incorporation and bylaws of any such association prior to the sale of any property subject to the association. The commission may require any provisions necessary to ensure that the provisions and intent of this title are met.

3. Development Options
The following provisions allow the developer of the PUD to propose changes from the provisions of the underlying zoning district with regard to density, allowed uses, and dimensional standards. The extent [EXTEND] of the changes to the standards shall be determined by the planning and zoning commission in accordance with the approval criteria of subsection F.1. above.

a. ***Density***
The number of dwelling units per acre allowable on the gross are of a PUD shall be determined by the planning and zoning commission. However, in no event shall the number of dwelling units per acre exceed the maximums established by the following schedule:

TABLE 21.03-2

Zoning District	Dwelling Units per Acre (gross area)
R-1 and R-5	8
R-1A	6
R-2A	12
R-2D	15
[R-2F AND] R-2M	22
R-3	55
R-4	110
R-6	2
R-7	4.5

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TABLE 21.03-2	
Zoning District	**Dwelling Units per Acre (gross area)**
R-8	0.5
R-9	1.0
GR districts	As determined by the planning and zoning commission

b. ***Uses***

The applicant may propose any residential use, and in class A zoning districts, may propose any commercial use that is allowed in the R-4 district in table 21.05-1. A PUD may not include the storage or use of mobile homes or quonset huts. Any nonresidential use must be specifically authorized as to its exact location, type, and size. In no event shall the total gross floor area of all nonresidential uses exceed 10 percent[%] of the total gross floor area of the PUD.

c. ***Dimensional Standards***

i. Height limitations in the R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-6, R-7, R-8, [OR] R-9, GR-1, GR-2, GR-2A, GR-3, GR-4, or GR-5 zoning districts may be exceeded by an additional five feet. Height limitations in the R-3 and R-4 districts may be exceeded by an additional 10 feet.

ii. The applicant may propose changes to minimum lot area, maximum lot coverage, and minimum setbacks for the PUD.

4. Planned Unit Developments in the Turnagain Arm District

PUDs in the TA district shall conform, with regard to uses and residential density, to the land use plans of the *Turnagain Arm Area Plan* and the standards of this section.

I. Abandonment of Conditional Use

An otherwise lawful conditional use approval shall expire if:

1. For any reason the conditional use is abandoned in its entirety for a period of one year or longer; or

2. The property owner notifies the planning and zoning commission of the abandonment of the conditional use approval. A conditional use shall not be abandoned under this subsection if the result of the abandonment is the creation of a nonconforming land use.

21.03.090 FLOOD HAZARD PERMITS

A. Applicability

Any use, structure, or activity listed in the floodplain regulations (section 21.04.060D., *Flood Hazard Overlay District*) as requiring a flood hazard permit is prohibited until the issuance of such permit. Applications for flood hazard permits shall be made to the municipal engineer.

B. Application Contents

Any application for a flood hazard permit shall contain the following material:

1. The elevation in relation to mean sea level of the lowest floor, including basement or crawl space, of all structures;

2. The elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 21.04.060D.7., *Construction Requirements (in Flood Hazard Overlay District)*; and

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4. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

C. Evaluation; Additional Information

Upon receipt of an application for a flood hazard permit, the municipal engineer shall transmit copies of the application, together with pertinent information, to interested and affected departments and agencies within the municipality, requesting technical assistance in evaluating the proposed application. The municipal engineer may require more detailed information from the applicant where special circumstances necessitate. Such additional information may include:

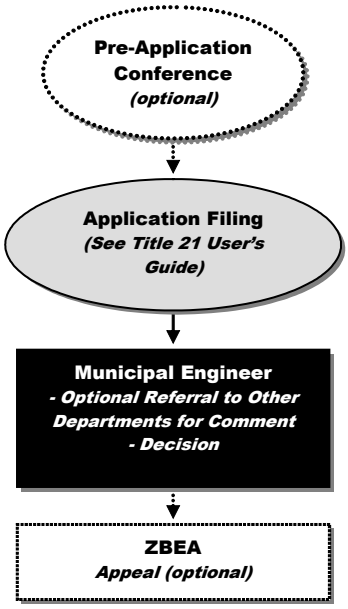
1. A valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.

2. Specification of proposed construction and materials, floodproofing, filling, dredging, grading, channel improvement, water supply, and sanitary facilities.

3. A profile showing the slope of the bottom of the channel or flow line of the stream.

4. A report of soil types and conditions.

5. Analysis of proximity to a dam break area.



Flood Hazard Permits

D. Criteria for Issuance

Permits shall be issued if the application and supporting material demonstrate that:

1. The proposed use or structure poses a minimal increase in probable flood height or velocities caused by encroachment;

2. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions will not be impaired by flooding;

3. The susceptibility of the proposed facility and its contents to flood damage is minimal;

4. There will be adequate access to the property in times of flood for ordinary and emergency vehicles;

5. The proposed use, structure, or activity is in conformance with all applicable land use regulations; and

6. All necessary floodproofing will be provided.

E. Time for Acting on Application

The municipal engineer shall act on an application in the manner described in this section within 30 days from receiving the application, except that, where additional information is required, the official shall act within 30 days of the receipt of such additional requested information.

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F. Notice on Subdivision Plats

Where any portion of a subdivision is situated within a flood hazard district, a note shall be placed on the plat that reads as follows: "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 21.04.060D.3., *Creation of Flood Hazard Overlay District; Official Flood Hazard Reports and Maps*. All construction activities and any land use within the flood hazard district shall conform to the requirements of section 21.04.060D., *Flood Hazard Overlay District*."

G. Appeals

Denial of a flood hazard permit may be appealed to the zoning board of examiners and appeals in accordance with section 21.03.050B.

21.03.100 LAND USE PERMITS

A. Purpose

The land use permit process assures current and future property owners that the structures and land uses conform to the zoning code. Within the building safety service area, the land use permit also involves plan review and on-site inspections to insure that buildings meet the structural, plumbing, mechanical, electrical, and fire safety codes.

B. Applicability

1. In the Municipality

In the municipality, a land use permit shall be required prior to:

a. Construction or placement of a building or addition to an existing building whose floor area is 120 square feet or greater;

b. Installation of telecommunication towers;

c. Construction of a fence over eight feet in height;

d. Excavation of more than 50 cubic yards on any lot or tract;

e. Filling or grading more than 50 cubic yards on any lot or tract;

f. Changing the principal use of a building, as defined by “change of use” in chapter 21.14; or

g. Mechanized land clearing of more than one contiguous acre (chainsaws excluded).

2. Inside Building Safety Service Area

Inside the building safety service area, a building permit shall be considered the land use permit and shall be required in accordance with B.1. above and title 23. The issuance of a building permit may also be subject to the improvement requirements referenced in subsection E. below.

C. Procedures

1. Application Submittal

Applications for land use permits shall be submitted to the building official on the form provided.

2. Approval Procedure

a. The building official shall review each application for a land use permit.

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b. The building official shall determine whether the application complies with all requirements of title 23. The director shall determine whether the application complies with all requirements of title 21, and shall inform the building official of his or her determination.

c. The building official shall issue a land use permit upon finding that the application and the proposed work complies with the approval criteria of subsection D. below.

d. A land use permit shall become null and void unless the work approved by the permit is commenced (see "start of construction" in chapter 21.14) within 12 months after the date of issuance. If after start of construction the work is discontinued for a period of 12 months, the permit therefore shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a permit has been reinstated, or until a new permit has been secured.

3. Changes to Approved Permits

a. After a land use permit has been issued, no substantial changes or deviations from the terms of the permit or the application and accompanying plans and specifications shall be made without the specific written approval of such changes or deviations by the building official.

b. An amendment to a land use permit that requires payment of an additional fee, either because of an increase in the size of the buildings, a change in the scope of work, or an increase in the estimated cost of the proposed work, shall not be approved until the applicant has paid the additional fees and the amendment has been properly reviewed and approved for conformance with applicable codes.

4. Revocation of Land Use Permit

The issuing department may revoke and require the return of any land use permit by notifying the permit holder in writing, stating the reason for such revocation. The issuing department shall revoke land use permits for any of the following reasons:

a. Any material departure from the approved application, plans, or specifications;

b. Refusal or failure to comply with the requirements of this title or any other applicable state or local laws;

c. False statements or misrepresentations made in securing such permit.

5. Appeals

a. Denials or revocations of a land use permit relating to title 21 compliance, with the exception of those relating to subsection 21.03.100E, may be appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.050B.

b. Denials or revocations of a land use permit relating to title 23 compliance may be appealed to the building board of examiners and appeals.

D. Approval Criteria

No land use permit shall be issued unless the building official determines that all required approvals have been granted and the plans comply with all applicable provisions of title 23, and the director determines the plans comply with all applicable provisions of this title.

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Due to concerns that there were not enough limitations placed on potential requirements for off-site improvements required by the municipality, language was added to more closely link any off-site improvement requirements to the impacts created by new development. Additionally, authority was transfered from the municipal engineer to the building official, in accordance with the departmental reorganization that occured in fall of 2010.

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E. Improvements Associated with Land Use Permits

1. Purpose

The purpose of this section is to determine what off-site public infrastructure improvements are reasonably necessary to serve a development, determine the portion of the demand for off-site public infrastructure improvement which is created by a development, and provide for dedications or improvements which are directly proportional to the development's demand for the public infrastructure improvements.

2. Improvements Required

The issuance of a land use permit under this section for the construction of a residential, commercial, or industrial structure on a lot, shall be subject to the permit applicant providing the easements, dedications, and improvements required for a subdivision in the same improvement area under chapter 21.08, *Subdivision Standards*. In applying the provisions of chapter 21.08, *Subdivision Standards,* under this section, the term "lot" shall be substituted for the term "subdivision," the term "permit applicant" shall be substituted for the term "subdivider," and the term "building official" ["MUNICIPAL ENGINEER"] shall be substituted for the term "platting authority."

3. Exceptions

The requirements in subsection E.1. above shall not apply to a land use permit to the extent that:

a. All construction associated with a single dwelling unit is located on a single lot, tract, or parcel, regardless of zoning district;

b. The traffic engineer determines that a street dedication or improvement is not required for traffic circulation;

c. A dedication or improvement has been provided to the applicable standard of [IN] chapter 21.08, *Subdivision Standards*;

d. A dedication or improvement will be provided under a subdivision agreement that has been entered into under section 21.08.060, *Subdivision Agreements*, or under an established assessment district;

e. The municipality has already appropriated funds to construct an improvement; or

f. The permit is for repairs, maintenance, emergencies, electrical, mechanical, or plumbing.

4. Standards for Requiring Dedications and Improvements

Where chapter 21.08, *Subdivision Standards,* grants discretion to determine whether a dedication or improvement will be required, or to determine the design standards for a dedication or improvement, the building official [MUNICIPAL ENGINEER] shall determine the requirement or standard that applies to a land use permit under this section by applying the following standards:

a. The dedication or improvement shall be directly correlated [REASONABLY RELATED] to the [ANTICIPATED IMPACT ON PUBLIC FACILITIES AND ADJACENT AREAS THAT WILL RESULT FROM THE USE AND] occupancy of the structure that is the subject of the building or land use permit. The required dedication or improvement shall bear a rational nexus to the public facility improvement needs created by the development. The extent of a requirement shall be no greater than what is proportional to the impact of the development. Any required public use easement shall be removed when calculating density or lot coverage per the applicable zoning district. The building official [MUNICIPAL ENGINEER] may require the permit applicant to provide information or analyses

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to determine impacts as set out in the comprehensive plan's policies for transportation, transportation design and maintenance, and water resources on public facilities and adjacent areas, including without limitation the following:

i. A traffic impact analysis, or similar information. The traffic engineer may require a traffic impact analysis if the same would be required for approval of a subdivision, conditional use, or site plan for similar development under this title.

ii. A drainage study, or similar information. A drainage study may be required if the same would be required for approval of a subdivision, conditional use, or site plan for similar development under this title.

iii. An estimate of the financial costs of impacts on public facilities and adjacent areas without the required improvements, including without limitation continuity of improvements, maintenance costs of public facilities, parking, drainage, noise and dust control, pedestrian and vehicle safety and access, and emergency vehicle access and response time.

iv. Information concerning the consistency of the impacts of the proposed development with the comprehensive plan.

v. A design of internal streets and location of fire hydrants satisfactory to the fire marshal for purposes of fire protection within the development. Outside the Anchorage fire service area, the state fire marshal's standards control.

b. The building official shall consider relevant level of service standards, standards for adequate facilities, and/or design standards for public facilities.

c. The estimated cost of constructing the improvement shall be reasonable when compared to the estimated cost of the proposed development under the land use permit. The determination of reasonableness shall be based on cost estimates for the improvement and the proposed development that the permit applicant or applicant's agent submits under penalty of perjury. If the building official [MUNICIPAL ENGINEER] determines that the estimated cost to the applicant to complete all the improvements required by this section is unreasonable in relation to the estimated cost of the proposed development, the building official [MUNICIPAL ENGINEER] may reduce or eliminate required improvements as necessary to make the relationship between such costs reasonable.

d. The building official [MUNICIPAL ENGINEER] shall consider the potential development of all adjacent parcels, lots, or tracts under common ownership, in addition to the lot, parcel, or tract that is the subject of the permit application, and the impacts associated therewith, in applying the standards in this subsection.

e. The building official [MUNICIPAL ENGINEER] may approve adjustments to the improvement requirements under this section to the extent that compliance with the standards would result in an adverse impact on natural features such as wetlands, steep slopes, or existing mature vegetation; existing development; or public safety.

5. Phasing of Installation

Except as provided in this section, all required improvements shall be constructed and accepted by the municipality before any certificate of zoning compliance is issued for the permitted construction. If the building official [MUNICIPAL ENGINEER] determines that it is not reasonable to require compliance with the preceding sentence, no permit may be

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A multi-layered appeal process was developed to address concerns with this section.

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issued until the applicant enters into an agreement for construction of the required improvements, with performance guarantees, in the form required for subdivision improvements under section 21.08.050, *Improvements*.

6. Warranty

All improvements required under this section shall be subject to the warranty and guarantee of warranty requirements provided for subdivision improvements in section 21.08.050, *Improvements*.

7. Oversizing

If an improvement exceeding the requirements of this section is requested by the municipality and is necessary for the adequate and efficient development of surrounding areas, the municipality may require the applicant to install or accommodate oversizing. Inside the Anchorage road and drainage service area, [IN SUCH EVENT] the municipality shall reimburse the applicant for the cost of the oversizing at least as soon as budgeted funds are available after completion and acceptance of the improvements. This subsection shall not be a limitation on the municipality's ability to require a utility to oversize its facilities or a limitation on the manner in which the municipality may pay its proportionate share of the costs of oversizing.

8. Fee in Lieu

A fee in lieu of the required improvements may be accepted if the building official [MUNICIPAL ENGINEER] determines:

a. That the improvements or construction activities associated therewith would create a potential undue safety hazard to motorists or pedestrians; or

b. Due to the nature of existing development on adjacent properties it is unlikely that improvements would be extended in the foreseeable future and the improvements associated with the development under review do not, by themselves, provide a sufficient improvement to safety or capacity or a sufficient benefit to the property to be developed under the building or land use permit to warrant construction.

c. Any fee paid pursuant to this section shall be accounted for separately, and the fee paid shall be dedicated and used only for the purpose of constructing the public facilities which were identified by the building official [MUNICIPAL ENGINEER] and for which the fee was paid.

9. Fee Amount

The amount of the fee in lieu shall be the full cost of the improvements as estimated by an engineer registered as a professional engineer in Alaska. In the event the applicant or successor in interest later elects or is required to install improvements for which the fee was paid, the fee shall be refunded (without interest), so long as the claim for refund is filed within two years from the date of acceptance of the improvement.

10. Appeals of Improvement Standards

a. ***Administrative Appeal***

A permit applicant may request an administrative appeal of a decision of the building official concerning required improvements under this section. The appeal shall first be to the director, and at the discretion of the applicant, may advance to the municipal manager. Notice of appeal shall be filed with the director not later than 30 days after the date of service of the decision, on a form prescribed by the municipality, and shall contain detailed and specific allegations of error. Decisions shall be reported in writing, including findings, within 30 days after the filing of an appeal.

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b. ***Administrative Appeal Advanced to Municipal Manager***

An appeal rejected by the director may be resubmitted with additional information for reconsideration by the municipal manager. If this advance appeal is elected, the applicant shall submit notice of appeal to the director not later than 10 days after the date of service of the decision. Final decision of the municipality shall rest with the municipal manager. The final decision shall be reported in writing within 10 days after the filing of the advanced appeal. The decision shall include written findings and the reason for the decision, and shall clearly state it is a final decision and that the parties have 30 days from the date of service of the decision to file an appeal to the superior court.

c. ***Appeals to the Platting Board***

A permit applicant may alternatively appeal a decision of the building official [MUNICIPAL ENGINEER] concerning required improvements under this section to the platting board, using the procedure of appeals to the zoning board of examiners and appeals established in section 21.03.050B., except as follows: the applicant shall file [BY FILING] a written notice of appeal with the secretary of the platting board not later than 10 days after receipt of written notice of the decision. The appeal shall be placed on the agenda of the next regularly scheduled platting board meeting that occurs not less than 60 days after the filing of the appeal. The platting board shall hear the appeal.

d. ***Judicial Review***

A final decision of the municipal manager or the platting board may be appealed to the superior court, provided the applicant shall file such appeal within 30 days from the date of mailing, or other distribution of the decision.

21.03.110 MASTER PLANNING, INSTITUTIONAL

A. Purpose

The institutional master plan review process provides a framework for development of large institutions, such as hospitals and universities, that control large land areas within the municipality, and are a source of substantial employment, and that may contain a greater density of development than surrounding areas. An institutional master plan is intended to permit flexibility for a large institution to have greater control over its own land use decisions, while providing a level of understanding to the surrounding community about the potential growth of the institution and the resultant impacts, and to the municipality about the public infrastructures and services that may be necessary to serve the planning area and adjacent neighborhoods. The process is specifically intended to:

1. Provide flexibility to institutions to carry out long-range building programs in accord with the institutional mission and objectives;

2. Provide a growing and continuing source of employment for the municipality that is easily accessible and well-integrated with surrounding neighborhoods and the local transportation system;

3. Create attractive and efficient urban areas that incorporate quality design and urban amenities;

4. Protect sensitive portions of the natural environment that are potentially affected by institutional development; and

5. Consider the impacts of institutional development on adjacent neighborhoods.

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Added language adds a bit more flexibility, as exact numbers can't be known.

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B. Applicability

An institutional master plan may be submitted and approved, in accordance with the procedures of this section, for any multi-building development site of 25 contiguous acres or more in common ownership in any zoning district or combination of districts. The process provides an alternative to the procedures and development and design standards of this title for institutions seeking to develop large, complex sites with multiple buildings and uses following a contextually aesthetic design theme. For the purposes of this section, the term contiguous acres means an area of lots and/or tracts whose boundaries either touch or are separated only by a street or other right-of-way.

C. Institutional Master Plan Requirements

1. Planning Area

The planning area for the institutional master plan shall include all the areas that are under the ownership and control of the institution, and for which the institution wishes to establish independent design and development standards under this section.

2. Submittal Requirements

An institutional master plan shall, at a minimum, include the following information unless the director determines that such information is not necessary to evaluate the proposed institutional master plan and the institution's future impacts on surrounding neighborhoods. Specific requirements for the full institutional master plan shall be determined by the director following the pre-application conference.

a. *Boundaries*

At least one aerial photograph taken during the three-year period preceding submittal of the institutional master plan shall be submitted under this section. The aerial photo or some other map shall depict existing zoning districts and surrounding properties within 1,000 feet of the planning area boundaries.

b. *Mission and Objectives*

The institutional master plan shall include a statement that defines the organizational mission and objectives of the institution and description of how development contemplated or defined by the institutional master plan advances the goals and objectives of the institution. The statement should describe the approximate number of people being served by the institution on the site, the number of people employed on the site, and the estimated maximum number of people present on the site for any single event or activity. The statement should include any projected changes in the size of those populations, and how such projections were calculated. It should also specify any services to be provided to residents in adjacent neighborhoods and in other areas of the municipality.

c. *Existing Property and Uses*

The institutional master plan shall include a description of land, buildings, and other structures owned or occupied by the institution within the planning area boundaries as of the date of submittal of the institutional master plan. The following information shall be required:

i. Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features, and other significant site improvements;

ii. Land and building uses;

iii. Gross floor area in square feet of each individual building;

iv. Building height in stories and feet of each individual building; and

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v. A description of parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility.

d. ***Needs of the Institution***

The institutional master plan shall include a summary and projection of the institution's current and future land use needs within the planning area boundaries, such as, but not limited to, the following types of facilities:

i. Academic;

ii. Support services;

iii. Research;

iv. Office;

v. Housing;

vi. Patient care;

vii. Assembly for public events, worship, cultural events, and the like;

viii. Recreation and athletics;

ix. Transit;

x. Parking; and

xi. Commercial spaces, not including concessionaire space that is intended to serve the institutional community.

e. ***Ten-Year Development Envelope***

The institutional master plan shall include a description of the development expected to occur within the planning area boundaries within a 10-year time frame. The 10-year development description shall be the maximum amount of development proposed by the institution based on anticipated changes in total population and programs. The 10-year development description shall include the following:

i. General location of the institution's needs (as listed in 2.d. above) in potential development areas as depicted on a site functional use map; and

ii. Estimated total square footage of anticipated development in each development area.

f. ***Development and Design Standards***

The institutional master plan shall include the elements listed below. These elements may set different standards than those found in title 21. the plan shall list the specific sections of title 21 for which different standards are to be established by the master plan, and provide rationale for any different standards proposed. Where different standards are approved in the institutional master plan, those standards shall be applied instead of the corresponding standards in title 21.

i. *Borders and Boundaries*

Treatment along public rights-of-way and boundaries with other landowners, with regard to building setbacks and landscape buffers.

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ii. *Transportation and Parking Management*
A transportation and parking management plan including how additional parking demand and transit will be accommodated within the planning area.

iii. *Natural Resource Protection*
Identification of sensitive natural resources, including but not limited to wetlands and flood plain delineation maps, within the planning area, and the institution's plans for maintaining or mitigating impacts on those sensitive areas. The institutional master plan shall not reduce or otherwise weaken the natural resource protection standards of section 21.07.020.

iv. *Open Space and Pedestrian Circulation*
Open space and pedestrian circulation guidelines and objectives, including a description of the circulation system to be provided through the planning area, plans for ensuring the accessibility of pedestrian areas and open spaces, and links to surrounding community open space, where appropriate.

v. *Site and Building Design Standards*
Institutional design standards and objectives, identified through written and graphic materials, that address the following issues:

(A) Dimensional standards for building setbacks, height, and lot coverage;

(B) Site design and circulation;

(C) Landscaping and site amenities;

(D) Building orientation;

(E) Building massing and articulation;

(F) Building sustainability; and

(G) Northern climate design.

vi. *Wayfinding and Signage*
A wayfinding and signage plan including building, vehicular, and pedestrian signage.

vii. *Timing*
A conceptual development schedule and phasing plan.

g. ***Twenty Year Development Areas***
The institutional master plan shall include written and graphic materials identifying future development areas beyond those noted in the 10-year development description. This information shall include, at a minimum, the general location and approximate scale of anticipated development that may occur within a 20 year period.

D. Procedures for Master Plan Approval

1. Initiation
An application for approval of an institutional master plan shall be initiated by the owner or managing agent of the subject property.

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This amendment ensures a minimal public review period greater than provided for most entitlement requests.

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2. Pre-Application Conference

Before filing an application, an applicant shall request a pre-application conference with the director. See section 21.03.020B.

3. Community Meeting

A community meeting is required in accordance with subsection 21.03.020C.

4. Application Submittal

Applications for institutional master plan approval shall contain all information and supporting materials specified in the title 21 user's guide and in subsection C.2. above, and shall be submitted to the director on a form provided by the department. The director may require the submittal of such other information as may be necessary to permit the informed exercise of judgment under the criteria for the review of the plan, as set out in subsection E. below.

5. Departmental Review

The department shall review the proposed institutional master plan in light of the approval criteria set forth in subsection E. below, and shall distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

6. Public Notice

a. Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.

b. Draft institutional master plans shall be available for public review at least 21 days in advance of the planning and zoning commission's public hearing.

7. Planning and Zoning Commission Action

a. The planning and zoning commission shall hold a public hearing on the proposed institutional master plan and, at the close of the hearing, recommend that the assembly approve the plan as submitted, approve the plan subject to conditions or modifications, or deny the plan, based on the approval criteria of subsection E. below.

b. If the planning and zoning commission recommends that the assembly approve a plan as submitted or with conditions or modifications, within 60 days of the commission's action the director shall forward the recommendation to the assembly.

c. If the planning and zoning commission recommends denial of a plan, that action is final unless, within 20 days of the commission's action, the applicant files a written statement with the municipal clerk requesting that the proposed institutional master plan be submitted to the assembly.

8. Assembly Action

The assembly shall hold a public hearing on the proposed institutional master plan. At the close of the hearing, taking into account the recommendations of the director and the planning and zoning commission, any public comment, and based on the approval criteria of subsection E. below, the assembly shall, within 90 days, approve the plan, approve the plan with modifications or conditions, deny the plan, or refer the plan back to the planning and zoning commission.

9. Approval of Final Institutional Master Plan

a. The approval of an institutional master plan expires 12 months after the date of approval by the assembly unless, before the approval expires, the applicant files the final institutional master plan, including any modifications or conditions required by the assembly, with the director.

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b. The director shall certify the final institutional master plan within 60 days of filing by the applicant, or if the plan is not in compliance with the assembly's approval, the director shall issue a detailed list of reasons and recommended amendments to the final institutional master plan to achieve compliance.

c. Until the approval of an institutional master plan by the assembly and the filing by the applicant of a final institutional master plan accepting the modifications or conditions required by the assembly, the affected institutional shall continue to be governed solely by the provisions of title 21 other than this section.

E. Approval Criteria

An institutional master plan may be approved if the assembly finds that it is consistent with the comprehensive plan and will achieve the following:

1. Provides flexibility to the institution to plan and implement long-range development programs to achieve its institutional mission and objectives;

2. Facilitates the continuation of the institution as a major source of service and employment that is easily accessible and well integrated with surrounding neighborhoods and the public transportation system;

3. Provides [ENSURES] that institutional facilities, especially those that are publicly funded, are well designed and constructed, include urban amenities, and are efficient to operate over their life-cycles;

4. Protects and mitigates effects of development on sensitive portions of the natural environment; and

5. Recognizes and addresses potential significant adverse impacts of institutional development on adjacent built environments, neighborhoods, and the community at large.

F. Compliance with Institutional Master Plan

1. Projects developed under the auspices of an approved institutional master plan are exempt from the review and approval procedures required in table 21.05-1[2].

2. Before a building permit or land use permit is issued for any project within an area covered by an approved institutional master plan, the director shall certify that the proposed project is consistent with the approved institutional master plan. The applicant shall submit a request for certification of consistency on a form provided by the department.

3. Such a certification shall be found if the proposed project is consistent or substantially consistent with the approved institutional master plan, or if the project is found to be not consistent with the approved institutional master plan, but the director finds the proposed project creates minimal impact according to the following criteria:

a. Not more than 25 percent of the proposed project is located outside the development areas depicted on the site functional use map;

b. The proposed project does not result in the addition of more than 10 percent additional square footage on a cumulative basis to the estimated total square footage of the affected site functional use category;

c. The project does not result in the creation of or the need for additional parking beyond that covered in the approved transportation and parking management element; and

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d. The project does not result in the coverage of more than 25,000 square feet of site area.

4. A certification of consistency, finding of inconsistency, or finding of consistency subject to conditions, shall be issued within 45 days of receipt of an application for such certification.

5. If the director finds that a project is not consistent with the approved institutional master plan, the director shall issue a detailed list of reasons and recommended actions to achieve compliance.

6. The director may issue a finding of inconsistency, or a finding of consistency subject to conditions, only where the director finds that the matters resulting in the inconsistency, or the conditions to which the certification is made subject, are required by specific terms of the approved institutional master plan or any applicable title 21 provisions.

7. The director's decision may be appealed to the planning and zoning commission.

G. Modifications to Approved Institutional Master Plans

1. Minor Amendments
The director may administratively approve minor amendments to an approved institutional master plan upon written application[, UNLESS THE ASSEMBLY DETERMINES THE AMENDMENT IS A MAJOR AMENDMENT]. Minor amendments are defined generally as modifications to approved plans that do not affect land use or density in ways that would have significant adverse impacts on public facilities, utilities, traffic circulation, or other major infrastructure systems; or on surrounding neighborhoods or development.

2. Major Amendments
Major amendments of an approved institutional master plan shall follow the same process required for the original approval of an institutional master plan.

21.03.120 MINOR MODIFICATIONS

A. Purpose and Scope

This section sets out the required review and approval procedures for "minor modifications," which are minor deviations from otherwise applicable standards that may be approved by the director, the planning and zoning commission, or the urban design commission. Minor modifications are to be used when the small size of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a formal variance process.

B. Applicability

1. Minor Modifications to General Development and Zoning District Standards
As part of the review and approval of any procedure set forth in this chapter, the director, the planning and zoning commission, or the urban design commission may approve minor modifications of up to a maximum of five percent from the following general development and zoning district standards provided that the approval criteria of subsection D. below are met.

a. Minimum lot area or setback requirements set forth in chapter 21.06, *Dimensional Standards and Measurements*;

b. General development standards set forth in chapter 21.07, *Development and Design Standards*, except for the natural resource protection standards in subsection 21.07.020B.;

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c. The dimensional standards, site development and design standards, and building design standards set forth in chapter 21.09, *Girdwood Land Use Regulations* (sections 21.09.060, 21.09.070, and 21.09.080).

2. Exceptions to Authority to Grant Minor Modifications

In no circumstance shall any decision-making body approve a minor modification that results in:

a. An increase in overall project density;

b. A change in permitted uses or mix of uses;

c. A deviation from the district-specific standards set forth in chapter 21.04, *Zoning Districts*, or the use-specific standards set forth in chapter 21.05, *Use Regulations*; or

d. A change in conditions attached to the approval of any subdivision plan (section 21.03.200), site plan (section 21.03.180), [OR] conditional use (section 21.03.080), or rezone (special limitation) (section 21.03.160).

C. Procedure

1. Limitation on Minor Modifications

a. An applicant may request application of the minor modification process to his or her development only once during the review process.

b. In no instance may an applicant use the minor modification process to obtain approval for adjustments to more than three standards applicable to the same development.

2. Minor Modifications Approved by Director

For uses allowed by-right or when he or she is the decision-maker, the director may approve a minor modification allowed under this section at any time prior to final decision.

3. Minor Modifications Approved by Planning and Zoning Commission, or Urban Design Commission

The planning and zoning commission, or urban design commission may approve a minor modification allowed under this section at any time before taking action on a development application.

4. Written Findings Noted on Pending Application

Staff shall specify in writing any approved minor modifications and the finding supporting such modifications on the pending development application for which the modifications were sought, which shall be included as part of the case record.

5. Appeals

Denial of a minor modification may be appealed to the same body as an appeal of the underlying approval process. For instance, denial of a minor modification in a conditional use application may be appealed to the board of adjustment, as the board of adjustment hears appeals of conditional use approvals. Denial of a minor modification associated with a permitted use may be appealed to the zoning board of examiners and appeals.

D. Approval Criteria

The decision-making body may approve the minor modification only if it finds that the modification meets all of the criteria below:

1. The requested modification is consistent with the comprehensive plan and the stated purpose of this title;

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2. The requested modification meets all other applicable building and safety codes;

3. The requested modification does not encroach into a recorded easement;

4. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and

5. The requested modification is necessary to either: (a) compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or (b) accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard to be modified. In determining if "practical difficulty" exists, the factors set forth in section 21.03.240G., *Approval Criteria (for Variances)* shall be considered.

21.03.130 NEIGHBORHOOD OR DISTRICT PLANS

A. Purpose and Authority

1. Purpose

a. The purpose of this section is to allow and facilitate the development of neighborhood or district plans by citizen groups that are approved by the assembly. Neighborhood and district plans that are developed by local government are not subject to this section, but rather follow the process of section 21.03.070C., *Comprehensive Plan Amendments, Substantive*.

b. Neighborhood or district plans shall be guided by the elements of the comprehensive plan, as defined in section 21.01.080. Neighborhood or district plans should give specificity to the goals, objectives, policies, and strategies of the comprehensive plan. These plans shall supplement and elaborate on the comprehensive plan. The goal of a neighborhood or district plan is to protect and promote the positive elements of neighborhood or district character and identity, while promoting the orderly growth, improvement, and future development of the neighborhood, community, or municipality.

2. Authority

a. These procedures and minimum standards are established for the creation and review of plans for the development, growth, and improvement of the municipality, and its neighborhoods and communities. The plans may be sponsored, upon express approval of the assembly by resolution, by any group or organization representing the broad public interest, upon express approval by assembly resolution (hereafter called the "sponsor").

b. In order to obtain the approval of the assembly as a sponsor, any community council, group of councils, or other groups or organizations shall request a resolution from the assembly authorizing them to proceed with the development of a neighborhood or district plan. The group shall demonstrate, to the reasonable satisfaction of a majority of the assembly, that

i. They represent the broad public interest necessary to successfully develop a plan;

ii. They have read and understand the requirements of this ordinance, and[;] that their proposed plan will comply with the standards set forth in this ordinance; and

iii. They have sufficient financial resources and a sufficient level of knowledge and expertise to warrant the expenditure of public resources as provided herein.

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3. Policy Guidance

An adopted plan shall be an element of the comprehensive plan and shall serve as a policy to guide subsequent actions by municipal agencies. The assembly and the planning and zoning commission shall consider adopted plans in review of land use, zoning actions, and capital improvement programs, where consideration is consistent with the charter, the comprehensive plan, and general law. Agencies shall consider adopted neighborhood or district plans as guidance for actions, whether or not actions are subject to commission review. The existence of an adopted neighborhood or district plan shall not preclude the assembly, any municipal department or agency, or any board or commission of the municipality from developing other plans or taking actions not contemplated in the neighborhood or district plan affecting the same geographic area or subject matter.

B. Plan Submittal

1. Initiation Meeting

The sponsor of a plan shall meet with the department at the initiation of the planning process to discuss and clarify content requirements, scheduling, and other relevant issues. Periodically, the department shall report to the commission, and to the assembly by an assembly information memorandum (AIM) requiring no further action, on the progress of neighborhood or district plans underway.

2. Work Program

Following the initiation meeting, the sponsor shall prepare a work program which shall be submitted to the department for approval. The work program shall include a project schedule, a proposed table of contents, a proposed public participation plan, and at least three milestones at which times the sponsor shall meet with the department.

3. Submittal

Twenty-two printed copies along with an electronic version of all proposed plans shall be submitted to the department. The submittal shall include the name(s) and address(es) of the person(s) designated by the sponsor to be its representative(s) in any discussions of the plan.

C. Threshold Review and Determination

1. Department Review and Determination

Within 90 days of the submittal of a plan, the department shall review the plan and determine whether the plan meets the standards for form, content, and for consistency with sound planning, as set forth in subsection D. below.

a. If the department determines that the plan does meet the threshold standards of subsection D., the department shall distribute the plan for public review and commission public hearing as described in subsection E.

b. If the department determines the plan does not meet the threshold standards of subsection D., the staff shall provide written notification to the sponsor of all deficiencies with respect to form, content, process, and any changes, additions, or deletions which, in the opinion of staff, may correct such deficiencies.

2. Coordination of Plan Review

The department may determine, despite a finding of appropriate form, content, and sound planning policy, a proposed plan should not immediately proceed, due to other municipal planning efforts underway which should be coordinated with the plan. In such a case, the department shall develop an appropriate timetable for distributing the plan for public review and commission public hearings.

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D. Standards

1. Form and Content

The form and content of all proposed plans shall be consistent with the following:

a. The plan shall state its sponsoring entity or entities and the names of the individuals who participated in the development of the plan.

b. A plan shall enhance or implement goals, objectives, policies, and/or strategies of the comprehensive plan and provide further detail and specificity. A plan may take the form of a master plan or targeted plan.

i. A master plan for a neighborhood, district, or other geographic area of the municipality may combine elements related to housing, industrial and commercial uses, transportation, land use regulation, open space, recreation, cultural features, health, economic vitality, community facilities, and other infrastructure.

ii. A targeted plan may consider one or a small number of elements of neighborhood, district, or municipal-wide problems or needs, and shall focus on issues related to the use, development, and improvement of land within the plan study area.

c. A plan shall not be limited to a single zoning district or a specific parcel in private ownership. A plan shall cover an identifiable, cohesive geographic area or neighborhood.

d. Plans shall be presented in clear language and coherent form with elements, chapters, or sections organized in logical sequence.

e. Plans shall state goals, objectives, or purposes clearly and succinctly. Policy statements or recommendations shall contain documentation and explanation of the data, analysis, or rationale underlying each. Plans shall analyze and propose policies to address identified problems.

f. A plan shall contain, as applicable:

i. Inventories or description and analysis of existing conditions, problems, or needs; projections of future conditions, problems, or needs; and recommended goals and strategies to address those conditions, problems, or needs.

ii. Alternatively, or concomitantly with the elements described above, a plan may also contain a vision for a future end state and a strategy(ies) for achieving it.

The level of detail and analysis shall be appropriate to the goals and recommendations presented in the plan. The information and analysis relied upon to support the recommendations shall be sufficiently identified to facilitate later plan review, including accuracy and validity of the information and analysis. Supporting information may be contained in the form of narrative, maps, charts, tables, technical appendices, or the like.

g. A plan shall contain a land use plan map for the geographic area encompassed by the plan. The land use plan map shall propose appropriate land use categories, which generally include: residential, commercial, industrial, institutional, transportation, community facilities, parks, and natural open space. The land use plan map may provide more specificity than the general categories.

Page 69 ANNOTATION

This amendment helps clarify that the Neighborhood or District Plan section only applies to plans developed by non-municipal entities. Any neighborhood or district plan created by the municipality falls under the Comprehensive Plan section.

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h. Plans shall be accompanied by documentation showing public participation in the plan formulation and preparation. Public outreach, such as surveys, workshops, hearings, or technical advisory committees, is recommended as a tool for community support and consensus, in addition to department, commission, and assembly approval.

2. Sound Planning Policy

a. Every plan, regardless of form and content, shall include discussion of:

i. Its long-range consequences;

ii. Impact on economic and housing opportunity for all persons, particularly low- and moderate-income, and persons with disabilities;

iii. Provision of future growth and development opportunities;

iv. Ability to improve the physical environment; and

v. Effect on the geographic distribution of municipal facilities.

b. A plan shall set forth goals, objectives, purposes, policies, strategies, and/or recommendations within the legal authority of the municipality.

c. A plan considering issues under the jurisdiction of specific municipal or state agencies shall disclose all agency comments.

d. A plan shall analyze its relationship to applicable policy documents, including all adopted elements of the comprehensive plan, as well as its relationship to adjoining neighborhoods and other areas.

e. A plan shall solicit input from residents, local businesses, agencies, and non-profit organizations local to the neighborhood, and demonstrate it has considered these comments on their merits.

E. Plan Distribution and Review

1. Plan Distribution

When, pursuant to subsection C. above, a plan is ready for public review, the department shall, within 30 days of its determination, provide copies of the plan simultaneously to all municipal and state agencies with jurisdiction over elements of the plan, and to all community councils. The department shall also make copies available to the general public at city hall and the planning and development center, and post the plan on the department website.

2. Public, Agency, and Community Council Review

a. Each community council may conduct its own review of the plan. Within a period of 120 days following receipt of the plan, the community council may provide written recommendation(s) to the department and the sponsor.

b. Members of the public and other municipal or state agencies may provide written comments to the department during the 120 day review period.

3. Department Review

[WHEN T]The department [IS NOT THE SPONSOR OF A PLAN, IT] shall review the plan during the 120 day review period, and prepare a staff report and recommendation for the commission. The department shall consider the neighborhood, community, and municipal-wide impacts and the long-term effects of the actions or policies recommended by the plan. The department shall also consider the impact of the plan on economic and

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housing opportunity, future growth and development, and the physical environment, including consistency of the plan with other adopted plans.

F. Planning and Zoning Commission Review

1. Schedule for Review

The commission shall schedule a public hearing within 60 days following the final day of the public review period.

2. Public Notice

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.

3. Planning and Zoning Commission Action

The commission shall vote, within 60 days following the close of the public hearing to recommend approval, approval with modifications, remand to the sponsor, or disapproval of the plan. In reviewing the substance of the plan, the commission shall consider the neighborhood, community, and municipal-wide impacts and the potential long-term effects from the actions or policies recommended by the plan. The commission shall consider the impact of the plan on economic and housing opportunity, future growth and development, and the physical environment, including consistency of the plan with other adopted plans, and any other pertinent adopted neighborhood or district plans. Any modifications recommended by the commission shall be consistent with the standards for form, content, and sound planning policy, as set out in subsection D. above.

4. Commission Findings

The commission's recommendation shall include findings describing its considerations and providing explanation for its determination. The findings may include recommendations for the implementation of plan elements. The recommendation shall be transmitted to the assembly for final approval.

G. Assembly Adoption

1. Transmission to Assembly

The commission's recommendation shall be transmitted to the assembly for introduction within 45 days of the commission recommendation. The assembly shall schedule a public hearing not more than 45 days after introduction.

2. Public Notice

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with subsection 21.03.020H.

3. Assembly Action

Within 45 days of the close of the public hearing, the assembly shall either:

a. Adopt the plan;

b. Adopt the plan with modifications;

c. Remand the plan to the commission; or

d. Not adopt the plan.

If the assembly adopts the plan with modifications, the modifications shall be consistent with the standards for form, content, and sound planning policy, as set out in subsection D. above. If the plan is adopted, either as proposed or with modifications, it shall become an element of the comprehensive plan as described in section 21.01.080.

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H. Review and Revision

A plan shall be reviewed by the department concurrent with the review of the comprehensive plans as otherwise provided in this title to determine if the plan is consistent with the comprehensive plan. If the sponsor shows a major change of circumstances in the neighborhood or district, the sponsor may request a review of the plan before the end of any 10 year period. Any revisions shall be presented for adoption as an amendment to the plan, in accordance with the procedures set forth herein.

21.03.140 PUBLIC FACILITY SITE SELECTION

A. Purpose

This section sets forth a process by which the municipality shall review and decide upon selection of sites before certain public facilities may be authorized, or publicly owned land is designated as the site for certain public facilities.

B. Applicability

1. Unless exempted by subsection B.2. below, this section shall apply to the following government facilities that are not exempt by law from municipal land use regulation:

a. Any newly constructed building or buildings and any existing building acquired by purchase or lease, in which government operations or activities occupy more than a total of 50,000 square feet of gross floor area;

b. Any use of land over 20 acres in area (not including projects covered under section 21.03.190*, Street and Trail Review*);

c. Public schools;

d. Fire stations, unless such station is determined by the director not to have impacts on the surrounding neighborhood;

e. Any sports, entertainment, or civic center designed for more than 1,500 spectators;

f. Any public snow disposal or landfill site; and

g. A facility that, in the judgment of the director, warrants a public process for site selection due to the potential for significant impacts on surrounding properties.

2. This section shall not apply to the following:

a. Any site that is:

i. Designated for the subject use on a municipal plan adopted by the assembly;

ii. Part of an area, development, or institutional master plan;

iii. Determined by a dedication to the municipality on a final plat approved and recorded in accordance with this title; or

iv. Subject to approval of a conditional use under this title.

b. Any facility site selection reviewed by the commission or approved by the assembly before [*effective date*];

c. Any facility site selection for which over $500,000 has been expended for design or construction before [*effective date*].

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B. Community Meeting

A community meeting is required in accordance with subsection 21.03.020C.

C. Required Information

The agency proposing a site selection shall submit to the commission all information identified in the user's guide. This information shall include, but need not be limited to, an evaluation of alternative sites, or an explanation why no alternative sites were considered.

D. Public Notice

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with subsection 21.03.020H.

E. Departmental Review

1. The department shall review each proposed site selection application in light of the approval criteria set forth in subsection I. below, and distribute the application to other reviewers as deemed necessary.

2. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

3. For school site sections, the department shall also provide the report to the Anchorage school board for its review and recommendation.

F. Planning and Zoning Commission

1. The commission shall review the RFP criteria (or similar guidelines) or the site alternatives for any applicable facility.

2. The commission shall hold a public hearing.

3. For school site selections, the school board and the commission may meet in a joint public hearing; however, the school board and the commission shall separately consider and make recommendations to the assembly. Both recommendations shall then be forwarded as a package to the assembly for approval.

4. For site selections of municipal facilities, the commission shall make a recommendation to the assembly, based on the approval criteria of subsection I. below.

5. For all other site selections, the commission shall decide on the proposed site based on the approval criteria of subsection H[I]. below.

G. Assembly Action

For municipal facilities, upon receipt of the recommendations from the commission (and the Anchorage school board if applicable), the assembly may, based on the criteria of subsection I. below and at its discretion, hold a public hearing and take one of the following actions:

1. Approve a specific recommended site;

2. Approve a specific evaluated site;

3. Reject some or all recommended sites; or

4. Remand the evaluated and recommended sites to the commission (and the school board if applicable) for further investigation, review, and evaluation.

Page 73 ANNOTATION

Approval criteria was added/amended to address concerns that government facilities that were inappropriate for the central business district would be forced to locate there.

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H. Approval Criteria

The commission shall review the proposed site for consistency with the goals, policies, and land use designations of the comprehensive plan and other municipal plans adopted by the assembly, conformity to the requirements of this title, and the effects of the proposal on the area surrounding the site. The following specific criteria shall be considered:

1. Whether the site will allow development that is compatible with current and projected land uses;

2. Whether the site is large enough to accommodate the proposed use and future additions or another planned public facility;

3. Whether the proposed government use and its intensity is compatible with the surrounding district and adopted policies for future development in the district;

4. Whether adequate utility and transportation infrastructure is available to the site;

5. Whether the site is located near a transit route, if applicable;

6. Whether there are existing or planned walkways connecting the site to transit stops and surrounding residential areas, where applicable;

7. The environmental suitability of the site;

8. The financial feasibility of the site, including maintenance and operations; and

9. Whether the proposed site for m[M]ajor municipal, state, and federal administrative offices conforms with the adopted policy priority for locating [SHALL LOCATE] in the Central Business District. Satellite government offices and other civic functions are encouraged to locate in regional or town centers if practicable.

I. Request for Assembly Hearing

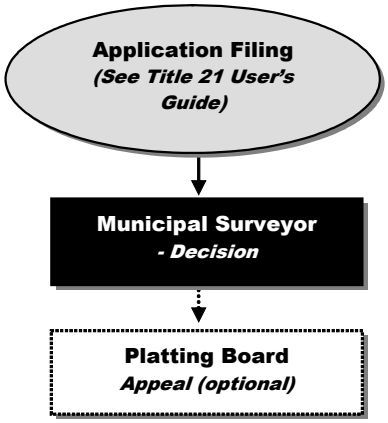
1. Decisions by the planning and zoning commission are final unless, within 20 days of the date of service, any party of interest requests an assembly hearing in a letter sent to the director.

2. The assembly may hold a public hearing on the case at its discretion.

21.03.150 RECORD OF SURVEY MAPS

A. Purpose and Authorization

The purpose of this section is to provide for the approval of record of survey maps to be filed with the district recorder for the state. Record of survey maps shall be reviewed and approved in accordance with this section.



Record of Survey Maps

B. Use of Record of Survey Maps

1. A record of survey map is a map depicting the exterior boundaries of a legally created lot, parcel, or tract, and includes a correction to a record of survey map.

2. A record of survey map shall not be used to depict the boundaries of a lot, parcel, or tract, which lot, parcel, or tract was created or subdivided contrary to law. A record of survey map shall not subdivide property or

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recombine lots into acreage, and any record of survey map purporting to do so shall be null and void.

C. Application Submittal

Applications for approval of a record of survey map shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer [DIRECTOR] on a form provided by the department.

D. Monuments

Monuments set for the survey shall conform to the standards of the public works department [OF PROJECT MANAGEMENT AND ENGINEERING].

E. Approval

A record of survey map is subject to approval by the municipal surveyor, who shall approve a record of survey map if it conforms to this section.

F. Appeals

All decisions of the municipal surveyor under this section shall be final unless appealed to the platting board within 15 days of the date of approval.

21.03.160 REZONINGS (ZONING MAP AMENDMENTS)

A. Purpose and Scope

The boundaries of any zone district in the municipality may be changed or the zone classification of any parcel of land may be changed pursuant to this section. This section states the procedures and approval criteria necessary to process an amendment to the official zoning map. Zoning is not effective if it is too easily or frequently changed. Zoning is intended to provide a degree of certainty that is important for long-term investment and neighborhood cohesion and stability. The purpose of rezoning is not to relieve particular hardships, nor to confer special privileges or rights on any person, but to make adjustments to the official zoning map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the municipality. Rezonings shall not be used as a way to legitimize nonconforming uses or structures, and should not be used when a conditional use, variance, or minor modification could be used to achieve the same result.

B. Minimum Area Requirements

A rezoning shall only be considered for properties totaling 1.75 acres (76,230 square feet) or more (excluding rights-of-way), except for:

1. A rezoning extending the boundaries of an existing zoning district; or

2. A rezoning initiated by the municipal administration to place municipally owned land in a PLI, PR, [OR] DR, GIP, or GOS zoning district.

3. A rezoning into the B-1A district.

C. When a Comprehensive Plan Map Amendment is Required

Zoning map amendments may also require an amendment to the comprehensive plan map. Determination of whether the comprehensive plan map must also be amended is based upon whether the proposed zoning map amendment is to a zone consistent with the comprehensive plan map. If an amendment to the comprehensive plan map is required, the zoning map amendment can only be made if the amendment to the comprehensive plan map is approved first. Both amendments may be processed concurrently, as provided in subsection 21.03.070C.3.

Page 75 ANNOTATION

PZC states: "There are multiple directors of municipal departments. They should not each have authority to initiate a rezone. The amendment reflects current practice."

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D. General Procedure

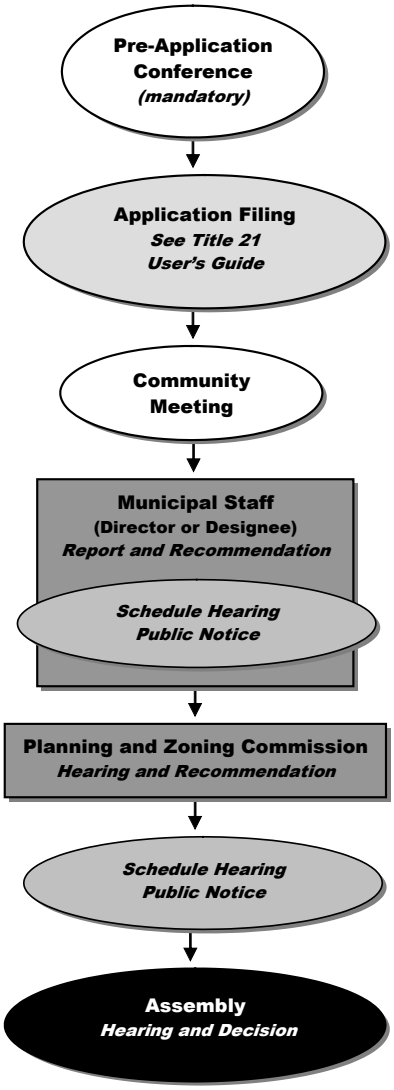
1. Initiation

a. A rezoning may be initiated by the assembly, the planning and zoning commission, or by the administration [DIRECTOR OF ANY MUNICIPAL DEPARTMENT].

b. In addition, any person may initiate a rezoning by submitting a petition favoring the rezoning signed by the owners of at least 51 percent of the area within the property to be rezoned. For the purposes of this subsection, an owner of property subject to the Horizontal Property Regimes Act (A.S. 34.07) owns a percentage of the appurtenant common areas equal to the percentage for that property stated in the recorded declaration committing the property to the Horizontal Property Regimes Act.

c. A rezoning application shall expire one year after submittal unless a public hearing on the application has been held by the assembly on or before that date; provided, however, that the director [OR DESIGNEE] may extend the application for six months if the reason for the delay was due to circumstances beyond the control of the applicant.

d. Rezonings shall precede corps of engineers wetland permit applications.



Rezonings (Map Amendments)

2. Pre-Application Conference

Before filing an application, a private-party applicant shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.

3. Community Meeting

A community meeting is required in accordance with subsection 21.03.020C.

4. Application Submittal

Applications for a rezoning shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department. Additional materials may be required for certain types of rezoning, such as rezoning with special limitations.

5. Public Notice

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H. In addition, the published and written (mailed) notice for the public hearing before the assembly shall list the protest provisions set forth in subsection D.9. below.

6. Departmental Review

The department shall review each proposed rezoning in light of the approval criteria in subsection E. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

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7. Planning and Zoning Commission Action

a. The planning and zoning commission shall hold a public hearing on the proposed rezoning and, at the close of the hearing, taking into account the recommendations of the department and public input, and based upon the approval criteria of subsection E. below, shall recommend approval, approval with special limitations or other modifications (at least as restrictive as submitted in the application), or denial. The commission shall include written findings based on each of the approval criteria.

b. If the commission recommends approval or approval with special limitations or other modifications, within 60 days of the commission's written resolution, the director shall forward the recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation.

c. If the commission recommends denial, the amendment shall be deemed disapproved unless, within 15 days of the commission's written resolution recommending denial, the applicant files a written statement with the municipal clerk requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The draft ordinance shall be appended to an Assembly Informational Memorandum (AIM) for consideration by the assembly.

8. Assembly Action

The assembly shall hold a public hearing on the proposed rezoning and shall, at the close of the hearing, taking into account the recommendations of the department, planning and zoning commission, and public input, and based upon the approval criteria of subsection E. below:

a. Approve the zoning map amendment as submitted in the application to the planning and zoning commission;

b. Approve the zoning map amendment with special limitations (see subsection G.) or other modifications at least as restrictive as those submitted in the application, provided that an ordinance approving an amendment initiated under this section shall become effective only with the written consent of the property owner(s) to the special limitations or other modifications;

c. Deny the amendment; or

d. Remand the proposed amendment to the planning and zoning commission or to a committee of the assembly for further consideration.

9. Protests

a. Any owner of property subject to a proposed rezoning may protest the rezoning by filing a written protest with the clerk pursuant to this subsection.

b. Any owner of property within 300 feet of the outer boundary of the land to which the amendment applies may protest the rezoning by filing a written protest with the clerk that is signed by the owners of at least one-third of the property, excluding rights-of-way, of:

i. The land to which the amendment applies; or

ii. The land within 300 feet of the outer boundary of the land to which the amendment applies;

excluding land owned by the municipality, except where the municipality joins in the protest.

Page 77 ANNOTATION

Criteria were consolidated and reworded.

PZC states: "There are numerous new criteria for rezoning, and as written the criteria are redundant and/or confusing. The amendment clarifies the criteria more succinctly."

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c. To be valid, the protest shall state the factual and/or legal basis for the protest, contain a legal description of the property on behalf of which the protest is made, be signed by the owner of that property, and be received by the municipal clerk after notice of a public hearing before the assembly on a zoning map amendment and at least three business days before the time set for the assembly public hearing on the amendment.

d. Assembly approval of a rezoning subject to a valid protest under this subsection shall require an affirmative vote of eight assembly members.

10. Waiting Period for Reconsideration

Following denial of a rezoning request, no new application for the same or substantially the same rezoning shall be accepted within two years of the date of denial, unless denial is made without prejudice.

11. Form of Amending Ordinance

An ordinance amending the zoning map shall contain the following:

a. The names of the current and the requested zoning districts;

b. The legal description of the subject property;

c. Any special limitations being applied to the subject property; and

d. An effective clause.

E. Approval Criteria

The planning and zoning commission may recommend approval, and the assembly may approve a rezoning, if the rezoning meets all of the following criteria:

1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare;

2. The rezoning complies with and conforms to the comprehensive plan, including the comprehensive plan map(s) [AND THE PURPOSES OF THIS TITLE];

3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title;

4. The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities;

[THE PROPOSED REZONING CONFORMS TO THE COMPREHENSIVE PLAN MAP, AS FOLLOWS:

a. THE REZONING SHALL BE TO A ZONE CORRESPONDING TO THE COMPREHENSIVE PLAN MAP, INCLUDING THE ZONING CONSISTENCY TABLE, EXCEPT AS PROVIDED IN F. BELOW.

b. WHEN THE COMPREHENSIVE PLAN MAP DESIGNATION HAS MORE THAN ONE CORRESPONDING ZONE, IT SHALL BE SHOWN THAT THE PROPOSED ZONE IS THE MOST APPROPRIATE, TAKING INTO CONSIDERATION THE PURPOSES OF EACH ZONE AND THE ZONING PATTERN OF SURROUNDING LAND.]

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[THE REZONING IS CONSISTENT WITH THE STATED PURPOSE OF THE PROPOSED ZONING DISTRICT AND THE APPLICABLE PORTIONS OF THE COMPREHENSIVE PLAN;]

5. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development;

6. The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated;

7. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations;

[THE APPLICANT DEMONSTRATES TO THE SATISFACTION OF THE PLANNING COMMISSION AND THE ASSEMBLY THAT THE SUPPLY OF LAND IN THE DESIRED ZONING DISTRICT IS INSUFFICIENT OR INADEQUATE FOR THE STATED PURPOSE AND THAT SUFFICIENT LAND OF THE EXISTING ZONING DISTRICT REMAINS IN THE AREA TO MEET THE NEEDS OF THE COMMUNITY;]

8. The rezone does not extend [INITIATE, CONTINUE,] or exacerbate a land use pattern that is inconsistent with the comprehensive plan;

[THE PROPOSED REZONING MAINTAINS AND PRESERVES THE COMPATIBILITY OF SURROUNDING ZONING AND DEVELOPMENT, AND PROTECTS AREAS DESIGNATED FOR SPECIFIC USES ON THE ZONING MAP FROM INCOMPATIBLE LAND USES OR DEVELOPMENT INTENSITIES;] and

9. The rezoning shall [DOES] not result in a split-zoned lot.

F. Flexibility of Interpretation

The comprehensive plan map and the approval criteria of subsection E. above may be interpreted with flexibility within the following parameters:

1. A proposed rezoning that is to a district that does not correspond to the comprehensive plan map may be considered if processed concurrently with a related amendment to the comprehensive plan map following the procedures of subsection 21.03.070, *Comprehensive Plan Amendments*.

2. Where the location of comprehensive plan map designation boundaries appear generalized or uncertain, proposed zoning amendments on or near the boundaries shall be treated as follows:

a. Areas clearly within a particular comprehensive plan map designation shall follow the standards of that designation.

b. The designation of areas at or near boundaries on the comprehensive plan map shall be interpreted in accordance with the goals, objectives, policies, and guidelines of the comprehensive plan, including locational criteria for designations on the comprehensive plan map.

3. Interpretation shall not be a basis for cumulative encroachment by incompatible land uses.

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G. Rezonings with Special Limitations

Pursuant to this subsection, a rezoning may include special limitations that restrict some aspects of development, to a greater degree than otherwise provided for a zoning district applied by the rezoning.

1. Purposes

A rezoning may include special limitations for one or more of the following purposes:

a. To prohibit structures, or uses of land or structures, that would adversely affect the surrounding neighborhood or conflict with the comprehensive plan.[; OR]

b. To conform the zoning map amendment to the comprehensive plan, or to further the goals and policies of the comprehensive plan.[; OR]

c. To conform development under the zoning map amendment to existing patterns of development in the surrounding neighborhood.[; OR]

d. To mitigate the adverse effects of development under the zoning map amendment on the natural environment, the surrounding neighborhood, and on public facilities and services.

2. Types of Limitations

A special limitation shall do one or more of the following:

a. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district.[;]

b. Require compliance with design standards for structures and other site features.[;]

c. Require compliance with a site plan approved under this title.[;]

d. Require the construction and installation of improvements, including public improvements.[; OR]

e. Impose time limits for taking subsequent development actions.

3. Effect of Approval

a. A zoning district subject to special limitations shall be identified on the zoning map by the suffix "SL," and the number of the ordinance applying the special limitations shall be printed on the zoning map.

b. Where a special limitation in a zoning map amendment conflicts with any less restrictive provision of this title, the special limitation governs.

H. Rezonings to Create, Alter, or Eliminate Overlay Districts

1. Purpose and Applicability

The assembly may, through the rezoning process, establish overlay districts that supplement the requirements of the underlying base zoning districts, in order to address special land use needs, to meet an objective of the comprehensive plan or neighborhood plan, or other specific planning objective. A rezoning for an overlay district may be applied to the zoning map in order to:

a. Permit, require, prohibit, or restrict structures or the use of land or structures;

b. Alter the provisions of the use-specific requirements as applied to property within the overlay district;

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The intent of an overlay district is to apply to an area, a neighborhood, a district, or some other similar community area. This section is not intended to allow one property owner who has a 2 acre lot to develop his or her own standards, to only be applied to his or her lot.

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c. Require new development or attributes of new development to conform to a specific architectural or design theme;

d. Require a design review approval process; and/or

e. Alter the development standards of the underlying district by decreasing or increasing the requirements with regard to building height, setbacks, lot area, lot width, lot coverage, and lot densities of the underlying district.

2. Minimum Area Requirements

a. No overlay district zoning map amendment shall be considered or approved that applies an overlay district to an area less than 1.75 acres, excluding rights-of-way, except for an amendment extending the boundaries of an existing overlay district.

b. Overlay districts shall not be created to apply to property owned by a single person, unless the property is at least 30 acres.

3. General Procedure for Creating, Altering, or Eliminating Overlay Districts

Overlay districts shall be established, altered, or eliminated using the general rezoning procedure set forth in subsection D. above, *General Procedure*, except as modified by the following provisions:

a. ***Contents of Adopting Ordinance***

An ordinance amending the zoning map for an overlay district shall contain the following:

i. The name of the overlay district that the ordinance applies;

ii. The legal description of the land within the overlay district applied by the ordinance; and

iii. All standards of development to be governed by the overlay district.

b. ***Effect of Approval***

i. Where a specification in an overlay zoning map amendment conflicts with any provision of this title, the overlay zoning map amendment shall govern.

ii. An overlay district adopted in the same manner as the original ordinance remains effective until repealed or amended. The assembly may set a time for the overlay district to expire if it finds the planning objectives will be met or completed within a specific time period.

c. ***Map of Overlay Districts***

i. Each overlay district shall be annotated on the zoning map with a symbol unique to the overlay district and shall be identified on the zoning map by the suffix "OV" and the number of the ordinance applying the overlay district shall be printed on the zoning map within the boundaries of the overlay district.

ii. The department shall maintain, for inspection by the public, maps showing the location of the overlay districts and records of the assembly's purpose and intent in establishing each district.

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4. Establishment or Modification of Airport Height Overlay Districts

In addition to the standard submittals required to initiate an overlay map amendment, establishment of an Airport Height Overlay District also shall require preparation of an airport height map as set forth in section 21.04.060C.

I. Rezoning to Planned Community Development District (PCD)

1. Purpose

The assembly may, through the rezoning process, adopt a regulatory zoning strategy that is customized for a specific property or group of properties. The zoning strategy may substitute, alter, or adopt the specific requirements of chapters 21.05, 21.06, and 21.07 (see subsection I.4. below) in order to allow the development to achieve the goals of the comprehensive plan and title 21 in a unique way. The assembly must find that the proposed strategy will result in development that is compatible with that which would occur with conventional application of the requirements of chapters 21.05, 21.06, and 21.07.

2. Procedure

Rezoning to PCD districts shall follow the general rezoning procedure set forth in section D. above, except as modified by this section.

3. Minimum Area Requirements

No PCD district zoning map amendment shall be considered or approved that is equal to an area of less than 30 acres. These limits exclude rights-of-way and do not apply to amendments that extend the boundaries of an existing PCD district.

4. In-Lieu Standards Allowed

a. The use of standards that are different from standards stated in title 21 is intended to allow a developer some flexibility and creativity in meeting the intents and purposes of the code.

b. In-lieu standards for the following sections may be proposed for the PCD district:

i. Chapter 21.05, *Use Regulations*;

ii. Chapter 21.06, *Dimensional Standards*;

iii. Subsection 21.07.020C., *Steep Slope Development*;

iv. Section 21.07.030, *Open Space*;

v. Section 21.07.060, *Transportation and Connectivity*;

vi. Section 21.07.080, *Landscaping, Screening, and Fencing*;

vii. Section 21.07.090, *Off-Street Parking and Loading*;

viii. Section 21.07.100, *Exterior Lighting [RESIDENTIAL DESIGN STANDARDS]*;

ix. Section 21.07.110, *Residential Design Standards [PUBLIC/INSTITUTIONAL AND COMMERCIAL DESIGN STANDARDS]*;

x. Section 21.07.120, *Public/Institutional and Commercial Design Standards [LARGE COMMERCIAL ESTABLISHMENTS]*;

xi. Section 21.07.130, *Large Commercial Establishments [EXTERIOR LIGHTING]*; and

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xii. Subsection 21.08.050D., *Interior Streets*.

c. Along with the application and documentation information required in I.5. below, the applicant must also submit the following information with regard to any proposed in-lieu standards.

i. Clear specification of the proposed in-lieu standards, and the title 21 standards for which the proposed in-lieu standards are a substitute. Any title 21 standards that are not replaced with approved in-lieu standards shall apply in the PCD district.

ii. A statement of why compliance with title 21 standards would interfere with the goals, purposes, or functions of development in the proposed PCD district.

iii. A demonstration of how the proposed in-lieu standards would be at least as effective as the title 21 standards in fulfilling the intents and purposes of title 21, and furthering the goals and policies of the comprehensive plan, including any applicable neighborhood or district plans.

iv. A statement of the expected benefits of the proposed in-lieu standards.

d. The planning and zoning commission may recommend approval, and the assembly may approve a rezone to the PCD district with in-lieu standards if they find that the in-lieu standards will result in development that is compatible with the intents and purposes of title 21 and the goals and policies of the comprehensive plan, and do not compromise public health, safety, or welfare.

5. Application and Documentation

Applications for rezoning to a PCD district shall contain the information specified in the title 21 user's guide, and the following:

a. If proposing in-lieu standards for subsection 21.07.020C., *Steep Slope Development*, the information required in subsection 21.07.020C.[;]

b. Development Areas: a PCD district that proposes to segregate differing land uses and/or different project phases shall provide and maintain a map that clearly distinguishes the boundaries of each development area. The development areas shall be identified with an alpha, numeric, or alphanumeric coding system to allow for easy identification of each area. Different in-lieu standards may be proposed for each development area.

c. Table of allowed uses and use definitions:

i. The PCD district shall establish a table of allowed uses and a table of accessory uses. The table shall be formatted in the same manner as the tables depicted in chapter 21.05 listing the land use, and if development areas are proposed, noting each with its designated land uses. The table abbreviations set forth at 21.05.010A. shall be used.

ii. The land uses listed in the table of allowed uses or the table of accessory uses shall be defined in chapter 21.05, or the PCD district shall provide a use definition for those uses not listed in sections 21.05.020 through 21.05.080.

d. Dimensional standards and measurements:

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i. The PCD district shall establish a table of dimensional standards. The table shall be formatted in the same manner as the tables depicted in chapter 21.06 listing the dimensional standards, and if development areas are proposed, noting each with its designated dimensional standards.

ii. Unless specifically provided otherwise (see subsection I.4. above), the measurements and exceptions section 21.06.030 shall apply.

6. Relationship to Other Requirements

When there is a conflict between the PCD district requirements and other requirements of this title, the PCD district requirements control. The specific requirements of this title apply unless the PCD district provides other requirements for the same specific topic.

7. Changes to an Approved PCD District

a. ***Approval by Assembly***

Approval of a zoning map amendment in accordance with section 21.03.160 is required for the following amendments to the PCD district:

i. Any increase in the total number of authorized dwelling units;

ii. Any decrease in the total open space acreage;

iii. Any increase in the total gross building area of commercial or industrial structures;

iv. Any addition or deletion of any permitted principal use, conditional use, or accessory use;

v. Any changes in the development standards;

vi. Any density transfer between development areas that will result in a 25 percent or greater cumulative increase or decrease in the number of dwelling units in any development area; or

vii. Any change in the acreage of a development area equal to or more than 25 percent of the total acreage of the development area.

b. ***Approval by the Planning and Zoning Commission***

Approval by the planning and zoning commission is required for the following amendments to the PCD district:

i. Any density transfer between development areas that will result in a cumulative increase or decrease of more than 10 percent but less than 25 percent in the number of dwelling units in any development area; or

ii. Any change in the acreage of a development area of more than 10 percent but less than 25 percent of the total acreage of the development area.

c. ***Approval by the Director***

Approval by the director is required for the following amendments to the PCD district:

i. Any density transfer between development areas that will result in a cumulative increase or decrease of 10 percent or less in the number of dwelling units in any development area; or

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ii. Any change in the acreage of a development area of 10 percent or less of the total acreage of the development area.

21.03.170 SIGN PERMITS

A. Applicability

No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all applicable provisions of this section and chapter 21.11, *Signs*, have been met.

B. Approval Requirements for Signs

Proposed signs shall be required to receive a permit from the building official as set forth in the table below.

TABLE 21.03-3: SIGN PERMIT REQUIREMENTS

	Permit required by Title 21	No permit required by Title 21; permit may be required by Title 23
Sign Plate		X
Permanent Building Sign	X	
Permanent Freestanding Sign	X	
Entrance/Exit		X
Instructional		X
Temporary – on a parcel		X
Temporary – for a business		X
Construction signs		X
Temporary for any Residential Unit		X

C. Application Submittal

An application for a sign permit shall be made to the building official on the form provided. When any person other than the owner of the property submits a sign application, the owner of the property or a designated agent for the owner shall also sign such application.

D. Review and Approval

Sign permit applications shall be reviewed and approved pursuant to the procedure outlined in 21.03.100C.2, *Approval Procedure (for Land Use Permits)*.

E. Appeals

1. Denial of a sign permit relating to title 21 compliance may be appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.050B.

2. Denial of a sign permit relating to title 23 compliance may be appealed to the building board of examiners and appeals.

21.03.180 SITE PLAN REVIEW

A. Purpose

The purpose of the site plan review process is to ensure compliance with the development and design standards and provisions of this title, and to encourage quality development in the municipality reflective of the goals, policies, and objectives of the comprehensive plan. For land uses requiring a site plan review, such uses may be established in the municipality, and building or land use permits may be issued, only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this title.

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PZC states: "Provides clarification regarding remodeling."

Due to the concern that large projects would have significant land use issues, and the concern that the planning and zoning commission has more experience addressing land use issues than does the urban design commission, the Assembly Committee proposes having large site plan reviews go to the planning and zoning commission, and small and medium reviews go to the urban design commission.

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B. General Applicability

This section shall not apply to remodeling, renovation, or repair to interior portions of structures that are subject to site plan review under this title, except those interior areas that affect conformity to the approval criteria for site plan review or the development and design requirements of this title.

C. Administrative Site Plan Review

1. Applicability

Land uses requiring administrative site plan review are identified in table 21.05-1 [SECTION 21.05.010], *Table[S] of Allowed Uses*, table 21.05-3, *Tables of Allowed Accessory Uses*, and table 21.09-1, *Table of Allowed Uses* (Girdwood).

2. Procedure

a. *Application Submittal*

Applications for an administrative site plan review shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

b. *Departmental Review and Director's Action*

The department shall review each proposed administrative site plan application in light of the approval criteria of subsection E. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the director shall take final action on the site plan application and approve, approve with conditions, or deny the application. The department's review and the director's action, including referral to other agencies and bodies, shall be completed within 60 days of verification of a complete application.

c. *Appeals*

Denial of an administrative site plan may be appealed to the urban design commission, in which case it shall be treated as a major site plan review application under subsection C. below.

D. Major Site Plan Review

1. Applicability

Land uses requiring major site plan review are identified in table 21.05-1 [SECTION 21.05.010], *Tables of Allowed Uses* and table 21.09-1, *Table of Allowed Uses* (Girdwood).

2. Decision-Making Authority

For non-residential development with a gross floor area of 100,000 square feet or greater, and for residential development of 140 units or more, the decision-making body shall be the planning and zoning commission. For all other major site plan reviews, the decision-making body shall be the urban design commission.

3. Procedure

a. *Pre-Application Conference*

Before filing an application, the applicant shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.

b. *Community Meeting*

A community meeting is required in accordance with subsection 21.03.020C.

c. *Application Submittal*

Applications for a major site plan review shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

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d. ***Public Notice***

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with subsection 21.03.020H.

e. ***Departmental Review***

The department shall review each proposed major site plan application in light of the approval criteria of subsection E. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the applicable [URBAN DESIGN] commission.

f. ***[URBAN DESIGN] Commission Action***

The applicable [URBAN DESIGN] commission shall hold a public hearing on the proposed application and, taking into account the recommendations of the department and public input, shall act to approve, approve with conditions, or deny the proposed major site plan, based on the approval criteria of subsection E. below.

g. ***Appeals***

Denial of a major site plan may be appealed to the board of adjustment in accordance with subsection 21.03.050A.

E. Expiration

1. General

A site plan approval shall automatically expire at the end of 24 months after the effective date unless a building or land use permit for at least one building in the development proposed in the site plan is approved and construction has begun (see the definition of "start of construction" in chapter 21.14). A change in ownership of the property does not affect this time frame.

2. Extension

a. ***First Extension***

Upon written application submitted by the applicant at least 30 days prior to the expiration of the permit period and upon a showing of good cause, the director may grant one extension not to exceed 12 months. The approval shall be deemed extended until the director has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the site plan approval void.

b. ***Further Extensions***

Upon written application submitted at least 30 days prior to the expiration of the previous extensions and upon a showing of good cause, the urban design commission, without a public hearing, may grant additional extensions, each one not to exceed 12 months. The approval shall be deemed extended until the commission has acted upon the request for extension.

F. Approval Criteria

An application for administrative or major site plan review shall be approved upon a finding that the site plan meets all of the following criteria:

1. The site plan is consistent with any previously approved subdivision plat, planned development master plan, or any other precedent plan or land use approval;

2. The site plan complies with all applicable development and design standards set forth in this title, including but not limited to the provisions in chapter 21.04, *Zoning Districts*, chapter 21.05, *Use Regulations*, chapter 21.06, *Dimensional Standards and Measurements,* and chapter 21.07*, Development and Design Standards*;

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3. The site plan addresses any significant adverse impacts that can reasonably be anticipated to result from the use, by mitigating or offsetting those impacts to the maximum extent feasible; and

4. The development proposed in the site plan is consistent with the goals, objectives, and policies of the comprehensive plan.

G. Platting for Site Plans

1. If development under an approval under this section will create a subdivision or requires the vacation of a dedicated public area, the approval is not effective until a final plat for the subdivision or vacation is approved and recorded in accordance with this title. A preliminary plat required under this section is subject to approval as required by section 21.03.200, *Subdivisions*.

2. Unless the authority granting approval directs in the approval that it shall act as the platting authority, the director is the platting authority for subdivisions under this subsection.

H. Amendments to Approved Site Plans

1. Original Procedure Applies for Most Amendments
Amendment of a site plan shall follow the same process required for the original approval of a site plan, unless the amendment is determined to be a minor amendment as described in subsection G.2. below.

2. Administrative Approval of Minor Amendments
The director may approve administratively minor amendments to any approved site plan upon written application and documentation by the applicant, and upon the director's determination that the amendment is a minor amendment.

a. ***Procedure***

i. Upon receiving a written request from the applicant for a site plan amendment, the director shall determine if the proposed amendment will be processed as a minor amendment or major amendment. The applicant may appeal the director's decision, in writing to the zoning board of examiners and appeals within 10 days of the decision.

ii. Immediately following the director's determination that a proposed amendment is minor, the director shall:

(A) Issue a minor amendment affidavit, which shall be transmitted to the urban design commission for their information; and

(B) Attach a form stating the nature of the modification, date of approval, and bearing the signature of the director to the site plan [MYLAR] on file in the department.

iii. If the original approval had been recorded, the amended plan shall be recorded by the municipality at the applicant's expense.

b. ***Types of Minor Amendments***
The following are amendments which the director may reasonably determine to be "minor":

i. Insubstantial changes to the text to add clarity or correct conflicting provisions.

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At the time of provisional adoption of chapter 21.03, the details of this section were still not agreed upon. Staff continued to work and refine the section, and brought the section language to the planning and zoning commission in 2010. At that time, the commission recommended this language for adoption. The 2012 commission also reviewed and forward the language forward for adoption. The Assembly Committee reviewed and agreed to this language. The process is essentially how road projects are reviewed and approved today, and follows a memorandum of agreement between the municipality and the state DOT for reviewing state road projects as well.

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ii. Changes in street alignment if such changes further the intent of the plan and this code, and are acceptable to the municipal engineer.

iii. Changes of 10 percent or less in building envelope, setback, and similar provisions [OF 10 PERCENT OR LESS].

iv. Incidental changes in landscaping, sign placement, lighting fixtures, etc. to further the intent of the plan and this code.

21.03.190 STREET AND TRAIL REVIEW

[RESERVED]

A. Purpose

Streets are a significant investment in the municipality's infrastructure and establish long-term land use impacts on nearby properties and the community at large. Streets and trails are not only utilitarian, but also add lasting value to the community and convey the image of the municipality to all users. These important parts of the municipality's fabric benefit by oversight and concurrence in the design decisions by citizen bodies that are represented by the planning and zoning commission and the urban design commission. All transportation projects are required to identify functional and design issues early in the process and include public input at various stages of the project. In addition, projects meeting certain thresholds are required to include the planning and zoning commission and urban design commission in the review and approval process.

B. Street Review

1. Applicability and Overview

All MOA transportation projects are required to follow *A Strategy for Developing Context Sensitive Transportation Projects*. New construction and reconstruction of street and intersection projects involving streets of collector classification or greater in the *Official Streets and Highways Plan* are required to follow a review process by the planning and zoning commission, as indicated below and in table 21.03-4. The stages are:

a. The concept report or equivalent, distributed to the planning and zoning commission as an information item;

b. The draft design study report, reviewed by the planning and zoning commission; and

c. The plans in hand design drawings, reviewed by the urban design commission.

TABLE 21.03-4: STREET AND INTERSECTION PROJECT REVIEW

REVIEW	REVIEW BODY	PRIMARY DECISION
Concept Report	Project Management Team	Issue identification, "go, no-go" decision
Draft Design Study Report	Planning and Zoning Commission	Alternatives development, evaluation and screening criteria, alternative decision
Plans in Hand Design Drawings	Urban Design Commission	Approval of plans at 65 percent stage, including landscaping "theme"

2. Procedure for Design Study Report and Plans in Hand Review

a. ***Pre-Application Conference***

The project management team shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.

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b. ***Community Meeting***
Public outreach is an essential part of context-sensitive solutions (CSS), and is expected to have been conducted prior to submitting an application. Depending on the project, a community meeting may also be held at the application stage; if so, it shall be in accordance with subsection 21.03.020G.

c. ***Application Submittal***
Applications shall contain the information specified in the title 21 user's guide and in *A Strategy for Developing Context Sensitive Transportation Projects*.

d. ***Public Notice***
Notice of all public hearings shall be provided in accordance with section 21.03.020H.

e. ***Department Review***
The department shall review each proposed application and distribute the application to other reviewers as deemed necessary. Reviewers shall address those aspects of the design that are germane to the commissions' deliberations; detailed lists of technical comments shall be separately coordinated with the design team leader. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission or urban design commission, as applicable.

f. ***Commission Review***
A public hearing at the draft design study report and plans in hand design drawings phases will be held at the discretion of the planning and zoning commission. The planning and zoning commission will review and act to approve, approve with conditions, or return the application to the project management team for additional work. Concerns and conditions raised by the commission shall be specifically addressed in subsequent submittals.

3. Concept Report
The concept report shall be distributed to the planning and zoning commission as an information item. The commission shall take no formal action on the report.

4. Draft Design Study Report Review

a. The planning and zoning commission shall review the draft design study report or equivalent document, for all applicable street projects, and shall issue a decision. A public hearing is not required but may be held at the commission's discretion.

b. As applicable, the commission's review of the project draft design study report shall include but not be limited to:

i. Existing conditions, including but not limited to traffic volumes;

ii. Design standards and criteria, with specific attention to any requests for variances from the criteria;

iii. Alternatives identification, evaluation, and recommended alternative;

iv. Compliance with this title;

v. Long-term impact on existing and projected land uses in the vicinity;

vi. Short-term and long-term impact of property acquisition for right-of-way;

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As current code has no specifics for trail review, it is called out separately here.

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vii. Impacts on utilities and other public infrastructure, including undergrounding of overhead utilities;

viii. Street illumination;

ix. Maintenance considerations;

x. Environmental constraints;

xi. Pedestrian and other non-motorized access;

xii. Public involvement summary; and

xiii. Cost estimate.

c. Decisions may be appealed to the board of adjustment pursuant to subsection 21.03.050A.

5. Plans in Hand Design Drawings Review

a. The urban design commission shall review and approve all landscaping and streetscape and pedestrian facilities for streets of collector classification or greater in the Official Streets and Highways Plan.

b. The urban design commission shall approve, approve with conditions, or reject the landscaping, streetscape, and pedestrian design plans at a stage no greater than 65 percent designed, for all applicable street projects. A public hearing is not required but may be held at the commission's discretion.

c. As applicable, the commission's review of the plans in hand design drawings shall include but not be limited to:

i. Compliance with this title;

ii. Context of the area and the long-term impact on existing and projected adjacent land uses;

iii. Initial cost of materials including installation;

iv. Long-term costs associated with operation and maintenance;

v. Adherence to a design theme established through local area plans or prior public improvements;

vi. Effectiveness in meeting community design goals; and

vii. Accommodation of pedestrians and non-motorized users.

C. Trail Review

1. Purpose

Trails are a basic part of the infrastructure of the municipality. They are used for transportation, for recreation and leisure, and also provide aesthetic and psychological benefits. Significant additions or revisions to the municipality's trail network benefit by oversight and concurrence in design decisions by the urban design commission.

2. Applicability

a. This section applies to new construction and reconstruction of the following types of trails:

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i. Major multi-use trails that extend between multiple neighborhoods, such as the Chester and Campbell Creek Trails, the Ship Creek Trail, and the Coastal Trail.

ii. Trails over one-half mile in length in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as community use area, special use area, or natural resource use area; or in parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as community, large urban, or regional parks.

iii. Trails over one-half mile in length along streams, or connecting subdivisions or other developments.

iv. Trails internal to parks and schools shall be reviewed by the appropriate park board and/or the school district.

b. Notwithstanding the criteria of 2.a. above, the director may exempt new trails or trail reconstruction projects from this section if the director finds, in writing, that the project is minor in scope and not likely to cause impacts on surrounding properties and neighborhoods. The director may also require new trails or trail reconstruction projects that do not meet the criteria of 2.a. above to be reviewed in accordance with this section, if the trail project is likely to create significant public interest, or cause impacts on surrounding properties and neighborhoods.

3. Review and Action

a. ***Pre-Application Conference***
The project management team shall request a pre-application conference with the direction, in accordance with subsection 21.03.020B.

b. ***Application Submittal***
Applications shall contain the information specified in the title 21 user's guide.

c. ***Public Notice***
Notice of all public hearings shall be provided in accordance with section 21.03.020H.

d. ***Department Review***
The department shall review each proposed application and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

e. ***Urban Design Commission Action***
Urban design commission shall approve, approve with conditions, or reject the application. A public hearing is not required but may be held at the commission's discretion.

4. Appeals
Decisions may be appealed to the planning and zoning commission, which shall be required to hold a public hearing only if the urban design commission did not hold a public hearing.

5. Trails As Part of Subdivision Development of Conditional Use
Only when a trail is to be constructed concurrently with a subdivision development or conditional use shall the trail review requirement of this section be the responsibility of the planning and zoning commission.

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21.03.200 SUBDIVISIONS

A. Purpose

The purpose of the subdivision review process is to ensure compliance with the subdivision standards and requirements set forth in chapter 21.08, *Subdivision Standards*, which are designed to ensure quality development in the municipality consistent with the comprehensive plan.

B. Applicability

1. General

The procedures of this section, and the standards and requirements set forth in chapter 21.08, *Subdivision Standards*, shall apply to all subdivisions or resubdivisions that result in the portioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions or resubdivisions created by an exercise of the power of eminent domain by an agency of the state or municipality. All subdivisions applications shall be reviewed according to the process set forth in subsection C. below, unless they qualify for the abbreviated plat procedure.

2. Abbreviated Plat

Certain subdivisions may follow the streamlined procedure set forth in subsection D. below. Eligible preliminary plats are those plats where the applicant is not an agency of the municipal, state, or federal governments, and are:

a. A movement or elimination of lot lines that does not:

i. Result in an increase in the permitted density of residential units within the area being subdivided or resubdivided.

ii. Allow a change in the permitted use to which the lot or tract may be devoted under existing zoning.

iii. Deny adequate access to and from all lots or tracts created by the subdivision or those adjacent to it.

b. The subdivision of a single tract, parcel, or lot into no more than three tracts or eight lots, provided that the subdivision does not:

i. Allow a change in the permitted use to which the lot or tract may be devoted under existing zoning.

ii. Deny adequate access to and from all lots or tracts created by the subdivision or those adjacent to it.

iii. Divide a tract, parcel or lot:

(A) Created within the previous 48 months pursuant to the approval of a preliminary plat under this section;

(B) Contiguous to or having an owner either in an individual capacity or as an owner of a corporation, partnership, or other legal entity of a preliminary plat approved within the previous 48 months; or

(C) That is 10 acres or more in the R-6, R-7, R-8, R-9, and R-10 zoning districts or that is governed by AO 84-21 (G-5 areawide rezoning).

c. Vacations and relocations under section 21.03.230C.1.

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d. Subdivision of a cemetery into burial plots.

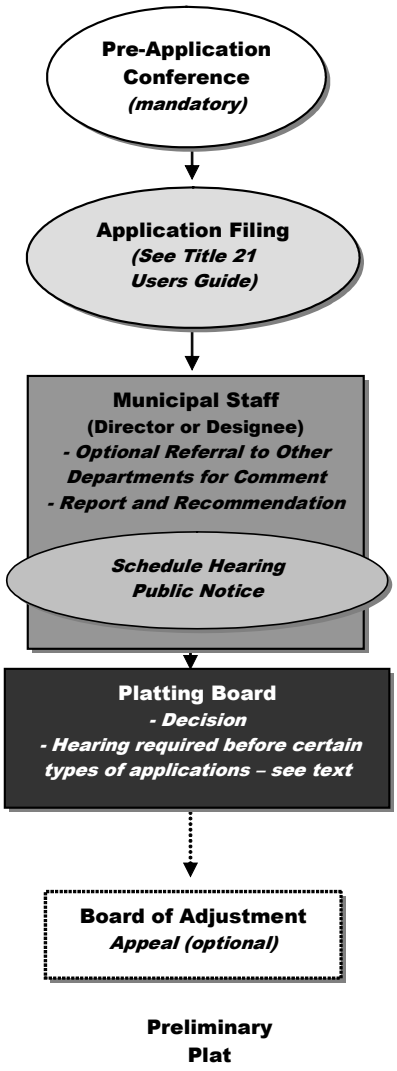
e. A plat required by section 21.03.080F. for approval of a conditional use, or section 21.03.180F. for approval of a site plan.

f. A plat depicting the creation of two attached single-family lots.

3. Subdivision Approval is Prerequisite to Other Approvals

a. No building permit, land use permit, certificate of zoning compliance, or certificate of occupancy may be issued for any building, structure, or improvement located within a subdivision, and no plat for a subdivision may be recorded with the state of Alaska, until all required dedications of land have been made, and all required improvements have been installed in accordance with the procedures and requirements of this section, or an approved subdivision agreement is in place pursuant to section 21.08.060, *Subdivision Agreements*.

b. The municipality shall not accept or maintain any street, and shall not extend or connect any street lighting, water service, or sanitary sewer service to any subdivision of land, until and unless a plat for the subdivision has been approved and recorded in accordance with the requirements set forth in this section.



4. Restriction on Sale or Transfer of Subdivided Land Without Approved Plat

Any person who transfers or sells any land located within the municipality by reference to a plat that has not been approved by the municipality and recorded by the state of Alaska shall be guilty of a violation of this title. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality also may enjoin such transfer or sale by filing an action for an injunction.

5. Existing Lots of Record

No provision of chapter 21.08, *Subdivision Standards,* applies to any lot of record in a subdivision legally created and filed before the effective date of this title, unless the lot is further subdivided or resubdivided.

C. Review and Approval of Subdivision Plans

1. Applicability

This section shall apply to all subdivisions not meeting the eligibility criteria for the abbreviated plat procedure.

2. Pre-Application Conference

Before filing an application for a new subdivision or a modification of an already-approved subdivision, the applicant shall request a pre-application conference with the platting officer [DIRECTOR], in accordance with subsection 21.03.020B.

3. Community Meeting

A community meeting is required in accordance with subsection 21.03.020C.

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4. Application Submittal

a. Unless waived by the platting officer [DIRECTOR], a preliminary plat shall include all land under contiguous ownership, unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be part of the preliminary and final plat. Requirements for surveying this remaining tract may be waived at the discretion of the municipal surveyor. By plat note, development shall not be allowed on the remaining tract until approved under this section.

b. Applications for a preliminary plat shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer [DIRECTOR]on a form provided by the department.

c. For subdivision plats that have A or B wetlands, the applicant shall have initiated corps of engineers wetland permitting prior to submitting the preliminary plat.

5. Public Notice

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with subsection 21.03.020H.

6. Departmental Review

The department shall review each proposed preliminary plat in light of the approval criteria of subsection C.9. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the platting board.

7. Action on Preliminary Plat

a. ***Platting Authority***

The platting board is the platting authority for preliminary plats, except as provided in subsection 21.03.080F. for conditional uses, and subsection 21.03.180F. for site plans.

b. ***Action by Platting Authority***

Subject to paragraph 7.c. below, the platting authority shall, based on the approval criteria of subsection C.9. below, take action on the preliminary plat within 90 days after the submittal date, or shall return the plat to the applicant for modification or correction. The reasons for denial of a plat shall be stated in the records of the platting authority.

c. ***Referral to Other Agency***

If the platting authority finds that:

i. It cannot determine whether a preliminary plat conforms to the approval criteria of subsection C.9. below, because a specific controlling land use, public facility, or other public policy issue has not been resolved; and

ii. An official board, commission or legislative body of the municipality or another government has been identified as being responsible for resolving that issue;

then, upon a majority vote, the platting authority may refer the issue to the responsible official, board, commission, or legislative body and postpone action on the plat for a period not exceeding 90 days or to its next regular meeting after the responsible official, board, commission, or legislative body responds to the referral, whichever occurs first.

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d. ***Public Hearing***

The platting authority shall hold a public hearing before action on the following types of subdivision applications:

i. Approval of a preliminary plat, except applications allowed to use the abbreviated plat procedure;

ii. Approval of a final plat that differs from the preliminary plat (see section 21.03.200C.8.b.);

iii. Modification or deletion of a condition of plat approval;

iv. Granting of a variance from the provisions of chapter 21.08, *Subdivision Standards*; and

v. Vacation of dedicated right-of-way; BLM and section line easements; or platted landscape, drainage, slope, or protective well radii easements.

e. ***Approval Period; Time Extensions***

i. Notwithstanding any subsequent change in the subdivision regulations, zoning regulations, and zoning districts, the approval of the preliminary plat shall be effective:

(A) For at least 24 months and up to 60 months from the date of approval, when it pertains to a development of no less than 10 acres and includes a phasing plan. The length of the approval period shall be based upon the platting board's evaluation of the size, complexity, and phasing elements of the development.

(B) For 24 months from the date of approval when it pertains to a development of less than 10 acres or does not include a phasing plan.

ii. The preliminary plat shall become null and void after the approval period unless an extension of time is granted by the platting authority. A request for a time extension must be made in writing by the subdivider. The extension request must be received by the platting officer [DIRECTOR] prior to the expiration of the preliminary plat to be eligible for consideration by the platting authority.

iii. Such a time extension shall be granted only if the authority finds that current conditions are substantially the same as those that existed when the preliminary plat was originally approved. The platting officer [DIRECTOR] shall conduct the reevaluation for every extension request that does not raise the total time of extension for a particular plat beyond 24 months and present his or her findings to the authority. Every extension request that raises the total time of extension for a particular plat beyond 24 months shall be evaluated in the same manner as an original plat application, including payment of the applicable fee.

iv. Only two time extensions may be approved for a preliminary plat approved by the platting authority. Approval of the second extension shall require a noticed public hearing.

v. Preliminary plats being finalized in portions or phases shall not be construed to automatically extend the original approval period. Notwithstanding subsection e.iii. above, preliminary plats that include a phasing plan and a full layout plan may be approved for up to 60 months,

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In response to a PZC recommended change that allowed phased projects to never expire, a compromise was worked out that allows a phased approval with a full layout plan to be valid for up to 15 years (an initial five year approval and two potential five year extensions).

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with the option of one 60 month extension by the platting board (on the consent agenda) and an additional 60 month extension by the platting board (with a public hearing in accordance with subsection e.iv. above). Such extensions shall be granted only if the authority finds that current conditions are substantially the same as those that existed when the preliminary plat was originally approved. [SUCH AN EXTENSION MAY ONLY BE GRANTED BY THE PLATTING AUTHORITY IN ACCORDANCE WITH THE PROCEDURES SET OUT IN THIS SUBSECTION.]

f. ***Appeals***

All decisions as to approval or denial of a preliminary plat by the platting authority shall be final unless appealed to the board of adjustment.

g. ***Resubmittal Following Denial***

No new application for the same or substantially the same preliminary plat shall be accepted by the platting authority within one year of denial of the original application. The waiting period required by this section may be waived in an individual case, based upon new evidence or changed circumstances, by the affirmative vote of a majority of the platting authority.

8. Final Plat

a. ***Procedure When Final Plat Corresponds to Preliminary Plat as Approved***

i. A hearing on the final plat shall not be required when such plat essentially conforms to the preliminary plat approved by the platting board. The final plat shall, in addition, meet all conditions imposed by the board in approving the preliminary plat.

ii. The final plat map shall constitute only that portion of the approved preliminary plat that is proposed to be recorded and developed at the time. If only a portion of the approved preliminary plat is proposed for final plat approval, such portions shall conform to all requirements of this section and chapter 21.08, *Subdivision Standards.*

iii. The following procedure shall be followed for the final plat:

(A) The final plat shall be submitted to the platting officer [DEPARTMENT] for examination as to compliance with all terms of the preliminary plat as approved by the platting authority. If all conditions have been met, a statement to that effect, appearing on the final plat, shall be signed by the platting authority. The final plat shall not be signed until the documents described in paragraph a.iv. and a.v. below have been received.

(B) Upon acceptance of the final plat, the department shall forward the final plat to the public works [PROJECT MANAGEMENT AND ENGINEERING] department for final checking and inspection before final approval is given. If requested, a subdivision survey shall be submitted to the public works [PROJECT MANAGEMENT AND ENGINEERING] department with a complete set of field and computation notes showing the original or reestablished corners of the plat and of lots within the plat. Traverse sheets and work sheets showing the closure within the allowable limits of error of the exterior boundaries of each irregular block and lot of the subdivision may also be required. Final approval by the public works [PROJECT

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MANAGEMENT AND ENGINEERING] department shall be indicated by a statement appearing on the plat.

iv. Final approval by the platting board shall be dependent upon receipt of the following material:

(A) A statement from the development services department stating that all conditions imposed by the department on the preliminary plat and approved by the platting board have been met. This approval by the development services department shall not affect any subsequent requirements relating to sewage disposal and water supply as they apply to any lots within the plat.

(B) A certificate from the tax collecting official or a note on the face of the plat stating that all municipal real property taxes levied against the property are paid in full, or, if approval is sought between January 1 and the tax due date, that there is on deposit with the chief fiscal officer an amount sufficient to pay estimated real property tax for the current year.

(C) A certificate to plat showing the legal and equitable owners, including mortgagees, contract purchasers and fee owners, of the land to be platted, plus all grants, reservations, covenants, deed restrictions, and easements of record which may condition the use of the property.

v. If the subdivision is to be served by a community water or sewer system, the development services department may require the subdivider to provide the following before the platting board finally approves the plat:

(A) Any approvals or certificates required by the state departments of environmental conservation and natural resources.

(B) An agreement under the standards and procedures set out in section 21.08.060, *Subdivision Agreements*, to ensure that the system installed will be compatible with existing public water and sewer systems.

(C) Approval of the plans, specifications, and installation and operating procedures for the system by the municipal water and wastewater utility pursuant to chapter 21.08, *Subdivision Standards,* and regulations promulgated thereunder.

vi. Final plats affecting land neither supplied, nor under subdivision agreement to be supplied, both with public water and public sewer, shall be submitted to the development services department for a determination that all lots and proposed water and wastewater facilities conform to AMC chapter 15.65 at the time of determination.

b. ***Procedure When Final Plat Differs from Preliminary Plat***
When the final plat differs from the preliminary plat, the plat shall be considered a new application for preliminary plat approval under this subsection C., except that all decisions as to approval or denial of this plat by the platting board as submitted under this section shall be final unless appealed to superior court.

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c. ***Requirements for Final Plat***
The final plat shall be prepared to the technical specifications, and shall be accompanied by appropriate supporting materials, as specified in the title 21 user's guide.

d. ***Subdivision Agreements and Cost Estimates***
All final plats requiring public improvements, except those requiring monumentation only, shall be accompanied by a subdivision agreement between the subdivider and the municipality and an engineer's estimate of the cost of all required public improvements. Requirements for such an agreement are further described in section 21.08.060, *Subdivision Agreements*.

e. ***Notes, Restrictions, and Covenants***
The platting board may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with the subdivision regulations. (See section 21.03.020M.) When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. Such note shall constitute a restrictive covenant in favor of the municipality and the public and shall run with the land, enforceable against all subsequent owners. Any such restrictive covenant may be enforced against the subdivider or any subsequent owner by the municipality or by any specifically affected member of the public.

9. Approval Criteria
The platting board may approve a preliminary or final plat only if it finds that the plat conforms to chapters 21.06, *Dimensional Standards and Measurements*, 21.07, *Development and Design Standards*, and 21.08, *Subdivision Standards*, and, to the maximum extent feasible:

a. Promotes the public health, safety, and welfare;

b. Mitigates the effects of incompatibilities between the land uses or residential densities in the subdivision and the land uses and residential densities in the surrounding neighborhood, including but not limited to visual, noise, traffic, and environmental effects;

c. Provides for the proper arrangement of streets in relation to existing or proposed streets;

d. Provides for adequate and convenient open space;

e. Provides for the efficient movement of vehicular and pedestrian traffic;

f. Ensures adequate and properly placed utilities;

g. Provides access for firefighting apparatus;

h. Provides opportunities for recreation, light, and air, and avoids congestion;

i. Facilitates the orderly and efficient layout and use of the land;

j. Does not create a split-zoned lot; and

k. Furthers the goals and policies of the comprehensive plan and conforms to the comprehensive plan in the manner required by section 21.01.080, *Comprehensive Plan*.

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D. Abbreviated Plat Procedure

1. Authorization

Except for preliminary plats where the applicant is an agency of the municipal, state, or federal governments, the preliminary plats described in subsection B.2.b. above are subject to approval under the abbreviated procedure in this subsection instead of the procedure in subsection C. above. Preliminary plats described in B.2.b., where the applicant is an agency of the municipal, state, or federal governments, are subject to approval under the procedure in subsection C. above.

2. Application Submittal

Applications for abbreviated plats shall contain all of the submittal requirements that are listed in the title 21 user's guide. Applications shall be submitted to the platting officer [DIRECTOR] on a form provided by the department.

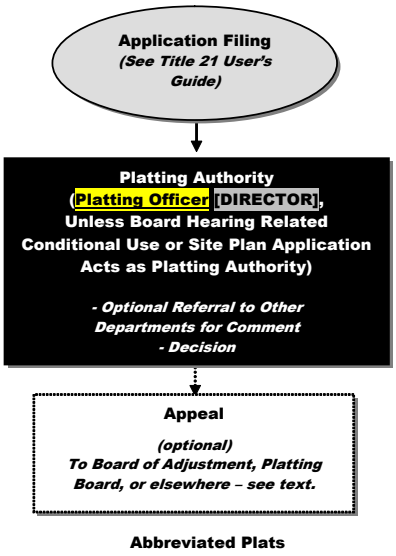
3. Public Notice

Before acting on an abbreviated plat application under this section, the platting officer [DIRECTOR] shall provide notice in accordance with section 21.03.020H.

4. Action on Plat

a. *Platting Authority*

The platting officer [DIRECTOR] is the platting authority for abbreviated plats, except as provided in section 21.03.230 for vacation or relocation of certain dedicated public areas. The platting officer [DIRECTOR] may refer any application to the platting board that he or she deems may need further or more extensive analysis and public comment concerning access into adjacent property.



Abbreviated Plats

b. *Review and Decision*

The platting authority shall review each proposed subdivision in light of the approval criteria of subsection C.9. above and shall consult other municipal offices or agencies as necessary. Based on the results of that review, the platting authority shall act to approve, approve with conditions, or deny the plat.

c. *Variances*

i. When acting as the platting authority under this section, the platting officer [DIRECTOR] may not grant variances from the provisions of chapter 21.08, *Subdivision Standards*.

ii. When acting as the platting authority under section 21.03.080F., *Platting for Conditional Uses*, or 21.03.180F., *Platting for Site Plans*, the board or commission hearing an application for conditional use or site plan approval may grant variances from the provisions of chapter 21.08, *Subdivision Standards*, in accordance with section 21.03.240, *Variances*.

d. *Duration of Preliminary Approval*

Abbreviated plat approval expires after 24 months; provided that the board hearing an application for conditional use or site plan approval may extend the expiration of abbreviated plat approval in conjunction with extending the time for implementing the conditional use or site plan.

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Due to the changes to the Major Site Plan Review section which assigns large projects to PZC and small and medium projects to the UDC, the PZC needed to be added to this section.

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e. ***Time Extensions***
The abbreviated plat shall become null and void after the preliminary approval period unless an extension of time is granted by the platting officer [DIRECTOR]. A request for a time extension must be made in writing by the subdivider. Such a time extension shall be granted only if the platting officer [DIRECTOR] finds that current conditions are substantially the same as those that existed when the preliminary plat was approved. Only one extension of no more than 24 months may be approved.

f. ***Appeals***
Decisions of the platting officer [DIRECTOR] under this section are final unless appealed within 15 days to the platting board, in which case the appeal shall be treated as an application for preliminary plat approval pursuant to subsection 21.03.200C.

g. ***Approval of Final Plat***
A final plat submitted pursuant to the approval of an abbreviated plat under this section is subject to approval in accordance with subsection C.8. above, provided that the municipal surveyor may waive a field survey for a final plat that merely eliminates interior lot lines.

E. Commercial Tract Plats

1. Applicability
A commercial tract may be created and divided into fragment lots in order to facilitate construction of commercial developments requiring multiple phases of construction. Designation of commercial tracts shall be allowed only in the B-3, RO, [NMU, CMU, RMU, MT-1, MT-2,] I-1, I-2, PCD, MC, [AND] MI, GC-1 through GC-10, GI-1, GI-2, GRST-1, and GRST-2 zoning districts.

2. Platting Authority
The planning and zoning commission or the urban design commission shall be the platting authority for a commercial tract whose site plan includes a large commercial establishment (see section 21.03.180C. for applicable commission). The platting board shall be the platting authority for all other commercial tracts.

3. Review, Approval, and Modification of Commercial Tract Plats

a. ***Application Submittal***
Applications for a commercial tract plat shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer [DIRECTOR] on a form provided by the department. An application for approval of a commercial tract shall be signed by the owners of the property involved.

b. ***Action by Platting Authority***

i. The platting authority shall act upon the application for approval of a commercial tract whose site plan includes a large commercial establishment as part of the major site plan review for the large commercial establishment under subsection 21.03.180C.

ii. Except as provided in E.3.b.i. above, the platting authority shall act upon the application for commercial tract approval following the review and approval procedures of a preliminary plat in accordance with subsection 21.03.200C.7.

c. ***Recording of Site Plan***
Upon approval of a commercial tract under subsection E.3.b. above, the platting officer [DIRECTOR] shall, after notice to the petitioner, record the commercial

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tract site plan as approved, together with any declarations, covenants, and restrictions, with the district recorder's office.

d. ***Conformance with Site Plan***
It shall be unlawful for any person to construct, erect, or maintain any structure, building, fence, or improvement, including landscaping, parking, and other facilities, on property designated as a commercial tract, unless such improvements are constructed or reconstructed in a manner consistent with the approved commercial tract site plan.

e. ***Alteration of Boundaries***
The process for amending or altering the boundaries of an approved commercial tract shall be the same process as that of the original approval of the commercial tract plat.

f. ***Amendment of Site Plan***
Any amendment or alteration of an approved commercial tract site plan shall be made only upon approval of the platting authority as provided in this section.

4. Division of Tract
The owner of a commercial tract may divide the tract into fragment lots provided that such division is consistent with the approved commercial tract site plan and recorded declarations, covenants, and restrictions applicable to the commercial tract. Any property description used to divide an area of the commercial tract into a fragment lot shall not be considered a lot or tract under the terms of this title or title 23, but shall be otherwise a lawful lot or tract. Any fragment lot created under this section shall contain the minimum area, width, and depth otherwise required for lots in the zoning district in which the fragment lot is located.

F. Right-of-Way Acquisition Plat

1. Generally
A plat for a subdivision created by a government agency's acquisition of a street or trail right-of-way is subject to approval under this section and is not subject to any other approval procedure for plats under this title.

2. Application Submittal
Applications for a right-of-way acquisition plat shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer [DIRECTOR] on a form provided by the department.

3. Applicability of Requirements

a. A right-of-way acquisition plat is not subject to section 21.08.050, *Improvements*.

b. Survey requirements for a right-of-way acquisition plat shall be established by agreement between the municipal surveyor and the government agency applying for plat approval, or, if there is no such agreement, by the provisions of this title.

4. Action

a. ***Platting Authority***
The platting officer [DIRECTOR] shall act as the platting authority unless the government agency applying for plat approval requests a public hearing before the platting board.

b. ***Duration of Approval***
The preliminary approval of the right-of-way acquisition plat shall be for a period of 60 months; provided, however, that the platting officer [DIRECTOR] may grant

Page 102 ANNOTATION

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an extension of time for filing the final plat upon a finding that it is in the public interest to do so.

c. ***Appeals***
All decisions of the platting officer [DIRECTOR] under this section shall be final unless appealed to the platting board within 15 days. An appeal under this subsection shall be treated as an application for preliminary plat approval pursuant to section 21.03.200C.

5. Requirements for Final Plat
Requirements for final right-of-way acquisition plats shall be established by agreement between the director and the government agency applying for plat approval, or, if there is no such agreement, by the provisions of this title.

G. Modification or Removal of Plat Notes

1. Purpose
This section sets forth a process by which the platting board may modify or remove plat notes from recorded plats.

2. Initiation
Applications for modifying or removing a plat note(s) may be initiated by the owner(s) of land encumbered by the plat note. If the applicable plat note encumbers more than one lot, the owners of all encumbered lots shall be a party to the application.

3. Application
Applications for modifying or removing a plat note(s) shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer [DIRECTOR] on a form provided by the department.

4. Public Notice
Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.

5. Departmental Review
The department shall review the proposed modification or removal of a plat note(s) in light of the approval criteria of subsection G.9. below and distribute to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the platting board.

6. Action by the Platting Board
The platting board shall hold a public hearing on the proposed application and act to approve, approve with alterations, or deny the proposed modification or removal of a plat note(s), based on the approval criteria of subsection G.9. below.

7. Recordation
Once approved by the platting board, a plat with modified or deleted plat notes shall be re-recorded in accordance with the procedures of the district recorder's office.

8. Appeal
Decisions on modifying or removing a plat note(s) may be appealed to the board of adjustment in accordance with subsection 21.03.050A.

9. Approval Criteria
Plat note modifications or deletions may be approved if the platting board finds that all of the following approval criteria have been met:

a. Conditions that required the plat note(s) on the original plat have changed and the need for the plat note has been negated;

Page 103 ANNOTATION

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b. Modification or removal of the plat note(s) will not have a negative impact on adjacent or nearby properties; and

c. Despite modification or removal of the plat note(s), the plat continues to meet the approval criteria of subsection 21.03.200C.9.

21.03.210 TITLE 21 – TEXT AMENDMENTS

A. Purpose and Scope

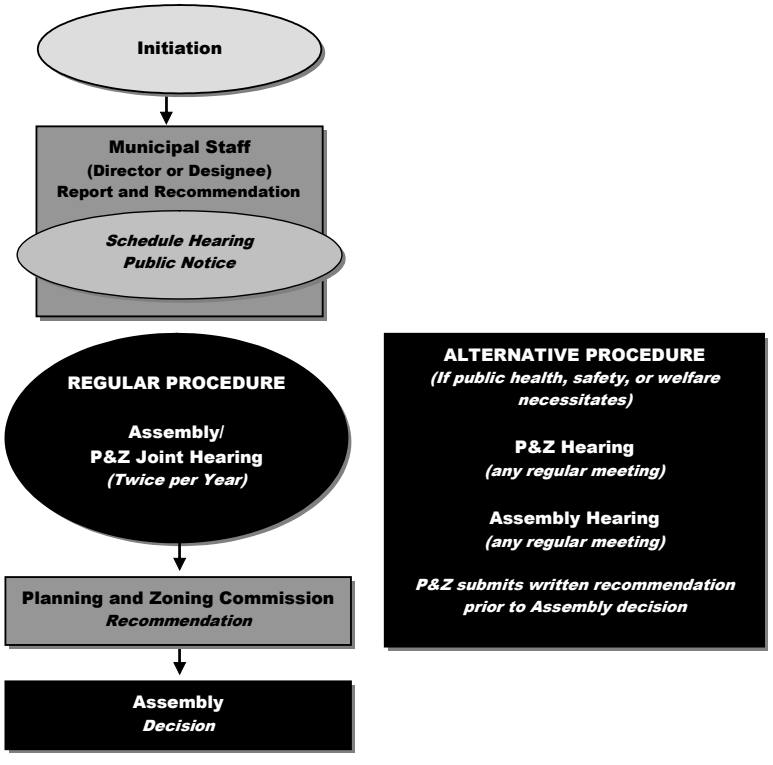
The assembly may amend the text of this title in accordance with the procedures set forth in this section. The purpose of text amendments is not to relieve particular hardships, nor to confer special privileges or rights on any person, but rather to make adjustments to text that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the municipality.

B. Procedure

1. Initiation
A petition for amendment to the text of this title may be initiated by any review or decision-making body.

2. Application Submittal
Proposals for text amendments shall be in ordinance form and shall be filed with the director.

3. Departmental Review
The department shall review each proposed text amendment in light of the approval criteria of subsection C. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission. A positive recommendation shall be accompanied by a draft ordinance reflecting the recommendation.



Amendments to Text of Title 21

4. Review by Other Boards or Commissions

a. Any text amendments proposed that amend the powers and duties of any board or commission shall be reviewed by that board or commission, which shall forward a recommendation to the assembly.

b. In addition, if any text amendments are proposed in chapter 21.08, *Subdivision Standards*, the platting board shall review such proposed amendments and

Page 104 ANNOTATION

This amendment is to provide the public with adquate time to review a proposed code amendment before a public hearing.

This section addresses the inevitable conflicts and unintended consequences that will arise, despite the best effort of staff and all reviewers to test and imagine various circumstances, and that need to be fixed quickly. It allows conflicts, inconsistencies, and unintended consequences to be fixed by Assembly ordinance without PZC review during the first three years after the code is effective. Policy changes are still intended to go through the "normal" ordinance change review process--first PZC, then Assembly.

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forward a recommendation to the planning and zoning commission and the assembly.

5. Notice and Frequency of Amendments

a. [WRITTEN AND PUBLISHED N]Notice [OF PUBLIC HEARINGS ON TEXT AMENDMENTS] shall be provided in accordance with [PURSUANT TO THE GENERAL NOTICE PROVISIONS OF] section 21.03.020H.

b. Title 21 text amendments to be considered by the planning and zoning commission shall be available for public review at least 21 days in advance of the public hearing.

c. Starting on [*three* [*TWO*] *years after the effective date*], text amendments shall be considered no more than two times per year. However, where the assembly determines by a majority vote that the public health, safety, or welfare necessitates, text amendments may be considered at any regularly scheduled meeting of the assembly, provided that the assembly holds a public hearing on the proposed amendment and the planning and zoning commission holds a public hearing and provides a written report and recommendation on the proposed amendment prior to the assembly's decision.

d. If, during the first three years after [effective date], the director determines that a technical amendment to title 21 is needed to address conflicting provisions, inconsistencies, or unintended consequences associated with the Title 21 Rewrite Project (2002-2012), the director may forward a corrective amendment to the assembly, which may adopt the amendment without planning and zoning commission review; provided, however, that the director shall notify the commission at the time the proposed amendment is submitted to the assembly, so that the commission can forward its opinion on the proposed change to the assembly for consideration. All other amendments shall be processed through the planning and zoning commission for review and recommendation to the assembly.

6. Planning and Zoning Commission Action

a. As soon as possible after the public hearing, but no later than 60 days, the planning and zoning commission shall make a recommendation to the assembly to approve or deny the text amendment based on the approval criteria of subsection C. below.

b. If the commission recommends approval of the amendment, the director shall submit the draft ordinance to the assembly.

c. If no recommendation is made within 60 days, then the planning and zoning commission may request an extension of time from the assembly. If no recommendation is made and no extension is granted, then the assembly may act on the proposed amendment without a recommendation from the planning and zoning commission.

7. Assembly Action

After a public hearing and reviewing the reports and recommendations of the director and the planning and zoning commission, the assembly shall vote to approve, approve with amendments, or deny the proposed amendment, based on the approval criteria of subsection C. below. The assembly also may refer the proposed amendment back to the planning and zoning commission or to a committee of the assembly for further consideration. Text amendments shall be approved in the form of ordinances.

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C. Approval Criteria

Text amendments may be approved if the assembly finds that all of the following approval criteria have been met:

1. The proposed amendment will promote the public health, safety, and general welfare;

2. The proposed amendment is consistent with the comprehensive plan and the stated purposes of this title; and

3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

21.03.220 USE CLASSIFICATION REQUESTS

A. Purpose and Applicability

1. The use classifications set forth and defined in chapter 21.05, *Use Regulations*, and in section 21.09.050, *Use Regulations* (Girdwood), describe one or more uses having similar characteristics, but do not list every use or activity that may fall within the classification. This section shall be used to determine all questions or disputes whether a specific use is deemed to be within a use classification permitted in a zoning district.

2. The provisions of this section shall not apply to permit any specific use that is expressly prohibited in a zoning district.

B. Procedures for Use Classification Request

The procedure for an application to determine a use classification shall be as follows:

1. Application Submittal and Action
An application for a use classification shall be submitted to the director on a form provided by the department. Within 30 days from the date a complete application is submitted, the director shall review the application according to the standards set forth in this section; consult with the municipal attorney and other staff, as necessary; and make a final determination as to whether the subject use shall be deemed to be within a use classification set forth in this title and whether such use shall be allowed in the applicable zoning district.

2. Appeals
Appeals from the director's determination on a use classification request shall be made to the zoning board of examiners and appeals, pursuant to section 21.03.050B.

3. Form of Determination
All final determinations by the director shall be provided to the applicant in writing and shall be filed in the official record of use classification determinations.

C. Standards for Review

In evaluating a use classification request, the director shall consider whether the proposed use has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district. The director shall give due consideration to the intent of this title concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question. The director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

1. The primary activity of the establishment and its relationship to existing use categories and use types. The primary activity may be the principal product or group of products produced or distributed, or services rendered. It may be the share of production costs,

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capital investment, revenue, shipments, or employment, if evaluating the relative significance of multiple activities.[;]

2. The volume and type of sales (retail or wholesale) on the premises, and the size and type of items sold and nature of inventory on the premises.[;]

3. Any processing done on the premises, including assembly, manufacturing, final production, warehousing, shipping, and distribution.[;]

4. Any dangerous, hazardous, toxic, or explosive materials used in the processing on the premises.[;]

5. The nature and location of storage and outdoor display of merchandise (enclosed, open, inside or outside the principal building); and predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders).[;]

6. The type, size, height, and nature of buildings and structures.[;]

7. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts.[;]

8. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared by other uses on the site.[;]

9. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses.[;]

10. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes.[;]

11. Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities.[; AND]

12. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

D. Effects of Findings by the Director

1. Typical Uses: Amendment to this Title
If the director finds that the particular use or category of use(s) that was the subject of the use classification request is likely to be common or to recur frequently, or that omission from this title is likely to lead to public uncertainty and confusion, the director shall initiate an amendment to this title under section 21.03.210, *Title 21-Text Amendments*. The determination of the director shall be binding on all officers and departments of the municipality.

2. Atypical Uses: Determination Binding
If the director finds that the particular use or category of use(s) that was the subject of the use classification request is of an unusual or transitory nature, or is unlikely to recur frequently, the director may approve the use without initiating an amendment to this title. However, the director's determination shall thereafter be binding on all officers and departments of the municipality.

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E. Official Record of Use Classification Determinations

An official record of use classification determinations and related zoning board actions shall be kept on file in the department and shall be available for public inspection in the department during normal business hours.

21.03.230 VACATION OF PUBLIC AND PRIVATE INTEREST IN LANDS

A. Authority

The platting authority shall consider the merits of each vacation request, and in all cases the platting authority shall deem the area being vacated to be of value to the municipality unless proven otherwise. The burden of proof shall lie entirely with the petitioner. The presumption contained herein does not apply to vacations of private easements where the beneficiaries have provided written concurrence.

B. Application Submittal

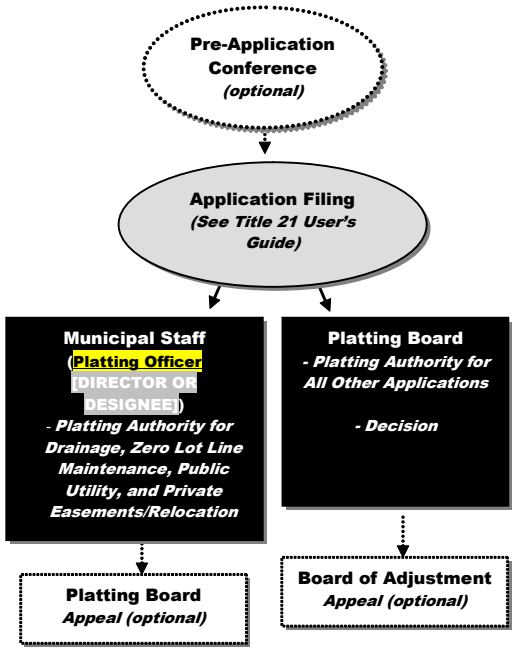
Applications for vacation requests shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer [DIRECTOR] on a form provided by the department.

C. Decision-Making Responsibilities for Vacations

1. The platting officer [DIRECTOR] is the platting authority for applications to vacate the following platted interests:

- **a.** Drainage easements granted under section 21.08.050M.
- **b.** Zero lot line maintenance easements.
- **c.** Public utility easements.
- **d.** Private easements, but only upon the written concurrence of the beneficiaries.
- **e.** Relocation of any of the above-described interests.

2. The platting board is the platting authority for all other applications to vacate a dedicated public area.



Vacation of Public and Private Interest in Lands

D. Action

The platting officer [DIRECTOR] or platting board shall take action on the vacation application within 60 days after the submittal date. The reasons for the approval of the vacation shall be stated upon the case record.

E. Approval Period

The approval of a vacation expires 24 months after the date of approval unless, before its approval expires, a conveyance of the vacated interest is approved in accordance with law and a final plat depicting the vacation is approved and filed in accordance with this title. A street right-of-way or easement whose vacation is finally approved under this section is a right-of-way or easement without substantial value to the municipality and is conveyed upon the filing of a final plat depicting the vacation.

Page 108 ANNOTATION

This amendment and lines 21-23 on the following page are necessary to be consistent with changes that PZC recommended in Chapter 21.02, which was to transfer variance authority for telecommunications facilities and utility distributions facilities from PZC to ZBEA.

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F. Appeals

Appeals of the platting officer's [DIRECTOR'S] decision on a vacation under his or her jurisdiction shall be treated as an application for preliminary plat approval pursuant to section 21.03.200C. Appeals of the platting board's decision on a vacation under its jurisdiction shall be to the board of adjustment.

G. Title to Vacated Area

1. The title to the street or other public right-of-way vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that, if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street that lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the municipality.

2. If the municipality acquired the street or other public area vacated for legal consideration before the final act of vacation, the fair market value of the street or public area shall be deposited with the municipality. Title transferred under this subsection shall be warranted by the municipality in the same manner as it was received.

3. The provisions of paragraph G.1. of this section notwithstanding, the platting board may determine that all or a portion of the area vacated should be devoted to another public purpose and, if so, title to the area vacated and held for another public purpose does not vest as provided in paragraph G.1. but remains in the municipality.

21.03.240 VARIANCES

A. Purpose and Scope

The variance process is intended to provide limited relief from the requirements of this title in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the reasonable use of land in a manner otherwise allowed under this title. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this title may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this title render the land difficult or impossible to use because of some unique physical attribute of the property itself. State and/or federal laws or requirements may not be varied by the municipality. Variances are not intended to allow things that are otherwise prohibited in this title.

B. Decision-Making Bodies Authorized to Consider Variance Requests

1. The platting authority shall be authorized to review and consider all requests for variances to standards of the following sections:

a. Subsection 21.07.020C., *Steep Slope Development*;

b. Section 21.07.060, *Transportation, Connectivity, and Pedestrian Facilities*; and

c. Chapter 21.08, *Subdivision Standards*.

THE PLANNING AND ZONING COMMISSION SHALL BE AUTHORIZED TO REVIEW AND CONSIDER ALL REQUESTS FOR VARIANCES OF STANDARDS OF THE FOLLOWING SECTIONS:

SUBSECTION 21.05.040K., *TELECOMMUNICATION FACILITIES*; AND

SECTION 21.07.050, *UTILITY DISTRIBUTION FACILITIES*.

Page 109 ANNOTATION

Variance authority for the sections of the Girdwood chapter was not made explicit at the time of adoption of chapter 21.09. This amendment provides for variance authority for the Girdwood chapter.

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2. Requests for variances from the airport height zoning regulations set forth in section 21.04.060C. shall be referred to the Federal Aviation Administration.

3. The urban design commission shall be authorized to review and consider all requests for variances to standards of the following sections:

a. District-specific standards of chapter 21.04, *Zoning Districts*;

b. Use-specific standards of chapter 21.05, *Use Regulations*;

c. Chapter 21.07, *Development and Design Standards*;

d. The following sections of chapter 21.09, *Girdwood Land Use Regulations*: 21.09.040, *Zoning Districts*; 21.09.050, *Use Regulations*; 21.09.070, *Site Development and Design Standards*; 21.09.080, *Building Design Standards*;

e. Chapter 21.11, *Signs*, including the maximum sign area, the maximum sign height, the location of the sign, and the number of signs on the parcel. In evaluation the request for a variance to the maximum sign height, the urban design commission may consider whether there are special topographic circumstances that would result in a material impairment of visibility of the sign from the adjacent roadway which significantly diminishes the owner's or user's ability to continue to communicate adequately and effectively with the public through the use of the sign.

4. The zoning board of examiners and appeals shall be authorized to review and consider variance requests from:

a. Subsection 21.05.040K., Telecommunication Facilities;

b. Subsection 21.07.050, Utility Distribution Facilities;

c. C[C]hapter 21.06, Dimensional Standards and Measurements;and

d. [FROM S]Section 21.09.060, Dimensional Standards (Girdwood).

The zoning board may only grant variances from dimensional standards.

5. No variance may be granted from the definitions set forth in chapter 21.14.

Variances

C. Application Submittal

Applications for a variance shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

D. Public Notice

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.

E. Departmental Review

The department shall review each proposed variance in light of the approval criteria of subsection G. below and distribute to other

Page 110 ANNOTATION

This amendment is proposed to recognize that sometimes variances are needed to accommodate persons with disabilities.

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reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the decision-making body.

F. Action by the Decision-Making Body

1. Once the application is complete, the director shall schedule the application for consideration at a public hearing, and shall transmit to the appropriate decision-making body all applications and other records pertaining to the variance prior to the hearing. Upon receiving the application materials from the director, the decision-making body shall hold a public hearing on the proposed variance.

2. In considering the application, the decision-making body shall review the application materials, the approval criteria of subsection G., and all testimony and evidence received at the public hearing.

3. After conducting the public hearing, the decision-making body may: deny the application; conduct an additional public hearing on the application; or grant the minimum required variance. Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the applicable criteria set forth in subsection G., stating the reasons for such findings. A concurring vote of a majority of the fully constituted membership of the entity, minus those excused by conflicts of interest, shall be required to grant a variance.

4. Under no circumstances shall the decision-making body grant a variance to allow a use not permitted in the zoning district containing the property for which the variance is sought.

5. Under no circumstances shall the decision-making body grant a variance from any written conditions attached by another decision-making body to the approval of a conditional use, subdivision plat, [OR] site plan, or rezone (special limitation).

G. Approval Criteria

The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application substantially meets the following standards:

1. Variances from the District-Specific Standards of Chapter 21.04, *Zoning Districts*, the Use-Specific Standards of Chapter 21.05, *Use Regulations*, [AND] Chapter 21.07, *Development and Design Standards*, Section 21.09.040, Section 21.09.050, Section 21.09.070, Section 21.09.080, and Chapter 21.11, *Signs*

a. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard;

b. The proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;

c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard;

d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;

e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;

f. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and

Page 111 ANNOTATION

This amendment is proposed to recognize that sometimes variances are needed to accommodate persons with disabilities.

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g. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.

2. Variances from Chapter 21.06, *Dimensional Standards and Measurements* and from Section 21.09.060 (Girdwood)

a. There exist exceptional or extraordinary physical circumstances of the subject property including, but not limited to, streams, wetlands, or slope, and those circumstances are not applicable to other land in the same zoning district;

b. Because of these physical circumstances, the strict application of the code creates an exceptional or undue hardship upon the property owner, and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance;

c. The hardship is not self-imposed, special conditions and circumstances do not result from the actions of the applicant, and such conditions and circumstances do not merely constitute inconvenience;

d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;

e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;

f. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality;

g. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and

h. The variance granted is the minimum variance that will make possible a reasonable use of the land.

3. Variances from Chapter 21.08, *Subdivision Standards*

a. There are special circumstances or conditions affecting the property such that the strict application of the provisions of the subdivision regulations would clearly be impractical, unreasonable, or undesirable to the general public;

b. The granting of the specific variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated;

c. Such variance will not have the effect of nullifying the intent and purpose of the subdivision regulations or the comprehensive plan of the municipality; and

d. Undue hardship would result from strict compliance with specific provisions or requirements of the subdivision regulations. The applicant may supplement the form with supporting documents.

4. Variances from Airport Height Zoning Regulations

The Federal Aviation Administration shall complete an airspace determination that concludes that the proposed variance would not create a hazard.

H. Lapse of Approval

Any variance granted shall become null and void if:

1. The variance is not exercised within one year of the date it is granted or as otherwise conditioned, or

Page 112 ANNOTATION

Staff notices that there were multiple types of administrative variances that had been written into specific sections of code. Staff proposes to standardize the process for granting these different types of administrative variances.

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2. Any building, structure, or characteristic of use permitted by variance is moved or altered so as to enlarge the variance or discontinue it.

I. Appeals

1. An appeal from a decision of the platting board or the urban design commission shall be brought to the board of adjustment in accordance with sections 21.03.050A.

2. An appeal from a decision of the planning and zoning commission or the zoning board of examiners and appeals shall be brought in accordance with section 21.03.050C.

J. Administrative Variances

1. Process

a. ***Application Submittal***

Applications for an administrative variance shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

b. ***Notice***

Notice shall be provided in accordance with section 21.03.020H.

c. ***Time For Approval***

The director shall make a determination on an application within 45 [60] days of submittal, and shall provide written findings of the decision. Notification of approval or denial shall be posted electronically on the department's municipal web site and furnished in writing to the applicant by mail or delivered by electronic means.

d. ***Appeals***

If the request for an administrative variance is denied, the applicant may apply for a public hearing variance before the urban design commission under this section 21.03.240. Additionally, denial of requests for administrative variance from occupancy limits for assisted living facilities may be appealed by any person with standing to request reasonable accommodation under the Fair Housing Act, 42 U.S.C. § 3604(f).

2. F[F]rom Occupancy Limits For Assisted Living Facilities

a. ***Intent***

The intent of this section is to provide a procedure to allow persons with disabilities and assisted living providers to request reasonable accommodation from the department when access to decent safe, accessible and affordable housing with assisted living would not be available absent a reasonable accommodation. This administrative variance procedure is available to address application for minor variance in dimensional and setback requirements to accommodate special needs of persons with disabilities and to address application for variance in occupancy limits of no more than three persons.

[APPLICATION

APPLICATION FOR MINOR VARIANCE IN DIMENSIONAL AND SETBACK REQUIREMENTS TO ACCOMMODATE SPECIAL NEEDS OF PERSONS WITH DISABILITIES AND APPLICATION FOR VARIANCE IN OCCUPANCY LIMITS OF NO MORE THAN THREE PERSONS SHALL BE MADE TO THE DIRECTOR ON A FORM PROVIDED BY THE DEPARTMENT, SHALL BE EXECUTED BY OR ON BEHALF OF THE PERSON WITH DISABILITIES SEEKING THE REASONABLE ACCOMMODATION, OR THE OWNER OF THE REAL PROPERTY, OR THE LESSEE WITH PROOF OF THE OWNER'S CONSENT,

Page 113 ANNOTATION

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AND SHALL BE COMPLETE IN ALL RESPECTS PRIOR TO REVIEW UNDER THIS SECTION.]

[PUBLIC NOTICE OF APPLICATION FOR VARIANCE IN OCCUPANCY LIMITS
NOTICE SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 21.03.020H.]

[TIME FOR APPROVAL
THE DEPARTMENT SHALL MAKE A DETERMINATION ON AN APPLICATION WITHIN 60 DAYS OF SUBMITTAL. NOTIFICATION OF APPROVAL OR DENIAL SHALL BE POSTED ELECTRONICALLY ON THE DEPARTMENT'S MUNICIPAL WEB SITE AND FURNISHED IN WRITING TO THE APPLICANT BY MAIL OR DELIVERED BY ELECTRONIC MEANS.]

b. ***Standards***

In deciding to approve or deny an application, the department shall review the application and written comments addressing factors relevant to the request for reasonable accommodation, including but not limited to, the extent to which the application demonstrates the following, as related to the particular request of the applicant:

i. For administrative variance applications to increase occupancy limits in R-1, R-1A, R-2A and R-2D districts, the extent to which the accommodation and the assisted living provider seek to protect and preserve the primarily residential character of the district. Factors may include traffic patterns, on-street parking patterns, the control exercised by the assisted living provider to mitigate environmental disturbance associated with ingress and egress of facility staff workers at shift change, and any other measures taken by the assisted living provider to ensure the commercial aspects of the facility do not detract from its residential purpose and the primarily residential character of the district. An example of a commercial aspect is if residential trash containers were standard in the neighborhood and the assisted living provider used one or more dumpsters due to volume. An example of a mitigation measure for this aspect the assisted living provider might take is to screen the dumpster.

ii. For administrative variance applications to increase occupancy limits, economic hardship on the intended occupants if the variance is denied. Cost and availability of other housing alternatives may be addressed in preparation and review of the application.

iii. Whether the requested accommodation and the assisted living provider are implementing accident prevention and safety measures specific to the needs of the residents, including but not limited to safety measures in state law and regulation, and in municipal fire code adopted under title 23.

iv. Whether the accommodation requested is advancing housing opportunities for disabled individuals in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.

v. For administrative variance applications to increase occupancy limits, whether the proposed size of the facility is necessary for the facility's financial viability.

Page 114 ANNOTATION

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vi. External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes and on-street parking within the neighborhood, available street lighting and sidewalks.

vii. Quantifiable risks to the health, safety, and quality of life of area residents and users.

viii. Administrative and economic burden on the municipality, in either approval or denial of the variance.

ix. Other factors deemed relevant to the applicant or the department in review of the application.

c. ***Conditions***
In approving a variance, the department may impose reasonable conditions designed to address the standards in subsection J.5. or mitigate impacts created by the variance.

[APPEAL
ALL DECISIONS OF THE DEPARTMENT UNDER THIS SECTION SHALL BE FINAL UNLESS AN APPEAL IS FILED IN A TIMELY MANNER. APPEALS OF THE DECISION TO APPROVE OR DENY A VARIANCE UNDER THIS SECTION SHALL BE TO THE ZONING BOARD OF EXAMINERS AND APPEALS, PURSUANT TO THE PROVISIONS OF SUBSECTION 21.03.050B., EXCEPT AN APPEAL MAY BE BROUGHT BY ANY PERSON WITH STANDING TO REQUEST REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT, 42 U.S.C. § 3604(F).]

3. **[ADMINISTRATIVE VARIANCES F]For Signs**
The director may grant an administrative variance from the height restrictions and/or setback requirements for freestanding signs, provided:

a. Special topographic circumstances exist that would result in a material impairment of visibility of a conforming sign from the adjacent roadway;

b. There is no reasonable conforming alternative to the variance;

c. Any setback variance does not result in an encroachment into a public right-of-way; and

d. A fee has been received.

[THE DIRECTOR SHALL MAKE WRITTEN FINDINGS AND CONCLUSIONS FOR EACH VARIANCE REQUEST.

IF THE REQUEST FOR AN ADMINISTRATIVE VARIANCE IS DENIED, THE APPLICANT MAY APPLY FOR A PUBLIC HEARING VARIANCE UNDER THIS SECTION 21.03.240.]

4. **For Large Domestic Animal Facility**
Application for administrative approval of deviation in minimum lot size of 40,000 square feet may be made to the department. The director may approve deviation of site area square footage, not to exceed 10 percent, upon consultation with the department of health and human services.

Page 115 ANNOTATION

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5. For Refuse Receptacle Location and Screening

a. The director shall seek and document comments from the applicable refuse service providers

b. Approval criteria for this administrative variance is listed in subsection 21.07.080G.2.i.

21.03.250 VERIFICATION OF NONCONFORMING STATUS

A. Process

Owners of lots, uses, or structures that may not conform to the requirements of this title may request a verification of nonconforming status by filing an application with the director in accordance with this section. Owners of signs that do not conform to the requirements of this title shall comply with section 21.12.070, *Nonconforming Signs*.

1. The application shall be accompanied by documentation that establishes the approximate date that the lot, use, or structure was established; proof that the lot, use, or structure was lawfully established at the time it became nonconforming; and proof that the use has not been discontinued or abandoned, except as provided in subsection B. below. The director shall require additional information if deemed necessary to permit an accurate determination.

2. Such verifications shall run with the land, and their status shall not be affected by changes of tenancy, ownership, or management.

3. A verification of nonconforming status shall not be required for continued daily operation or maintenance of a nonconforming lot, use, or structure.

B. Exceptions

Notwithstanding subsection A. above:

1. Where the contention for nonconforming use is raised in a court in any action brought to enforce this title before an application for determination has been filed under this section, this section shall not be applicable and the court shall have jurisdiction to determine the issue.

2. Nothing in this section shall be construed to deprive the director the right to make a decision regarding a claimed nonconforming use or nonconforming status as incident to a valid pending application for a land use permit.

C. Appeals

Denial of the director's decision on nonconforming status may be appealed to the zoning board of examiners and appeals pursuant to subsection 21.03.050B.

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TITLE 21 REWRITE

CHAPTER 21.04

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

Page 116 ANNOTATION

The Assembly Title 21 Committee supports a Planning and Zoning Commission (PZC) recommendation to delete the R-2F district, which was a provisionally adopted new district allowing a mix of single-family houses, two-family, and small multifamily structures of up to four dwellings. Several changes are proposed to the R-2M district in order to cover some R-2F functions.

The PZC has recommended retaining the existing B-1B district, by inserting B-1B provisions from current code into the Title 21 Rewrite, instead of adopting new mixed-use districts such as the neighborhood mixed-use (NMU) district.

Mised-Use Districts--see annotation on page 134.

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CHAPTER 21.04: ZONING DISTRICTS

21.04.010 GENERAL PROVISIONS

This chapter establishes the zoning districts and contains basic information pertaining to zoning districts, including statements of purpose and district-specific regulations. The following chapters 21.05 and 21.06 set forth the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively.

A. Districts Established; Zoning Map

1. Purpose

The municipality is divided into zoning districts in order to achieve the purposes of this title established in chapter 21.01, which include implementation of the comprehensive plan, and [PARTICULARLY] its land use plan map [AND OTHER RELEVANT ELEMENTS OF THIS PLAN].

2. Zoning Districts Established

The following zoning districts are established:

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED

District Type	Abbreviation	District Name
Residential Districts	R-1	Single-Family Residential
	R-1A	Single-Family Residential (larger lot)
	R-2A	Two-Family Residential (larger lot)
	R-2D	Two-Family Residential
	[R-2F	MIXED RESIDENTIAL 1]
	R-2M	Mixed Residential [2]
	R-3	Mixed [MULTIFAMILY] Residential [1]
	R-4	Multifamily Residential [2]
	R-4A	Multifamily Residential Mixed-Use
	R-5	Low Density Residential
	R-6	Low-Density Residential (1 acre)
	R-7	Single-Family Residential (20K)
	R-8	Low-Density Residential (4 acres)
	R-9	Low-Density Residential (2 acres)
	R-10	Low-Density Residential, Alpine/Slope
Commercial [AND MIXED-USE] Districts	B-1A	Local and Neighborhood Business
	B-1B	Community Business
	B-3	General Business
	DT-1	Downtown Core
	DT-2	Downtown Mixed-Use
	DT-3	Downtown Mixed-Use Residential
	RO	Residential Office
	MC	Marine Commercial
	[NMU	NEIGHBORHOOD MIXED-USE]
	[CMU	COMMUNITY MIXED-USE]
	[RMU	REGIONAL MIXED-USE]

Page 117 ANNOTATION

Deletes the placeholders for two districts that were to be tailored for commercial mixed-use center development in central Midtown. The MT-1 and MT-2 anticipated the completion of the Midtown District Plan, which has not been adopted. Adjustments to the provisionally adopted B-3 district are proposed allowing it to accommodate high density development in Midtown, until a Midtown District Plan and, if applicable new zoning tailored for Midtown, are adopted.

The addition of the transition district is to clarify that this existing zone from current Title 21 will continue to apply to properties zoned "T" until such areas are rezoned to a more appropriate zoning district.

Based on an idea suggested by PZC members, the Assembly Title 21 Committee supports adding an overlay zoning tool for use in the B-3 and other commercial zones, to allow some of the standards and incentives from the deleted mixed-use districts to be available for all commercial uses and establishments within participating areas. Otherwise, such incentives would be available only to mixed-use projects, which are not a common or prevailing type of development. The overlay would encourage cohesive, compact development patterns and a greater variety of individual uses in areas where groups of property owners agree to share these regulations.

The PZC recommended changing or deleting some of the general purpose statements for the residential districts. Its stated rationale for amending purpose statements generally included: completing the Anchorage Bowl Land Use Plan Map and further Economic Impact Analysis before making changes to zoning districts; and that it believed some intent statements were stated as mandates or were too wordy, hard to interpret, or broad in scope.

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

District Type	Abbreviation	District Name
	[MT-1	MIDTOWN CORE]
	[MT-2	MIDTOWN GENERAL]
Industrial Districts	I-1	Light Industrial
	I-2	Heavy Industrial
	MI	Marine Industrial
Other Districts	A[D]	Airport
	AF	Antenna Farm
	DR	Development Reserve
	PCD	Planned Community Development
	PLI	Public Lands and Institutions
	PR	Parks and Recreation
	TA	Turnagain Arm
	TR	Transition
	WS	Watershed
Overlay Zoning Districts	AHO	Airport Height Overlay
	CCO	Commercial Center Overlay
	FHO	Flood Hazard Overlay
Girdwood Districts	Girdwood Districts are set forth in chapter 21.09, *Girdwood*.	

3. Zoning Map

The zoning [USE] districts are shown on the official zoning map (see section 21.01.050). Procedures for amending the zoning map are in section 21.03.160, *Rezonings (Zoning Map Amendments)*.

B. Relationship to Overlay Districts

All lands within the municipality shall be designated as one of the base zoning districts set forth in sections 21.04.020 through 21.04.070. In addition, some lands may be designated as one or more of the overlay districts set forth in section 21.04.080. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

21.04.020 RESIDENTIAL DISTRICTS

A. General Purpose/Intent

The residential zoning districts established in this section generally are intended to:

1. Provide appropriately located areas for residential development that are consistent with the comprehensive plan and with standards [OF PUBLIC HEALTH AND SAFETY] established by this code;

2. Designate areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;

Page 118 ANNOTATION

The PZC recommended changing or deleting some of the general purpose statements for the residential districts. Its stated rationale for amending purpose statements generally included: completing the Anchorage Bowl Land Use Plan Map and further Economic Impact Analysis before making changes to zoning districts; and that it believed some intent statements were stated as mandates or were too wordy, hard to interpret, or broad in scope.

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3. Conserve residential lands for housing by limiting conversion of the residential land base to non-residential uses[, AND BY ENCOURAGING RESIDENTIAL DEVELOPMENT TO OCCUR AT OR NEAR ZONED DENSITIES AND AT LOCATIONS AND DENSITIES IN THE ADOPTED COMPREHENSIVE PLAN];

4. Allow for a variety of housing types that meet the diverse economic and social needs of residents;

5. Where appropriate [P]protect the scale and character and unique appeal of existing residential neighborhoods and of community areas generally;

[PROVIDE LIGHT, AIR, PRIVACY, AND OPEN SPACE FOR EACH RESIDENTIAL DWELLING, AND PROTECT RESIDENTS FROM THE HARMFUL EFFECTS OF EXCESSIVE NOISE, GLARE AND LIGHT POLLUTION, TRAFFIC CONGESTION, AND OTHER SIGNIFICANT ADVERSE EFFECTS;]

6. Protect residential areas from commercial and industrial hazards such as fires, explosions, and toxic fumes and substances;

7. Where appropriate, minimize the location of residences in high natural hazard areas, and mitigate the risk in those areas where development may be allowed;

8. Allow for [FACILITATE THE PROVISION OF] appropriate public and institutional services and facilities, such as schools, parks and recreation uses, religious assembly, utility substations, and telecommunications and transportation infrastructure, [WHICH ARE NEEDED TO ACCOMMODATE DENSITIES RECOMMENDED IN THE COMPREHENSIVE PLAN,] while maintaining the residential character of the district;

[PROTECT STREAM CORRIDORS, WETLANDS, AND OTHER IMPORTANT NATURAL RESOURCES FROM THE ADVERSE IMPACTS OF RESIDENTIAL DEVELOPMENT;] and

9. Designate areas for residential living that support neighborhood identity and economic vitality and thus give predictability to residential settings and encourage investments and enhancements.

B. R-1: Single-Family Residential District

1. Purpose

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

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

1. Purpose

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

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

1. Purpose

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

Page 119 ANNOTATION

The Assembly Title 21 Committee supports a recommendation by the PZC to delete the R-2F district, a provisionally adopted new district allowing a mix of single-family houses, townhouse units, and 3- to 4-unit small multifamily structures. In its place, the Assembly Committee has taken on PZC's proposal to insert some of the R-2F intent statement and development standards into the existing R-2M district, which allows multifamily structures up to an eight-plex in size.

The Assembly Title 21 Committee supports modifying the purpose statement of the R-2M district to incorporate several lower density characteristics of the deleted R-2F zone. The bottom end of the R-2M housing density range is lowered to coincide with the density ranges of lower density districts including the R-1, R-2A, and R-2D.

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

1. Purpose

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

[R-2F: MIXED RESIDENTIAL DISTRICT 1

1. PURPOSE

THE R-2F DISTRICT IS INTENDED PRIMARILY FOR RESIDENTIAL AREAS THAT ALLOW FOR A VARIETY OF SINGLE-FAMILY, TWO-FAMILY, AND THREE- AND FOUR-UNIT MULTIFAMILY DWELLINGS, WITH GROSS DENSITIES BETWEEN EIGHT AND 12 DWELLING UNITS PER ACRE. THE DESIGN OF MULTIFAMILY DEVELOPMENT, INCLUDING BUILDING APPEARANCE, LOCATION OF PARKING, SETBACKS, AND LANDSCAPING, SHOULD BE COMPLEMENTARY TO THE EXISTING NEIGHBORHOOD AND MIX OF DWELLING TYPES. THIS DISTRICT MAY BE APPLIED TO EXISTING NEIGHBORHOODS TO CREATE A TRANSITION BETWEEN SINGLE- AND TWO-FAMILY AREAS AND HIGHER DENSITY MIXED RESIDENTIAL OR MULTIFAMILY AREAS. IT IS NOT INTENDED TO BE USED IN AREAS EITHER ZONED FOR OR DESIGNATED IN THE COMPREHENSIVE PLAN TO PROVIDE MULTIFAMILY HOUSING NEAR DESIGNATED TOWN CENTERS, COMMUNITY ACTIVITY CENTERS, OR MAJOR CITY CENTERS.

2. DISTRICT-SPECIFIC STANDARDS

a. MULTIFAMILY BUILDINGS SHALL CONTAIN NO MORE THAN FOUR DWELLING UNITS.

b. IN ORDER TO CREATE COMPATIBLE NEIGHBORHOODS AND RETAIN A PREDOMINANTLY SINGLE-FAMILY ENVIRONMENT, BUILDINGS WITH THREE OR FOUR DWELLING UNITS SHALL MAINTAIN DETACHED SINGLE-FAMILY STYLE ARCHITECTURAL FEATURES BY COMPLYING WITH THE SINGLE-FAMILY DESIGN STANDARDS IN SUBSECTION 21.07.100E.2.B., WITH THE FOLLOWING ADJUSTMENTS:

i. NOTWITHSTANDING SUBSECTION 21.07.100E.2.B.III., EACH RESIDENCE NEED NOT HAVE ITS OWN ENTRANCE. HOWEVER, COMMON ENTRANCES SHALL MEET THE REQUIREMENTS OF THE SUBSECTION.

c. BUILDINGS WITH THREE OR FOUR DWELLING UNITS SHALL ALSO COMPLY WITH THE MULTIFAMILY DESIGN STANDARDS IN SUBSECTION 21.07.100G., EXCEPT THAT ANY PRIMARY ENTRANCE SERVING JUST ONE INDIVIDUAL DWELLING UNIT IS EXEMPT FROM SUBSECTION 21.07.100G.9., *ENTRANCE FEATURE CHOICES*.

d. NO MORE THAN 40 PERCENT OF THE LAND AREA BETWEEN ANY STREET FACING BUILDING ELEVATION AND THE STREET LOT LINE MAY BE PAVED OR USED FOR VEHICLE DRIVEWAY OR PARKING.]

F. R-2M: Mixed Residential District [2]

1. Purpose

The R-2M district is intended primarily for residential areas that allow for a variety of single-family, two-family, and multifamily dwellings, with gross densities between five [EIGHT] and 15 dwelling units per acre. The R-2M district provides residential neighborhoods with a greater diversity of housing by allowing a mix of both detached and a variety of attached dwelling types in close proximity to each other, rather than

Page 120 ANNOTATION

Inserts part of the R-2F district purpose statement into the R-2M purpose statement, to carry forward part of the functions of the deleted R-2F.

PZC recommends deleting the R-2M district-specific limitation on front yard paved parking, which was more restrictive than generally applicable residential standards. In place of that, PZC recommends inserting an R-2F district-specific exemption for small (3- to 4- unit) structures from part of the code's multifamily design standards. The PZC proposal expands the scope of the waiver to more and larger apartment structures, so that all multifamily buildings include eight-plexes in the R-2M district are exempt from the generally applicable apartment entryway requirements.

Based on a PZC recommendation, the R-3 district name and focus is proposed to change from being primarily multifamily to being a mix of single-family, two-family, townhouse, and multifamily dwelling structures. Single-family houses had been prohibited in the provisionally adopted R-3 district, to reserve R-3 lands for more compact housing types. In 2011 the Administration proposed allowing single-family houses in certain parts of the R-3. The Assembly Title 21 Committee supports allowing single-family houses in all parts of the R-3 district. PZC provided the rationale that prohibiting single-family housing in R-3 could be an impediment to the creation of certain kinds of affordable single-family housing products, such as small-lot ("cottage") housing.

For similar reasons, the provisionally adopted R-4 district, the highest density multifamily district, centered near Downtown and Midtown, is also proposed to be amended to allow single-family houses. Its intended density has been reduced, and numeric density targets deleted. While allowing for the lower density residential types in the R-4, the Assembly Title 21 Committee has edited part of PZC's language, in order to restore a statement that the district is intended primarily for multifamily housing.

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separated into different zoning USE districts. The R-2M district is to be located in established or redeveloping residential neighborhoods or is to create a transition between single-family, two-family, and higher density multifamily and mixed-use areas. The design of new development, such as building scale and setbacks, parking facility size and location, and yard landscaping, should be complementary to the existing neighborhood and mix of dwelling types.

2. District-Specific Standards

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

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

c. Buildings with three or more dwelling units shall comply with the multifamily standards in subsection 21.07.110C., except that any primary entrance is exempt from subsection 21.07.110C.8., *Primary Entrance Treatment*. [NO MORE THAN 40 PERCENT OF THE LAND AREA BETWEEN ANY STREET FACING BUILDING ELEVATION AND THE STREET LOT LINE MAY BE PAVED OR USED FOR VEHICLE DRIVEWAY OR PARKING.]

G. R-3: Mixed [MULTIFAMILY] Residential District [1]

1. Purpose

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

H. R-4: Multifamily Residential District [2]

1. Purpose

The R-4 district is a multifamily medium to high density residential district [WITH GROSS DENSITIES INTENDED TO BE GREATER THAN 35 DWELLING UNITS PER ACRE]. It is intended primarily for multifamily and multi-story [DWELLINGS CHARACTERIZED BY TWO TO SIX STORY] residential buildings, but also allows single-family, duplex, and townhouse residential development. For multi-story buildings, t[T]he maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) [AND BY HEIGHT LIMITS] and other site development standards. Multi-story development [THIS DISTRICT] is intended to be applied in areas well served by transit and/or arterial streets, and by supportive commercial services near the major commercial[/MIXED-USE] and employment centers in downtown and midtown.[, AND TO RESULT IN HIGH DENSITY HOUSING CONCENTRATIONS.] Although some [SMALL AMOUNTS OF] commercial development is [ARE] allowed within a residential development, the district is intended to be primarily residential [PROTECT AND RETAIN A PRIMARILY RESIDENTIAL CHARACTER]. For multi-story buildings, d[D]evelopment is intended to be oriented to the sidewalk with windows, entrances, and walkways to provide strong pedestrian connections to nearby services [AND MIXED-USE DISTRICTS].

2. District-Specific Standards

a. ***Allowed Commercial Uses***

The commercial uses listed below are allowed through the approval process shown in table 21.05-1, shall only be developed in conjunction with multifamily or

Page 121 ANNOTATION

Adjusts the R-4 district maximum height limit upward slightly, to accommodate pitched roof forms that might otherwise take a building roof over the 60-foot height limit.

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mixed use dwellings, and are limited to five percent of the gross floor area of the development on a site, or 1,500 square feet, whichever is less.

i. Fitness and recreational sports center;

ii. Restaurant;

iii. Convenience store;

iv. Grocery or food store.

b. ***Alcohol Sales Prohibited***
Special land use permits for alcohol shall not be authorized for uses in the R-4 district.

c. ***Floor Area Ratio (FAR)***
The maximum floor area ratio (FAR) in the R-4 district is 1.0, but may be increased through the bonus provisions in subsection 21.04.020I[J].2.c. below.

d. ***Building Height Increase***
Buildings in the R-4 district may exceed the maximum height established in table 21.06-1, up to a maximum total height of 60 feet (or slightly more—see subsection d.iv. below), subject to all of the following requirements to encourage the provision of light and air at the ground level, and active uses on the ground floor facing the street[, AND OTHER FEATURES]:

i. The development shall participate in the FAR incentives provided in subsection 21.04.020I[J].2.c. below;

ii. The ground floor of the building shall be residential or other permitted non-parking use, for at least 25 feet of depth facing the street for the full length of the street facing building elevation, except for vehicle entrances and exits. Where the site has two or more frontages, the standard shall be met on two frontages;

iii. The height increase shall adhere to the height transitions provisions of subsection 21.06.030D.8[7].; and

iv. A pitched roof form may extend above the 60-foot height limit, provided that all parts of the roof (including any dormer features) above the height limit have a slope of at least 1:2, it is not a shed or butterfly roof, and the finished ceiling of the highest habitable floor area does not exceed 60 feet in height; and

v. Development requesting the height increase shall be subject to administrative site plan review, unless a higher level of review is already required.

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

1. Purpose

The R-4A district is a primarily residential district intended for high-density multifamily dwellings, with gross densities intended to be greater than 35 dwelling units per acre. Commercial retail, services, and office uses are also allowed in combination with housing to create a truly mixed-use neighborhood environment, although a majority of the gross floor area of the development shall be a residential use. This district is to be applied in areas near downtown and midtown, in order to provide housing densities which support[S] these city centers, efficient use of residential land, and residential living opportunities near employment and services. By providing the flexibility for integrated

Page 122 ANNOTATION

A technical amendment because the location of the mixed-use development provisions that the R-4A district refers to has changed. The referenced provisions are moved from the deleted mixed-use districts.

Administration Addition
[ADMINISTRATION DELETION]

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mixed-use site development, the R-4A district [IT] facilitates reinvestment and revitalization within areas in transition. New mixed-use development should facilitate strong pedestrian and bicycle connections with nearby neighborhoods and city centers.

2. District-Specific Standards

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

Development in the R-4A district shall comply with the mixed-use development [DISTRICT] standards in subsection 21.04.030[050]G.6. and G.7. regarding enhanced sidewalk option and building placement and orientation[, EXCEPT FOR THE FAR INCENTIVES OF SUBSECTION 21.04.050G.2].

b. ***Maintaining Residential Character***

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

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

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

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

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

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

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

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

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

Page 123 ANNOTATION

These amendments to the floor area bonus incentives menu are proposed to add more menu choices, increase some bonus awards, and offer additional floor area where the applicant has added certain public benefit characteristics to a bonus feature.

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

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

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

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

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

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

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

i. *Bonus for Open Space [BONUS]*

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

ii. *Bonus for Below Grade Parking [BONUS]*

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

iii. *Bonus for Affordable Housing [BONUS]*

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

iv. *Bonus for Sidewalk/Walkway Widening*

One square foot [FIVE SQUARE FEET] of additional floor area is allowed per square [LINEAR] foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.

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

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

Page 124 ANNOTATION

Clarifies that a parking reduction is available for all uses in the R-4A district.

Clarifies the intended location of the R-4A district, to ensure that this high-density zoning tool is applied appropriately relative to the road system, existing commercial employment centers in Downtown and Midtown, and protection of established neighborhoods. The Assembly Title Committee recommends stronger locational criteria for the R-4A district based on comments from the development community.

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

vii. *Bonus for Pedestrian-Interactive Use*
Three square feet of additional floor area is allowed per each square foot of ground-floor space which is to be occupied by a pedestrian-interactive use that meets the standards of 21.07.060F.16.

d. ***Reduced Parking Ratios***
Development in the R-4A district shall be eligible for a reduction of the minimum number of parking spaces, as provided in 21.07.090F.6.

e. ***Building Height Increase***
Buildings in the R-4A district may exceed the maximum height established in table 21.06-1, up to a maximum total height of 90 feet, subject to all of the following conditions. These conditions encourage slender towers with condensed floor plates, light and air at the pedestrian level, and active uses on the ground floor facing the street[, AND OTHER FEATURES]:

i. The development shall participate in the FAR incentives provided for the R-4A district in subsection 21.04.020I[J].2.c. above;

ii. The ground floor of the building shall be residential or other permitted non-parking use for at least 25 feet of depth facing the street for the full length of the building, except for vehicle entrances and exits. Where the site has two or more frontages, the standard shall be met on two frontages;

iii. All floor area provided by the height increase shall be for residential uses[.]

iv. The height increase shall adhere to the height transitions of subsection 21.06.030D.8[7].;

v. The height increase shall adhere to the applicable design standards for tall buildings in subsection 21.07.130C.[110]; and

vi. Unless a major site plan review or a conditional use is required by other parts of this section, all developments requesting the height increase shall be subject to administrative site plan review.

3. District Location Requirement
It is essential that this district be limited in extent to particular strategic locations. The subject property shall be:

a. In an area designated in the comprehensive plan for residential city center intensity or redevelopment/mixed-use, or similar designation in a neighborhood or district plan; and

Page 125 ANNOTATION

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b. Adjacent to or within a designated major employment center or major city center, or on a designated transit supportive development corridor or transit route with 15-minute bus service headways; and

c. Concentrated as a node near the intersection of an arterial street and another street of collector classification or greater, in a compact form limited in extent to no more than a quarter mile between any two points on the district boundary, unless specifically designated otherwise in an adopted neighborhood or district plan.

[THE SUBJECT PROPERTY SHALL BE IN AN AREA DESIGNATED IN THE COMPREHENSIVE PLAN FOR RESIDENTIAL CITY CENTER INTENSITY, AND ADJACENT TO A DESIGNATED COMMUNITY ACTIVITY CENTER, MAJOR CITY CENTER, OR ALONG A COLLECTOR OR ARTERIAL WITH ADEQUATE TRANSIT SERVICES IN THE VICINITY OF DOWNTOWN AND MIDTOWN.]

J. R-5: Low Density Residential District

1. Purpose

The R-5 district is intended primarily for single- and two-family residential areas with gross densities up to five dwelling units per acre. Mobile homes on individual lots are allowed in this district.

K. R-6: Low-Density Residential (1 acre) District

1. Purpose

The R-6 district is intended primarily for single- and two-family large-lot residential areas, with gross densities of up to one dwelling unit per acre. The R-6 is designed to encourage low-density residential development. This district is intended to protect and enhance those physical and environmental features that add to the desirability of large-lot residential living. The availability of infrastructure and municipal services is varied.

L. R-7: Single-Family Residential (20K) District

1. Purpose

The R-7 district is intended primarily for single- and two-family residential areas with gross densities between one and two dwelling units per acre. This district may also be applied to areas between larger lot districts and higher density districts.

M. R-8: Low-Density Residential (4 acres) District

1. Purpose

The R-8 district is intended primarily for single- and two-family large-lot residential areas with gross densities less than one dwelling unit per four acres, where topographic or other natural conditions are such that higher-density development would be unfeasible. In addition to topography, some of the natural conditions which could exist to render land desirable for the densities proposed in this zone are wind hazards, marginal soils, landslide susceptibility, potential for groundwater pollution, and groundwater availability.

N. R-9: Low-Density Residential (2 acres) District

1. Purpose

The R-9 district is intended primarily for single- and two-family large lot residential areas with gross densities less than one dwelling unit per two acres, where public sewer and water are unlikely to be provided or where topographic or other natural conditions are such that higher-density development would be unfeasible. Where public facilities may be provided in the distant future, the regulations are intended to ensure that development during the interim period does not exceed geological and hydrological capacities for safe and healthful maintenance of human habitation.

Page 126 ANNOTATION

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O. R-10: Low-Density Residential, Alpine/Slope District

1. Purpose

The R-10 district is intended for use in those areas where natural physical features and environmental factors such as slopes, alpine and forest vegetation, soils, slope stability, and geologic hazards require unique and creative design for development. Creative site design and site engineering are essential to ensure that the development of these lands will:

a. Protect natural features such as ponds, streams, wetlands, and springs, and incorporate such features into the development of the site design;

b. Ensure the use of site design techniques that take into consideration topographic constraints and other physical features;

c. Avoid natural hazards including snow avalanche and mass wasting areas;

d. Retain the natural flow and storage capacity of any watercourse and wetland, to minimize the possibility of flooding or alteration of water boundaries;

e. Assure that soil and subsoil conditions are suitable for excavations, site preparation, and on-site waste water disposal;

f. Provide adequate site drainage to avoid erosion and to control the surface runoff in compliance with the federal clean water act;

g. Assure an adequate supply of potable water for the site development; and

h. Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.

2. District-Specific Standards

a. ***Lot and Site Requirements***

Table 21.04-2 provides the lot and site requirements for the R-10 district. This table applies in addition to the dimensional standards stated in table 21.06-1.

TABLE 21.04-2:
LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT

Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage of All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01--30.00	5.00	300	5	10
20.01--25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20

Average slope is calculated by the following formula:

$$S = \frac{I * L}{A} * 0.0023$$

Where;
S = Average slope of lot or tract in percent
I = Contour interval (20 feet or less)
L = Sum of length of all contours on lot or tract in feet
A = Area of the lot or tract in acres

Page 127 ANNOTATION

Deletes a comparison to the NMU (neighborhood mixed-use) district from the B-1A purpose statement, as NMU is proposed to be eliminated.

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b. ***Bedrock***
When one-third or more of required soils borings reveal bedrock at a depth of less than 16 feet on the lot or tract, lot and site requirements shall be determined as if the average slope were in the next steeper percentage range shown on the table in this subsection [PARAGRAPH]. Any required soil boring that does not extend to a depth of at least 16 feet shall be deemed for the purposes of this subsection to have encountered bedrock.

21.04.030 COMMERCIAL DISTRICTS

A. General Purpose/Intent of Commercial Districts

The commercial and office zoning districts established in this section generally are intended to:

1. Provide appropriately located areas consistent with the comprehensive plan that provide a full range of retail and service establishments and convenience and office uses needed by the municipality, and protect such uses from the adverse effects of incompatible uses;

2. Provide adequate area to meet the needs of future commercial development;

3. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage further geographic expansion of commercial areas not designated in the comprehensive plan;

4. Minimize vehicle miles traveled and promote alternative transportation choices through the concentration of commercial areas as designated in the comprehensive plan;

5. Promote the location of higher intensity commercial uses and traffic into those areas of the municipality that are best developed for traffic and access;

6. Strengthen the municipality's economic base and provide employment opportunities;

7. Provide for commercial land uses that meet the needs of and attract regional and statewide populations, in addition to local residents;

8. Allow and encourage residential development in conjunction with commercial development in order to provide more housing choices and more efficient use of land;

9. Minimize land use impacts of commercial development on adjacent residential districts;

10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of commercial development; and

11. Provide sites for public and semi-public uses such as utilities and telecommunications infrastructure needed to complement commercial development.

B. B-1A: Local and Neighborhood Business District

1. Purpose
The B-1A district is intended for small, compact commercial sites or areas within or surrounded by residential areas. The district is applied to encourage the provision of small-scale retail, office, and service uses compatible in scale and character with adjacent residential uses, and providing services to the surrounding neighborhood. B-1A centers are between one-half and two acres in size. [THE B-1A DISTRICT PROVIDES FOR SMALLER COMMERCIAL SITES AND ENSURES A SMALLER SCALE OF DEVELOPMENT THAN DOES THE NMU DISTRICT.] Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged. Uses are to be limited in intensity to promote their local orientation, promote pedestrian access, reduce vehicle trips, and limit adverse impacts on the surrounding area. Upper story residential uses are also allowed.

Page 128 ANNOTATION

At the recommendation of PZC, the Assembly Title 21 Committee proposes to insert select mixed-use district development standards into the existing commercial districts, to be applied only to mixed-use projects (ie., projects incorporating both housing and nonresidential uses).

Allows a B-1A zone to be as small as two adjoining 6,000 square foot standard-sized lots, to reflect existing and intended future small-scale, neighborhood commercial sites. This amendment arose from public comments and the West Anchorage District Plan process.

The PZC recommends retaining the existing B-1B district, by inserting the existing provisions for the B-1B from current code (with some changes) into the Title 21 Rewrite. The Rewrite did not include the B-1B because B-1B had been recommended to be retired and relevant parts of its function to be replaced by other zones including the mixed-use districts. Reinstatement of the B-1B is part of a general approach proposed by PZC to retain existing districts and address individual mixed-use project under current zoning, rather than rezone certain commercial centers to new districts.

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2. District-Specific Standards

[GROUND-FLOOR
AT LEAST 80 PERCENT OF THE STREET-FACING BUILDING ELEVATION AT THE GROUND LEVEL SHALL BE A NON-RESIDENTIAL USE OCCUPYING A SPACE AT LEAST 25 FEET DEEP FROM THE STREET FAÇADE OF THE BUILDING.]

a. *Prohibitions*

i. Drive-throughs are allowed only on those lots with frontage on and access to an arterial street.

ii. Outdoor storage is prohibited in the B-1A district.

iii. Nonresidential development that does not have access from a street of collector class or greater on the *Official Streets and Highways Plan* shall not be open to the public between 10:00 p.m. and 7:00 a.m.

b. *Gross Floor Area Limitations*

i. The gross floor area of each allowed non-residential use is limited to 5,000 square feet per use, without any review beyond that required by table 21.05-1[2].

ii. Gross floor area of allowed non-residential uses between 5,001 and 10,000 square feet may be requested through a major site plan review.

iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of grocery or food stores is 20,000 square feet without any review beyond that required by table 21.05-1[2], provided that the overall site has a floor area ratio of at least 0.35.

c. *Mixed-Use Development*

Mixed-use development in this district shall comply with the standards of subsection G. below.

3. District Location Requirements

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

a. The minimum contiguous area for a B-1A district shall be 11,500 [20,000] square feet.

b. The maximum contiguous area for a B-1A district shall be 2.0 acres.

c. The subject property shall be in an established neighborhood commercial area or an area designated in the comprehensive plan for neighborhood-scale commercial.

C. B-1B: Community Business District

1. Purpose

The B-1B district is intended for consumer-oriented business uses which serve the needs of the surrounding community. The district is intended for small, compact sites at or near the intersection of streets designated for collector (industrial-commercial), arterial, or greater capacity on the *Official Streets and Highways Plan*.

2. District-Specific Standards

a. *Prohibitions*

i. Drive-throughs are allowed only on those lots with frontage on and access to an arterial street.

Page 129 ANNOTATION

These are current Title 21 B-1B provisions, with some modifications, as proposed by PZC.

Subsection c. - At the recommendation of PZC, the Assembly Title 21 Committee proposes to insert certain mixed-use district development standards into the B-1B district, to be applied only to mixed-use (ie., mixed residential + nonresidential) projects.

Subsection d. - This carries forward current B-1B regulations regarding the approval of nursing facilities.

B-3 District Specific Standards (2.a.) – Carries forward current Title 21 regulations that subject residential apartments in the B-3 district to R-4 multifamily district building bulk limitations. This carries forward a longstanding R-4 district-based safeguard that ensures appropriate building bulk for residential developments.

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ii. Outdoor storage is prohibited in the B-1B district.

iii. Nonresidential development that does not have access from a street of collector class or greater on the *Official Streets and Highways Plan* shall not be open to the public between 10:00 p.m. and 7:00 a.m.

b. ***Gross Floor Area Limitations***

i. The gross floor area of each allowed nonresidential use is limited to 10,000 square feet per use, without any review beyond that required by table 21.05-1.

ii. Gross floor area of allowed nonresidential uses between 5,001 and 20,000 square feet may be requested through an administrative site plan review.

iii. Notwithstanding b.i. and b.ii., the maximum gross floor area of grocery or food stores is 40,000 square feet without any review beyond that required by table 21.05-1.

c. ***Mixed-Use Development***

Mixed-use development in this district shall comply with the standards of subsection G. below.

d. ***Nursing Facilities***

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

3. **District Location Requirements**

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

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

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

D. B-3: General Business District

1. Purpose

The B-3 district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are intended to be located on arterials and to be provided with adequate public services and facilities. They are subject to the public view and should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Environmental impacts should be minimized. Abutting residential areas should be protected from potentially negative impacts associated with commercial activity. While B-3 district areas shall continue to meet the need for auto-related and other auto-oriented uses, it is the municipality's intent that the B-3 district also shall provide for safe and convenient personal mobility in other forms. Planning and design shall accommodate pedestrians and bicyclists.

2. District-Specific Standards

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

Page 130 ANNOTATION

Carries forward current Title 21 regulations that subject residential apartments in the RO district to R-4 multi-family district building bulk limitations. This carries forward a longstanding R-4 district-based safeguard that ensures appropriate building bulk for residential developments.

The Assembly Title 21 Committee supports provisionally adopted height limit for the RO district, with an adjustment to increase its flexibility in major employment centers. A conditional height increase allows for taller buildings on RO properties located in Downtown, Midtown, and the U-MED district. RO zones located elsewhere in the Bowl typically function as a low-rise office areas and buffer transitions to protect neighborhoods.

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b. Mixed-use development in this district shall follow the standards of subsection H. below.

3. District Location Requirements

a. Establishment of the B-3 district or changes to existing B-3 district boundaries shall meet the general rezoning criteria of this code and shall not be expanded along street corridors or into surrounding neighborhoods unless consistent with the comprehensive plan.

b. Future rezonings to B-3 shall take into consideration the desirability of B-3 being located on arterials and being served with adequate public services and facilities.

E. RO: Residential Office District

1. Purpose

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

2. District-Specific Standards

a. ***Limitations on Retail Uses***

Any uses allowed by table 21.05-1[2] and categorized by this code as "entertainment and recreation," "personal services, repair, and rental," or "food and beverage service" may be located in the RO district only within a building that also contains office, health services, and/or residential uses, except that "food and beverage kiosk" may be located in a stand-alone building on those lots with frontage on a street of collector classification or higher. Such commercial uses shall be limited to 25 percent of the gross floor area of the building. No outdoor storage or merchandise display is allowed.

b. ***Limitations on Visitor Accommodations***

Any uses categorized by this code as "visitor accommodations" and allowed by table 21.05-1[2] shall comply with the multifamily residential design standards set forth in subsection[S] 21.07.110C.[100.G. AND H.]

c. ***Residential in RO***

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

d. ***Conditional Building Height Increase***

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

i. The property is located in a major employment center designated in the comprehensive plan for Downtown, Midtown, or the U-Med District;

ii. The proposed building height, massing, and intensity of use is consistent with the neighborhood- or district-specific comprehensive plan element applicable to the area;

Page 131 ANNOTATION

The Assembly Title 21 Committee supports a PZC recommendation to insert select mixed-use district development standards (with some changes), into the existing commercial districts, and apply those standards only to mixed-use projects. Rather than create mixed-use districts that would apply new development standards to certain areas, this recommendation will address the concept of "mixed-use" on an individual property basis, using existing zones. It makes mixed-use development projects (incorporating both residential and commercial uses on the same lot) subject to different height limits, setbacks, and other standards from other kinds of commercial projects.

The floor area incentives menu, reduced parking ratios, enhanced sidewalk option, and provisions for building placement and orientation are adapted from the mixed-use district standards. The residential use limitations and building height increase incentive for mixed-use projects are newly proposed by PZC.

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iii. The property is not adjacent to any residential district other than the R-4 or R-4A districts; and

iv. The property is not adjacent to any property designated for medium density or lower density residential uses in the comprehensive plan.

3. District Location Requirements

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

a. New RO zones shall be located in areas intended principally for low-intensity office uses, or in locations where the development buffers residential neighborhoods from heavy volumes of traffic or more intense commercial retail activity.

b. Where a new or enlarged RO district is adjacent to existing residentially zoned areas, adequate area shall be provided for buffering or other site design requirements necessary to achieve compatibility.

c. The RO district shall not be located in or expand into areas that are designated residential in the comprehensive plan.

F. MC: Marine Commercial District

1. Purpose

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

2. District-Specific Standards

Applicants for allowed uses as listed in table 21.05-1[2] shall demonstrate, to the satisfaction of the director, that they are water-dependent and/or water-related, before applying for any required permits or entitlements.

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

1. Applicability

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

2. Maximum Residential Use

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

3. Floor Area Ratio (FAR) Incentives

Floor area ratio (FAR) incentives are offered to encourage residential development and other features of benefit to the public in mixed-use development. The maximum floor area ratio established by table 21.06-3 may be increased by up to two times through the following provisions, subject to section 21.06.030C. These incentives provide for an incremental increase in the floor area of a development in exchange for increases in one or more of the following special features:

a. ***Bonus for Housing***

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

Page 132 ANNOTATION

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

c. ***Bonus for Below Grade Parking***
Two square feet of additional floor area is allowed per gross square foot of below grade parking floor area, up to a maximum increase of 0.5 FAR. The floor area bonus increases to three square feet on the second parking level below grade.

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

e. ***Bonus for Sidewalk/Walkway Widening***
One square foot of additional floor area is allowed per square foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.

f. ***Bonus for Pedestrian-Interactive Use***
Three square feet of additional floor area is allowed per each square foot of ground-floor space which is to be occupied by a pedestrian-interactive use that meets the standards of subsection 21.07.060F.16.

g. ***Bonus for Upper Level Setbacks/Step Backs for Sunlight Access***
A floor area bonus equal to one-third of the sum of step back areas on each upper floor where the step back is at least 16 feet from the face of the building at the floor immediately below, such that the floor's existence does not increase the amount of shadowing on surrounding residences, private open spaces, sidewalks, schools, or parks on March/September 21, from 9:00 a.m. to 3:00 p.m. solar time.

4. Building Height Increase
Buildings may exceed the district height limits established in table 21.06-2, up to a maximum total height of 35 feet in the B-1A district and 45 feet in the B-1B district, subject to the following:

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

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

c. The development shall be subject to administrative site plan review, unless a higher level of review is already required; and

d. All floor area provided by the height increase shall be for residential uses or for uses that only serve the residents of the building.

Page 133 ANNOTATION

The enhanced sidewalk option allows applicants to depart from generally applicable street frontage sidewalk and landscaping requirements. It was proposed as an amendment in 2010 to the mixed-use districts. It increases the flexibility of the zoning code to allow developments to create a more enhanced, "main street" style sidewalk environment than the typical streetscape requirements allow, using a similar amount of space. The content of the enhanced sidewalk option is now proposed to be located in the chapter 7 pedestrian facilities section, as the mixed-use districts are proposed to be deleted.

Requires mixed-use projects to comply with commercial design standards located in chapter 7, which encourage more approachable buildings that orient more windows, entries, and active uses rather than blank walls facing the street.

As with the B-1A and B-1B districts in subsection 21.04.030G. above, the Assembly Title 21 Committee supports a PZC recommendation to insert select mixed-use district development standards (with some changes), into the B-3 district, to be applied only to mixed-use projects.

Downtown Districts - Clarifies the status of existing zoning in the CBD until new downtown districts are written and adopted. The CBD will be excluded temporarily from the Title 21 Rewrite and continue to be subject to current (pre-existing) B-2A, B-2B, and B-2C zoning and Title 21 land use regulations, until the new downtown districts are completed.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

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

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

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

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

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

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

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

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

2. Floor Area Ratio (FAR) Incentives

a. The floor area ration (FAR) and bonus provisions set out in subsection G.3. above apply.

b. In addition to the bonus features available in subsection G.3. above, a floor area bonus equal to ten percent of the lot area (0.10 FAR), but in no case to exceed 10,000 square feet, is allowed if a wind tunnel test is performed and the wind speed criteria meeting the specifications of subsection 21.07.130C. are incorporated into the design of a multistory building development to improve microclimatic conditions.

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

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

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

21.04.040 DOWNTOWN DISTRICTS

New downtown districts will be adopted separately through the preparation of updated land use regulations specific to downtown, as indicated in the *Anchorage Downtown Comprehensive Plan*. Until the new downtown districts are implemented, all areas located in the B-2A, B-2B, and B-2C districts shall

Page 134 ANNOTATION

The Assembly Title 21 Committee supports a recommendation by the PZC to delete the three mixed-use zoning districts. In their place, select development standards and incentives from the mixed-use districts are proposed to be inserted into the existing commercial zones, to be applied only to mixed-use developments.

A rationale provided by PZC is to hold off adopting mixed-use districts until after the update to the Anchorage Bowl Land Use Plan Map is completed. The Land Use Plan Map is a part of the comprehensive plan. Its update is intended to clarify the intended locations of "mixed-use" and other commercial centers in the Bowl. A draft of the Land Use Plan Map exists and was conceptually approved by PZC in 2006. However, it needs further refinement and additional public review before it can be completed.

PZC also expressed concern about unintended economic or fiscal impacts that might result from adding new zoning districts. It was also concerned that rezonings to mixed-use districts would be costly for property owners.

remain subject to the title 21 land use regulations that existed prior to the implementation of the Title 21 Rewrite Project (2002-2012) and were current as of [day before effective date].

A. DT-1: Downtown Core

[RESERVED]

B. DT-2: Downtown Mixed-Use

[RESERVED]

C. DT-3: Downtown Mixed-Use Residential

[RESERVED]

[(NEW DOWNTOWN DISTRICTS AND REGULATIONS WILL BE PROPOSED SEPARATELY THROUGH THE DOWNTOWN PLAN PROJECT.)]

[MIXED-USE DISTRICTS]

A. [GENERAL PURPOSE/INTENT OF MIXED-USE DISTRICTS

THE MIXED-USE DISTRICTS ARE INTENDED TO PROVIDE FOR AND ENCOURAGE DEVELOPMENT AND REDEVELOPMENT OF A MIX OF RESIDENTIAL AND NONRESIDENTIAL USES WITHIN CLOSE PROXIMITY TO EACH OTHER WITHIN AREAS SO DESIGNATED IN THE COMPREHENSIVE PLAN. A KEY FEATURE OF ALL THE MIXED-USE DISTRICTS IS A PEDESTRIAN- AND BICYCLE-FRIENDLY NETWORK OF STREETS AND SIDEWALKS CONNECTING THE NONRESIDENTIAL USES, RESIDENTIAL NEIGHBORHOODS, AND TRANSIT FACILITIES. THE MIXED-USE DISTRICTS SPECIFICALLY ARE INTENDED TO:

1. CONCENTRATE HIGHER-DENSITY RESIDENTIAL DEVELOPMENT AND COMMERCIAL AND OFFICE EMPLOYMENT EFFICIENTLY IN AND AROUND MAJOR EMPLOYMENT CENTERS, TOWN CENTERS, AND OTHER CENTERS OF COMMUNITY ACTIVITY DESIGNATED IN THE COMPREHENSIVE PLAN;

2. ENCOURAGE MIXED-USE AND HIGHER-DENSITY REDEVELOPMENT, CONVERSION, AND REUSE OF AGING AND UNDERUTILIZED AREAS, AND INCREASE THE EFFICIENT USE OF AVAILABLE LAND IN THE MUNICIPALITY;

3. PROVIDE A TRANSPORTATION NETWORK (ROAD, BICYCLE, PEDESTRIAN) DESIGNED TO PROVIDE THE OPPORTUNITY FOR DIRECT ACCESS TO ADJACENT AREAS, IN LIEU OF ENTERING AND EXITING THROUGH ARTERIALS AND/OR COLLECTOR STREETS;

4. CREATE COMPACT, PEDESTRIAN-ORIENTED ENVIRONMENTS THAT ARE SAFE, CONVENIENT, AND ATTRACTIVE FOR TRANSIT AND PEDESTRIAN USE AND ACCESS;

5. CONCENTRATE A VARIETY OF COMMERCIAL RETAIL/SERVICES AND PUBLIC FACILITIES THAT SERVE THE SURROUNDING COMMUNITY;

6. ENCOURAGE THE APPEARANCE AND FUNCTION OF DEVELOPMENT IN MIXED-USE AREAS TO BE COMPLEMENTARY TO SURROUNDING RESIDENTIAL AREAS DESIGNATED IN THE COMPREHENSIVE PLAN;

7. PROMOTE PHYSICAL DEVELOPMENT IN MIXED-USE AREAS THAT PROVIDES PEDESTRIAN SCALE AND INTEREST THROUGH ARTICULATION, DETAIL ELEMENTS, AND WINDOWS AT THE GROUND FLOOR LEVEL; AND

Page 135 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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8. PROTECT STREAM CORRIDORS, WETLANDS, AND OTHER IMPORTANT NATURAL RESOURCES FROM THE ADVERSE IMPACTS OF MIXED-USE DEVELOPMENT.

B. NMU: NEIGHBORHOOD MIXED-USE DISTRICT

1. PURPOSE

THE NMU DISTRICT IS INTENDED FOR NEIGHBORHOOD RETAIL SERVICE CENTERS AT A LARGER SCALE THAN ALLOWED BY THE B-1A DISTRICT. NMU CENTERS ARE INTENDED TO BE GENERALLY BETWEEN TWO AND 15 ACRES IN SIZE, AND ARE PRIMARILY APPLIED TO EXISTING COMMERCIAL AREAS TO ENCOURAGE MIXED-USE HOUSING OPPORTUNITIES, COMPACT REDEVELOPMENT, AND MIXED-USE URBAN DESIGN. THE EMPHASIS OF THE DISTRICT IS ON COMMERCIAL USES THAT PRIMARILY SERVE THE DAILY NEEDS OF NEARBY NEIGHBORHOODS (E.G., SMALL-TO-MEDIUM SIZE GROCERY/CONVENIENCE STORE, DRUG STORE, RELIGIOUS ASSEMBLY, SERVICE STATION) LOCATED IN CLOSE PROXIMITY TO ONE ANOTHER. THIS DISTRICT TYPICALLY SERVES MORE NEIGHBORHOODS AND CAN PROVIDE A GREATER COLLECTION OF COMMERCIAL SERVICES AT A LARGER SCALE THAN DOES THE B-1A DISTRICT. MULTIFAMILY RESIDENTIAL AND LIMITED OFFICE USES ALSO ARE ALLOWED. SITING AND ARCHITECTURAL DESIGN AND SCALE OF STRUCTURES IN THIS DISTRICT SHOULD LIMIT ADVERSE IMPACTS ON NEARBY RESIDENTIAL AREAS. THE NMU DISTRICT MAY BE USED FOR DESIGNATED NEIGHBORHOOD CENTERS, COMMERCIAL CORRIDORS, AND TRANSIT-SUPPORTIVE DEVELOPMENT CORRIDORS, AND MAY ALSO BE USED FOR THE "NEIGHBORHOOD COMMERCIAL CENTERS" IDENTIFIED IN THE *ANCHORAGE 2020 ANCHORAGE BOWL COMPREHENSIVE PLAN*.

2. DISTRICT-SPECIFIC STANDARDS

a. ***MIXED-USE DEVELOPMENT STANDARDS***

DEVELOPMENT IN THE NMU DISTRICT SHALL COMPLY WITH SECTION 21.04.050G., *MIXED-USE DISTRICT DEVELOPMENT STANDARDS*.

b. ***MAXIMUM BUILDING SIZE***

THE GROSS FLOOR AREA OF EACH BUILDING AND/OR STRUCTURE CONSTRUCTED AFTER [EFFECTIVE DATE] IN THE NMU DISTRICT SHALL BE NO GREATER THAN 45,000 SQUARE FEET, EXCEPT THAT BUILDINGS WHICH CONTAIN A GROCERY OR FOOD STORE OF AT LEAST 45,000 SQUARE FEET, MAY HAVE A GROSS FLOOR AREA OF UP TO 85,000 SQUARE FEET. BUILDINGS OR STRUCTURES EXISTING BEFORE [EFFECTIVE DATE] SHALL NOT BE ENLARGED TO A GROSS FLOOR AREA OVER THESE LIMITS.

3. DISTRICT LOCATION REQUIREMENTS

IN ADDITION TO MEETING THE GENERAL REZONING CRITERIA, THE FOLLOWING REQUIREMENTS APPLY IN THE ESTABLISHMENT OR ENLARGEMENT OF NMU DISTRICTS:

a. NEW NMU DISTRICTS AND NMU DISTRICTS PROPOSED FOR EXPANSION SHALL BE LOCATED AT THE INTERSECTION OF TWO ARTERIALS OR AN ARTERIAL AND A COLLECTOR STREET (OR STREETS OF GREATER CLASSIFICATION ON THE OSHP).

b. THE MAXIMUM SIZE OF AN NMU DISTRICT SHALL BE 15 ACRES, UNLESS A LARGER AREA IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

c. THE NMU DISTRICT SHALL NOT BE EXPANDED ALONG STREET CORRIDORS OR INTO ADJACENT RESIDENTIALLY ZONED AREAS UNLESS CONSISTENT WITH THE COMPREHENSIVE PLAN.

Page 136 ANNOTATION

Administration Addition
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PZC Addition
[PZC DELETION]

Assy Cmte Addition
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Tech Edit Addition
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d. THE SUBJECT PROPERTY SHALL BE IN AN AREA INTENDED FOR NEIGHBORHOOD SCALE COMMERCIAL MIXED-USE CENTER, OR TRANSIT-ORIENTED DEVELOPMENT CORRIDOR ON THE COMPREHENSIVE PLAN.

C. CMU: COMMUNITY MIXED-USE DISTRICT

1. PURPOSE

THE CMU DISTRICT IS INTENDED PRIMARILY TO FACILITATE THE DEVELOPMENT OF MIXED-USE CENTERS AT THE TOWN CENTER OR SUB-REGIONAL SCALE. THE CMU DISTRICT IS DESIGNED FOR AREAS DESIGNATED IN ADOPTED PLANS AS "TOWN CENTERS", COMMUNITY ACTIVITY CENTERS, OR OTHER MEDIUM-DENSITY MIXED-USE AREAS. THE CMU AREA IS INTENDED TO INCLUDE COMMERCIAL, RESIDENTIAL, INSTITUTIONAL, RECREATIONAL, AND SERVICE FACILITIES NEEDED TO SUPPORT THE SURROUNDING NEIGHBORHOODS (E.G., LARGE GROCERY STORE, LARGE DRUG STORE, SPECIALTY SHOPS, AND COMMUNITY PARK). MEDIUM- TO HIGHER-DENSITY HOUSING SHOULD BE LOCATED IN AND AROUND THE DISTRICT, AND DEVELOPMENT SHOULD FACILITATE PEDESTRIAN AND BICYCLE CONNECTIONS BETWEEN RESIDENTIAL AND NONRESIDENTIAL USES. THE CMU DISTRICT MAY ALSO BE USED FOR COMMERCIAL RETAIL SEGMENTS OF LINEAR TRANSIT-SUPPORTIVE DEVELOPMENT CORRIDORS, IN ADDITION TO NODAL CENTERS.

2. RELATIONSHIP TO TOWN CENTERS

TOWN CENTER OVERLAY DISTRICTS MAY BE APPLIED IN COMBINATION WITH THE CMU[/RMU] DISTRICT, PURSUANT TO SECTION 21.04.080. A TOWN CENTER OVERLAY WOULD ESTABLISH DEVELOPMENT STANDARDS AND INCENTIVES IN ADDITION TO WHAT IS REQUIRED BY THE CMU[/RMU] DISTRICT, AND MAY INCREASE THE PRIORITY FOR PUBLIC INVESTMENT IN AN AREA, TO MORE FULLY IMPLEMENT COMPREHENSIVE PLAN POLICIES FOR COMPACT, MIXED-USE CENTERS. IT IS INTENDED THAT THE MUNICIPALITY PHASE THE DEVELOPMENT OF TOWN CENTER OVERLAY DISTRICTS.

3. DISTRICT-SPECIFIC STANDARDS

DEVELOPMENT IN THE CMU DISTRICT SHALL COMPLY WITH SECTION 21.04.050G., *MIXED-USE DISTRICT DEVELOPMENT STANDARDS*.

4. DISTRICT LOCATION REQUIREMENTS

IN ADDITION TO THE GENERAL REZONING APPROVAL CRITERIA, THE FOLLOWING REQUIREMENTS SHALL APPLY TO THE CREATION OR EXPANSION OF THE CMU DISTRICT.

a. THE SUBJECT PROPERTY SHALL BE IN AN AREA DESIGNATED BY THE COMPREHENSIVE PLAN AS A COMMUNITY ACTIVITY CENTER, TOWN CENTER, OR TRANSIT-SUPPORTIVE DEVELOPMENT CORRIDOR THAT HAS A COMMERCIAL OR MIXED-USE DESIGNATION ON THE COMPREHENSIVE PLAN MAP.

b. THE CMU DISTRICT SHALL NOT BE EXPANDED ALONG STREET CORRIDORS OR INTO ADJACENT RESIDENTIALLY OR INDUSTRIALLY ZONED AREAS UNLESS CONSISTENT WITH THE COMPREHENSIVE PLAN.

D. RMU: REGIONAL MIXED-USE DISTRICT

1. PURPOSE

THE RMU DISTRICT IS INTENDED PRIMARILY FOR REGIONAL-SCALE COMMERCIAL ACTIVITY CENTERS THAT MAY HAVE LONG-TERM POTENTIAL TO DEVELOP AT GREATER INTENSITIES OR AS MIXED-USE URBAN ENVIRONMENTS.

Page 137 ANNOTATION

Administration Addition
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PZC Addition
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Assy Cmte Addition
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THE AREA IS TYPICALLY DEFINED BY CONGLOMERATIONS OF MEDIUM-TO-LARGE SCALE COMMERCIAL USES, LOCATED NEAR INTERSECTIONS OF MAJOR ARTERIAL STREETS AND/OR FREEWAYS, SERVING A METROPOLITAN REGION-SCALE TRADE AREA. THE MARKET AREA IS LARGER AND LESS ORIENTED TO ONE CERTAIN PART OF TOWN THAN IN THE CMU DISTRICT. SHOPPING MALLS AND/OR LARGE RETAIL ESTABLISHMENTS TYPICALLY ANCHOR THE CENTER. SUPPORTING USES INCLUDE LOW-MEDIUM RISE OFFICES, HOTELS, TRANSIT HUBS, ENTERTAINMENT, AND RESIDENTIAL USES THAT PROVIDE POTENTIAL FOR THE AREA TO GROW INTO A MORE PHYSICALLY INTEGRATED AND MIXED-USE CENTER. THE RMU DISTRICT IS APPROPRIATE FOR REGIONAL COMMERCIAL CENTERS SUCH AS THE DIMOND CENTER AREA, AND PERMITS LAND-INTENSIVE AND/OR AUTO-ORIENTED USES SUCH AS AUTOMOBILE DEALERSHIPS THAT MAY NOT BE APPROPRIATE FOR MORE COMPACT MIXED-USE ZONES.

2. RELATIONSHIP TO TOWN CENTERS

TOWN CENTER OVERLAY DISTRICTS MAY BE APPLIED IN COMBINATION WITH THE [CMU/]RMU DISTRICT, PURSUANT TO SECTION 21.04.080. A TOWN CENTER OVERLAY WOULD ESTABLISH DEVELOPMENT STANDARDS AND INCENTIVES IN ADDITION TO WHAT IS REQUIRED BY THE [CMU/]RMU DISTRICT, AND MAY INCREASE THE PRIORITY FOR PUBLIC INVESTMENT IN AN AREA, TO MORE FULLY IMPLEMENT COMPREHENSIVE PLAN POLICIES FOR COMPACT, MIXED-USE CENTERS. IT IS INTENDED THAT THE MUNICIPALITY PHASE THE DEVELOPMENT OF TOWN CENTER OVERLAY DISTRICTS.

3. DISTRICT-SPECIFIC STANDARDS

DEVELOPMENT IN THE RMU DISTRICT SHALL COMPLY WITH SECTION 21.04.050G., *MIXED-USE DISTRICT DEVELOPMENT STANDARDS*.

4. DISTRICT LOCATION REQUIREMENT

a. THE SUBJECT PROPERTY SHALL BE IN AN AREA DESIGNATED FOR REGIONAL-SCALE COMMERCIAL MIXED-USE CENTER IN THE COMPREHENSIVE PLAN.

b. RMU DISTRICTS SHALL BE LOCATED WHERE THERE IS SUFFICIENT TRANSPORTATION AND RELATED INFRASTRUCTURE ADEQUATE TO ACCOMMODATE PROJECTED NEEDS.

E. MT-1: MIDTOWN DISTRICT CORE

[RESERVED]

F. MT-2: MIDTOWN DISTRICT GENERAL

[RESERVED]

G. MIXED-USE DISTRICT DEVELOPMENT STANDARDS

1. APPLICABILITY

ALL DEVELOPMENT IN THE NMU, CMU, RMU, MT-1, AND MT-2 DISTRICTS SHALL COMPLY WITH THE APPROPRIATE DEVELOPMENT STANDARDS IN CHAPTER 21.07, AND ALSO THE STANDARDS IN THIS SUBSECTION 21.04.050G. ALL DEVELOPMENT IN THE R-4A DISTRICT SHALL COMPLY WITH THE STANDARDS IN THE SUBSECTION 21.04.050G., WITH THE EXCEPTION OF SUBSECTION G.2. WHEN THE STANDARDS OF THIS SUBSECTION AND SECTIONS 21.07.100 AND 21.07.110 ARE IN CONFLICT, THE STANDARDS OF THIS SUBSECTION SHALL CONTROL.

Page 138 ANNOTATION

The floor area ratio incentives menu is moved to proposed section 21.04.030G.3., where it would apply to mixed-use projects in the existing commercial districts.

Reduced parking ratios and requirements for building placement and orientation are moved to the commercial district standards for mixed-use projects, in sections 21.04.030G. and H.

Administration Addition
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PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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2. MIX AND INTENSITY OF LAND USES AND ACTIVITIES

a. *PURPOSE*

THE PURPOSE OF THIS SECTION IS TO HELP INTEGRATE PUBLIC/INSTITUTIONAL, RESIDENTIAL, AND COMMERCIAL ACTIVITIES AROUND THE SAME SHARED PUBLIC STREETS AND SPACES. ALL USES SHOULD BE LOCATED AND CONVENIENT TO EACH OTHER BY WALKING. PEOPLE WHO WORK, SHOP, AND LIVE IN THE DIFFERENT BUILDINGS SHARE THE SAME PUBLIC SIDEWALKS AND SPACES.

b. *FLOOR AREA RATIO (FAR) INCENTIVES*

FLOOR AREA RATIO (FAR) INCENTIVES ARE OFFERED TO ENCOURAGE RESIDENTIAL DEVELOPMENT AND OTHER FEATURES OF BENEFIT TO THE PUBLIC IN MIXED-USE AREAS. THE MAXIMUM FLOOR AREA RATIO ESTABLISHED BY TABLE 21.06-3 MAY BE INCREASED BY UP TO TWO TIMES THROUGH THE FOLLOWING PROVISIONS, SUBJECT TO SECTION 21.06.030C. THESE INCENTIVES PROVIDE FOR AN INCREMENTAL INCREASE IN THE FLOOR AREA OF A DEVELOPMENT IN EXCHANGE FOR INCREASES IN ONE OR MORE OF THE FOLLOWING SPECIAL FEATURES:

i. *HOUSING BONUS*

TWO SQUARE FEET OF ADDITIONAL FLOOR AREA IS ALLOWED PER GROSS SQUARE FOOT OF HOUSING UNIT FLOOR AREA, UP TO A MAXIMUM INCREASE OF 0.5 FAR.

ii. *OPEN SPACE BONUS*

ONE SQUARE FOOT OF ADDITIONAL FLOOR AREA IS ALLOWED PER SQUARE FOOT OF ADDITIONAL OPEN SPACE. THIS SPACE SHALL BE IN ADDITION TO ANY OPEN SPACE REQUIRED BY SECTION 21.07.030.

iii. *BELOW GRADE PARKING BONUS*

TWO SQUARE FEET OF ADDITIONAL FLOOR AREA IS ALLOWED PER GROSS SQUARE FOOT OF BELOW GRADE PARKING FLOOR AREA, UP TO A MAXIMUM INCREASE OF 0.5 FAR.

iv. *AFFORDABLE HOUSING BONUS*

THREE SQUARE FEET OF ADDITIONAL FLOOR AREA IS ALLOWED PER SQUARE FOOT OF AFFORDABLE HOUSING UNIT FLOOR AREA, UP TO A MAXIMUM INCREASE OF 0.5 FAR. THE AFFORDABLE HOUSING UNITS SHALL BE CONSISTENT WITH THE STANDARDS OF 21.07.100H., *STANDARDS FOR AFFORDABLE HOUSING*.

v. *BONUS FOR SIDEWALK/WALKWAY WIDENING*

FIVE SQUARE FEET OF ADDITIONAL FLOOR AREA IS ALLOWED PER LINEAR FOOT OF PRIMARY PEDESTRIAN WALKWAY.

3. REDUCED PARKING RATIOS

DEVELOPMENT IN THE MIXED-USE DISTRICTS HAVE REDUCED MINIMUM PARKING REQUIREMENTS AS PROVIDED IN SECTION 21.07.090, *OFF-STREET PARKING AND LOADING*.

4. BUILDING PLACEMENT AND ORIENTATION

a. *PURPOSE*

BUILDING FRONTAGES SHOULD BE BUILT AND ORIENTED TO THE STREET, LINING SIDEWALKS AND PUBLIC SPACES WITH FREQUENT SHOPS, ENTRANCES, WINDOWS WITH INTERIOR VIEWS, AND ARTICULATED GROUND-LEVEL FAÇADES. COMFORTABLE, HUMAN-

Page 139 ANNOTATION

The I-1 district purpose statement is changed to reflect proposed amendments in chapter 5, table 21.05-1, *Allowed Uses*, that would allow many more commercial and institutional uses in the I-1 than did the provisionally adopted code. To minimize land use and traffic conflicts, the Assembly Title 21 Committee has retained some limitations on some large commercial establishments and/or intense commercial uses in chapter 5.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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SCALE TRANSITION SPACES SUCH AS ENTRANCE AREAS, PATIOS, OR CAFÉ SEATING MAY BE PLACED BETWEEN THE BUILDING AND PUBLIC SIDEWALK, AS LONG AS THE BUILDING REMAINS CLOSE, ACCESSIBLE, AND INVITING FROM THE SIDEWALK. BUILDING ENTRANCES SHOULD BE EMPHASIZED AND CLEARLY VISIBLE SO THAT PATRONS CAN EASILY FIND THEM.

b. ***BUILDING PLACEMENT AND STREET SETBACKS***
IN ORDER TO BE CLOSER TO THE SIDEWALK AND TO HAVE A STRONGER INTERFACE WITH THE STREET, BUILDINGS SHALL COMPLY WITH THE MAXIMUM SETBACKS ESTABLISHED IN 21.06.020, *TABLES OF DIMENSIONAL STANDARDS*.

c. ***BUILDING ENTRANCES***

i. BUILDINGS LOCATED AT OR WITHIN THE MAXIMUM SETBACK LINE SHALL HAVE AT LEAST ONE PRIMARY ENTRANCE LOCATED WITHIN 20 FEET OF THE MAXIMUM SETBACK LINE.

ii. BUILDINGS NOT LOCATED AT THE MAXIMUM SETBACK LINE SHALL HAVE AT LEAST ONE PRIMARY ENTRANCE LOCATED WITHIN 20 FEET OF A PUBLIC RIGHT-OF-WAY, A PRIMARY CIRCULATION DRIVE, OR A PRIMARY PEDESTRIAN WALKWAY.

5. SIDEWALKS AND WALKWAYS
SIDEWALKS AND WALKWAYS EXTENDING ALONG PUBLIC STREETS, PRIMARY CIRCULATION DRIVES, OR COMMERCIAL BUILDING STOREFRONTS SHALL HAVE AN UNOBSTRUCTED CLEAR WIDTH OF AT LEAST SIX FEET.]

21.04.050 INDUSTRIAL DISTRICTS

A. General Purpose/Intent

The industrial zoning districts established in this section generally are intended to:

1. Create suitable environments for various types of industrial uses;

2. Reserve appropriately located areas for industrial purposes, and limit non-industrial uses that may erode the supply of industrial lands;

3. Provide adequate space to meet the needs of future industrial development, including off-street parking and loading;

4. Strengthen and diversify the municipality's economic industrial base and provide employment opportunities;

5. Minimize land use impacts of industrial development on abutting non-industrial districts; and

6. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of industrial development.

B. I-1: Light Industrial District

1. Purpose
The I-1 district is intended primarily for public and private light manufacturing, processing, service, storage, wholesale, and distribution operations along with other [LIMITED] [COMMERCIAL] uses that support and/or are compatible with industrial uses. [OFFICE] Business-industrial parks and single-commodity bulk retail sales and building supply stores and services are allowed. Many commercial uses are also permitted and/or conditionally allowed, with some limitations on the more intensive customer retail,

Page 140 ANNOTATION

The I-2 district purpose statement is changed to reflect proposed amendments in chapter 5, table 21.05-1, *Allowed Uses*, that would allow more commercial uses than in the provisionally adopted I-2 district. The Assembly Title 21 Committee supported more limits to commercial use in the I-2 than in the I-1, in order to retain its function as a preserve for industrial activities including heavier industrial activities that are incompatible with other categories of land use.

As an interim provision, the C Street corridor south of 96th Avenue is proposed to be exempt from the Title 21 Rewrite table of allowed uses (chapter 5, table 21.05-1), in order to continue to allow the full range of commercial uses in the area until it can be determined what lands here should remain industrially zoned versus commercial.

The whole area is currently zoned industrial (I-2). Part of the area has experienced large scale retail commercial development. Additional retail commercial development is expected on several parcels. A potential need to allow for additional commercial development in this general area has been indicated in the Anchorage Commercial Land Assessment (2012). Until the update to the Anchorage Bowl Land Use Plan Map determines what industrial zoned lands in this area are appropriate to be reclassified as commercial, the properties along the C Street corridor are proposed to remain subject to the current (pre-existing) Title 21 code, which allows intensive customer retail uses in the I-2 district.

community service, and commercial employment establishments, to reduce land use and traffic conflicts, promote efficient use of industrial lands, and encourage the location of intensive commercial activities in commercial centers. This district is applied in areas designated as industrial/commercial by the comprehensive plan.

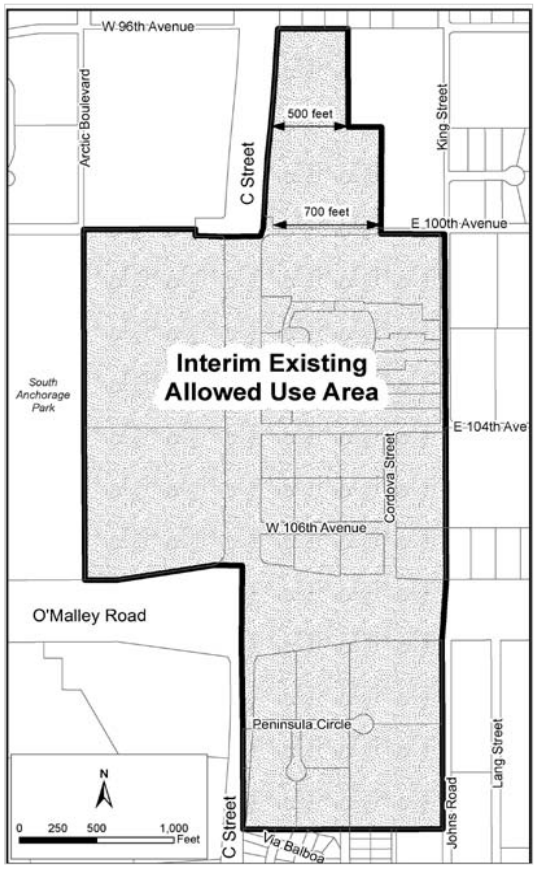
C. I-2: Heavy Industrial District

1. Purpose

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

2. District-Specific Standards

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



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A second interim provision is proposed to apply to all other I-2 district areas in the Bowl. It will temporarily mitigate the chapter 5, table 21.05-1 limitations on some commercial and institutional uses in the I-2, by allowing all commercial uses that are permitted in the I-1 district to also be allowed in the I-2 district, until updates to the Anchorage Bowl Land Use Plan Map or neighborhood or district plans can establish which I-2 properties may appropriately be rezoned to a commercial district.

This clarifies the intent of the Municipality to complete an airport district through a separate Title 21 amendment. Until the new airport district is completed, the Ted Stevens Anchorage International Airport will temporarily remain subject to current (pre-existing) Title 21 land use regulations and zoning, and be excluded from the Title 21 Rewrite.

The district purpose statement is clarified as to what are the intended predominant uses to be allowed in the development reserve district, and where to find information about allowed uses.

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Figure 21.04-1

b. Notwithstanding the allowed uses in the I-2 district in table 21.05-1, all commercial and community uses that are permitted in the I-1 district in table 21.05-1 shall also be permitted in the I-2 district, by the same approval method, until the updated Anchorage Bowl Land Use Plan Map or an area-specific land use plan is adopted which examines industrial land use designations.

D. MI: Marine Industrial District

1. Purpose

The MI district is intended primarily for a mix of marine commercial and industrial manufacturing, processing, storage, wholesale, and distribution operations that are water-dependent and/or water-related.

2. District-Specific Standards

Applicants for allowed uses as listed in table 21.05-1[2] shall demonstrate, to the satisfaction of the director, that they are water-dependent and/or water-related, before applying for any required permits or entitlements.

21.04.060 OTHER DISTRICTS

A. A: Airport District

[RESERVED]

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

B. AF: Antenna Farm District

1. Purpose

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

2. District-Specific Standards

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

a. Compatibility with surrounding land uses;

b. Potential adverse impacts on environmentally sensitive areas and wildlife corridors;

c. Visual impacts on views, particularly with regard to ridgelines;

d. Availability of alternative sites and alternative towers (collocation); and

e. Potential noise impacts on neighboring uses.

C. DR: Development Reserve District

1. Purpose

The DR district may be applied to lands intended for future development, undesignated municipally owned lands, [AND] municipal and state tidelands and waters, and military

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lands. Large-lot single-family residential is allowed by-right, along with limited public and institutional uses; see the use tables in chapter 21.05 for specific allowed uses.

D. PCD: Planned Community Development District

1. Purpose

The planned community development district (PCD) is intended to accommodate large-scale acreage for residential, commercial, industrial, or other land use developments and activities, including combinations of uses. It allows for flexibility under controlled conditions not possible with the other defined districts. The flexibility permitted must demonstrate that the final development will be compatible with the intents and purposes of this title and the goals and policies of the comprehensive plan, and do not compromise public health, safety, and welfare. A PCD should include design features to ensure that the PCD is integrated with the surrounding neighborhood through features such as transition densities, external boundary buffering, and pedestrian and street connectivity, where the planning and zoning commission makes the specific finding that street connectivity is necessary to support traffic projections or necessary for emergency responders. The PCD district is limited to unified, comprehensive planned developments which are of substantial public benefit, consistent with the holding capacity of the land, and conform with and enhance the policies of the comprehensive plan.

2. Application

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

3. Record-Keeping

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

E. PLI: Public Lands and Institutions District

1. Purpose

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

F. PR: Parks and Recreation District

1. Purpose

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

2. District-Specific Standards

Recreational areas developed for spectator sports, such as soccer and softball fields, shall have L2 [LEVEL 3] buffer landscaping between such areas and abutting residential uses.

G. TA: Turnagain Arm District

1. Purpose

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

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Clarifies the number of principal structures allowed on a lot in the Turnagain Arm district.

The existing transition district is intended to be phased out and properties currently zoned "T" to be rezoned to appropriate districts. There are a variety of lands and waters zoned transition in the Anchorage Bowl and Chugiak-Eagle River. This proposed language is to clarify the interim status of the various properties currently zoned transition, until they are rezoned to a more appropriate classification.

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2. District-Specific Standards

a. *Permitted Uses*

i. Residential and accessory uses and structures that conform to the *Turnagain Arm Comprehensive [AREA] Plan*.

ii. Commercial structures under 4,000 square feet in gross building area in areas designated "Turnagain mixed use [COMMERCIAL]" in the *Turnagain Arm Comprehensive [AREA] Plan*.

iii. Non-structural commercial uses occupying an area of 14,400 square feet or less in areas designated "Turnagain mixed use [COMMERCIAL]" in the *Turnagain Comprehensive [AREA] Area Plan*.

iv. Industrial uses and structures in areas designated "industrial" in the *Turnagain Arm Comprehensive [AREA] Plan*.

v. Institutional uses and structures under 4,000 square feet in gross building area in areas designated "community facility" in [THAT CONFORM TO] the *Turnagain Arm Comprehensive [AREA] Plan*.

vi. Traditional homestead uses and activities in areas designated "rural homestead" in the *Turnagain Arm Comprehensive Plan*.

b. *Conditional Uses*

Any use or structure that does not meet the requirements for a permitted use above, may be allowed through the issuance of a conditional use approval [PERMIT] subject to the requirements of section 21.03.080, *Conditional Uses*, and the following additional approval criteria:

i. Conforms to the goals and policies of the *Turnagain Arm Comprehensive [AREA] Plan*;

ii. Protects the unique scenic and environmental features of the area; and

iii. Minimizes impacts to adjacent properties, particularly those adjacent properties in a different land use category.

c. *Number of Structures Allowed*

Only one principal structure is allowed per lot, unless a conditional use approval is obtained for additional principal structures.

H. TR: Transition District

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

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

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

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I. WS: Watershed District

1. Purpose

The WS district is intended to preserve and protect the potable water reserves available to the municipality in the Chugach range. The major responsibility in the management of watershed areas is the control of factors that may contaminate or pollute the water. Agricultural, residential, commercial, industrial, or other urban land uses are incompatible with the concept of watershed conservation.

2. District-Specific Standard

All uses of land within the watershed district permitted by table 21.05-1[2] shall be subject to the provisions of section 21.07.040, *Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges*.

21.04.070 OVERLAY ZONING DISTRICTS

A. General Purpose/Intent

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

1. Airport height overlay district;

2. Commercial center overly district; and

3. Flood hazard overlay district.

B. Creation, Alteration, or Elimination of Overlay Districts

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

C. AHO: Airport Height Overlay District

1. Purpose

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

2. Specific Airport Height Maps Adopted

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

a. The airport height zoning map prepared for the Birchwood Airport in the municipality (most recently adopted version).

b. The airport height zoning map prepared for the Girdwood Airport in the municipality (most recently adopted version).

c. The airport height zoning map prepared for the Ted Stevens Anchorage International Airport in the municipality (most recently adopted version).

d. The Airport Height Zoning Map prepared for the Merrill Field Airport in the municipality (most recently adopted version).

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3. Establishment or Modification

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

a. The owner or manager of any airport may prepare an airport height map in accordance with the provisions of this subsection and the stipulations of FAR part 77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25. The owner or manager of a governmentally operated airport shall prepare and maintain an airport height map in accordance with FAR part 77, subpart C, paragraph 77.25. The map shall be filed with the department.

b. The map shall be to scale and shall accurately reference the following:

i. Existing subdivisions.

ii. Current zoning districts.

iii. Major reference points in the vicinity of the airstrip or airport.

iv. Existing topography, if available.

v. The airport elevation that shall be the official elevation of the airport or airstrip upon approval of the map.

c. The map required by paragraph a. above, shall accurately depict airspace zones as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical increments. Before submission to the Department the map shall be certified by the Federal Aviation Administration that it depicts the requirements of FAR part 77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in any way from the requirements of the FAR, each such deviation shall be indicated in writing on the map and shall be accompanied by a letter of nonobjection by the Federal Aviation Administration. Any such deviation is subject to approval of the department.

d. Before submission to the department any optional map depicting airspace zones provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation Administration indicating that it accurately depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3).

4. Additional Height Limitations in Airport Height Overlay District

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

a. No structure shall be constructed or maintained so that it exceeds the greater of:

i. Thirty-five feet above ground elevation; or

ii. The maximum height permitted under FAR part 77, subpart C, as depicted on any airport height zone map adopted under section 21.04.080.C., *Airport Height Overlay District*.

b. Any structure within three nautical miles of an airport reference point established by federal regulation, the height of which exceeds the level of that reference point by more than 200 feet, shall present to the building official the results of an

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In addition to individual mixed-use projects, the Assembly Title 21 Committee supports a zoning overlay to be available in the commercial zones, to make select mixed-use district standards and incentives available to all uses within a participating area. This carries forward several incentives from the mixed-use districts, including the provisionally adopted housing bonus, 10 percent parking reduction for all uses, and other selected provisions for promoting more efficient urban center development. The CCO makes them available for any use or establishment within a defined area where a group of property owners agree to share this set of regulations. The overlay concept was raised by several PZC members during the Assembly Title 21 Committee process.

These subsections apply the provisions from the commercial district's mixed-use development standards and incentives to all use types within the boundaries of a commercial center overlay.

In addition, a 10 percent area-wide parking reduction, which would otherwise be entirely deleted along with the mixed-use districts, will be available to all uses in the commercial center overlay.

Subsection 6 prohibits uses that are incompatible with commercial center development including efficient use of land and a variety of uses in a small area, promoted in the development standards.

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airspace determination conducted by the Federal Aviation Administration pursuant to its regulations.

c. The height restrictions of this district do not apply to buildings for which building or land use permits were issued prior to June 17, 1986.

d. Vegetation shall not be affected by the height limitation of this section.

D. Commercial Center Overlay

1. Purpose

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

This tool is intended to be used only in commercial centers identified in the comprehensive plan, such as in a neighborhood or district plan identifying a neighborhood center or larger center; or where an organization or group of property owners choose to take advantage of these provisions.

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

2. Applicability

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

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

The provisions of sections 21.04.030G. and H. apply generally to all uses in their respective B-1A, B-1B, or B-3 districts.

4. Reduced Parking Ratios

Any use is eligible for a reduction of up to 10 percent of the minimum number of parking spaces, as provided in section 21.07.090F.6.

5. Floor Area Ratio (FAR) Bonus for Housing

In addition to the floor area ratio (FAR) menu choices provided in 21.04.030G.3, two square feet of additional floor area is allowed per gross square foot of housing unit floor area, up to a maximum increase of 0.5 FAR.

6. Non-Center Uses Prohibited

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

7. Dimensional Standards

a. The minimum front setback is reduced to five feet for building elevations that comply with 21.04.030H.3., *Building Placement and Orientation.*

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

E. FHO: Flood Hazard Overlay District

1. Purpose and Intent

The purpose of the flood hazard overlay district is to promote the public health, safety, and general welfare, and to minimize loss due to flood. The provisions of this section are intended to be an addition to all other land use regulations and to:

a. Restrict or prohibit uses and structures that are dangerous to health, safety, or property in time of flood, or that cause increased flood heights or velocities;

b. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection or flood proofing at the time of initial construction;

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. Minimize prolonged business interruptions;

e. Minimize damages to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of flood hazard;

f. Help maintain a stable tax base by providing for the sound use and development of areas of flood hazard so as to minimize future flood blight areas;

g. Ensure that potential buyers are notified that property is in an area of flood hazard; and

h. Ensure that those who occupy the areas of flood hazard assume responsibility for their actions.

2. Notice

Property owners affected by changes to the boundaries of the flood hazard area or by changes in the base flood elevations shall be noticed by mail.

3. Interpretation of Section; Disclaimer of Liability

a. In the interpretation and application of this section, all provisions shall be:

i. Considered as minimum requirements;

ii. Liberally construed in favor of the governing body; and

iii. Deemed neither to limit nor repeal any other powers granted under state statutes.

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

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

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

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

i. Flood insurance study for the municipality of Anchorage, prepared by the Federal Insurance Administration, Federal Emergency Management Agency (FEMA).

ii. Flood insurance rate map (FIRM) prepared by the Federal Insurance Administration, FEMA, including the current digital flood insurance rate map (DFIRM) prepared by the Federal Insurance Administration.

iii. Flood boundary and floodway map, prepared by the Federal Insurance Administration, FEMA, including the current digital flood boundary and floodway map prepared by the Federal Insurance Administration.

iv. Flood hazard boundary map (FHBM), prepared by the Federal Insurance Administration, FEMA, including the current digital flood hazard boundary map (DFHBM) prepared by the Federal Insurance Administration.

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

b. ***Flood Hazard Areas***

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

i. Areas within the limit of the boundary of the base flood;

ii. Areas within the highest extreme tide;

iii. Areas covered in flood hazard studies prepared for the public works [PROJECT MANAGEMENT AND ENGINEERING] department that supplement the information prepared by FEMA; and

iv. The stream setback area defined in subsection 21.07.020B.4.

c. ***Review of Maps***

As necessitated by FEMA or the municipal engineer, the flood hazard district maps will be reviewed. The review may be conducted by the municipality, the U.S. corps of engineers, or the Federal Insurance Administration, and any new map panels or restudies affecting the boundaries of the flood hazard district, floodway, or floodway fringe area shall then be submitted to the planning and zoning commission for a recommendation and assembly for final adoption as part of this chapter.

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

The boundaries of the flood hazard areas established by this chapter shall be determined from the cited maps and reports. Where interpretation is needed as to the exact location of the boundaries, the public works [PROJECT MANAGEMENT AND ENGINEERING] department, upon advice from the U.S. corps of engineers or FEMA, shall make the necessary interpretation.

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5. Regulations Applicable to Flood Hazard Overlay District

a. ***Applicability***

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

b. ***Prohibited Development***

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

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

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

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

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

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

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

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

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

(C) Adequate drainage, as required by the *Design Criteria Manual* (current approved edition), is provided to reduce exposure to flood hazards. The actions of one project shall not adversely impact the receiving waters and the rights of other property owners, as measured by increased flood peaks, flood stage, flood erosion, and sedimentation through storm waters or drainage systems; and

(D) Base flood elevation data has been provided for subdivision proposals and other proposed development that contains at least 50 lots or five acres, whichever is fewer.

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iv. Construction within floodplains shall require that new and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems.

v. Construction within floodplains shall require that:

(A) New and replacement sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and

(B) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

d. ***Storage of Materials or Equipment in the Floodplain***
The storage or processing of equipment or materials that are buoyant, flammable, explosive or injurious to safety, or which would cause a violation of state water quality standards upon contact with water, are prohibited in the floodplain.

6. Regulations Applicable to Subdistricts

a. ***Floodway Area***
Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris and potential projectiles and have erosion potential, the following provisions apply:

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

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

iii. The following structures and activities are permitted only by flood hazard permit including certification by a registered professional engineer demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge or result in violation of the state water quality standards: excavation of sand, gravel and other natural resources, railroad and tramway tracks, streets, bridges, utility installations and pipelines, storage yards for equipment and materials, commercial farming, and land reclamation.

iv. The following uses are prohibited: landfills, storage yards containing hazardous materials (as defined by the EPA), encroachments not otherwise excepted in this section, including fill, new construction, substantial improvements and other development.

b. ***Floodway Fringe Area***
The regulations listed in this subsection are applicable to the floodway fringe area:

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

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

iii. The following uses, structures and activities are permitted only by flood hazard permit: any use permitted by flood hazard permit as set forth in subsection a. of this section, and all other uses, structures and activities

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which are in accordance with all other land use regulations provided they are adequately floodproofed as set forth in subsection D.8. below, *Flood Hazard Permit*.

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

7. Construction Requirements

a. ***Generally***

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

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

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

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

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

v. For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, require that the repair, and on all property not within a manufactured home park or subdivision stands or lots are elevated on compacted fill or on pilings so that:

(A) The lowest floor of each manufactured home must be at least one foot above the base flood level.

(B) Adequate surface drainage and access for a hauler must be provided.

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(C) For manufactured homes placed on pilings, pilings must be stable and no more than ten feet apart and reinforced if more than six feet above the ground level.

(D) Lots must be large enough to permit steps.

vi. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation, and be securely anchored to an adequately anchored foundation system.

vii. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include but are not limited to use of over-the-top or frame ties to ground anchors.

b. ***Standards for Shallow Flood Areas (AO Zones)***

Shallow flooding areas appear on the flood insurance rate maps as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

i. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor, including basement or crawl space, elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the flood insurance rate map (at least two feet if no depth number is specified).

ii. New construction and substantial improvements of nonresidential structures within AO zones shall either:

(A) Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the flood insurance rate map (at least two feet if no depth number is specified); or

(B) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

iii. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

8. Flood Hazard Permit

a. ***Required***

No person shall engage in development within the flood hazard overlay district unless a flood hazard permit is first issued, pursuant to section 21.03.090, *Flood Hazard Permits*.

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b. ***Conditions***
Special conditions may be attached as a condition to the issuance of a flood hazard permit. Conditions shall include any floodproofing measures deemed necessary by the issuing official to further the purposes of this chapter. Floodproofing measures may include requirements that:

i. The finished surface of the first or main floor shall be at least one foot above the level of the regulatory flood protection elevation.

ii. Structures or uses below the level of the regulatory flood shall be restricted to those not involving habitual human habitation, such as working space, living space, sleeping space, etc.

iii. The anchorage shall be suitable to resist flotation and lateral movement.

iv. For all construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exits of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided to FEMA specifications. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exits of floodwaters.

v. All areas below the level of the regulatory flood protection levels shall be coated with paint, membranes, or mortars substantially impermeable to the passage of water.

vi. Water supply and waste treatment systems must prevent infiltration of water.

vii. All interior drains must be connected to the sanitary sewer system.

9. Nonconforming Uses
A structure or the use of a structure or premises located within the flood hazard overlay district that was lawful before the original passage of applicable regulations, but that is not in conformity of the provisions of such regulations, may be continued subject to the following conditions:

a. No such use shall be expanded, changed, enlarged, or altered in any way which increases its nonconformity with respect to the provisions of this chapter.

b. If such use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to this chapter.

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

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

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10. Duties of the Director of the Public Works [PROJECT MANAGEMENT AND ENGINEERING DEPARTMENT]

a. The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall grant or deny development permit applications in accordance with the provisions of this chapter, except that the platting board is directed and authorized to consider this chapter in relation to any matter brought before that board.

b. The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall maintain all records required by the Federal Insurance Administration and shall file an annual report with the federal insurance administrator.

c. Additional duties and responsibilities of the director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department are as follows:

i. *Permit Review*
The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall:

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

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

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

ii. *Use of Other Base Flood Data*
When base flood elevation data have not been provided in accordance with subsection D.3. above, the director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer subsections D.6. through D.9. above.

iii. *Information to be Obtained and Maintained*
The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall:

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

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

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

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

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(C) Maintain for public inspection all records pertaining to the provisions of this section.

iv. *Duties Regarding Alteration of Watercourses*
The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall:

(A) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(B) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

v. *Interpretation of FIRM Boundaries*
The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall make interpretations, where needed, as to exact location of the boundaries of the areas of flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection D.11. below.

11. Appeal Procedure
Appeals alleging error by the director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department charged with the enforcement or interpretation of this chapter may be taken to the zoning board of examiners and appeals in accordance with the provisions of section 21.03.050, *Appeals*.

12. Standards and Conditions for Variances and Appeals

a. In passing upon variances or appeals, the zoning board of examiners and appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section and:

i. The danger that materials may be swept onto other lands to the injury of others;

ii. The danger to life and property due to flooding or erosion damage;

iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iv. The importance of the services provided by the proposed facility to the community;

v. The necessity of the facility of a waterfront location, where applicable;

vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

vii. The compatibility of the proposed use with existing and anticipated development;

viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

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ix. The safety of access to the property in time of flood for ordinary and emergency vehicles;

x. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

b. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsections 12.a.i. through xi. of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

c. The zoning board of examiners and appeals may attach such conditions to the granting of variances or appeals as it deems necessary to further the purposes of this chapter.

d. The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall maintain the records of all variance and appeal actions and report any variances to the Federal Insurance Administration upon request.

e. Conditions for variances are as follows:

i. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the national register of historic places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.

ii. Variances shall not be issued within any designated floodway if any increase in flood levels during the basic flood discharge would result.

iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

iv. Variances shall only be issued upon:

(A) A showing of good and sufficient cause;

(B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

v. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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TITLE 21 REWRITE

CHAPTER 21.05

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

Page 157 ANNOTATION

PZC recommended combining tables 1 and 2 into a single table, so that all districts and allowed uses were shown in a single table.

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CHAPTER 21.05: USE REGULATIONS

21.05.010 TABLE[S] OF ALLOWED USES

Table[S] 21.05-1 [AND 21.05-2] below lists the uses allowed within all base zoning districts. Each of the listed uses is defined in sections 21.05.030 through 21.05.060.

A. Explanation of Table Abbreviations

The abbreviations in the table[S] indicate the type of review process required for a use within a zoning district. District-specific standards in chapter 21.04, use-specific standards in chapter 21.05, or design and development standards in chapter 21.07 may require a higher level of review than indicated in the table[S] under specific circumstances. For example, many commercial uses are allowed by right ("P" for permitted use) in various zoning districts as indicated in the table[S], but are required to be approved by major site plan review if the gross floor area of the use is over the size threshold for a large commercial establishment. That threshold and requirement for a higher level of review are found in subsection 21.07.130A[120].

1. Permitted Uses

"P" in a cell indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all applicable regulations of this title, including the use-specific standards set forth in this chapter and the development and design standards set forth in chapter 21.07.

2. Administrative Site Plan Review

"S" in a cell indicates that the use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.180[190]B., *Administrative Site Plan Review.* The site plan review process is intended to determine compliance with the development standards of this title, not to review the appropriateness of the use itself.

3. Major Site Plan Review

"M" in a cell indicates that the use requires major site plan review in the respective zoning district, in accordance with the procedures of section 21.03.180[190]C., *Major Site Plan Review*. The site plan review process is intended to determine compliance with the development standards of this title, not to review the appropriateness of the use itself.

4. Conditional Uses

"C" in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*. Throughout this title, the term "conditionally allowed" means that approval through the conditional use process is required.

5. Multiple Abbreviations

Where table 21.05-1 [OR TABLE 21.05-2] indicates more than one abbreviation for a particular use, such as "P/M" or "S/M," then the applicable review procedure is determined by size, geographic location, or other characteristic of the use as specified in this code.

6. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

7. Definitions and Use-Specific Standards

Each use listed in table[S] 21.05-1 [AND 21.05-2] is defined in this chapter. Regardless of whether a use is allowed by right, subject to major or administrative site plan review, or permitted as a conditional use, there may be additional standards that are applicable to the use. The [EXISTENCE OF THESE USE-SPECIFIC STANDARDS IS NOTED

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THROUGH A] cross-reference in the last column of the table identifies the code location of the definition and any use-specific standards. Any [THESE] standards apply in all districts unless otherwise specified.

B. Table Organization

In table[S] 21.05-1 [AND 21.05-2], land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

C. Unlisted Uses

When application is made for a use type that is not specifically listed in table[S] 21.05-1 [AND 21.05-2], the procedure in section 21.03.220[230], *Use Classification Requests*, shall be followed.

D. Use for Other Purposes Prohibited

Approval of a use listed in table[S] 21.05-1 [AND 21.05-2], and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in the table[S] and approved under the appropriate process or approved through section C. above, is prohibited.

Page 159 ANNOTATION

The use table in this document does not show changes between this proposed table and the provisionally-adopted tables. Some of the more substantive changes are:

+ The mixed-use districts, are deleted, and uses that were to be allowed in the mixed-use districts but prohibited in the provisionally adopted B-3 district are now added to the B-3.

+ The B-1B district is added, reflecting the changes in Chapter 4. Neighborhood and community scale commercial uses allowed in the currently adopted B-1B district, and from the provisionally adopted Neighborhood Mixed-use district, are allowed in the B-1B.

+ Single-family dwellings are permitted in the R-3 and R-4 districts, based on the rationale of the PZC that prohibiting single-family housing in R-3 and R-4 could be an impediment to the creation of certain kinds of affordable single-family housing products.

+ "Public/institutional Uses" is renamed to "Community Uses", as recommended by PZC.

+ Some uses are changed from prohibited to conditional uses in the MC and MI Districts, based on a departmental review, as requested by the Title 21 Assembly Committee chair.

+ The I-1 district is changed to allow all commercial uses that are allowed in the B-3, and also many more institutional uses than in the provisionally adopted I-1. To minimize land use and traffic conflicts, the Assembly Title 21 Committee has placed some use-specific limitations on the more intensive or incompatible commercial uses.

+ The I-2 district is changed to allow substantially more commercial uses than the provisionally adopted I-2. The Assembly Title 21 Committee did support more limits to commercial use in the I-2 than in the I-1, in order to retain its function as a preserve for industrial activities including heavier industrial activities that are incompatible with other categories of land use.

+ A new footnote 1 is added to the end of the table. It refers to two interim provisions in Chapter 4 that temporarily allow for more commercial uses in the I-2 district than appear in this use table, at least until the city's land use plan can be updated to establish which I-2 properties may appropriately by rezoned to a commercial district.

E. [TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS]

TABLE OF ALLOWED USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, [MIXED-USE,] AND OTHER DISTRICTS

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review
For uses allowed in the A, TA, and TR districts, see section 21.04.050.
All other uses not shown are prohibited.

		RESIDENTIAL														COMMERCIAL					INDUST.			OTHER					
Use Category	**Use Type**	**R-1**	**R-1A**	**R-2A**	**R-2D**	**R-2M**	**R-3**	**R-4**	**R-4A**	**R-5**	**R-6**	**R-7**	**R-8**	**R-9**	**R-10**	**B-1A**	**B-1B**	**B-3**	**RO**	**MC**	**I-1**	**I-2[1]**	**MI**	**AF**	**DR**	**PR**	**PLI**	**W**	**Definitions and Use-Specific Standards**
RESIDENTIAL USES																													
Household Living	Dwelling, mixed-use							P	P							P	P	P	P	C									21.05.030A.1.
	Dwelling, multifamily					P/S	P	P	P								P	P	P										21.05.030A.2.
	Dwelling, single-family, attached			P	P	P	P	P																					21.05.030A.3.
	Dwelling, single-family, detached	P	P	P	P	P	P	P		P	P	P	P	P	P										P				21.05.030A.4.
	Dwelling, townhouse					S	S	S	S									S	S										21.05.030A.5.
	Dwelling, two-family			P	P	P	P			P	P	P	P	P															21.05.030A.6.
	Dwelling, mobile home									P																			21.05.030A.7.
	Manufactured home community					C	C	C		C																			21.05.030A.8.
Group Living	Assisted living facility (3-8 residents)	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P										21.05.030B.1.
	Assisted living facility (9 or more residents)	C	C	C	C	P	P	P	P	P	C	C					C	P	P								C		21.05.030B.1.

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PZC recommended changing “Public/Institutional Uses” to “Community Uses.”

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For uses allowed in the A, TA, and TR districts, see section 21.04.050.
All other uses not shown are prohibited.

		RESIDENTIAL														COMMERCIAL					INDUST.			OTHER					
Use Category	**Use Type**	**R-1**	**R-1A**	**R-2A**	**R-2D**	**R-2M**	**R-3**	**R-4**	**R-4A**	**R-5**	**R-6**	**R-7**	**R-8**	**R-9**	**R-10**	**B-1A**	**B-1B**	**B-3**	**RO**	**MC**	**I-1**	**I-2[1]**	**MI**	**AF**	**DR**	**PR**	**PLI**	**W**	**Definitions and Use-Specific Standards**
	Correctional community residential center																C	C			C	C					C		21.05.030B.2.
	Habilitative care facility	C	C	C	C	C	C	C	C	C	C	C					C	C	C								C		21.05.030B.3.
	Roominghouse					C	P	P	P	C	C	C	C	C		P	P	P	P										21.05.030B.4.
	Transitional living facility						P	P	P								P	P									C		21.05.030B.5.
COMMUNITY USES																													
Adult Care	Adult care facility (3 to 8 persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P		21.05.040A.
	Adult care facility (9 or more persons)	C	C	C	C	C	C	C	C								P	P	P										21.05.040A.
Child Care	Child care center (9 or more children)	C	C	C	C	S	S	S	S	S	S	S	S	S	S	P	P	P	P								P		21.05.040B.1.
	Child care home (up to 8 children)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										21.05.040B.2.
Community Service	Cemetery or mausoleum																										P		21.05.040C.1.
	Community center						S	S	S								S	S	S							C	S		21.05.040C.2.
	Crematorium																	P			P	P					C		21.05.040C.3.
	Government administration and civic buildings															P/S/M	P/S/M	P/S/M	P/S/M	P/S/M			P/S/M			M	P/S/M		21.05.040C.4

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
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All other uses not shown are prohibited.

		RESIDENTIAL														COMMERCIAL					INDUST.			OTHER					
Use Category	**Use Type**	**R-1**	**R-1A**	**R-2A**	**R-2D**	**R-2M**	**R-3**	**R-4**	**R-4A**	**R-5**	**R-6**	**R-7**	**R-8**	**R-9**	**R-10**	**B-1A**	**B-1B**	**B-3**	**RO**	**MC**	**I-1**	**I-2[1]**	**MI**	**AF**	**DR**	**PR**	**PLI**	**W**	**Definitions and Use-Specific Standards**
	Homeless and transient shelter																										C		21.05.040C.5.
	Neighborhood recreation center	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S										S		21.05.040C.6.
	Religious assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P		P	P					P		21.05.040C.7.
Cultural Facility	Aquarium																	M		M			M			M	M		21.05.040D.1.
	Botanical gardens																									S	S		21.05.040D.2.
	Library	S	S	S	S	S	S	S	S	S						M	M	M	M								M		21.05.040D.3.
	Museum or cultural center																M	M		M	C					M	M		21.05.040D.4.
	Zoo																									C	C		21.05.040D.5.
Educational Facility	Boarding school						M	M	M									P									M		21.05.040E.1.
	College or university								M								M	M		M							M		21.05.040E.2.
	Elementary school or middle school	M	M	M	M	M	M	M	M	M	M	M					M	M	M								M		21.05.040E.3.
	High school	M	M	M	M	M	M	M	M	M	M	M					M	M	M								M		21.05.040E.4.
	Instructional services	C	C	C	C	C	C	C	P	C	C	C	C	C			P	P	P	C	C		P				C		21.05.040E.5.
	Vocational or trade school																	C		P	P	P	P				M		21.05.040E.6.

TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review
For uses allowed in the A, TA, and TR districts, see section 21.04.050.
All other uses not shown are prohibited.

		RESIDENTIAL														COMMERCIAL					INDUST.			OTHER					
Use Category	**Use Type**	**R-1**	**R-1A**	**R-2A**	**R-2D**	**R-2M**	**R-3**	**R-4**	**R-4A**	**R-5**	**R-6**	**R-7**	**R-8**	**R-9**	**R-10**	**B-1A**	**B-1B**	**B-3**	**RO**	**MC**	**I-1**	**I-2[1]**	**MI**	**AF**	**DR**	**PR**	**PLI**	**W**	**Definitions and Use-Specific Standards**
Health Care Facility	Health services								P							P	P	P	P	C							C		21.05.040F.1.
	Hospital/Health care facility																	P	P								C		21.05.040F.2.
	Nursing facility						C	C									P/ C	P	C								C		21.05.040F.3.
Parks and Open Area	Community garden					P	P	P	P							P	P	P	P							P	P		21.05.040G.1.
	Park and open space, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040G.2.
Public Safety Facility	Community or police substation					P	P	P	P							P	P	P	P	P	P	P					P		21.05.040H.1.
	Correctional institution																				C	C					C		21.05.040H.2.
	Fire station	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M				M		21.05.040H.3.
	Public safety facility																	C		P	P	P	P				C		21.05.040H.4.
Transportation Facility	Airport																				C						C		21.05.040I.1.
	Airstrip, private	C	C	C	C	C				C	C	C									C						C		21.05.040I.2.
	Heliport																	C		C	C	C	P				C		21.05.040I.3.
	Rail yard																				P	P	P						21.05.040I.4.
	Railroad freight terminal																			P	P	P	P						21.05.040I.5.

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Use Category	**Use Type**	**R-1**	**R-1A**	**R-2A**	**R-2D**	**R-2M**	**R-3**	**R-4**	**R-4A**	**R-5**	**R-6**	**R-7**	**R-8**	**R-9**	**R-10**	**B-1A**	**B-1B**	**B-3**	**RO**	**MC**	**I-1**	**I-2[1]**	**MI**	**AF**	**DR**	**PR**	**PLI**	**W**	**Definitions and Use-Specific Standards**
	Railroad passenger terminal																	S		C	S	S	S				M		21.05.040I.6.
	Transit center																	S		C							S		21.05.040I.7.
Utility Facility	Utility facility																			C	C	P	P				C	C	21.05.040J.1.
	Utility substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S		S	S	21.05.040J.2.
Telecommunication Facilities	Type 1 tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	S	S	P	21.05.040K.
	Type 2 tower															C	C	P	C	P	P	P	P	S	C	S	S	S	21.05.040K.
	Type 3 tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	S	S	P	21.05.040K.
	Type 4 tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040K.
COMMERCIAL USES																													
Agricultural Uses	Commercial horticulture	C	C	C	C	C				C	C	C	C	C				P			P	P					C		21.05.050A.1.
Animal Sales, Service & Care[2]	Animal Boarding[2]												C	C			P	P			P	P							21.05.050B.1.
	Animal shelter[2]																	S			P	P					M		21.05.050B.2.
	Large domestic animal facility, principal use[2]									C	C	C	C	C				C			P	C				C	C		21.05.050B.3.
	Retail and pet services[2]								P							P	P	P			P	C							21.05.050B.4.

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	Veterinary clinic[2]								P		C	C	C	C		P	P	P	P		P	C							21.05.050B.5.
Assembly	Civic / convention center																			C							C		21.05.050C.1. 21.05.020A.
	Club / lodge / meeting hall						C	S	S								P	P	P		P						S		21.05.050C.2. 21.05.020A.
Entertainment and recreation[2]	Amusement establishment[2]																C	P			C								21.05.050D.1. 21.05.020A.
	Entertainment facility, major[2]																	C			C	C				C	C		21.05.050D.2. 21.05.020A.
	Fitness and recreational sports center[2]							S	P							P	P	P	P	C	C								21.05.050D.3.
	General outdoor recreation, commercial[2]														C			P			P	C				M	C		21.05.050D.4.
	Golf course[2]																									C	C		21.05.050D.5.
	Motorized sports facility[2]																				C	C				C	C		21.05.050D.6. 21.05.020A.
	Movie theater[2]																C	M		C	S	C							21.05.050D.7. 21.05.020A.
	Nightclub[2]																	P			P								21.05.050D.8. 21.05.020A.
	Shooting range, outdoor[2]																				C	C				C	C		21.05.050D.9.
	Skiing facility, alpine[2]														C											C	C		21.05.050D.10.

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	Theater company or dinner theater[2]																C	S		C	C								21.05.050D.11 . 21.05.020A.
Food and Beverage Service[2]	Bar[2]																	P		P	P	C							21.05.050E.1. 21.05.020A.
	Food and beverage kiosk[2]															P	P	P	P	P	P	P	P			P			21.05.050E.2. 21.05.020A.
	Restaurant[2]							S	P							P	P	P	P	P	P	C				P			21.05.050E.3. 21.05.020A.
Office	Broadcasting facility																	P	C		P	C					P		21.05.050F.1.
	Financial institution								P							P	P	P	P	C	P	C							21.05.050F.2.
	Office, business or professional								P							P	P	P	P	P	P	P					P		21.05.050F.3.
Personal Services, Repair, and Rental	Business service establishment																P	P	P		P	C							21.05.050G.1.
	Funeral/mortuary services																	P	P		P								21.05.050G.2.
	General personal services								P							P	P	P	P	C	P								21.05.050G.3.
	Small equipment rental																	P		P	P	C	P						21.05.050G.4.
Retail Sales[2]	Auction house[2]																	P			P	P							21.05.050H.1.
	Building materials store[2]																P	P			P	C							21.05.050H.2.
	Convenience store[2]						C	S	P							P	P	P		C	P								21.05.050H.3. 21.05.020A.

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Use Category	**Use Type**	**R-1**	**R-1A**	**R-2A**	**R-2D**	**R-2M**	**R-3**	**R-4**	**R-4A**	**R-5**	**R-6**	**R-7**	**R-8**	**R-9**	**R-10**	**B-1A**	**B-1B**	**B-3**	**RO**	**MC**	**I-1**	**I-2[1]**	**MI**	**AF**	**DR**	**PR**	**PLI**	**W**	**Definitions and Use-Specific Standards**
Retail Sales[2] (cont.)	Farmers market[2]																P	P		P	P	P					P		21.05.050H.4.
	Fueling station[2]															C	P	P		P	P	P	P						21.05.050H.5. 21.05.020A.
	Furniture and home appliance store[2]																P	P			P								21.05.050H.6.
	General retail[2]								P							P	P	P		P	P								21.05.050H.7.
	Grocery or food store[2]							S	S							P	P	P		C	P								21.05.050H.8. 21.05.020.A.
	Liquor store[2]															P	P	P		C	P	C							21.05.050H.9. 21.05.020.A.
	Pawnshop[2]																	P											21.05.050H.10.
Vehicles and Equipment	Aircraft and marine vessel sales																	P		P	P	P	P						21.05.050I.1.
	Parking lot or structure (50+ spaces)						C	C	C	C						C	C	P		C	P	P	P				C		21.05.050I.2. or I.3.
	Parking lot or structure (less than 50 spaces)						C	C	C	C						C	P	P	C	C	P	P	P				P		21.05.050I.2. or I.3.
	Vehicle parts and supplies																	P			P	P							21.05.050.I.4.
	Vehicle-large, sales and rental																	P			P	P							21.05.050I.5.
	Vehicle-small, sales and rental																	P		C	P	P							21.05.050I.6.

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	Vehicle service and repair, major																	P			P	P							21.05.050I.7.
	Vehicle service and repair, minor															C	C	P			P	P							21.05.050I.8.
Visitor Accommodations	Camper park						C	C										C			C						C		21.05.050J.1.
	Extended-stay lodgings							C	S									P	S		S								21.05.050J.2.
	Hostel					C	S	S	S									P	S		S								21.05.050J.3.
	Hotel/motel							C	S									P	M	C	S								21.05.050J.4. 21.05.020A.
	Inn								S								P	P	S	C	S								21.05.050J.5. 21.05.020A.
	Recreational and vacation camp										C		C	C	C			P			P						C		21.05.050J.6.
INDUSTRIAL USES																													
Industrial Service	Data processing facility																	P	P		P	C					P		21.05.060A.1.
	Dry cleaning establishment																	P			P	P							21.05.060A.2.
	General industrial service																				P	P	P						21.05.060A.3.
	Governmental Service																				P	P	P				C		21.05.060A.4.
	Heavy equipment sales and rental																				P	P							21.05.060A.5.

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	Research laboratory																	P		P	P	P	P				S		21.05.060A.6.
Manufacturing and Production	Commercial Food Production																	C			P	P	P				P		21.05.060B.1.
	Cottage crafts															P	P	P		C	P								21.05.060B.2.
	Manufacturing, heavy																				C	P	P						21.05.060B.3.
	Manufacturing, light																			C	P	P	P						21.05.060B.4.
	Natural resource extraction, organic and inorganic	C	C	C	C	C	C			C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C		21.05.060B.5.
	Natural resource extraction, placer mining																					C					C	C	21.05.060B.6.
Marine Facility	Aquaculture																			C		C	P				C		21.05.060C.1.
	Facility for combined marine and general construction																				P	P	P						21.05.060C.2.
	Marine operations																			P	P	P	P						21.05.060C.3.
	Marine wholesaling																			P	P	P	P						21.05.060C.4.
Warehouse and Storage	Bulk storage of hazardous materials																				C	C	P						21.05.060D.1.

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	Impound yard																				P	P					C		21.05.060D.2.
	Motor freight terminal																				P	P	P						21.05.060D.3.
	Self-storage facility																	P			P	P							21.05.060D.4.
	Storage yard																			P	P	P	P						21.05.060D.5.
	Warehouse																				P	P	P				C		21.05.060D.6.
	Wholesale establishment																			P	P	P	P						21.05.060D.7.
Waste and Salvage	Composting facility																					P					C		21.05.060E.1.
	Incinerator or thermal desorption unit																					C					C		21.05.060E.3.
	Junkyard or salvage yard																					C							21.05.060E.4.
	Land reclamation	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	21.05.060E.5.
	Landfill																					C					C		21.05.060E.6.
	Recycling Drop-Off															P	P	P			P	P					P		21.05.060E.7.
	Snow disposal site	C	C	C	C	C	C			C	C	C						C			S	S	S				C		21.05.060E.8.
	Solid waste transfer facility																				C	S					C		21.05.060E.9.

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[1] See subsections 21.04.050B. and C. for interim provisions allowing for additional uses in the I-2 district.

[2] Uses with structures with a gross floor area over 20,000 square feet require a major site plan review through subsection 21.07.130A., *Large Commercial Establishments*.

21.05.020 GENERALLY APPLICABLE USE STANDARDS

A. Uses Involving the Retail Sale of Alcoholic Beverages

Any use that involves the retail sale of alcoholic beverages is subject to the special land use permit for alcohol review process in section 21.03.040[050], *Alcohol—Special Land Use Permit [FOR ALCOHOL]*. That process shall apply to any such use regardless of whether it is listed in table[S] 21.05-1 [OR 21.05-2] or chapter 21.09 as being permitted as a matter of right or subject to site plan or conditional use review. The applicant shall be required to obtain approval through both the special land use permit for alcohol process and the separate process referenced in table[S] 21.05-1 [OR 21.05-2] or chapter 21.09. A cross-reference to this section 21.05.020A. in table[S] 21.05-1 [OR 21.05-2] or chapter 21.09 is not required for the operator of a use to request approval under section 21.03.040[050].

B. Premises Containing Uses Where Children are Not Allowed

Premises containing uses where children are not allowed are defined in AMC section 10.40.050. Any premises containing uses where children are not allowed, regardless of whether it is listed in table[S] 21.05-1 [OR 21.05-2] or chapter 21.09 as being permitted as a matter of right or subject to site plan or conditional review, shall comply with the requirements of this subsection 21.05.020B. The applicant shall be required to obtain approval through the process referenced in table[S] 21.05-1 [OR 21.05-2] or chapter 21.09 and also to comply with the standards of this subsection 21.05.020B.

1. Purpose

Certain types of enterprises are places where children unaccompanied by an adult guardian or parent are prohibited. These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values; an increase in the level of criminal activity, including prostitution, rape, and assaults, in the vicinity of these types of enterprises; and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships. The purpose of this section is to segregate such enterprises from places frequented by minors in order to reduce the influence of these enterprises on minors.

2. Minimum Distance from Certain Uses

Except as provided in subsection B.3. below, permitted principal uses, accessory uses, or conditional uses that are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than sale of liquor, shall be located so that all portions of the lot on which the use is located shall be 1,000 feet or more from the property line of:

a. A school or instructional service serving any combination of grades kindergarten through 12;

b. A public park;

c. A religious assembly;

d. Property zoned residential;

e. Property in the TA district designated as “residential” in the *Turnagain Arm Comprehensive [AREA] Plan*;

f. A community center;

g. A neighborhood recreation center;

h. Child care centers; or

i. Public libraries.

3. Compliance with State Standards
Where the state has provided specific standards for determining an enterprise's permissible location, the state's means of measurement shall apply. Such enterprises shall also comply with subsection B.2. above if the enterprise engages in other activities not regulated by the state for which AMC title 8 prohibits the presence of minors or unaccompanied minors on the premises.

4. Administrative Permit Required
An administrative permit is required and shall be on display in a prominent place. This permit shall certify that the enterprise is in compliance with subsection B.2. or B.3. of this section, as applicable. This permit shall be obtained from the director, pursuant to section 21.03.030, *Administrative Permits*. This permit shall remain valid so long as the enterprise remains in continuous operation at that location and does not physically expand. In addition, a permit granted under subsection B.3. shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under subsection B.2.

5. Premises Without Permit
An enterprise not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required.

21.05.030 RESIDENTIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general residential use categories and specific residential use types listed in table[S] 21.05-1 [AND 21.05-2]. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, or subject to a site plan or conditional use review process.

A. Household Living

This category is characterized by residential occupancy of a dwelling unit by a "household," which is defined in chapter 21.14. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Specific use types include:

1. Dwelling, Mixed-Use

a. ***Definition***
A dwelling that is located on the same lot or in the same building as a non-residential use, in a single environment in which both residential and non-residential amenities are provided.

b. ***Use-Specific Standards***
The residential portion of a mixed-use building or development shall comply with section 21.07.110C[100G]., *Standards for Multifamily Residential*. The nonresidential portion of a mixed-use building or development shall comply with the community use [PUBLIC/INSTITUTIONAL] and commercial design standards in section 21.07.120[110] and/or the large commercial establishment standards of 21.07.130A[120]. In case of overlap and/or conflict, the more stringent standard shall control.

Page 173 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

2. Dwelling, Multifamily

a. *Definition*

A residential building or multiple residential buildings comprising three or more dwelling units on one lot. The definition includes the terms "apartment" or "apartment building."

b. *Use-Specific Standards*

i. Multifamily developments that consist of three or more units in one building shall comply with section 21.07.110C[100G]*., Standards for Multifamily Residential*, except as provided in subsection b.iii. below.

ii. Dwellings with single-family style and two-family style construction in multifamily developments shall comply with the residential design standards in subsections 21.07.110E.[100E., *STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLINGS.*]

iii. Dwellings with townhouse style construction in multifamily developments shall comply with section 21.07.110D[100F]., *Standards for Townhouse Residential.*

3. Dwelling, Single-Family Attached

a. *Definition*

One dwelling unit in a building on its own lot, with one or more walls abutting the wall or walls of one other single-family dwelling unit on an adjacent lot.

b. *Use-Specific Standards*

i. *Residential Design Standards*

Single-family attached dwellings shall comply with the applicable residential design standards in section 21.07.110[100], *Residential Design Standards*.

ii. *Common Party Wall Agreement*

A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the structure and other improvements in good condition, and for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping.

iii. *Access; No Vertical Stacking*

Each unit shall have its own access to the outside, and no unit may be located over another unit in whole or in part.

iv. *Side Setback Requirement*

Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.

4. Dwelling, Single-Family Detached

a. *Definition*

One detached building on its own lot, erected on a permanent foundation, designed for long-term human habitation exclusively by one household, having complete living facilities, and constituting one dwelling unit.

b. *Use-Specific Standard[S]*

Single-family detached dwellings shall comply with the applicable residential design standards in section 21.07.110[100], *Residential Design Standards*.

Page 174 ANNOTATION

These standards from attached single-family were also intended to be applied to townhouses, where building walls coincide with lot lines.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

5. Dwelling, Townhouse

a. *Definition*

A [ATTACHED] building containing three or more single-family dwelling units erected in a single row, with each unit on its own lot and having its own separate entrance.

b. *Use-Specific Standards*

i. *Residential Design Standards*

Townhouse dwellings shall comply with the applicable residential design standards in section 21.07.110[100], *Residential Design Standards*.

ii. *Common Party Wall Agreement*

A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the structure and other improvements in good condition, and for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping.

iii. *Access; No Vertical Stacking*

Each unit shall have its own access to the outside, and no unit may be located over another unit in whole or in part.

iv. *Side Setback Requirement*

Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.

6. Dwelling, Two-Family

a. *Definition*

One detached building on one lot designed for and constituting two dwelling units. The definition includes the term "duplex."

b. *Use-Specific Standard[S]*

Two-family dwellings shall comply with the applicable residential design standards in section 21.07.110[100], *Residential Design Standards*.

7. Dwelling, Mobile Home

a. *Definition*

A transportable, factory-built dwelling unit designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1976.

b. *Use-Specific Standard[S]*

Only one mobile home is allowed per lot in the R-5 district, unless the lot is within a manufactured home community. A mobile home shall be placed on a permanent foundation unless it is located within a manufactured home community.

8. Manufactured Home Community (MHC)

a. *Definition*

Any parcel or adjacent parcels of land in the same ownership that are [IS] utilized for occupancy by more than two mobile homes or manufactured homes. This term shall not be construed to mean tourist facilities for parking of travel trailers or campers, which are classified under "camper park."

b. ***Use-Specific Standards***

All MHCs within the municipality shall be constructed, operated, and maintained in accordance with the general standards listed below.

i. *Compliance with Applicable Regulations*

MHCs shall be constructed, operated, and maintained in conformance with all applicable state statutes and regulations and local ordinances; provided, however, that the provisions of chapter 21.12, *Nonconformities*, of this title shall not be applied to prohibit the removal and replacement of a mobile home or manufactured home on a space within a MHC subject to that chapter.

ii. *Responsibility for Compliance*

Complete responsibility for standards established by this subsection and for construction within a MHC shall rest with the owner of such community.

iii. *Minimum Site Size*

MHCs shall be on sites of at least two acres.

iv. *Maximum Site Density*

Gross density for MHCs shall not exceed eight units per acre.

v. *Impermanent Foundations*

No mobile homes and manufactured homes within an MHC shall be placed on a permanent foundation.

vi. *Mobile Home or Manufactured Home Spaces*

(A) *Occupancy*

No mobile home or manufactured home space shall contain more than one manufactured home, mobile home or duplex mobile home or manufactured home. No other dwelling unit shall occupy a mobile home or manufactured home space.

(B) *Minimum Size*

In manufactured home communities created after [effective date], all single mobile home or manufactured home spaces shall have a minimum of 3,500 square feet of land area and all duplex mobile home or manufactured home space shall have a minimum of 5,000 square feet of land area.

(C) *Mobile Home or Manufactured Home Separation*

(1) No part of any mobile home, manufactured home, accessory building, or its addition shall be placed closer than 15 feet from any other mobile home, manufactured home, or its addition, or no closer than ten feet if that mobile home, manufactured home, accessory building, or its addition being placed meets NFPA (National Fire Protection Act) 501A and HUD #24 CFR 328O standards.

(2) The requirements of sections 21.06.030C[A].2., *Projections into Required Setbacks* and 21.05.070, *Accessory Uses and Structures,* shall not apply to MHCs. All mobile homes, manufactured homes, and accessory structures shall be placed at least five feet

from the front space line. Steps shall not be considered in determining the separations required by this subsection.

(D) *Access*
Each mobile home or manufactured home space shall have direct access to an internal street. Direct access to exterior public streets is prohibited.

vii. *Streets and Drainage Facilities*
All streets within an MHC shall comply with the following standards:

(A) *Street Surface*
All streets shall be surfaced with all-weather materials, such as asphalt or concrete, to a minimum surface width of 33 feet.

(B) *Right-of-Way Width*
Any street that services 100 spaces or more shall be classified as a major street. Major streets shall have a minimum right-of-way width of 50 feet. All other streets shall have a minimum right-of-way width of 40 feet. Streets are not required to be dedicated as public rights-of-way.

(C) *Cul-De-Sac Streets*
No street shall dead end except for cul-de-sac streets that are no more than 650 feet in length and have a minimum turning radius of 50 feet at the termination point of the cul-de-sac.

(D) *Intersections*
No street shall extend more than 650 feet in length between street intersections. Intersecting streets shall cross at 90-degree angles from an alignment point 100 feet from the point of intersection. No street intersection shall be closer than 130 feet to any other street intersection.

(E) *Street Frontage*
Double-frontage spaces are prohibited, except that reverse-frontage spaces may back against streets bordering the MHC.

(F) *Street Layout*
Streets shall be laid out so that their use by through traffic will be discouraged.

(G) *Street Grades*
Street grades shall not exceed six percent. Street grades within 100 feet of intersections shall not exceed four percent.

(H) *Street Curves and Visibility*
The radius of street curves (between intersections) shall exceed 100 feet. Streets shall be constructed to provide clear visibility as measured along a centerline of the street for a minimum distance of 150 feet.

(I) *Crosswalks*
Pedestrian crosswalks not less than ten feet in width may be required in blocks longer than 330 feet when deemed essential

Page 177 ANNOTATION

The L1 edge treatment landscaping level in the provisionally-adopted code was eliminated, and the numbering system was shifted, so that L3 buffer became L2 buffer. See section 21.07.080 for details.

Administration Addition
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PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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to provide reasonable circulation or access to schools, playgrounds, shopping centers, convenience establishments, service buildings or other community facilities. Signs approved by the traffic department shall be provided at crossing locations.

viii. *Water and Sewage Systems*

All mobile homes in MHCs shall be connected to water and sewage systems approved by the appropriate governmental body before they may be occupied.

ix. *Landscaping*

(A) L2 [L3] buffer landscaping shall be planted along each boundary of the MHC, except for vehicular and pedestrian ingress and egress points. Where two MHCs share a common lot line, the L2 [L3] buffer landscaping shall be split, with seven and one half feet (of the total 15 foot requirement) on each lot. Along MHC lot lines abutting a dedicated park, the landscaping requirement shall be halved.

(B) All areas not devoted to mobile home or manufactured home spaces, structures, drives, walks, off-street parking facilities, or other required landscaping shall be planted with site enhancement landscaping.

x. *Additions to Mobile Homes or Manufactured Homes; Accessory Buildings*

(A) *Generally*

All additions and accessory buildings shall be subject to the spacing and setback requirements for mobile homes and manufactured homes. Any addition or accessory building shall be constructed in accordance with building safety code regulations pertaining to temporary structures, provided that additions will not be required to have a permanent foundation.

(B) *Height*

The height of accessory buildings is limited to that of the underlying zoning district. In the case of districts where the height is unrestricted, the maximum height of accessory structures shall be 12 feet. The height of additions to mobile homes or manufactured homes is limited to that of the underlying zoning district. The use of any area created above the original roof line of the mobile home or manufactured home as living space is prohibited.

(C) *Exits*

The number of exterior exits from additions shall be equal to or greater than the number of exits leading from the mobile home or manufactured home to the addition. When two exterior exits are required from additions, they shall be placed a distance apart equal to one-fifth of the total perimeter of the addition.

xi. *Refuse Collection*

A MHC operator shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and maintained in accordance with all municipal health regulations and shall be designed to

bar animals from access to refuse. Refuse shall be removed from refuse collection sites at least once a week. Refuse facilities shall be screened pursuant to section 21.07.080G[H]., *Screening*.

xii. *Fuel Tanks*
Fuel oil supply tanks shall be placed in compliance with applicable building and fire codes. Liquefied gas containers shall be securely anchored to a permanent and stable holding structure or adequately secured to a mobile home or manufactured home.

xiii. *Campers and Travel Trailers*
Occupied campers and travel trailers are not subject to paragraphs 8.b.vi., *Mobile Home or Manufactured Home Spaces*, and 8.b.viii., *Water and Sewage Systems*, of this subsection. Any permitted spaces intended for occupied campers and travel trailers shall be placed in an area segregated from permanent mobile home or manufactured home spaces. Any area within a MHC that is occupied by campers and travel trailers shall be served by a service building containing public toilet facilities and water supply.

xiv. *Animals in MHCs*
Outdoor keeping of animals other than dogs in MHCs shall be regulated by subsection 21.05.070D.14., except that "spaces" within MHCs shall be considered "lots" for the purposes of applying subsection 21.05.070D.14.

xv. *Convenience Establishments in MHCs*
Convenience establishments of a commercial nature, including stores, coin-operated laundry, beauty shops and barbershops, may be permitted in MHCs subject to the following restrictions. Such establishments and the parking lot [AREA] primarily related to their operations shall not occupy more than ten percent of the area of the community, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve frequent trade or service needs of persons residing in the community, and shall present no visible evidence of their commercial character from any portion of any district outside the community. Such convenience areas shall be considered accessory uses to the principal use of mobile homes or manufactured homes, may be permitted without a zoning change, and shall be discontinued if the MHC is discontinued.

xvi. *Sites in Flood Hazard Area*
The following requirements shall apply to all MHCs, any portion of which are within a flood hazard area:

(A) Over-the-top ties shall be provided at each of the four corners of the mobile home or manufactured home and two ties per side at intermediate locations. Mobile homes more than 50 feet long shall require one additional tie per side.

(B) Frame ties shall be provided at each corner of the frame, and five ties per side at intermediate points. Mobile homes or manufactured homes more that 50 feet long shall require four additional ties per side.

(C) All components of the anchorage system shall be capable of carrying a force of 4,800 pounds.

(D) Any additions to the mobile home or manufactured home shall be similarly anchored.

(E) All applications for a conditional use for a MHC shall include an evacuation plan indicating alternate vehicular access and escape routes during times of flooding.

xvii. *Sites in Floodplain*
No mobile homes or manufactured homes shall be placed within the regulatory floodplain, except that MHCs existing before September 25, 1979, shall be permitted to place mobile homes or manufactured homes within existing unit spaces.

xviii. *Nonconforming MHCs*

(A) Those MHCs situated within the boundaries of the former City of Anchorage which existed prior to August 30, 1977, are not subject to paragraphs 8.b.vi., *Mobile Home or Manufactured Home Spaces*, and 8.b.vii., *Streets And Drainage Facilities*, of this subsection, provided that such communities meet the standards set forth in the former City of Anchorage Municipal Code sections 6.60.010 through 6.60.110.

(B) Those MHCs situated in any area of the municipality other than that described in paragraph i. above, which existed prior to 1966, are not subject to the requirements of paragraphs 8.b.vi., *Mobile Home or Manufactured Home Spaces*, 8.b.vii., *Streets and Drainage Facilities*, and 8.b.x., *Additions to Mobile Homes or Manufactured Homes; Accessory Buildings*, of this subsection, within the area and to the extent that it was constructed, operated or maintained prior to that date.

(C) Any MHC exempt from certain requirements of this subsection 21.05.030A.8., *Manufactured Home Community*, as provided in paragraphs xviii.(A) and (B) above, shall conform to all provisions of this subsection 21.05.030A.8. within any area first constructed, operated, or maintained after the specified date or within any area that is substantially altered, remodeled, reconstructed, or rebuilt after that date.

B. Group Living

This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." The size of the group may be larger than a family. Generally, structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

1. Assisted Living Facility

a. *Definition*

A facility that provides housing and ancillary care services on a residential basis to three or more adults, and adolescents in appropriate cases as allowed by exception. A small assisted living facility is defined as a group of three to eight

residents. A large assisted living facility is defined as a group of nine or more residents.

b. ***Use-Specific Standards for Small Assisted Living Facilities***

i. *Housekeeping Unit*

A small assisted living facility serving five or fewer residents shall be considered a single housekeeping unit.

ii. *Administrative Variance Needed*

In the R-1, R-1A, R-2A, and R-2D zones, a small assisted living facility serving five or fewer residents is permitted by right. An administrative variance pursuant to section 21.03.240[250]J. is required to serve six to eight residents.

c. ***Use-Specific Standards for Large Assisted Living Facilities***

Large assisted living facilities shall comply with the use-specific standards set forth for "adult care facilities with nine [9] or more persons" below.

2. Correctional Community Residential Center

a. ***Definition***

A community residential facility, other than a correctional institution, for the short-term or temporary detention of people in transition from a correctional institution, performing restitution, or undergoing rehabilitation and/or recovery from a legal infirmity. This does not include people who pose a threat or danger to the public for violent or sexual misconduct or who are imprisoned or physically confined under guard or 24-hour physical supervision.

b. ***Use-Specific Standards***

i. *Standards for Centers Established After January 1, 1995*

The following standards apply to all correctional community residential centers established after January 1, 1995:

(A) No new correctional community residential center may be located within 1,250 feet of an existing center, a public park, or a school or instruction service serving any combination of grades kindergarten through 12, unless the planning and zoning commission determines that a reduction in separation distance is warranted based upon the program proposed and any other circumstances the commission deems appropriate. If the commission reduces the separation distance, it shall adopt findings of the facts upon which such reduction is based.

(B) Program occupancy limits shall be as determined by the state department of corrections.

(C) Maximum resident occupancy at a center shall be determined by requiring a minimum of 150 square feet of building area per resident. This measurement shall be calculated by including all bedroom, kitchen, bathroom, living, recreation, and other areas within the facility intended for common use by the residents.

(D) Each center shall have a minimum of 50 square feet of outdoor recreation area per maximum resident occupancy.

(E) Centers that house felons are only permitted by conditional use in the I-1 and PLI districts. Centers allowed in other districts may only house residents convicted of misdemeanors.

(F) No additional correctional community residential centers may be located in the DT zoning districts or in a B-3 zoning district in the area bounded on the north by Ship Creek, on the south by Chester Creek, on the east by Orca Street extended, and on the west by Cook Inlet.

(G) CCRCs shall not house sex offenders.

ii. *Existing Centers Established Under Quasi-Institutional House Provisions*
The three correctional community residential centers that were established under the quasi-institutional house provisions of title 16 and title 21 of this code and that existed as of January 1, 1995, may continue to operate under the terms of their existing conditional use permits and at the occupancy level permitted as of that date. No other beds may be added to these centers.

3. Habilitative Care Facility

a. ***Definition***

A residential facility, other than a correctional center or transitional living facility, the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity, or any combination thereof, in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-help, or other treatment or assistance, including, but not limited to, substance abuse rehabilitation. Such care for persons age 18 and under, who are under the jurisdiction of the state division of juvenile justice, shall be considered habilitative care, and not a correctional community residential center.

4. Roominghouse

a. ***Definition***

Any dwelling or establishment in which four or more guestrooms are available for compensation that is paid on a daily, weekly, or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. This definition does not include bed-and-breakfast establishments, which are classified in this title as an accessory use under section 21.05.070, or a hostel, which is classified as a "visitor accommodation" under section 21.05.050.

b. ***Use-Specific Standards***

i. *Administrative Permit*
Roominghouses shall require an administrative permit issued in accordance with section 21.03.030. An application for a roominghouse shall not be complete unless it is accompanied by proof of a current business license, health inspection for 25 occupants or more, a certificate of on-site systems approval (for on-site systems only), and a site plan and building floor plans meeting the requirements of this title.

ii. *General Standards*

(A) In residential zones, the design standards for multi-family residential buildings shall apply.

Page 182 ANNOTATION

This amendment resolves a conflict carried forward from current code between the definition of Adult Care and the standards for the use.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
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Tech Edit Addition
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(B) L1 [L2] visual enhancement landscaping is required when abutting residential lots in a residential zone.

(C) In the [R-2F,] R-2M, R-5, R-6, R-7, R-8, and R-9 zoning districts, the number of guestrooms shall be limited to eight guestrooms or 12 pillows.

(D) Cooking facilities are prohibited in guestrooms.

(E) The roominghouse shall be limited to a single structure, and only one roominghouse shall be allowed per lot.

(F) Public ingress and egress to the roominghouse shall be limited to one primary entrance; guestroom entrances shall be from a shared interior hall rather than individual exterior doors.

(G) In residential zones, the owner or operator of the roominghouse shall reside on site.

5. Transitional Living Facility

a. ***Definition***

A facility providing temporary housing with services to assist homeless persons and families and persons with special needs to prepare for and obtain permanent housing within twenty-four months. The facility provides 24-hour a day, seven days a week programmatic assistance[,] or services[,] for self-sufficiency skills to its tenants, and may provide services such as, but not limited to, on-site assistance in learning independent living skills (shopping, cooking, financial budgeting, preparing for job interviews, preparing resumes, and similar skills), and referral to off-site education and employment resources (GED completion, job training, computer training, employment services, and the like) to assist the tenants in becoming financially self-sustaining.

21.05.040 COMMUNITY [PUBLIC/INSTITUTIONAL] USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general community [PUBLIC/INSTITUTIONAL] use categories and specific community [PUBLIC/INSTITUTIONAL] use types listed in table[S] 21.05-1 [AND 21.05-2]. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

A. Adult Care

1. Definition

A non-residential facility providing assistance with activities of daily living as described in AS 47.33.990(1) for three or more adults or a combination of three or more adults and adolescents.

2. Use-Specific Standards for Adult Care Facilities with Three [ONE] through Eight Persons

a. These facilities are intended to be minor commercial activities, shall not detract from the principal use allowed in the district, and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

b. In all residential districts [AND IN THE R-O AND B-1A DISTRICTS,] these facilities shall be located only in a single family detached structure, excluding

detached condominium units. These facilities shall be prohibited if the only direct street access is from a private street.

c. These standards shall not apply to any use continuing as a lawful conditional use on April 18, 2006.

3. Use-Specific Standards for Adult Care Facilities with Nine or More Persons (also apply to "Large Assisted Living Facilities" and "Nursing Facility")

a. ***Access***

The site shall provide for direct access from a street constructed to class A improvement area standards.

b. ***Minimum Lot Size***

i. Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a nursing facility shall be:

(A) Six to 10 beds: 15,000 square feet.

(B) Eleven or more beds: 20,000 square feet.

ii. The minimum lot size for adult care facilities with nine or more persons, and for large assisted living facilities shall be:

(A) Nine to 16 beds: the minimum lot size of the underlying district.

(B) Seventeen or more beds: 20,000 square feet.

c. ***Vegetated Open Space***

A minimum of 15 percent (25 percent in the RO district) of the lot shall remain as a planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the decision-making body determines that retention of less than 15 percent (25 percent in the RO district) allows for sufficient buffering of adjacent uses.

d. ***Parking and Setbacks***

In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.

e. ***Adjacent Residential***

A facility in a non-residential district that is adjacent to a residential use or district shall provide L2 [L3] buffer landscaping along the lot line dividing the two.

f. ***Ambulance and Delivery Areas***

Ambulance and delivery areas shall be screened from adjacent residential areas by L2 [L3] buffer landscaping or a fence no less than six feet high.

g. ***Snow Storage***

Snow storage space adjacent to surface parking lots and pathways shall be identified on the site plan. In residential districts, to facilitate snow removal, snow storage areas equal to at least 15 percent of the total area of the site used for parking, access drives, walkways, and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have positive drainage away from structures and pavements. Except for facilities in single-family or two-family structures, storage of snow is not allowed in the front setback. Storage of snow may be in 50 percent of the side and rear setbacks, if

trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, temporary snow storage areas shall be shown on the site plan.

h. ***Continuing Conditional Uses***
These standards shall not apply to any use continuing as a lawful conditional use on April 18, 2006.

4. Additional Standards for Conditional Uses (also apply to "Nursing Facility" and "Large Assisted Living Facility")

a. ***Use-Specific Standards Apply***
These uses shall meet the use-specific standards above in addition to any requirements imposed by a conditional use approval.

b. ***Vegetated Open Space***
A minimum of 25 percent of the lot shall remain as open area, to include landscaping or natural vegetation. The open area shall not include buildings, driveways, parking lots [AREAS], sidewalks, or similar structures, unless the planning and zoning commission determines retention of less than 25 percent of the lot as open area allows for sufficient buffering of adjacent uses.

c. ***Factors for Consideration***
When a conditional use permit is required for these uses, the following factors shall be considered, as well as the approval criteria for conditional uses in subsection 21.03.080C.

i. The extent to which the facility and the applicant seek to protect and preserve the primarily residential character of the district. Factors may include traffic patterns, on-street parking patterns, the control exercised by the provider to mitigate environmental disturbance associated with ingress and egress of facility staff at shift change, and any other measures taken by the provider to ensure commercial aspects of the facility do not detract from its residential purpose (if applicable) and the primarily residential character of the district.

ii. Economic hardship on the intended occupants of the facility if the conditional use is denied. Cost and availability of other housing alternatives, including whether a shortage of other facilities exists, may be addressed in preparation and review of the application.

iii. Whether the requested facility and the applicant are implementing accident prevention and safety measures specific to the needs of the residents, including but not limited to safety measures in state law and regulation, and in municipal fire code adopted under title 23.

iv. Whether the conditional use advances housing opportunities for disabled individuals in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.

v. Whether the proposed size of the facility is necessary for the financial viability of the facility.

vi. External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes and on-street parking within the neighborhood, available street lighting, and sidewalks.

Page 185 ANNOTATION

This amendment clarifies how pre-schools are classified in the use definitions.

When child care centers are opened in existing strip malls, they are not able to provide 25 percent of the lot as vegetated open space, as there are other uses that share the lot. This requirement was limited to residential areas to address this problem.

Administration Addition
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PZC Addition
[PZC DELETION]

Assy Cmte Addition
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Tech Edit Addition
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vii. Quantifiable risks to the health, safety, and quality of life of area residents and users.

viii. Administrative and economic burden on the municipality, in either approval or denial of the conditional use.

ix. Other factors deemed relevant to the applicant or the planning and zoning commission in review of the application.

B. Child Care

1. Child Care Center

a. *Definition*

Child care center has the same meaning as set forth in AMC chapter 16.55 for child care and educational center, and may care for nine or more children. Operation of a child care center is not a home occupation pursuant to subsection 21.05.070D.11[12]. This use includes pre-schools that are not associated or co-located with an elementary, middle, or high-school.

b. *Use-Specific Standards*

i. *Access*

The site shall have direct access from a street constructed to municipal standards.

ii. *Usable Outdoor Space*

Usable outdoor space shall be provided pursuant to AMC section 16.55.450. Exempt child care centers, as per chapter 16.55, are not required to meet the usable outdoor space requirement.

iii. *Vegetated Open Space in Residential Districts*

In residential zoning districts where a child care center requires conditional use approval, a minimum of 25 percent of the lot shall remain as planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the planning and zoning commission determines that retention of less than 25 percent allows for sufficient buffering of adjacent uses. In all other residential zoning districts where a child care center is allowed, a minimum of 15 percent of the lot area shall remain as required above, unless the decision-making body determines that retention of less than 15 percent allows for sufficient buffering of adjacent uses.

iv. *Parking and Setbacks*

In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.

v. *Adjacent Residential*

L1 [L2] visual enhancement landscaping shall be provided along each lot line that abuts a lot within a residential district. A child care center in a nonresidential district, that is adjacent to a residential use or district, shall provide L2 [L3] buffer landscaping along the adjacent lot line.

vi. *Snow Storage*

In residential districts, snow storage areas equal to at least 15 percent of the total area of the site used for parking, drives, walkways, and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped

Page 186 ANNOTATION

This section was redundant to b.iii. above.

Administration Addition
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Tech Edit Addition
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only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Snow storage is not allowed in front setbacks except in association with single-family or two-family structures. Snow storage is allowed in 50 percent of side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, temporary snow storage areas shall be shown on the site plan.

vii. *Continuing Conditional Uses*
This section shall not apply to any use continuing as a lawful conditional use on February 28, 2006.

c. *Additional Standards for Conditional Uses*

i. *Use-Specific Standards Apply*
These uses shall meet the use-specific standards above in addition to any requirements imposed by a conditional use approval.

ii. *Additional Standards*
Additional restrictions as to the size of the use, hours of operation, or other restrictions necessary to ensure compatibility with the neighborhood and minimize offside impacts, may be imposed by the planning and zoning commission.

[VEGETATED OPEN SPACE
A MINIMUM OF 25 PERCENT OF THE LOT SHALL REMAIN AS OPEN AREA, TO INCLUDE LANDSCAPING OR NATURAL VEGETATION. THE OPEN AREA SHALL NOT INCLUDE BUILDINGS, DRIVEWAYS, PARKING AREAS, SIDEWALKS, OR SIMILAR STRUCTURES, UNLESS THE PLANNING AND ZONING COMMISSION DETERMINES RETENTION OF LESS THAN 25 PERCENT OF THE LOT AS OPEN AREA ALLOWS FOR SUFFICIENT BUFFERING OF ADJACENT USES.]

2. Child Care Home

a. *Definition*
Child care home has the same meaning as set forth in AMC chapter 16.55 and may care for up to eight children. Operation of a child care home is not a home occupation pursuant to subsection 21.05.070D.11. This use includes pre-schools that are not associated or co-located with an elementary, middle, or high-school.

b. *Use-Specific Standards*

i. *Minor Commercial Activity*
Licensed child care homes are intended to be minor commercial activities, shall not detract from the principal use allowed in the district, and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

ii. *Usable Outdoor Space*
Licensed child care homes shall provide usable outdoor space as required by section 16.55.450.

iii. *Continuing Conditional Uses*
This section shall not apply to any use continuing as a lawful conditional use on February 28, 2006.

C. Community Service

This category includes uses of a public, non-profit, or charitable nature providing a local service to people of the community. Generally, such uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. The use may provide special counseling, education, or training. Accessory uses may include offices, meeting, food preparation, parking, [HEALTH,] therapy areas, and athletic facilities. Specific use types include:

1. Cemetery or Mausoleum

a. *Definition*

A graveyard, burial ground, mausoleum, or other place of interment, entombment, or sepulture of one of more human bodies or remains. Crematoria are not permitted unless specifically allowed under this title as a separate principal use.

b. *Use-Specific Standards*

i. *Burial of Human Remains in Other Areas Prohibited*

Human remains, other than cremated remains, may not be buried, entombed, or interred, above or below ground, except in an approved cemetery.

ii. *Platting of Burial Plots*

Burial plots shall be platted in accordance with section 21.03.200[210]D., *Abbreviated Plat Procedure*.

iii. *Density of Burial Plots*

Notwithstanding the minimum lot area for any zoning district, there shall be no more than 1,500 burial plots per gross acre.

iv. *Interment Below Groundwater Table Prohibited*

No burial plots shall be established where interment would occur below the groundwater table.

v. *Traffic Access*

A cemetery or mausoleum shall have direct access to a street designated as a collector or greater capacity.

vi. *Dimensional Standards*

Notwithstanding the general dimensional standards in chapter 21.06, the following standards shall apply to all cemeteries and mausoleums.

(A) *Minimum Site Area*

Five acres.

(B) *Minimum Setbacks*

(1) Front setback: 10 feet.

(2) Side setback: 10 feet.

(3) Rear setback: 10 feet.

(C) *Maximum Height of Structures*

35 feet.

vii. *Setbacks*

Graves and burial plots shall not be allowed within setback areas.

viii. *Parking, Driveways, and Streets*

Parking shall be provided according to section 21.07.090, *Off-Street Parking and Loading*, except that the traffic engineer may authorize a pavement surface of gravel for drives and streets that provide direct access to graves and burial plots. Internal driveways and streets providing direct access to a public right-of-way or connecting to principal structures shall be paved with asphalt or concrete.

2. Community Center

a. ***Definition***

A facility that is intended primarily to serve the meeting, cultural, social services, administrative, athletic, or entertainment needs of the community as a whole, operated by the government or as a non-profit facility, and generally open to the public.

b. ***Use-Specific Standards (also apply to "Religious Assembly")***

i. *Applicability*

The standards of this subsection shall apply to all community centers and religious assemblies within a residential zoning district.

ii. *Minimum Lot Area and Width*

Notwithstanding any smaller minimum lot area required by tables 21.06-1 and 21.06-2, [THE GENERAL DIMENSIONAL STANDARDS OF CHAPTER 21.06,] community centers and religious assemblies subject to this subsection shall have a minimum lot area of 14,000 square feet and a minimum lot width of 100 feet.

iii. *Traffic Access*

Community centers and religious assemblies shall have at least one property line of the site that is at least 50 feet in length, and it shall abut a street designated as a collector or greater on the *Official Streets and Highways Plan*. All ingress and egress traffic shall be directly onto such street.

iv. *Buffering Standards*

L2 [L3] buffer landscaping is required along all property lines where the community center or religious assembly site abuts a residential use in a residential zone.

v. *Vegetated Open Space*

In residential and PLI zoning districts a minimum of 25 percent of the lot area shall remain as planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the decision-making body determines that retention of less than 25 percent allows for sufficient buffering of adjacent uses.

vi. *Parking and Setbacks*

In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.

3. Crematorium

a. ***Definition***

A furnace or establishment for the cremation of corpses, human and animal. A crematorium is never an accessory use.

Page 189 ANNOTATION

Language was added to address concerns that government facilities that were inappropriate for the central business district would be forced to locate there.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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b. ***Use-Specific Standards***

i. All facilities shall be maintained within a completely enclosed building, and shall be sufficiently insulated so that, to the maximum extent feasible, no noise or odor can be detected off-premises.

ii. Crematoria shall be located at least 200 feet from any residential use or zoning district.

4. Governmental Administration and Civic Buildings

a. ***Definition***

An office of a governmental agency or foreign government that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.

b. ***Use-Specific Standards***

i. Unless otherwise indicated in table 21.05-1, g[G]overnment administration and civic buildings or additions to existing government administration and civic buildings shall have the following review process:

(A) Construction of less than 7,000 square feet is permitted.

(B) Construction of 7,000 to 25,000 square feet is subject to an administrative site plan review.

(C) Construction over 25,000 square feet is subject to a major site plan review.

(D) Lease of existing space is permitted.

ii. The priority location for major federal, state, and municipal administrative offices and civic buildings is in the central business district. Satellite government offices and civic functions are intended to be located in other regional centers, mixed-use centers, or town centers designated in the comprehensive plan. When a government administrative and civic building use is proposed at another location, approval is contingent on a finding by the planning and zoning commission, using the approval criteria of a public facility site selection process (21.03.140), that locating the major use in the central business district or a satellite use in a designated center would not be feasible, would not be compatible with the urban center, or would not serve the public interest.

5. Homeless and Transient Shelter

a. ***Definition***

A facility designed to provide minimum necessities of life, including overnight accommodation, on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, and necessary medical and clothing needs, directly or by referral to appropriate agency; and planning for more permanent housing and employment, including contact with community resources.

Page 190 ANNOTATION

In the provisionally-adopted code, religious assembly uses were not permitted in the industrial districts. In order to accommodate existing religious assembly uses in industrial areas, and recognizing that sometimes these uses locate in warehouse/strip mall spaces when they are newly formed or building a new facility, the Assembly Committee allowed religious assembly uses in industrial districts. However the size is limited in order to protect the industrial nature of the district.

Administration Addition
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Assy Cmte Addition
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6. Neighborhood Recreation Center

a. *Definition*

A facility providing recreation/pool facilities and/or meeting rooms, and typically oriented to the recreational needs of the residents of a particular subdivision or housing project.

7. Religious Assembly

a. *Definition*

A building or structure, or group of buildings or structures, intended primarily for the conducting of organized religious services. Accessory uses may include, but are not limited to, parsonages, meeting rooms, and child care provided for persons while they are attending religious functions. Schools associated with religious assemblies are not an accessory use.

b. *Use-Specific Standards*

i. *Standards*

Religious assembly uses shall comply with the use-specific standards set forth above under "community center."

ii. *Columbaria*

Columbaria, which are structures having recesses in the walls to receive urns containing ashes of the dead, or columbarium walls, are permitted accessory uses with religious assemblies.

iii. *Maximum Height*

Except for those elements excepted [EXEMPTED] in subsection 21.06.030D.6[5]., a religious assembly may not exceed the height permitted in the zoning district in which it is located. However, in districts where the maximum height is less than 40 feet, the maximum height for a religious assembly may increase to 40 feet, so long as the building is setback from any point on the property line at least twice the maximum actual height.

iv. *Religious Assembly in Industrial Districts*

Religious assembly uses in the I-1 and I-2 districts shall have a maximum gross floor area of 20,000 square feet.

D. Cultural Facility

This category includes public or nonprofit facilities open to the public that display or preserve objects of interest or provide facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking, offices, storage areas, and gift shops. Specific use types include:

1. Aquarium

a. *Definition*

An establishment where collections of living aquatic organisms are kept and exhibited.

2. Botanical Gardens

a. *Definition*

A facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, native, and/or ornamental plants.

3. Library

a. *Definition*

A facility for the use of literary, musical, artistic, and/or reference materials.

4. Museum or Cultural Center

a. *Definition*

A building or place serving as a repository for a collection of natural, scientific, cultural, historic, or literary curiosities or objects of interest, or works of art, or sites and buildings, and arranged, intended, and designed to be used by members of the public for viewing, and which may include demonstrations and teaching. This use includes planetariums.

5. Zoo

a. *Definition*

An area, building, or structures that contain wild animals on exhibition for viewing by the public.

E. Educational Facility

This category includes any public and private school at the elementary, middle, junior high, or high school level. This category also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. This category also includes vocational or trade schools. Accessory uses at schools may include play areas, meeting areas, cafeterias, recreational and sport facilities, auditoriums, parking, and before- or after-school day care. Accessory uses at colleges may include offices, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and ancillary supporting commercial activities. Specific use types include:

1. Boarding School

a. *Definition*

A school where students are provided with on-site meals and lodging.

b. *Use-Specific Standard[S]*

Boarding schools shall comply with the use-specific standards set forth below for "elementary school." Any associated dormitories shall comply with the use-specific standards for "dormitory" in section 21.05.070, *Accessory Uses and Structures*.

2. College or University

a. *Definition*

A degree-granting institution, other than a vocational or trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories. Colleges tend to be in campus-like settings or on multiple blocks.

b. *Use-Specific Standard[S]*

In accordance with section 21.03.110, colleges or universities with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-1[2] for projects developed under the auspices of the approved institutional master plan.

3. Elementary or Middle School

a. *Definition*

A public, private, parochial, or charter school offering academic instruction during the majority of the days of the week for students typically between the

kindergarten and eighth grade levels, but not higher than the ninth grade. This classification includes the terms "junior high school" and "intermediate school." Pre-schools that are associated and co-located with elementary, middle, or high schools are considered to be part of the elementary, middle, or high school. Pre-schools without such association and co-location are categorized in this title as "child care facility."

b. ***Use-Specific Standards (also apply to "Boarding School" and "High School")***

i. *Purpose*

The standards of this subsection are intended to ensure the compatibility of schools with surrounding neighborhoods and to minimize the impacts of school uses on adjacent properties.

ii. *Site Size*

Except where established site size criteria are approved by local or state governmental authority, minimum lot size in residential districts for schools with capacity of 100 or more students shall be one acre per 100 students.

iii. *Setbacks*

(A) In residential districts, setbacks for schools with capacity for 25 or more students shall be as follows:

(1) The front setback of the underlying district shall apply.

(2) Any structure or portion of structure equal to or less than 15 feet high and equal to or less than 50 feet in length shall be set back at least 15 feet from any side or rear lot line. Any portion of such structure longer than 50 feet in length shall be set back at least 20 feet from any side or rear lot line.

(3) Any structure or portion of structure that is greater than 15 feet in height shall be set back at least 25 feet from any side or rear lot line.

(B) In nonresidential districts, the setbacks of the underlying district shall apply.

iv. *Outdoor Play Space for Elementary and Middle Schools*

(A) Elementary and middle schools with capacity for 50 or more students, where students remain for more than four consecutive hours, shall provide two square feet of outdoor open space play area for every one square foot of total combined classroom space.

(B) The minimum dimension of any required outdoor open space play area is 20 feet.

(C) If the school is in close proximity to a park with usable open space, the park may count as the required outdoor open space play area. The decision-making body shall determine whether the nearby park is appropriate in terms of play space and access, using the following conditions as a guide:

Page 193 ANNOTATION

This amendment was proposed due to the large number of arterials in the Central Business District, and the fact that these arterials have slower than typical speed limits.

The Assembly Committee desired to provide flexibility on the amount of play space that a school must provide.

Administration Addition
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(1) The park is between an eighth and a quarter mile from the school.

(2) The school and park are not separated by a street of arterial classification or greater on the *Official Streets and Highways Plan*, except that in the Downtown area (as defined by the Anchorage Downtown Comprehensive Plan – 2007) but excluding the area north of 2nd Avenue, the school and park may be separated by a street classified as an arterial if a signalized pedestrian crosswalk and adult crossing guard supervision are provided.

(D) The decision-making authority may reduce or waive the outdoor play space requirement if the applicant provides sufficient rationale.

v. *Vehicle and Pedestrian Access*

(A) In all residential districts, all middle and high schools, and schools without an Anchorage school district attendance boundary shall have at least 100 feet of frontage on a collector or greater classification street, if such schools have capacity of 100 or more students.

(B) In all districts, all schools with capacity for 100 or more students shall provide adequate on-site student pick-up and drop-off area to the satisfaction of the decision-making body.

(C) Paved pedestrian walkways and trails, exclusive of driveways, shall be provided between the principal buildings and each abutting public right-of-way or trail.

vi. *Temporary Structures for School Expansion Space (Relocatables)*

Temporary structures serving as expansion space for schools are allowed in all districts in which schools are allowed, subject to the following standards:

(A) Temporary structures shall not be placed in traffic circulation routes, in required parking, or in required landscaping areas.

(B) The temporary structures are exempt from the general requirements for all temporary uses contained in section 21.05.080, *Temporary Uses and Structures*.

The decision-making body may grant relief from these standards on a case-by-case basis.

vii. *Landscaping*

L1 [L2] visual enhancement landscaping is required along all property lines where the school site abuts a residential use in a residential zone.

4. High School

a. *Definition*

A public, private, parochial, or charter school offering academic instruction for students typically in the ninth through twelfth grades, but may include lower grades.

b. ***Use-Specific Standards***
High schools shall comply with the applicable use-specific standards set forth for "elementary or middle school" above.

5. Instructional Services

a. ***Definition***
A specialized instructional establishment that provides on-site training of business, artistic, or commercial skills. Examples include, but are not limited to, driving schools for personal vehicles, fine arts schools, dance, music, and computer instructional services. This use does not include establishments that teach skills that prepare students for jobs in a trade (e.g., carpentry), which are classified under "vocational or trade schools."

6. Vocational or Trade School

a. ***Definition***
A secondary or higher education facility teaching skills that prepare students for jobs in a trade to be pursued as an occupation, such as carpentry, welding, heavy equipment operation, piloting boats or aircraft, repair and service of appliances, motor vehicles, boats, aircraft, light or heavy equipment, [ACCOUNTING, DATA PROCESSING] and computer repair. Incidental instructional services in conjunction with another primary use shall not be considered a vocational or trade school.

b. ***Use-Specific Standard***
This use [INCLUDES BUSINESS SCHOOLS BUT] excludes establishments providing training in an activity that is not otherwise permitted in the zoning district.

F. Health Care Facility

This category includes uses that provide medical or surgical care to patients. Accessory uses may include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing for staff or trainees. Specific uses types include:

1. Health Services

a. ***Definition***
Establishments primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other licensed medical practitioners, medical and dental laboratories, outpatient care and outpatient care facilities, pharmacies [DISPENSARIES], home health care agencies, and blood banks.

b. ***Use-Specific Standard[S]***
Applicable health service establishments shall comply with the medical facility accessible parking requirements; see subsection 21.07.090J.4.

2. Hospital/Health Care Facility

a. ***Definition***
A facility or institution, whether public or private, principally engaged in providing inpatient services for medical, surgical, or psychiatric care, and the treatment and housing of persons under the care of doctors and nurses. Examples include general or specialty hospitals, but exclude habilitative care facilities, assisted living facilities, and nursing facilities. Training, rehabilitation services, and health services may be permitted as accessory uses, if integral to the facility's function. Other accessory uses may include pharmacies and c[C]entral services facilities,

such as kitchens and laboratories which serve the health care facility. [ARE PERMITTED ACCESSORY USES TO A HOSPITAL/HEALTH CARE FACILITY.]

b. *Use-Specific Standards*

i. *Minimum Lot Size*

Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a hospital/health care facility shall be as follows:

(A) Six to 10 beds: 21,780 square feet.

(B) Eleven to 20 beds: 43,560 square feet.

(C) Every 10 beds (or fraction thereof) over 20 beds: 21,780 square feet.

ii. *Vegetated Open Space*

A minimum of 15 percent of the lot shall remain as a planted open area, landscaped area, natural vegetation area, or usable yard, to exclude buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the director determines that retention of less than 15 percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

iii. *Landscaping Buffer*

L2 [L3] buffer landscaping shall be provided along all lot lines adjacent to a residential use or district.

iv. *Institutional Master Plan*

In accordance with section 21.03.110, hospitals with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-1[2] for projects developed under the auspices of the approved institutional master plan.

v. *Accessible Parking*

Hospital/health care facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

3. Nursing Facility

a. *Definition*

A facility providing housing and nursing care for aged or chronically or incurably ill persons who are unable to function independently or with only limited assistance.

b. *Use-Specific Standards*

i. Nursing facilities allowed by right or by site plan review shall comply with the use-specific standards set forth for “adult care facilities with nine or more persons” above. Facilities allowed by conditional use shall comply with the additional standards for conditional uses set forth in “adult care facilities” above.

ii. Nursing facilities shall be subject to the multi-family building development and design standards in section 21.07.110C[100].

iii. Nursing facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

Page 196 ANNOTATION

At the time that chapter 21.05 was provisionally-adopted, there was not agreement on the language for how to address parks. Staff continued to refine the section, working with staff from the Parks and Recreation Department. This language was reviewed by both the Parks and Recreation Commission and the 2010 Planning and Zoning Commission. The 2012 Planning and Zoning Commission also reviewed the section, and recommended that parks in Chugiak-Eagle River be approved by the Eagle River-Chugiak Parks and Recreation Board of Supervisors instead of the PZC or the director (for administrative approvals). The Assembly Committee felt that all parks in the municipality should be approved using the same process and by the same decision-making bodies.

Administration Addition
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PZC Addition
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G. Parks and Open Areas

This category includes uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Such l[L]ands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include:

1. Community Garden

a. *Definition*

A private or public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one individual or family, for personal use and not for commercial gain.

2. Park [AND OPEN SPACE], Public or Private

a. *Definition*

[RESERVED]

An area that is predominately open space, reserved for and designed to be used principally for active and/or passive recreation, and/or to serve ecological and aesthetic functions; any area designated as park by the assembly.

b. *Use-Specific Standards in the Anchorage Bowl*

i. Any master plan created for a municipal park shall be reviewed and approved as follows:

(A) For all park master plan proposals, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comment.

(B) Master plans for parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as community use area, special use area, or natural resource use area (over 30 acres) shall be approved by the planning and zoning commission.

(C) Master plans for parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as neighborhood use area or natural resource use area (30 acres or fewer) shall be approved administratively by the director.

ii. All development projects in municipal parks require a site plan review, as follows:

(A) For all development projects in municipal parks, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Any discrepancies with an approved park master plan shall be described and justified.

(C) All development projects costing more than $500,000 or disturbing more than one acre of land and in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as community use area, special use area, or natural resource use area (over 30 acres) shall be approved by major site plan review in accordance with 21.03.180C. For the

purposes of this subsection, vegetation removal for public safety, natural resource protection and enhancement (such as invasive species removal and reforestation), ecosystem health, and general routine maintenance is not considered land disturbance.

(D) All development projects costing $500,000 or less and disturbing one acre or less of land, and all development projects in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as neighborhood use area or natural resource use area (30 acres or fewer) shall be approved by administrative site plan review in accordance with 21.03.180B. Trails that are reviewed under section 21.03.190, *Street and Trail Review*, are exempt from this administrative site plan review. For the purposes of this subsection, vegetation removal for public safety, natural resource protection and enhancement (such as invasive species removal and reforestation), ecosystem health, and general routine maintenance is not considered land disturbance.

c. *Use-Specific Standards in Chugiak-Eagle River-Eklutna*

i. Any master plan created for a municipal park shall be reviewed and approved as follows:

(A) For all park master plan proposals, the Eagle River-Chugiak park and recreation board of supervisors shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Master plans for parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as community, large urban, or regional parks shall be approved by the planning and zoning commission.

(C) Master plans for parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as playlots, mini parks, vest pocket parks, or neighborhood parks shall be approved administratively by the director.

ii. All development projects in municipal parks require a site plan review, as follows:

(A) For all development projects in municipal parks, the Eagle River-Chugiak park and recreation board of supervisors shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Any discrepancies with an approved park master plan shall be described and justified.

(C) All development projects costing more than $500,000 or disturbing more than one acre of land and in parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as community, large urban, or regional parks shall be approved by major site plan review in accordance with 21.03.180C. For the purposes of this subsection, vegetation removal for public safety, natural

resource protection and enhancement (such as invasive species removal and reforestation), ecosystem health, and general routine maintenance is not considered land disturbance.

(D) All development projects costing $500,000 or less and disturbing one acre or less of land, and all development projects in parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as playlots, mini parks, vest pocket parks, or neighborhood parks shall be approved by administrative site plan review in accordance with 21.03.180B. Trails that are reviewed under section 21.03.190, *Street and Trail Review*, are exempt from this administrative site plan review. For the purposes of this subsection, vegetation removal for public safety, natural resource protection and enhancement (such as invasive species removal and reforestation), ecosystem health, and general routine maintenance is not considered land disturbance.

d. *Use-Specific Standards in Turnagain Arm*

i. All master plans, and any development projects costing more than $500,000 in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by major site plan review in accordance with 21.03.180B.

ii. All development projects costing $500,000 or less in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by administrative site plan review in accordance with subsection 21.03.180B.

e. *Director's Discretion*

Notwithstanding the various requirements above, the director shall require a park master plan or development project that would normally be approved administratively, to be approved by the appropriate commission if, in his or her judgment:

i. The plan or project is likely to generate significant public interest;

ii. The project is a significant deviation from an approved master plan;

iii. The project will have a significant impact on neighboring uses; or

iv. The plan or project significantly increases the intensity of development of the park.

H. Public Safety Facility

This category includes buildings, storage areas, and other facilities for the public safety operations of local, state, or federal government. Accessory uses may include maintenance, storage, fueling facilities, satellite offices, holding cells, and parking lots [AREAS]. Specific use[S] types include:

1. Community or Police Substation

a. *Definition*

A subsidiary community services or police station providing public services primarily intended for the immediate geographic area in which the station is located.

Page 199 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
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Tech Edit Addition
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b. ***Use-Specific Standard[S]***

In residential districts, community or police substations shall be no larger than 3,500 square feet in gross floor area, and shall be architecturally compatible with the surrounding residential neighborhood in terms of building and roofing design and materials and lot placement.

2. Correctional Institution

a. ***Definition***

A facility, other than a correctional community residential center, providing for the imprisonment or physical confinement of prisoners under guard or 24-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.

b. ***Use-Specific Standards***

i. *Traffic Access*

A site more than one-half acre in size shall provide for direct access from a street of collector or greater capacity.

ii. *Screening or Buffering*

The planning and zoning commission may require fencing and landscaping.

3. Fire Station

a. ***Definition***

A station housing fire and rescue personnel including indoor and outdoor space for administrative offices, storage of equipment, and associated vehicles and servicing facilities.

4. Public Safety Facility

a. ***Definition***

A facility operated by a government agency for the purpose of providing public safety and emergency services, training for public safety and emergency personnel, and related administrative and support services. Examples include, but are not limited to, a police station, an emergency operations center, or a fire or police training center.

I. Transportation Facility

This category includes facilities that receive and discharge passengers and freight. Accessory uses may include freight handling areas, concessions, offices, parking and maintenance, and fueling facilities. Specific use types include:

1. Airport

a. ***Definition***

A publicly owned area of land or water that is used or intended for use for the landing and take-off of aircraft, and includes its buildings and facilities, if any.

2. Airstrip, Private

a. ***Definition***

Privately owned land or water maintained as a runway for fixed-wing aircraft.

b. ***Use-Specific Standards***

i. Private airstrips are allowed conditionally in residential districts only if approach and noise buffer areas are provided.

Page 200 ANNOTATION

Based on public comment, this amendment ensures that the FAA is cognizant of proposed airstrips and their locations.

Based on public comment, this amendment ensures that the FAA is cognizant of proposed heliports and their locations, and directs the PZC to consider potential impacts of heliports when approving them through the conditional use process (all heliports, except when accessory to an airport, are conditional uses).

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

ii. Applications for private airstrips shall be accompanied by a determination letter from the Federal Aviation Administration.

3. Heliport

a. *Definition*

An area designed to be used for the landing or takeoff of helicopters, which may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

b. *Use-Specific Standards*

i. Heliports are not accessory uses unless they are accessory to an airport. A heliport associated with a principal use other than an airport shall be considered an additional principal use on the property and shall meet these use-specific standards.

ii. Applications for heliports shall be accompanied by a determination letter from the Federal Aviation Administration (FAA).

iii. In addition to the conditional use approval criteria at subsection 21.03.080C., the planning and zoning commission shall consider the following issues when reviewing a conditional use application for a heliport, in order to minimize impacts of a heliport on nearby uses:

(A) Proximity to residential zoning districts, schools, and parks.

(B) Arrival and departure, as established by the FAA.

(C) Hours of operation and projected number of takeoffs and landings.

4. Rail Yard

a. *Definition*

Lands reserved for typical railroad activities including, but not limited to, repair, maintenance, and servicing of rolling stock and railroad support equipment; fueling; inventory of equipment, tools, parts, and supplies in support of railroad activities; loading/unloading and transfer of freight; switching and classifying rail cars in support of train operations and intermodal activities; storage of rail cars and equipment supporting railroad activities; and crew operations, training, and other administrative support functions in support of railroad activities.

5. Railroad Freight Terminal

a. *Definition*

A rail facility for the loading and unloading of goods, merchandise, substances, materials, and commodities.

6. Railroad Passenger Terminal

a. *Definition*

A railroad facility for the boarding of passengers, but not including freight terminal operations. Accessory uses may include ticketing sales and offices, restaurants, and stores.

7. Transit Center

a. *Definition*

Any premises, located at the confluence of multiple established routes (of the same or different types of transit), for the loading and unloading of passengers

on public transit. Accessory uses may include ticket purchase facilities, food and beverage kiosks, and convenience stores.

J. Utility Facility

This category includes [BOTH] major utilities, which are infrastructure services providing regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided. Services may be publicly or privately provided. Accessory uses may include parking and control, monitoring, or data transmission equipment. Specific uses types include:

1. Utility Facility

a. *Definition*

A service of a regional nature that normally entails the construction of new buildings or structures, and that typically has employees at the site. Examples include water works, water or sewage treatment plants, power or heating plants, or steam generating plants.

2. Utility Substation

a. *Definition*

A service that is necessary to support development within the immediate vicinity, and is typically not staffed. Examples include, but are not limited to, electric transformer stations; gas regulator stations; water reservoirs; telephone exchange facilities; and water and sewage collection or pumping stations.

b. *Use-Specific Standard[S]*

The facility shall be designed and constructed to ensure visual and aesthetic compatibility with the surrounding neighborhood. Compatibility may be achieved either by using similar architectural design and materials as building(s) in the surrounding neighborhood, or by screening the facility with L2 [L3] buffer landscaping.

K. Telecommunication Facilities

Telecommunication facilities transmit signals between or among points using electromagnetic waves. The facilities may include towers, antennas, buildings, transformers, transmitters, receivers, equipment cabinets, and parking lots [AREAS].

1. Definitions

a. *Type 1 Tower*

A freestanding vertical support structure of cylindrical, conical, or rectangular cross section constructed of composite, wood, concrete, or metal employed primarily for the purpose of supporting an antenna array and commonly called a monopole.

b. *Type 2 Tower*

A freestanding vertical support structure of open frame skeletal design employed primarily for the purpose of supporting an antenna array and commonly called a lattice tower. This tower type includes lateral arrays.

c. *Type 3 Tower*

A guyed vertical support structure of open frame, skeletal design, or solid pole design employed primarily for the purpose of supporting an antenna array and commonly called a guyed tower.

d. ***Type 4 Tower***

A support structure, such as an existing building, steeple, spire, or utility pole that is not a type 1, 2, or 3 and is used for supporting a disguised, camouflaged, or hidden antenna array so that its principal or secondary function as an antenna and antenna support structure is imperceptible to an uneducated eye. The antennas are mounted on the support structure so that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment. This definition shall include any antenna or antenna array complying with the objective of definition whether it is mounted on tower structure or not.

2. Use-Specific Standards

a. ***Setbacks***

i. The minimum distance from any lot line to the vertical axis of the tower structure shall be as follows:

(A) Types 1: equal to or greater than the setbacks of the underlying zoning district.

(B) Type 2: equal to or greater than the distance measured from grade to the first taper transition.

(C) Type 3: equal to or greater than the distance measured from the tower structure axis to the outermost guy wire anchor. The guy wire levels and anchor radius must match manufacturer's criteria for the proposed application.

(D) Type 4: none.

ii. That portion of guy wire anchor structure that is above grade shall be set back from any property line in accordance with the following:

(A) Guy wire with a nominal diameter of 0.25 inches or less--25 feet, provided the setback may be reduced to 0 feet if the anchor structure is enclosed within a sight obscuring fence.

(B) Guy wire with a nominal diameter greater than 0.25 inches but less than 0.625 inches--25 feet, provided the setback may be reduced to five feet if the anchor structure is enclosed within a sight obscuring fence.

(C) Guy wire with a nominal diameter equal to or greater than 0.625 inches--25 feet.

b. ***Minimum Separation Distance From Protected Land Uses***

i. The minimum separation distance between the base of the tower and any principal structure on PLI or residentially-zoned land, or any school or licensed child care center, shall be two times the allowable tower height.

ii. After giving due consideration to the comments of the applicant, the property owner, and the local community council, the director may reduce or eliminate the minimum separation distance set forth in the paragraph b.i. above.

c. ***Tower Structure Height***

i. Height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and supporting structures.

ii. Height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower structure as set forth above exceed the height of the building multiplied by two or the base height, whichever is greater. Tower structures shall not exceed the height limits set forth in subsection 21.04.060C. of this title nor interfere with Federal Aviation Administration Regulations on airport approaches.

iii. Base height shall be as set forth below:

(A) Residential districts--65 feet

(B) Commercial [AND MIXED-USE] districts--130 feet

(C) Industrial districts--150 feet

(D) AF district--200 feet

(E) All other districts--100 feet

iv. Co-location shall grant an additional 15 feet above the base height for each qualifying antenna to a maximum of 30 feet of additional height. Increases in tower structure height by operation of this paragraph shall not reclassify a tower structure from a local interest tower to a community interest tower.

d. ***Residential Zoning Districts, RO District, and AF District***

i. *In all residential districts and in the RO district, t*ype 1 and 3 towers*, antennas without tower structures, and type 4 tower structures and antennas are permitted as a secondary and subordinate use with a permitted nonresidential use.*

ii. In the R-3, R-4, R-4A, R-5, and RO districts, type 1 and 3 towers, antennas *without* tower structures, and type 4 tower structures are also permitted as a secondary and subordinate use with a residential use of six dwelling units or more.

iii. In the AF *district*, three towers per lot are permitted. More than three towers per lot require conditional use approval.

e. ***Notice of Site Selection and Site Plan Review***

i. *B-1A and Watershed Zoning Districts*

(A) Prior to issuance of a building or land use permit for a type 1, 2, and 3 tower structures within B-1A and W zoning districts, property owners of residential-zoned land within 500 feet of the selected tower site and the local community council shall be notified in writing of the issuance of a building or land use permit.

The effective date of the permit shall be no earlier than 30 days after the date of mailing of the notification.

(B) A decision to issue a building or land use permit is final unless appealed within the 30 day notice period to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the tower site. In the event of appeal, the planning and zoning commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with section 21.03.050A.

ii. *PLI and Residential Districts*
All type 1, 2, and 3 tower structures within a residential district, as allowed by table 21.05-1, or PLI district shall be subject to a site plan review as set forth in this section, except when a conditional use permit is required.

iii. *Other Zoning Districts*
All zoning districts not referenced in e.i. or e.ii. above are exempt from the notification requirements, the minimum separation distances from protected land uses, and the site plan review requirements set forth in this chapter.

f. ***Co-location***

i. The *co-location* tower structure, pole, monopole or any other similar facility, must be designed to accommodate no less than the following communications equipment: 12 antennas with a flat plate wind loading of not less than *four* square feet per antenna; a standard mounting structure, stand off arms, platform or other similar structure that is sufficient to hold the antennas; cable ports at the base and antenna levels of the tower structure; and, sufficient room within or on the tower structure for 12 runs of 7/8" coaxial cable from the base of the tower structure to the antennas.

ii. Applicants for *co-location* shall provide proof in a form found acceptable to the municipal attorney that more than one service provider *is using* the *co-location* facility.

iii. All community and local interest towers shall, for a reasonable compensation, be made available for use by as many other licensed carriers as can be technically *co-located* thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in *co-locating* additional facilities upon such towers. All licensed carriers shall exercise good faith in *co-locating* with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of *co-location*.

g. ***General Standards***

i. *Installation*
All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission

(FCC) as meeting the current American National Standards Institute (ANSI) standard for nonionizing electromagnetic radiation (NIER).

ii. *Tower Lighting*
Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

iii. *Tower Color*
The tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.

iv. *Notice and Interference*
An operator proposing to install or modify an antenna shall provide notice to all property owners within 500 feet of the date of activation of the new or modified antenna. Within 90 days of activation the antenna, the operator shall resolve all reported occurrences of interference.

v. *Identification Placard*
An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:

(A) The name and address of the tower structure owner;

(B) The name and address of the tower structure manager, if different from the owner;

(C) The date of erection of the tower structure; and

(D) The owner's name and address of each antenna on the tower structure.

h. ***Administrative Permit Required***
An administrative permit shall be obtained from the director. The application shall identify the antenna(s) on the tower, the legal description of the site, its zoning and its street address, if any. This permit shall certify that, when granted, the antenna, or tower structure was in compliance with this section. This permit shall remain valid so long as that antenna or tower structure remains in continuous operation or is revoked according to this title.

i. ***Administrative Permit Revocation***
i. Unless cured, an administrative tower permit shall be revoked after notice and the opportunity to cure, for any of the following:

(A) Construction, maintenance, and/or operation of a tower at an unauthorized location;

(B) Construction or operation of a tower in violation of any of the terms and conditions of this chapter or the conditions attached to the permit;

(C) Material misrepresentation by or on behalf of an applicant or permittee in any application or written statement upon which the administrative official substantially relies in making the decision to grant, review, or amend any permit pursuant to this section and which materially changes the application of the standards of approval of the permit;

(D) Abandonment of a tower as set forth in this section; or

(E) Failure to relocate or remove facilities as required in this section.

ii. After having a tower permit revoked, no tower shall be re-permitted for that property or by that tower owner on any property within the municipality for a period of one year except through a conditional use permit. This subsection shall apply only with respect to community and local interest tower revocations pursuant to this title after the effective date of this ordinance.

j. ***Annual Inventory***

By January 31 of each year, each tower owner who is regulated by this section shall provide the municipality with an inventory of all additions and deletions of said provider's existing towers or approved sites for such facilities that are within the municipality or within one mile of the border thereof as of December 31 of the previous year. The first inventory from each provider shall be a comprehensive current list of their existing towers and approved sites.

k. ***Time Period for Construction***

Construction of a tower shall commence within one year from the date of the permit's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.

l. ***Administrative Site Plan Review***

i. *Applicability*

When an administrative site plan is required by table[S] 21.05-1 [OR 21.05-2], this subsection shall apply. A site plan review is required of all such towers since they have aesthetic and visual impacts on their neighbors, and the public interest is best served by allowing these neighbors and the public at large a chance to comment on and provide input concerning the location and design of these towers. All such towers shall conform to the requirements of this section and to the requirements of the zoning district in which the tower is located.

ii. *General*

(A) In approving a site plan, the director may impose conditions to the extent that he or she concludes are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.

(B) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

iii. *Submittal Information*

Applicants for an administrative site plan review for a tower structure shall submit the information required in the user's guide.

iv. *Public Participation Process*
Notwithstanding table 21.03-1, at least 35 days before acting on a tower site plan application under this section, the director shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the municipality for the expense of advertising and mailing such notice. The applicant shall also post the property with a notice pursuant to subsection 21.03.020H.5. Following notice of the site plan, the community council has 35 days from the date of the letter to respond.

v. *Approval Period*
The director shall take action on the site plan within 50 days of the site plan application submittal. Upon action, the applicant will mail to all addressees on the original notice list, the written action of the director. The applicant shall document their public process including a list of who was notified, with what, and when as part of their permit application process.

vi. *Factors Considered In Granting Site Plan Approval For Tower Structures*
In addition to the general standards for site plan approval at subsection 21.03.180[190]E., the director shall also consider the factors for conditional uses for tower structures in subsection p.iii. below.

vii. *Appeals*
Notwithstanding section 21.03.050, a decision of the director under the authority set forth in this subsection is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the tower site. In the event of appeal, the planning and zoning commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in Superior Court.

m. ***Qualification of Type 4 Tower Structure and Antenna***
Each type 4 tower structure and antenna shall be qualified as meeting the design standard by the planning and zoning commission. A proponent of a type 4 tower structure and antenna design shall provide the commission with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the commission to find the design standard is satisfied. At completion of the construction of the first tower structure and antenna under a newly qualified design, it shall be reviewed by the commission to confirm the installation complies with the design standards. If the installation fails to comply, subsequent tower structure and antenna design and installation shall be amended or redesigned as directed by the commission.

n. ***Community Interest and Local Interest Towers***

Community interest and local interest towers as a permitted principal use shall be subject to the following:

i. *Parking*

Off-street parking space is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved with concrete or asphalt compound or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Parking space illumination shall be provided only to extent that the area is illuminated when the parking space is in use. The illumination shall be the lowest possible intensity level to provide parking space lighting for safe working conditions.

ii. *Security*

The tower structure and support structures shall be secured to prevent unauthorized access.

iii. *Separation Distance*

If any community interest tower on a site exceeds 200 feet in height, the tower site shall be separated from any other principal or conditional use community interest or local interest tower site with tower(s) exceeding 200 feet in height by at least 5,280 feet (one mile).

o. ***Abandonment***

Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.

p. ***Conditional Use Standards***

i. *General and Applicability of Conditional Use Requirement*

The following provisions shall govern the issuance of conditional use permits for tower structures or antennas by the planning and zoning commission:

(A) If the community interest or local interest tower or antenna fails to meet the conditions of subsections 2.a. through 2.c and/or 2.e. through 2.o. above, then a conditional use permit shall be required for the construction of a tower structure or the placement of an antenna.

(B) Applications for conditional use permits under this section shall be subject to the conditional use procedures and general standards, except as modified in this section.

(C) In granting a conditional use permit, the planning and zoning commission may impose conditions to the extent the commission concludes such conditions are necessary to minimize any

adverse effect of the proposed tower structure or antenna on adjoining properties.

(D) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

ii. *Submittal Information*
Applicants for conditional use for a tower structure shall submit the information required in the user's guide and a non-refundable fee to reimburse the municipality for the costs of reviewing the application.

iii. *Factors Considered in Granting Conditional Use Permits for Antennas and Tower Structures.*
In addition to the general standards for a conditional use in subsection 21.03.080C., the planning and zoning commission shall consider the following factors in determining whether to issue a conditional use permit, although the commission may waive or reduce the burden on the applicant of one or more of these criteria if the commission concludes that the goals of this ordinance are better served thereby:

(A) Height of the proposed tower structure;

(B) Proximity of the tower structure to residential structures and residential district boundaries;

(C) Nature of uses on adjacent and nearby properties;

(D) Surrounding topography;

(E) Surrounding tree coverage and foliage;

(F) Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(G) Proposed ingress and egress; and

(H) Availability of suitable existing tower structures, other structures, or alternative technologies not requiring the use of tower structures or structures.

iv. *Availability of Suitable Existing Tower Structures, Other Structures, or Alternative Technology*
No new tower structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning commission that no existing tower structure, structure, or alternative technology that does not require the use of tower structures, or alternative technology can accommodate or replace the applicant's proposed antenna. An applicant shall submit any additional information requested by the planning and zoning commission related to the availability of suitable existing tower structures, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower structure, structure, or alternative technology can accommodate the applicant's proposed antenna will consist of the following:

(A) No existing tower structures or structures are located within the geographic area which meet applicant's engineering requirements.

(B) Existing tower structures or structures are not of sufficient height to meet applicant's engineering requirements.

(C) Existing tower structures or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower structures or structures, or the antenna on the existing tower structures or structures would cause interference with the applicant's proposed antenna.

(E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower structure or structure or to adapt an existing tower structure or structure for sharing are unreasonable. Costs exceeding new tower structure development are presumed to be unreasonable.

(F) The applicant demonstrates that there are other limiting factors that render existing tower structures and structures unsuitable.

(G) The applicant demonstrates that an alternative technology that does not require the use of tower structures or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower structure or antenna development shall not be presumed to render the technology unsuitable.

v. *Modifications*

Standards for modifications to community interest and local interest towers allowed as a conditional use are as follows:

(A) Repairs and maintenance to the tower structure may be performed consistent with subsection 21.12.040F.

(B) The replacement, repair or addition of antennas, dishes and other transmitting or receiving devices to a tower shall not be considered a modification of final approval as set forth in subsection 21.03.080D. and shall be considered a use contemplated within the original approved or de facto conditional use where the replacement, repair, or addition of antennas, dishes, and other transmitting or receiving devices:

(1) Will serve the same user or successor entity under the original conditional use;

(2) Will serve the same general purpose as was served under the original conditional use;

(3) Is consistent with the original conditional use.

Page 211 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

q. ***Amateur Radio Stations And Receive Only Antennas***

i. Amateur radio stations are exempt from the location, tower type, and height limitations contained in this title provided:

(A) The antenna and tower structure are part of a federally-licensed amateur radio station; and

(B) In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.

ii. The following are exempt from this title:

(A) Installation and use of antenna(s) for use by a dwelling unit occupant for personal, home occupation, or utility telemetry purposes, or by an electric or gas utility on an existing power pole or cabinet to monitor or control equipment thereon; and

(B) Noncommercial receive only antennas.

iii. Notwithstanding the above, any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense.

iv. Any antenna or tower structure erected under this subsection 2.n. shall not exceed the height limits set forth in subsection 21.04.080C. nor interfere with Federal Aviation Administration Regulations on airport approaches.

21.05.050 COMMERCIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general commercial use categories and specific commercial use types listed in table[S] 21.05-1 [AND 21.05-2]. The uses may either be commercial or have impacts common to commercial uses. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

A. Agricultural Uses

This category includes activities that primarily involve producing or keeping plants on a commercial basis. Accessory uses may include dwellings for proprietors and employees, barns, storage, and sales of products produced on-site. Specific use types include:

1. Commercial Horticulture

a. ***Definition***

An establishment engaged in the growth and sale of vegetables, produce, fruit crops, vines, shrubs, trees (including Christmas trees), sod, and nursery plants, conducted within or outside an enclosed building. This use includes, but is not limited to, crop farms, orchards, groves, tree plantations, commercial greenhouses, nurseries, and a temporary stand for the sale of products grown on the premises.

Page 212 ANNOTATION

The Assembly Committee changed the name of this use so that there was no potential conflict or confusion with the definition of commercial kennel in Title 17.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

B. Animal Sales, Service, and Care

This category includes uses that involve the selling, boarding, training, or care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

1. Animal Shelter

a. *Definition*

A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public or nonprofit organization devoted to the welfare, protection, and humane treatment of animals. This term shall not include residences where animals are fostered while awaiting adoption.

b. *Use-Specific Standards (also apply to "Retail and Pet Services", "Animal Boarding [KENNEL, COMMERCIAL]", and "Veterinary Clinic")*

i. *General Standards when Use is within 100 Feet of a Residential [OR MIXED-USE] District*

All facilities, including all treatment rooms, cages, pens, kennels, and training rooms, shall be maintained within a completely enclosed building. Areas for the care of large animals that are associated with veterinary clinics are exempt from this requirement, but shall meet the setback standards of subsection 21.05.050B.3.b.iv.

ii. *Standards When Use is Not within 100 Feet of a Residential [OR MIXED-USE] District*

Outdoor runs shall be located on site and shall be screened from the view of all adjacent streets and properties by fencing or vegetation.

iii. *Waste Management*

Waste shall be managed in accordance with AMC section 15.20.020.

2. Animal Boarding [KENNEL, COMMERCIAL]

a. *Definition*

A commercial establishment where small domestic animals, such as dogs and cats, are boarded. This use includes animal daycare.

b. *Use-Specific Standard[S]*

Animal boarding establishments [COMMERCIAL KENNELS] shall comply with the use-specific standards above for "animal shelter."

3. Large Domestic Animal Facility, Principal Use

a. *Definition*

An establishment for keeping, harboring, riding, boarding, stabling, training, exercising, breeding, or related use of four or more large domestic animals, and the associated structure(s) such as a paddock or stable. Includes riding stable facilities for the care and exercise of horses and related equestrian activities. Such establishment may be a commercial establishment or may be in conjunction with a residence but exceed the incidental and subordinate nature of an accessory use.

b. *Use-Specific Standards*

i. *Access*

Traffic access shall be from a street constructed to standards found by the traffic engineer to be appropriate to the intensity of the use proposed.

Page 213 ANNOTATION

PZC states: "This should be allowed without having to go to PZC."

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

ii. *Lot Coverage*
Lot coverage may be 10 percent greater than the maximum lot coverage otherwise allowed in the zoning district. [SHALL BE THAT OF THE UNDERLYING ZONING DISTRICT EXCEPT THAT THE PLANNING AND ZONING COMMISSION MAY ALLOW UP TO 10 PERCENT ADDITIONAL LOT COVERAGE ABOVE THE MAXIMUM ALLOWED IN THE DISTRICT.]

iii. *Adjacent Lots*
Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the director. In such cases, setback requirements shall not apply to the common interior lot lines and a primary use need not be located on the adjacent lot.

iv. *Setbacks*
Notwithstanding the setbacks of the underlying zoning district, covered structures associated with a large domestic animal facility, such as a stable or barn, shall be set back at least 25 feet from any abutting lot line, not including interior lot lines between lots in common ownership. Uncovered enclosures shall meet one of the following setback options:

(A) Seventy-five feet from residences existing on February 28, 2006, not including any residence in common ownership with the large domestic animal facility; or

(B) Ten feet from any abutting lot line, not including interior lot lines between lots in common ownership, if the separation area is vegetated with L2 [L3] buffer landscaping.

v. *Fences*
Barbed wire shall not be used for fencing of any large domestic animal facilities.

vi. *Other Requirements*
Large domestic animal facilities shall:

(A) Meet the requirements of AMC chapter 15.20 regarding animal waste, AMC subsection 15.55.060B. concerning separation requirements from water supply wells, and section 21.07.020 concerning stream protection setbacks;

(B) Obtain an animal control facility license;

(C) Obtain certification of compliance with a state of Alaska, Anchorage soil and water conservation district conservation plan, or obtain a letter from the district showing demonstrated intent to come into compliance with a conservation plan within one year; and

(D) Comply with licensing and other laws concerning the keeping of animals as set forth in AMC titles 15, 17, and 21.

vii. *Additional Conditions*
The planning and zoning commission may impose additional conditions upon a conditional use permit that are found necessary to protect any person or neighboring use from unsanitary conditions or unreasonable noise or odors, or to protect the public health and safety.

4. Retail and Pet Services

a. ***Definition***
An establishment primarily engaged in the sale, bathing, and/or grooming of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry. Accessory uses may include overnight stays incidental to the primary use.

b. ***Use-Specific Standard[S]***
Retail and pet services shall comply with the use-specific standards above for "animal shelter."

5. Veterinary Clinic

a. ***Definition***
An establishment for the medical care and treatment of animals by a licensed veterinarian.

b. ***Use-Specific Standard[S]***
Veterinary clinics shall comply with the use-specific standards above for "animal shelter."

C. Assembly

This use includes buildings and facilities owned or operated by associations, corporations, governments, or other persons for social, educational, or recreational purposes. Facilities are primarily for members and their guests, or members of the public paying a fee. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities. Specific use types include:

1. Civic/Convention Center

a. ***Definition***
An establishment designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, and entertainment functions. Accessory uses may include temporary outdoor displays, parking, and food and beverage preparation and service for on-site consumption.

b. ***Use-Specific Standard***
Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

2. Club/Lodge/Meeting Hall

a. ***Definition***
An establishment owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, to which membership may be required for participation.

b. ***Use-Specific Standard***
Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

D. Entertainment and Recreation

This category includes uses that provide continuous recreation or entertainment activities, outdoors or indoors. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

1. Amusement Establishment

a. *Definition*

An establishment offering entertainment, game playing, or similar amusements to the public within a fully enclosed building. This shall include without limitation arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, water parks, miniature golf courses, and indoor shooting ranges.

b. *Use-Specific Standard*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

2. Entertainment Facility, Major

a. *Definition*

Major entertainment facilities uses are designed to accommodate activities that generally draw 501 persons or more to specific events or shows. Activities are generally of a spectator nature. Examples include amphitheaters, performing arts centers, stadiums, sports arenas, coliseums, auditoriums, and fairgrounds. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

b. *Use-Specific Standard*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

3. Fitness and Recreational Sports Center

a. *Definition*

A facility primarily featuring equipment for exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, yoga, and other kinds of sports and fitness facilities.

4. General Outdoor Recreation, Commercial

a. *Definition*

Developed recreational uses such as amusement parks, miniature golf courses, dog mushing tracks, golf driving ranges, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.

b. *Use-Specific Standard*

L2 [L3] buffer landscaping shall be provided wherever this use is adjacent to a residential district.

5. Golf Course

a. *Definition*

A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restrooms, or similar accessory uses or structures. This term shall not include housing or miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.

6. Motorized Sports Facility

a. *Definition*

A facility for the racing of motorcycles, snow machines, race cars, or other motorized vehicles.

b. *Use-Specific Standards*

i. *Special Land Use Permit for Alcohol*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

ii. *Hours of Operation*

The maximum hours of operation shall be from 8:00 a.m. to 10:00 p.m. Monday through Saturday, and from 12:00 p.m. to 10:00 p.m. on Sunday.

iii. *Additional Site Plan Requirements*

In all districts, as part of the site plan application, the applicant shall comply with the following requirements:

(A) If the projected or actual noise level exceeds the standards set at AMC section 15.70.080A., a noise analysis shall be prepared identifying noise mitigation measures.

(B) The applicant shall prepare an operation plan to monitor and enforce:

(1) Prohibition on consumption of alcoholic beverage on the premises; and

(2) Mandatory transportation of racing machines to the site.

(C) The applicant shall submit a dust and litter control plan and describe the methods to be used to collect trash on the site.

(D) The applicant shall identify one or more individuals who shall be responsible for enforcement of the noise, operation, and dust and litter control plans developed pursuant to this subsection.

iv. *Dimensional Standards*

Notwithstanding the general dimensional standards of chapter 21.06:

(A) The planning and zoning commission may designate minimum setback areas around the perimeter of the site as it deems necessary to minimize glare and noise impact on adjacent uses, to separate incompatible uses, and to restrict casual access to the site.

(B) The maximum height of structures shall be 35 feet.

v. *Site Location, Development, and Operation*

(A) No motorized facility shall be located within 500 feet of any residential [OR MIXED-USE] district.

(B) In order to prevent casual access to and from the site or to mitigate adverse effects of the motorized sports facility upon adjacent uses, the planning and zoning commission may require

the enclosure of the entire site by a screening structure and/or landscaping, as described in section 21.07.080.

(C) Public sanitation facilities (restrooms) shall be provided on-site and operated in a manner consistent with AMC section 15.20.020.

vi. *I-1 District Standard[S]*

Motorized sports facilities are conditionally allowed in the I-1 district on parcels with a minimum of 20 acres. The maximum engine size allowed is 250 cc's for wheeled vehicles and 550 cc's for snow machines.

7. Movie Theater

a. ***Definition***

An indoor theater for showing motion pictures.

8. Nightclub

a. ***Definition***

An enterprise, that, for consideration, provides entertainment to its patrons in the form of floorshows; dance revues; live, recorded, or electronically enhanced music; patron dancing; or performances by live or recorded professional or amateur entertainers. Discotheques, nightclubs, bars, lounges, dance halls, bistros, teen clubs, and any facility that meets the terms of this definition are often, but not exclusively, open during one or more of the hours between 11:00 p.m. and 3:00 a.m. This definition excludes theaters or auditoriums with fixed seating, religious assemblies, adult-oriented establishments as defined by AMC section 10.40.050, publicly owned and operated recreation centers or parks, and public and private schools. Nightclubs may be licensed or unlicensed. Unlicensed nightclubs do not offer or sell to patrons either alcoholic beverages, as defined by AS 04.21.080, or adult entertainment, as defined by AMC section 10.40.050.

b. ***Use-Specific Standards for Licensed Nightclubs***

i. All facilities adjacent to a residential district shall be maintained within a completely enclosed building, and shall be sufficiently insulated so that the standards of AMC section 15.70.080A. are met.

ii. Licensed nightclubs are subject to the special land use permit for alcohol process to allow the retail sale of alcohol; see section 21.05.020A.

c. ***Use-Specific Standards for Unlicensed Nightclubs***

i. *Purpose*

Certain types of enterprises have been determined to produce secondary impacts on surrounding land uses. The impacts include a perceived decline in property values, and an increase in the level of criminal activity, including unlawful sales and use of drugs and consumption of alcoholic beverages, in the vicinity of these types of enterprises. The purpose of this subsection is to segregate such enterprises from land uses that are likely to be negatively impacted.

ii. *Minimum Distance from Certain Uses*

Except for teen nightclubs and underage dances permitted under AMC chapter 10.55, an unlicensed nightclub shall be located so that all portions of the lot on which the unlicensed nightclub is located shall be 300 feet or more from the lot line of property on which is located:

(A) A school or instructional service serving any combination of grades kindergarten through 12;

(B) Property zoned residential; or

(C) TA-zoned property designated as residential in the *Turnagain Arm Comprehensive [AREA] Plan*.

iii. *Administrative Permit Required*
An administrative permit for each unlicensed nightclub shall be obtained from the department and be displayed in a prominent place inside the unlicensed nightclub. This permit shall certify that, when granted, the enterprise was in compliance with paragraph ii. of this subsection. This permit shall be obtained from the director, pursuant to section 21.03.030, *Administrative Permits*. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand.

9. Shooting Range, Outdoor

a. ***Definition***
An establishment engaged in the use of land for discharging of firearms for target practice, skeet, and trap shooting.

b. ***Use-Specific Standards***

i. *Intent*
The intent of the following standards for shooting ranges is primarily safety and buffering for adjacent neighborhoods.

ii. *Setbacks*
All shooting areas shall be set back a minimum distance of 100 feet from any public right-of-way. Buildings located behind the firing line are allowed to be located to the normal zone setback.

iii. *Site Size*
The minimum site size shall be 20 acres.

iv. *Shooting Area*
The backstop must be an earth mound or dugout of sufficient dimension to stop projectiles. Casual access into the line of fire shall be prevented through fencing or some equally effective equivalent.

v. *On-Site Uses*
An accessory retail store, snack shop, ammunition storage, and short-term rental of firearms and equipment for use only on the premises are permitted. Sale of alcoholic beverages is prohibited.

vi. *Noise Impact Analysis*
A noise impact analysis with a noise map based on the types of firing and layout of the range shall be submitted as part of the conditional use application.

10. Skiing Facility, Alpine

a. ***Definition***
A facility and related terrain utilized for alpine skiing, and uses and facilities typically associated with the use and operation of such facility, including but not limited to: ski and snowboard runs and trails; ski lifts and tows, including towers

and structures, related to skiing and snowboarding patrons; snow-making equipment/facilities; ski patrol facilities; ski area administrative and ticketing offices; special events directly associated with ski areas such as ski races, snowboard races, snow machine races, bicycle races, and concerts; alpine slide; nordic ski trails and facilities; tubing hills; ski and equipment rental facilities and ski instruction facilities; ice skating rinks; ski bridges; and supporting accessory structures.

Ski Facility, Alpine shall not mean such uses as lodges, hotels, dwelling units, restaurants, retail shops, outdoor carts and vending areas, clinics, day care centers, offices, and high impact recreational uses such as go carts, golf courses and driving ranges, paint ball games, rifle ranges, waterslides, and stables.

11. Theater Company or Dinner Theater

a. *Definition*

An establishment for live dramatic, operatic, or dance presentations open to the public, without membership requirements, whose seating capacity does not exceed 500 seats and seating area does not exceed 3,000 square feet, or any area for the rehearsal of such live performances. These establishments may also provide food and beverages for consumption on the premises.

b. *Use-Specific Standard*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

E. Food and Beverage Services

This category includes businesses that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

1. Bar

a. *Definition*

An establishment that prepares and retails alcoholic beverages for consumption on the premises. These establishments may also manufacture malt beverages and provide limited food services.

b. *Use-Specific Standard*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

2. Food and Beverage Kiosk

a. *Definition*

An establishment in a freestanding building, trailer, or vehicle on an impermanent foundation that sells coffee or other beverages and food from a window to customers who are either pedestrians or seated in their automobiles, for consumption off the premises, and that provides no indoor seating.

b. *Use-Specific Standards*

Kiosks in all districts shall comply with the following standards:

i. [ANY F]Food and beverage kiosks [WITH DRIVE-THROUGH SERVICE] shall comply with the "drive-through service" accessory use standards in subsection 21.05.070D.6[7].

Page 220 ANNOTATION

In the provisionally-adopted code, financial institutions were not permitted in the industrial zones.
The Assembly Title 21 Committee supports a proposed amendment to the table of allowed uses to allow financial institutions, however with the limitation that financial institutions be smaller scale branch bank customer services. Large financial headquarters and high density office employment are encouraged to locate in the city's commercial districts instead, in order to protect the industrial nature of the I-1 and I-2 districts, and avoid incompatible use and scale conflicts with industrial establishments and outlying neighborhoods.

Limitations on the size of financial institutions in the B-3 district are proposed to be deleted, as the mixed-use districts that would have replaced the B-3 in the city's commercial centers are now proposed to be deleted.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

ii. Kiosks shall be on wheels to facilitate movement onto and off the site, and may not be located on a permanent foundation. The wheels shall be screened with opaque skirting or screening so as to not be visible.

iii. Kiosks may be located on the same lot as another principal use.

[KIOSKS SHALL COMPLY WITH THE "DRIVE-THROUGH SERVICE" ACCESSORY USE STANDARDS IN SECTION 21.05.070D.7.]

iv. Kiosks that provide outdoor seating shall provide parking for that seating, as required by section 21.07.090, *Off-Street Parking and Loading*.

v. All signs shall comply with chapter 21.11, *Signs*.

3. Restaurant

a. *Definition*

An establishment primarily engaged in the preparation and sale of food and beverages, normally for consumption on the premises, but including those establishments that provide only take-out or delivery service.

b. *Use-Specific Standards*

i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

ii. Any restaurant with drive-through service shall comply with the "drive-through service" accessory use standards in section 21.05.070D.6[7].

F. Office

This category includes activities that generally focus on providing business or professional services. Accessory uses may include cafeterias, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

1. Broadcasting Facility

a. *Definition*

An establishment engaged in the broadcasting of audio, television, or movie productions and associated activities.

2. Financial Institution

a. *Definition*

Establishments that provide retail banking, mortgage lending, and/or financial services to individuals and businesses. Accessory uses may include automatic teller machines, offices, and parking. Financial institutions may or may not have drive-through service depending on the zoning district in which they are located; see section 21.05.070, *Accessory Uses and Structures*.

b. *Use-Specific Standards*

i. Financial institutions are permitted in the B-1A, B-1B [NMU], [AND] I-1 [B-3] and I-2 districts only if they are providing primarily retail services to walk-in customers, rather than primarily office and support services with few walk-in customers.

ii. Financial institutions in the I-1 [B-3] and I-2 districts shall have a maximum gross floor area of 5,000 square feet.

Page 221 ANNOTATION

This amendment carries forward the existing code's limitations on commercial offices in the PLI district, which preserves the PLI district for public/institutional uses. Currently, office uses are limited to governmental office buildings, administrative offices of charitable, religious, educational, and other community organizations of a noncommercial nature. The intent of the code rewrite is to maintain these protections for PLI lands and institutions, while encouraging commercial office employment growth in the city's commercially zoned districts and city centers.

In the provisionally-adopted code, commercial offices were not permitted in the industrial zones. The Assembly Title 21 Committee supports allowing offices in order to accommodate existing office buildings and establishments, office-industrial parks, and business enlargements and expansions. New office development is proposed to be allowed too, however the maximum size of new development is limited to protect industrial areas from incompatible use and intensity. Large scale office towers are intended to locate in the commercial centers instead, where they create synergies with other city center uses, transportation infrastructure, and urban services.

Subsection (C): In general, the Assembly Title 21 Committee has supported more limits to commercial use in the I-2 than in the I-1, in order to retain its function as a preserve for industrial activities including heavier industrial activities that are incompatible with other categories of land use.

Subsection (D): A "BIP-PUD" is a business-industrial park. See 21.03.080G.

iii. Any financial institution with drive-through service shall comply with the "drive-through service" accessory use standards in subsection 21.05.070D.6[7].

3. Office, Business or Professional

a. ***Definition***

An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise, except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. [(]Government offices are classified under "governmental administration and civic buildings" above.[)]

b. ***Use-Specific Standards***

i. Business or professional office uses in the PLI district shall comply with one of the following:

(A) The use shall be an administrative office of a charitable or similar quasi-public organization of a noncommercial nature;

(B) The use shall be primarily engaged in directly serving the function of a community use permitted in the district; or

(C) The use shall be accessory to a use permitted in the district, and comprise no more than one-third of the gross floor area on the site, unless a greater percentage is approved by the director.

ii. Business or professional office uses in the I-1 and I-2 districts shall comply with the limitations that follow, except as provided in ii.(D).:

(A) The building or portion of the building containing the use shall not exceed 50 feet in height.

(B) If business or professional office uses occupy more than 20,000 sf of gross floor area (gfa), they shall comprise no more than 50 percent of the total gfa on the site.

(C) In the I-2 district, the use shall be directly associated with and support the function of another use permitted in the district.

(D) The section is not applicable to the following:

(1) Business or professional office uses existing as of [effective date];

(2) New business or professional office uses that occupy floor area previously legally occupied by a government administration and civic buildings use, or another use in the office or health services category;

(3) Enlargements of (D).(1). or (D).(2). that increase their gfa by no more than 25 percent; and

(4) Business or professional office uses in a BIP-PUD.

Page 222 ANNOTATION

The Chugiak-Eagle River Consortium proposed this name change in chapter 21.10. Because uses should be named and defined consistently in title 21 for the entire municipality, the name of this use is proposed to be changed in chapter 21.05

Since the mixed-use districts were proposed for deletion, this standard was no longer needed.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

G. Personal Services, Repair, and Rental

This category includes establishments engaged in the provision of information, instruction, personal improvement, personal care, repair, lease, or rent of new or used products, or similar services. Accessory uses may include offices, storage of goods, manufacture, or repackaging of goods for on-site sale, and parking. Specific use[S] types include:

1. Business Service Establishment

a. *Definition*

An establishment that, for consideration, provides other businesses with advertising, leased or rented equipment, maintenance, security, management, consulting or technical aid, or copying services.

2. Funeral/Mortuary Services

a. *Definition*

An establishment providing services involving the display of the deceased, preparation of the deceased for burial, and rituals connected therewith before burial or cremation. Cremation services are a separate use.

3. General Personal Services

a. *Definition*

An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or similar semi-technical, technical, or experienced assistance, other than the practice of a profession and wholesale or retail sale of goods. Examples include, but are not limited to: dry-cleaning drop-off; photography studios; check cashing; shoe repair; beauty and barber shops; locksmith; repair of household appliances; and tanning salons. This use excludes maintenance and repair of vehicles and industrial equipment or machinery.

4. Small Equipment Rental

a. *Definition*

The commercial rental of supplies and equipment primarily intended for personal or household use, such as furniture, and minor residential gardening and construction projects, but not including car or truck rentals, or rentals of smaller motor vehicles not for home care such as motorcycles or snowmobiles. This use does not include the rental, storage, or maintenance of large construction or other commercial heavy equipment, which are classified under "industrial service."

[USE-SPECIFIC STANDARD

[IN MIXED-USE DISTRICTS, ALL MAINTENANCE, DISPLAY, AND STORAGE OF EQUIPMENT SHALL BE CONDUCTED WITHIN AN ENCLOSED BUILDING, OR WITHIN AN AREA LOCATED IN THE REAR OF THE BUILDING AND SCREENED BY A SIGHT-OBSCURING FENCE AT LEAST SIX FEET IN HEIGHT.]

H. Retail Sales

This category includes retail establishments involved in the sale of new or used products to the general public. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, and repair of goods for on-site sale. Specific use types include:

1. Auction House

a. *Definition*

A structure or enclosure where goods are sold by auction.

Page 223 ANNOTATION

“Floor covering” is deleted in order to eliminate overlaps between ‘Building Materials Store’ and other retail use types.

This amendment clarifies the name and definition for a use type that is distinguished by a lower parking requirement in the provisionally-adopted title 21, and clarifies where it will be allowed. Listing it as a separate use type supports administering its lower, more appropriate parking requirement.

These amendments refine and correct the examples of retail establishments, to avoid overlaps with other uses.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

2. Building Materials Store

a. *Definition*

An establishment primarily engaged in the sale, distribution, and associated storage of lumber and other building materials such as brick, tile, cement, insulation, [FLOOR COVERING,] roofing materials, and other improvement materials and associated tools; and/or the sale and service of plumbing, heating, and/or electrical equipment.

3. Convenience Store

a. *Definition*

An establishment engaged primarily in the sale of convenience goods, such as pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods.

b. *Use-Specific Standards*

i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

ii. In the R-4, R-4A, and B-1A districts, a convenience store shall not sell alcoholic beverages.

4. Farmers Market

a. *Definition*

An occasional, periodic, or seasonal market for offering for sale fresh agricultural, fresh food, or arts and crafts products directly to the consumer at an open-air market, covered structure with multiple stalls, or other pre-designated area, where the vendors are generally individuals who have raised the produce or made the product, or have taken the same on consignment for retail sale.

5. Fueling Station

a. *Definition*

An establishment engaged in the retail dispensing or sale of gasoline or other vehicular fuel products. This use definition does not include convenience store or vehicle service and repair uses.

6. Furniture and Home Appliance Store

a. *Definition*

An establishment engaged primarily in the sale of large household items, such as furniture, mattresses, carpets and flooring, and home appliances, in which a majority of the merchandise occupies large amounts of store floor area and is generally too large or heavy for an individual consumer to carry alone.

7. General Retail

a. *Definition*

An establishment engaged primarily in the retail sale of goods or merchandise, and rendering services incidental to the sale of such goods. Examples may include, but are not limited to: general merchandise retailers; warehouse and club retailers; superstores; discount stores; catalog showrooms; [PHARMACIES;] and specialty retail stores specializing in such goods as clothing, home décor [FURNISHINGS], paint, sporting goods, books, stationary, music, video rentals, or flowers.

Page 224 ANNOTATION

"Pharmacy" is a specific term and definition in the code, limited to only medical dispensaries and does not apply to "Walgreens" type retail stores, which fall under "general retail".

The Assembly Title 21 Committee supports the Administration's proposed amendment to allow general retail in the I-1 district, with the limitation that general retail uses that are large commercial establishments (more than 20,000 square feet) should not be permitted in the I-1 district. Large general retail establishments create commercial centers and high volumes of customer traffic, which is incompatible for industrial uses.

The Assembly Title 21 Committee supports the Administration's proposed amendment to allow grocery stores in the I-1 district, with a size limitation consistent with general retail uses.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

b. *Use-Specific Standards*

i. Any general retail use[, SUCH AS A PHARMACY,] with drive-through service shall comply with the "drive-through service" accessory use standards in subsection 21.05.070D.6[7].

ii. General retail establishments in the I-1 district shall have a maximum gross floor area of 20,000 square feet.

8. Grocery or Food Store

a. *Definition*

An establishment primarily engaged in the retail sale of food and/or beverages primarily to be consumed outside of the retail establishment's premises. Examples include, but are not limited to: supermarkets, grocery stores, delicatessens, specialty food shops, and bakeries. Take-out and delivery establishments are classified under "restaurant".

b. *Use-Specific Standard[S]*

i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

ii. Grocery or food stores in the I-1 district shall have a maximum gross floor area of 20,000 square feet.

9. Liquor Store

a. *Definition*

An establishment that is primarily engaged in selling alcoholic beverages for consumption off the premises.

b. *Use-Specific Standard[S]*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

10. Pawnshop

a. *Definition*

An establishment that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

I. Vehicles and Equipment

This category includes a broad range of uses for the sale, rental, and/or repair and maintenance of motor vehicles and related equipment. Large parking lots [AREAS] and outdoor storage areas may be included with these uses. Accessory uses may include incidental repair and storage, offices, and sales of parts and/or tires. Specific use types include:

1. Aircraft and Marine Vessel Sales

a. *Definition*

An establishment primarily engaged in the display and sale of aircraft and/or marine vessels as well as associated parts and supplies.

2. Parking Lot, Principal Use

a. *Definition*

An off-street, surface parking lot where motor vehicles are parked for not more than 72 consecutive hours, and the lot is not required parking for another use.

b. ***Use-Specific Standard***

Principal use parking lots shall be designed in accordance with subsection 21.07.090H., *Parking and Loading Facility Design Standards*, and landscaped in accordance with subsection 21.07.080E[F].6., *Parking Lot Landscaping*.

3. Parking Structure, Principal Use

a. ***Definition***

A parking structure with two or more levels or stories where motor vehicles are parked for not more than 72 consecutive hours, and the spaces are not required parking for another use. The parking structure may be above and/or below grade, and the levels may be partially or fully enclosed. A parking structure may occupy a portion of a building which also includes commercial space, such as offices or retail on the ground floor.

b. ***Use-Specific Standard***

Parking structures shall comply with the requirements of subsection 21.07.090K.

4. Vehicle Parts and Supplies

a. ***Definition***

The display and sale of new, reconditioned, or rebuilt parts, supplies, or equipment for automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, mobile homes, or snowmobiles.

b. ***Use-Specific Standard***

No dismantling or wrecking of vehicles or machinery may occur on site. Uses that include dismantling and wreckage are classified by this title as "junkyards."

5. Vehicle-Large, Sales and Rental

a. ***Definition***

An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles. Vehicles include, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, and mobile homes.

b. ***Use-Specific Standards***

i. This use may include the uses "vehicle service and repair, major" and "vehicle service and repair, minor", and repair of the vehicle inventory with a gross vehicular weight rating over 12,000 lbs, in accordance with subsection b.ii. below, is also allowed.

ii. At any given time, no more than five percent of the vehicle inventory on the lot, not including Class A and C recreational vehicles, shall have a gross vehicular weight rating (GVWR) of more than 12,000 lbs.

6. Vehicle-Small, Sales and Rental

a. ***Definition***

An establishment engaged in the display, sale, leasing, or rental of small motor vehicles. Vehicles include, but are not limited to: motorcycles, personal watercraft (jet skis), utility trailers, snowmobiles, and all-terrain vehicles (ATVs).

b. ***Use-Specific Standard[S]***

This use may include the uses "vehicle service and repair, major" and "vehicle service and repair, minor".

7. Vehicle Service and Repair, Major

a. *Definition*

An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, or snowmobiles. Vehicles served by this type of establishment, except for recreational vehicles, shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs. Services include all activities listed in "vehicle service and repair, minor", as well as engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.

b. *Use-Specific Standards*

i. Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.

ii. Noise generating equipment shall meet the noise control standards of AMC section 15.70.

8. Vehicle Service and Repair, Minor

a. *Definition*

An establishment engaged in light maintenance activities such as engine tune-ups; oil change and lubrication; carburetor cleaning; muffler replacement; brake repair; car washing; tire shops; and detailing and polishing. Vehicle parts are sold and are ordinarily installed on the premises. Vehicles served by this type of establishment, except for recreational vehicles, shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs.

b. *Use-Specific Standards for Carwash Bays and Vehicle Repair Bays*

i. Vehicle wash or service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.

ii. Noise generating equipment shall meet the noise control standards of AMC section 15.70.

J. Visitor Accommodations

This category includes visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices. Specific use types include:

1. Camper Park

a. *Definition*

A lot or parcel of land, or portion thereof, temporarily occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay, and containing a potable water source and washroom facilities. These establishments may provide laundry rooms, recreation halls, and playgrounds. These uses are not intended for vehicle storage.

b. *Use-Specific Standards*

i. *Location and Access*

No entrance to, or exit from, a camper park shall be through a residential district or shall provide access to any street other than a collector or street of greater capacity.

ii. *Occupancy and Length of Stay*

Spaces in camper parks may be used by campers, recreational vehicles, equivalent facilities constructed on automobiles, tents, or short-term housing or shelter arrangements or devices. The occupants of such space shall remain in that space a period not to exceed 30 days.

2. Extended-Stay Lodgings

a. *Definition*

A visitor lodging establishment with six or more guest rooms offering suites with kitchens, business traveler communications conveniences, and intended primarily for periods of stay of one week or more. This does not include bed-and-breakfasts, which are classified as an accessory use under section 21.05.070.

b. *Use-Specific Standards*

i. A kitchen area shall be provided in all units.

ii. The facility shall provide a lobby area with a minimum of 750 square feet.

iii. In the R-4 district, extended-stay lodgings shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.

3. Hostel

a. *Definition*

An overnight lodging facility in which beds (pillows), rather than rooms, are rented. Sleeping accommodations are primarily dormitory-style and shared kitchen facilities may be available to the guests.

b. *Use-Specific Standards*

i. Hostels in the R-2F and R-2M shall contain no more than 20 pillows. Hostels in the R-3, R-4, and R-4A shall contain no more than 40 pillows.

ii. Hostels in residential zones require an administrative permit pursuant to subsection 21.03.030.

4. Hotel/Motel

a. *Definition*

Any building containing 20 or more guestrooms, rented for compensation by the day or week, and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants and meeting rooms. Meeting facilities designed to accommodate 1,500 or more persons shall constitute a separate principal use and be classified as “civic/convention center” under this title.

b. *Use-Specific Standards*

i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

ii. Establishments in the R-4 and R-4A [MIXED-USE] districts shall have all their guestrooms accessible by means of interior corridors.

iii. Establishments whose rooms are individually accessible from the outdoors shall have frontage on a major arterial or street of greater classification.

iv. In the R-4 district, hotels shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.

5. Inn

a. ***Definition***

A building or group of buildings containing between six and 19 guest rooms, or up to 60 pillows, for overnight lodging for compensation, where at least one meal per day may be provided to the guests, there is a central meeting room or lounge available to all of the guests, and there are no shared kitchen facilities.

b. ***Use-Specific Standards***

i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

ii. Inns in the R-4A district shall be subject to the [APPLICABLE] multifamily building [DEVELOPMENT AND] design standards in section 21.07.110C[100]., and the multi-family building parking standards in section 21.07.090. In the R-4A district, inns shall adhere to the maximum floor area ratio permitted for multi-family dwellings.

6. Recreational and Vacation Camp

a. ***Definition***

An overnight recreational camp, such as a children's camp, family vacation camp, or outdoor retreat. These establishments provide accommodation facilities, such as cabins and fixed camp sites, and incidental recreational and educational facilities.

21.05.060 INDUSTRIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general industrial use categories and specific industrial use types listed in table[S] 21.05-1 [AND 21.05-2]. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

A. Industrial Service

This category includes establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage. Specific use types include:

1. Data Processing Facility

a. ***Definition***

An establishment where electronic data is processed by employees, including, without limitation, data entry, storage, conversion, or analysis; and [,] subscription and credit card transaction processing.

Page 229 ANNOTATION

These amendments clarify what is considered a governmental service use, and also recognize that some developments under this use will need more screening than other developments, if they are adjacent to residential uses.

Administration Addition
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2. Dry-Cleaning Establishment

a. *Definition*

An establishment maintained for on-site laundry and/or dry cleaning, including the use of [USING] a perchlorethylene process or similar nonflammable, non-aqueous solvent, of fabrics, textiles, wearing apparel, or articles of any sort, and also including related maintenance or operation of equipment and machinery.

3. General Industrial Service

a. *Definition*

Establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Examples include: welding shops; machine shops; tool repair; electric motor repair; repair of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping; exterminators; and vending machine sales and service. Accessory activities may include retail sales, offices, parking, and storage.

b. *Use-Specific Standard*

L2 buffer [L4 SCREENING] landscaping is required where adjacent to residential zones.

4. Governmental Service

a. *Definition*

A facility housing government shops, maintenance[,] and repair centers, and/or equipment storage [YARDS]. Accessory activities may include supporting administrative offices.

b. *Use-Specific Standard*

If the specific development is similar to a heavy industrial use, L3 [L4] screening landscaping is required where adjacent to residential zones. Otherwise, L2 buffer landscaping is required where adjacent to residential zones.

5. Heavy Equipment Sales and Rental

a. *Definition*

An establishment engaged in the display, sale, leasing, or rental of construction equipment and other heavy equipment, including all heavy equipment of 12,000 or more pounds gross vehicular weight (GVW). This category does not include recreational vehicles or larger trucks that typically are sold at automobile dealerships; such vehicles are covered by "vehicle-large, sales and rental" above.

6. Research Laboratory

a. *Definition*

A facility that is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research, and including research and analysis facilities operated by public agencies and designed to assure public health and safety. The use does not include facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

B. Manufacturing and Production

This category includes industrial establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, synthetic [MAN-MADE], raw, secondary, or partially completed materials may be used in the manufacturing process. Products may be

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finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Such uses may include industries furnishing labor in the case of the refinishing of manufactured articles. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of total sales. Accessory activities may include limited retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific uses types include:

1. Commercial Food Production

a. *Definition*

An establishment processing and/or producing food for human consumption, including facilities engaged in providing food and/or food services for institutional, governmental, commercial, industrial, and other locations of other businesses; as well as facilities that process meat, game, and seafood. Examples include airline food services[, CAFETERIAS,] and catering companies that prepare food for consumption at an off-premise customer site.

2. Cottage Crafts

a. *Definition*

An establishment engaged in small-scale assembly and arts-and-crafts production by hand manufacturing involving the use of hand tools and small-scale equipment. Examples include, but are not limited to: candle making, artisan woodworking, art studio/gallery, artisan pottery, [AND] jewelry production, and the like. Cottage crafts are less intensive than, and do not have the off-site impacts often associated with, general industrial uses.

b. *Use-Specific Standards*

i. *Production and Sale of Cottage Crafts*

Cottage crafts may only be produced within a wholly-enclosed permanent structure. Cottage crafts production may occupy up to 1,500 square feet of gross building area, and may include up to an additional 300 square feet gross building area on the same lot devoted to the display and retail sale of the crafts produced. The retail/display area shall be located on the ground floor and in the front part of the building facing the primary street on which the lot is located.

ii. *Prohibitions*

(A) The outdoor storage of materials related to the production and sale of cottage crafts is prohibited in non-industrially-zoned districts.

(B) The use of equipment, materials, or processes that create hazards, noise, vibration, glare, fumes, or odors detectable to the normal senses off-site is prohibited.

3. Manufacturing, Heavy

a. *Definition*

An establishment engaged in the manufacture or compounding process of raw materials. Such activities may involve the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants, [AND] hot-mix plants, and RAP storage and processing; sawmills; manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products, or similar

Page 231 ANNOTATION

The Assembly Committee took a close look at the landscaping requirements for specific industrial uses and made some adjustments as they thought appropriate.

Administration Addition
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industrial uses; steel fabrication shops or yards; and manufacture, service, or repair of railroad equipment.

b. ***Use-Specific Standard***
L3 [L4] screening landscaping is required where adjacent to residential zones.

4. Manufacturing, Light

a. ***Definition***
An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to: airplane, automobile, or truck assembly; repair of railroad equipment; beverage manufacture and brewery; boatbuilding; cabinet shops; machine or blacksmith shops; metalworking or welding shops; paint shops; processing and/or dressing of skins; [STEEL FABRICATION SHOPS OR YARDS;] and printing, publishing, and lithography.

b. ***Use-Specific Standard***
L2 buffer [L4 SCREENING] landscaping with an 8-foot screening fence is required where adjacent to residential zones.

5. Natural Resource Extraction, Organic and Inorganic

a. ***Definition***
The development or extraction of organic and/or inorganic material from its natural occurrences on affected land. This use includes placer mining operations in which rock byproduct is removed from the premises. This use [SHALL] also includes commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, [OR] rock, or any other mineral, and other operations having similar characteristics. This use includes only operations of a scale involving 50,000 cubic yards or more of material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

b. ***Use-Specific Standards (also apply to "Natural Resource Extraction, Placer Mining")***
[GENERAL STANDARDS]
The following general standards apply in all districts:

i. *Limit on Site Size*
Except for placer mining, general natural resource extraction is allowed only on sites of five acres or more.

ii. *Water Discharge Permit*
Placer mining operations are subject to a wastewater discharge permit issued by the state department of environmental conservation.

iii. *Use and Handling of Explosives*
In addition to the requirements of the fire code, the following shall govern the storage, handling, and use of explosive materials:

(A) In addition to the submittal requirements for a conditional use approval, a blasting plan and a safety plan shall be submitted.

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(B) Blasting shall be conducted during daylight hours within the operating hours established by the planning and zoning commission.

(C) The handling and firing of explosives shall be performed only by the individual possessing a valid explosives certificate issued by the fire marshal.

(D) Whenever a new storage or magazine site is established the Anchorage police department, Anchorage fire department and the emergency operations center shall be notified.

(E) Quantities of explosives shall be determined by the fire code at AMC title 23.

(F) Blasting operations shall be performed in accordance with the instructions of the manufacturer of the explosive materials being used.

(G) Rock fall mitigation methods may be required. When blasting is done in close proximity to a structure, railway, highway, or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.

(H) Property owners within 1,000 feet of the site shall be notified at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.

(I) All areas subject to blasting operations shall be fenced in a manner to secure the site and to prevent unauthorized access to the site.

(J) Notice of blasting operations shall be posted at all entrances to the site and on security fencing in areas subject to blasting operations. Posting shall occur at least 24 hours in advance of blasting.

(K) When blasting is being conducted in the vicinity of utilities (gas, water, electric, fire alarm, or telephone), the blaster shall notify the appropriate representatives of the agencies at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.

(L) Before a blast is fired, the individual in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover and a loud warning signal has been sounded.

(M) The operator of the site shall be responsible for all damages to persons or property which arise from, or are caused by the blasting operations.

Page 233 ANNOTATION

The Assembly Committee took a close look at the landscaping requirements for specific industrial uses and made some adjustments as they thought appropriate.

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iv. *Screening*
At a minimum, L3 screening landscaping is required where adjacent to residential zones. The planning and zoning commission, through the conditional use review, may require additional screening.

v. *Required Submittals*
In addition to the general submittal requirements applicable to all site plans specified in the title 21 user's guide, additional submittal requirements are specified in that guide for natural resource extraction. The site plan shall be subject to review and approval of the department of public works [PROJECT MANAGEMENT AND ENGINEERING] for drainage, erosion, and sedimentation control; for conformance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit and other applicable EPA guidelines; and for compliance with generally accepted sound engineering principles.

vi. *Standards for Approval*
In addition to the conditional use standards of approval at 21.03.080C., the planning and zoning commission may approve a natural resource extraction conditional use only if the commission finds that the use also meets the following standards:

(A) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner to make them dust free. Where access roads intersect collectors or arterials, suitable traffic controls shall be established.

(B) The extraction operations will not pose a hazard to the public health and safety.

(C) The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly interfere with surrounding land uses.

(D) The restoration plan for the site ensures that, after extraction operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition. The site shall either be restored generally to its pre-excavation contours, or as appropriate for the future use of the land.

(E) The proposed use meets such additional standards for natural resource extraction conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.

6. Natural Resource Extraction, Placer Mining

a. ***Definition***
Natural resource extraction by means of the placer mining method that does not involve the removal of any natural resources other than small quantities of precious metals, such as gold, silver, and platinum, from the premises. Rock byproduct is not removed from the premises.

b. ***Use-Specific Standard[S]***
Placer mining shall comply with the use-specific standards set forth above for "natural resource extraction, organic and inorganic."

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This amendment recognizes that some industrial warehouse-type uses have small retail areas open to the general public.

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C. Marine Facility

This category includes a mix of commercial and light industrial manufacturing, processing, storage, wholesale, and distribution operations that are water-dependent or water-related. Water-dependent uses are generally permitted, while water-related uses are generally conditional uses. Specific use[S] types include:

1. Aquaculture

a. *Definition*

An establishment engaged in the hatching, raising, and breeding of fish or other aquatic plants or animals for sale.

2. Facility for Combined Marine and General Construction

a. *Definition*

An establishment engaged in the manufacture, construction, and repair of marine and non-marine related products.

3. Marine Operations

a. *Definition*

Establishments engaged in light industrial manufacturing, processing, or storage operations, that are water-dependent and water-related. Examples include, but are not limited to: cargo handling facilities, including docking, loading, and related storage; fabrication, storage, and repair of fishing equipment; facilities for marine construction and salvage; facilities for marine pollution control, petrochemical cleanup, and servicing of marine sanitation devices; facilities for processing of products harvested from the ocean; facilities for manufacturing ice; marine industrial welding and fabricating; seafood packaging, packing, storage, loading, and distribution facilities; shipbuilding and facilities for construction, maintenance, and repair of vessels; marine repair yards, boat fabrication, boat storage, and marine machine shops; marine transport services, including ferries, public landings and boat launches, commercial vessel berthing, excursion services, hovercraft, and boat rentals; recreational and commercial fishing and boating activities; tugboat, fireboat, pilot boat; coast guard, and similar services; uses that provide pedestrian access to the waterfront; wharves, docks, ramps, and piers; marine police, harbormaster, and other marine enforcement agencies; harbor and marine supplies and services, and ship supply, such as fueling and bunkering of vessels; and aids to navigation.

4. Marine Wholesaling

a. *Definition*

Establishments engaged in wholesale and distribution operations of marine-related products.

D. Warehouse and Storage

This category includes uses involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, limited retail sales, truck fleet parking, and maintenance areas. Specific use types include:

1. Bulk Storage of Hazardous Materials

a. *Definition*

An establishment primarily engaged in the bulk storage and/or distribution of hazardous materials, including liquefied fuel such as petroleum gas, for wholesale sale. “Hazardous materials” is defined at AMC 16.110.020.

b. ***Use-Specific Standard[S]***

Any new facilities for the storage and/or dispersion of hazardous materials, or expansion of existing facilities for the storage and/or dispersing of hazardous materials, shall occur at least 1,000 feet from a residential [OR MIXED-USE] district, school, hospital, or park [PLACE OF PUBLIC ASSEMBLY].

2. Impound Yard

a. ***Definition***

An area used for the storage of vehicles seized for any reason, including but not limited to traffic accidents, improper parking, and abandonment. No dismantling or disassembly of vehicles is permitted in an impound yard. The vehicle so stored may be sold from the impound yard by auction or otherwise, in accordance with state law.

b. ***Use-Specific Standard[S]***

Impound yards shall comply with the use-specific standards set forth for "storage yard" below.

3. Motor Freight Terminal

a. ***Definition***

A facility for freight pick-up, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

b. ***Use-Specific Standards***

i. Loading, parking, and maneuvering space shall be entirely on private property, which includes private leasehold of public property.

ii. There shall be a 200 foot buffer zone between the motor freight terminal operations and property zoned residential. No motor freight trucks, trailers (including those with refrigeration or heating units), or other motorized equipment such as fork lifts may be maneuvered, parked, or operated, nor any associated warehouses be located within 200 feet of residentially zoned property. The buffer zone may be used for employee parking, for landscaping, including a required L3 screening [L4] landscape buffer, and similar uses that do not create noise. The buffer zone shall be posted or marked in such a manner so as to clearly delineate the areas where operations are permitted.

iii. A motor freight terminal which abuts or is directly across a street or alley from residentially zoned property shall have L3 screening [L4] landscaping on the boundary of the abutting property, street, or alley.

iv. A motor freight terminal that is separated from property zoned residential by the Alaska Railroad main line corridor, or a freeway or expressway as classified on the *Official Streets and Highways Plan* is not subject to the provisions of subsections b.ii. and b.iii. above.

4. Self-Storage Facility

a. ***Definition***

A completely enclosed structure(s) containing three or more areas or rooms available for lease or rent for the purpose of the general storage of household goods and business or personal property, where the lessee of the unit is provided direct access to deposit or store items. Also known as a "ministorage facility." A self-storage facility may have associated outdoor vehicle storage, but a stand-alone vehicle storage establishment is classified under "storage yard".

b. ***Use-Specific Standards***

The standards below are applicable to self-storage facilities in all districts.

i. *Size of Site*

The self-storage site shall contain no less than one-half acre and no more than ten acres.

ii. *Traffic Access and Curb Cuts*

The site shall have direct driveway access from a street constructed to appropriate municipal standards as described in chapter 21.08. Location, number, and width of curb cuts shall be subject to the approval of the traffic engineer or the state department of transportation and public facilities.

iii. *Dimensional Standards*

Notwithstanding the general dimensional standards in chapter 21.06, the following specific standards apply:

(A) *Maximum Lot Coverage By All Buildings*

75 percent in industrial districts; 50 percent in all other districts.

(B) *Maximum Height of Structures*

35 feet. Structures over 35 feet in height shall require conditional use approval.

iv. *Paving and Drainage*

(A) All parking lots [AREAS] and driveways, interior aisles, and walkways shall be paved to municipal standards. In class B areas, the areas may be graveled with D-1.

(B) Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive or contaminated surface runoff from the site onto adjacent lands or streams. Drainage flow patterns shall be shown on the site plan or a separate approved map. [IF PLANS INDICATE THAT SURFACE DRAINAGE WILL BE CARRIED OFF SITE, THE SITE PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF PROJECT MANAGEMENT AND ENGINEERING.] Drainage shall comply with section 21.07.040.

v. *Permitted Accessory Uses*

The facility may provide two on-site dwelling units for use by an on-site caretaker, manager, or owner of the site.

vi. *Storage of Hazardous Substances*

The storage of explosives, radioactive materials, or any other hazardous chemicals, or flammable materials as defined by municipal code, is prohibited.

vii. *Prohibited Uses Within Storage Units*

Except for work performed ancillary to the operation of the self-storage facility, the following uses are prohibited from occurring within a self-storage facility or vehicle storage rental unit or space:

(A) The servicing, repair, or fabrication of vehicles, boats, trailers, lawn mowers, appliances, or any other equipment with the

exception of battery or tire removal and replacement. These must be conducted in accordance with all federal, state, and local laws. All hazardous materials must be disposed of properly by the owner of the vehicle.

(B) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

(C) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

viii. *Fencing and Landscaping*

(A) Except as noted below, all site boundaries shall be fenced with a sight-obscuring fence structure at least eight feet high. No fencing shall be required on the portion of site boundaries where a structure, excluding containerized storage units, abuts either side of the lot line.

(B) The fence shall be constructed of concrete, solid wood, or chain link with a neutral color fabric screening or vinyl covering, and shall be approved by the department for compatibility with surrounding properties. The structure shall be maintained in a safe, sound, and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title. Only one foot of security wire, such as concertina, razor, or barbed wire, is permitted to be exposed and visible outside the fence.

(C) Where a self storage or vehicle storage facility abuts a commercially zoned district or a street of collector classification or greater on the *Official Streets and Highways Plan*, L1 [L2] visual enhancement landscaping shall be required external to the sight-obscuring fence. Where lot lines for these facilities abut a residential district, L2 [L3] buffer landscaping shall be required. No landscaping shall be required where a lot line abuts an industrial district, or on the portion of site boundaries where a structure, excluding containerized storage units, abuts either side of the lot line [OR AN INDUSTRIAL DISTRICT], unless otherwise required by this title.

ix. *Vehicle Storage Yards*

The yard may not be used to display or advertise any merchandise for sale, including vehicles. No salvaging, dismantling, or disassembly of vehicles is permitted in a vehicle storage yard.

x. *Financial Guarantees*

The department may require a financial guarantee to ensure installation of required landscaping, fencing, paving, or mitigation of any environmental impacts or contamination to the site or surrounding land in accordance with section 21.08.060, *Subdivision Agreements*.

xi. *Existing Self Storage and Vehicle Storage Operations*

Self-storage and vehicle storage operations existing on or before October 26, 2004 shall be deemed to have approved site plans and not be nonconforming uses or structures. Notwithstanding the provisions of

chapter 21.12, *Nonconformities*, where self-storage and vehicle storage operations exist and have been in continuous existence since October 26, 2004, that use may continue provided the owner thereof complies with the following:

(A) *Site Enhancement Plan Required*
Any self-storage or vehicle storage operation existing prior to October 26, 2004 that does not comply with the requirements of this section related to sight-obscuring fencing, required landscaping external to said fencing, and elimination of security razor or concertina security wire at the top of a fence shall obtain approval by the director of, and agree to implement, a site enhancement plan for the property. This site enhancement plan shall be submitted to the director before April 26, 2014. The plan shall be fully implemented by October 26, 2014. The intent of this site enhancement plan is to bring the property as closely as reasonably possible into compliance with the above noted subsection without impeding existing operations.

(B) *Contents of Site Enhancement Plan*
The site enhancement plan shall include:

(1) A graphic and legal description of the plan area.

(2) Existing fencing and fencing types on the site.

(3) Current vegetation external to perimeter fencing, if any.

(4) Vehicular access points, including ingress and egress points, and queuing lanes.

(5) Proposed modifications to bring the property into compliance with the intent of the standards of this section, but only for the following items: sight-obscuring fencing; required landscaping external to said fencing on any side of the property abutting a residential zoning district or an arterial, if the side is not otherwise obscured from view by other landscaping, naturally-vegetated areas, natural features, or buildings located on adjoining properties; and in all instances elimination of barbed, razor, [AND] concertina, or other security wire, unless the security wire is placed in accordance with other sections of this title.

(6) It is the intent of this section that owners of existing facilities not be required to move existing fences or change existing operations.

(C) *Narrative Statement Required*
A narrative statement shall also be submitted with the site enhancement plan. The narrative shall be based on existing conditions and shall detail the following information:

(1) The method of securing the area to prevent casual access.

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(2) A proposed schedule that specifies the date and methods by which the owner shall come into compliance with the intent of this section.

(3) A description of current operations and uses that take place on the site.

(D) *Implementation of Approved Site Enhancement Plan*
The director shall set a reasonable period of time for implementation of the approved site enhancement plan, but in all cases the implementation shall be complete by October 26, 2014. Adequacy of the site enhancement plan shall be based on evidence presented by the owner, which may include the following:

(1) The location and size of the property and the self-storage and/or vehicle storage use, including topography and related physical constraints of the site.

(2) History of the use of the property as a self-storage and/or vehicle storage use, including information about the length of time it has existed as that use and any relevant permits or other official regulatory documents related to the use of the property as a self- storage and/or vehicle storage use.

(3) A map of the subject property indicating the location of all parcels of real property within a distance of 300 feet from the exterior boundary of the subject property, showing the zoning district boundaries.

(4) The compatibility of the operation with surrounding neighborhoods, and with prevention of noise, dust, safety hazards, traffic congestion, aesthetic deterioration, and other adverse environmental effects.

(5) Any other information the property owner may wish to submit in order to make his or her case.

(E) *Decision by Director*
Upon receipt of a site enhancement plan pursuant to subsection xii.(A). above, the director shall make a determination within 60 days of submittal of the site enhancement plan. The decision of the director shall be in writing and sent by certified mail to the address listed in the owner's application.

(F) *Appeals*
A decision of the director is final unless appealed within 30 days of its receipt by the owner of the property. Appeal is to the zoning board of examiners and appeals. Only the applicant may appeal the decision of the director. An appeal from a decision of the zoning board of examiners and appeals may be brought in superior court.

Page 240 ANNOTATION

The Assembly Committee took a close look at the landscaping requirements for specific industrial uses and made some adjustments as they thought appropriate.

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Assy Cmte Addition
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5. Storage Yard

a. ***Definition***

Any lot or portion of a lot that is used for the sole purpose of the outdoor storage of fully operable motor vehicles; construction equipment; construction materials; sand, gravel, topsoil, or the like; or other tangible materials and equipment.

b. ***Use-Specific Standards (also apply to "Impound Yard" and "Junkyard")***

i. *Location of Site*

(A) L2 buffer [L4 SCREENING] landscaping with an 8-foot screening fence shall be planted along all lot lines where a storage yard or impound yard abuts any academic school, hospital, residential district, or government administration and civic building.

(B) A junkyard shall not be located within 500 feet of any academic school, hospital, residential district, or government administration and civic building[, OR RESIDENTIAL SUBDIVISION].

ii. *Minimum Lot Size and Width for Junkyard*

Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a junkyard shall be two acres. The minimum lot width shall be 150 feet.

iii. *Limits on Outdoor Storage*

Outdoor storage shall not exceed 35 feet in height. No outdoor storage shall occur within the required front or side setback as set forth in chapter 21.06.

iv. *Containerized Storage Units*

The following standards shall apply to the use of containerized storage units:

(A) A containerized storage unit shall be a factory-built shipping container.

(B) A containerized storage unit shall be subject to the requirements for any required permitting, as set forth in the Anchorage municipal code of ordinances.

v. *Screening*

L3 [L4] screening landscaping is required where a junkyard is adjacent to residential districts.

vi. *Drainage; Protection of Water Supply*

Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams. [THE DRAINAGE PLAN THAT CARRIES WATER OFF THE SITE SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF PROJECT MANAGEMENT AND ENGINEERING.] Failure to prevent such contamination of the domestic water supply or to prevent excessive surface runoff from the site onto adjoining lands or streams shall be cause for the conditional use to be rescinded and the junkyard to be removed at the cost of the owner of the land upon which it is located.

vii. *Existing Vehicle Storage Yards*
Storage yards in existence on October 26, 2004 and that fall under the definition of "vehicle storage yard", which means "the outdoor storage of vehicles (under 12,000 lbs. gross vehicle weight rating), boats, and recreational vehicles", may continue to exist pursuant to the requirements of subsection D.4.b.xii. above.

6. Warehouse

a. ***Definition***
A structure containing an area available for the purpose of storing raw materials, goods, or property.

b. ***Use-Specific Standard***
L2 [L3] buffer landscaping is required where adjacent to residential districts.

7. Wholesale Establishment

a. ***Definition***
An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. This shall not include heavy manufacturing, resource extraction, scrap operations, bulk storage of hazardous materials, or salvage operations.

E. Waste and Salvage

This category includes uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include:

1. Composting Facility

a. ***Definition***
A facility where organic matter, including leaves, grass, manures, and non-meat, non-biosolids waste, amassed primarily from off-site, is processed by composting and/or processing for commercial purposes. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of collected compost.

b. ***Use-Specific Standards***

i. *Any composting storage area of a c*omposting facility *s*hall be set back at least *200* feet from any lot line abutting a residential *district*[, MIXED-USE DISTRICT,] *or* any residential use (except a residential use occupied by the owner, operator, or any employee of such composting facility) *that* exists at the time of the establishment of the composting facility.

ii. Composting facilities shall contain and treat on-site, all water run-off that comes into contact with the feedstocks or compost, in such manner that the run-off will not contaminate surface or ground water.

iii. Composting facilities shall not be located in any floodway.

iv. No composting facility shall commence operation until a nuisance condition control plan, specifying all measures to be taken to control

nuisance conditions (such as odor, noise, scattered solid waste, dust) has been approved by the director.

2. Hazardous Waste Treatment Facility

a. *Definition*

The processing of hazardous waste by means other than incineration, for the purposes of rendering the waste non-dangerous or less dangerous, safer for transport, amenable for storage, and/or able to be reused for energy production.

b. *Use-Specific Standard[S]*

Hazardous waste treatment facilities shall be located at least 1,000 feet from any residential [OR MIXED-USE] district.

3. Incinerator or Thermal Desorption Unit

a. *Definition*

i. *Incinerator*

An establishment that uses thermal combustion processes to destroy or alter the character or composition of medical waste, hazardous waste, sludge, soil, or municipal solid waste (not including animal or human remains). This definition does not include "rag burners" or oil heaters.

ii. *Thermal Desorption Unit*

A facility that removes volatile and semi-volatile contaminants from soils, sediments, slurries, and filter cakes using direct or indirect heat exchange. This definition does not include short-term (less than six months) on-site remediation operations.

iii. *Not Accessory Uses*

Incinerators and thermal desorption units that are accessory to other principal uses shall meet these use-specific standards.

b. *Use-Specific Standards*

i. *Separation Requirements from Residential Zoning Districts and Academic Schools*

No incinerator facility or thermal desorption unit shall be located less than 1315 feet from a residentially zoned district, a dedicated park, or an elementary, middle, or high school.

ii. *Standards for Incinerators*

(A) *Hazardous Waste Prohibited*

Incinerators covered under this section shall not accept any materials that meet the definition of hazardous waste as defined by the U.S. Environmental Protection Agency (EPA) of the state department of environmental conservation (ADEC).

(B) *Separation Distances between Incinerator Facilities*

Separation distances between incinerator facilities shall be as follows:

TABLE 21.05-2[3]: MINIMUM SEPARATION DISTANCES BETWEEN INCINERATOR FACILITIES

	Distance from Nearest Emission Source (feet)			
Rated Capacity (lbs./hour)	**1315**	**2300**	**3280**	**3940**
Under 500	X			
500--1,000		X		
1,001--1,500			X	
1,501--2,000				X
Facilities with unequal capacity: the largest capacity shall determine the minimum distance. Facilities with a rated capacity greater than 2,000 pounds per hour shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and shall meet the standards of subsection iv.(A).(2). below.				

iii. *Standards for Thermal Desorption Units (TDUs)*

TDUs with a rated capacity of under 100 tons per hour shall be 1315 feet from the nearest emission source of another TDU. TDUs with a rated capacity of 100 tons per hour or more shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and meet the standards of subsection iv.(A).(2). below.

iv. *Standards for Both Incinerators and Thermal Desorption Units*

(A) *Distance Requirements*

All new incinerator facilities shall be located at least 1315 feet from an existing TDU, and vice versa, unless one of the following two standards is met:

(1) It can be demonstrated that the combined percentage rated capacity of all incinerator facilities and thermal desorption units, existing and proposed, does not exceed 100. The combined percentage rated capacity shall be calculated as follows:

$$((I_1 + I_2 + \ldots I_N)/500) + (T_1 + T_2 + \ldots T_N)/100) \text{ X } 100 = C$$

Where $I_1 + I_2 + \ldots I_N$ is the sum of the rated capacities of all incinerator facilities, in pounds per hour, within 1315 feet of the proposed facility, and $T_1 + T_2 + \ldots T_N$ is the sum of the rated capacities of all thermal desorption units, in tons per hour, within 1315 feet of the proposed facility. The proposed incinerator facility or thermal desorption unit shall be included in the calculation of the combined percentage rated capacity; or

(2) It can be demonstrated, through an analysis of the health risk described in subsection iv.(B). below, that the combined risk of all incinerators and thermal desorption units operating within 1315 feet of the proposed facility will not pose a lifetime health risk greater than one excess cancer case per 100,000 for individuals living within adjacent residentially zoned areas or attending elementary, middle, or high schools.

(B) *Analysis of Health Risk*

The intent of the analysis is to provide information regarding the health risks of persons living close to the proposed site. The municipality shall select a contractor to conduct the analysis and the cost will be billed to the petitioner. The analysis shall meet the following requirements:

(1) The analysis shall utilize an EPA-approved dispersion model appropriate for the type of facility, and the given terrain, to estimate the ambient annual average concentration of contaminants from the facility. The model shall be run according to EPA modeling guidelines;

(2) Models shall utilize a full year of local meteorological data (e.g., National Weather Service observations taken at the Anchorage International Airport). If several years worth of meteorological data are obtained, the year providing the highest ambient concentrations shall be used;

(3) All emission factors used in conjunction with the model shall be documented. Acceptable emission factors may be obtained from either a source test conducted by the manufacturer of the same or similar model as the one proposed to be used or must reference a published report (e.g., an article in a peer review scientific journal or EPA publication);

(4) The report shall describe the modeling results in terms of the annual concentration of each identified toxic compound at the boundary of the adjacent residential zoning districts as well as the location and magnitude of the maximum annual average concentrations found within each adjacent residential district; and

(5) The report shall also describe the health risks attributable to these concentration levels based on the latest cancer risk values from the EPA's Integrated Risk Information System (IRIS) database. Cancer risks shall be based on the risk of one additional cancer above the background cancer rate per 100,000 individuals.

(C) *Standards for Facilities Not Meeting Separation Requirements*

The planning and zoning commission may approve a conditional use for an incinerator facility or thermal desorption unit that is less than 1315 feet from an existing facility, but meets the standards of either (A).(1). or (A).(2). above, only if the commission finds that the storage plan for the material to be burned and the waste generated by the incineration activity is adequate to prevent any runoff, groundwater contamination, airborne dust, or other means for contaminants to migrate off the site.

(D) *Additional Submittal Requirements for a Conditional use Permit*
In addition to standard materials required for all conditional use applications, all applicants for a conditional use for an incinerator facility or TDU shall submit the following information pertaining to the burning process:

(1) A description of the operation, including equipment to be used.

(2) The type and quantity of material that will be processed.

(3) Operating hours and conditions.

(4) Plans for storing the material to be burned.

(5) A disposal plan for waste generated from the process.

(6) The location of points of vehicular access to the site and projected traffic counts for each.

(7) A description of the federal or state permitting process required for operation of the incinerator or TDU.

(8) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.

(E) *Additional Conditions of Approval*

(1) The planning and zoning commission shall attach such conditions to the approval of a conditional use for an incinerator or TDU as it finds are necessary to conform the use to the standards set forth above.

(2) All conditional uses granted under this subsection are subject to revocation if the planning and zoning commission determines, based on a recommendation by the municipal department of health and human services, that the operator of the incinerator or TDU failed to operate according to the specifications shown in the plans approved by the planning and zoning commission, or operate in conformance with the state department of environmental conservation or municipal air quality regulations. In order to determine whether or not this condition is met, the director of the municipal department of health and human services shall have authority to require monitoring for compliance with the conditional use permit and to annually obtain copies of the operator's monitoring or testing records.

(3) The petitioner shall obtain all applicable permits from the U.S. Environmental Protection Agency, state department of environmental conservation, and municipal department of health and human services.

4. Junkyard or Salvage Yard

a. *Definition*

Any lot, or portion of a lot, that is used for the purpose of the outdoor storage, handling, dismantling, salvage, wrecking, keeping, or sale of used, discarded, wrecked, or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery or equipment, or parts thereof, including but not limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials defined under "junk" (see general definitions in chapter 21.14). Auto wrecking yards and salvage or scrap yards are included in this use. This does not include a composting facility or "vehicle repair/rebuilding, outdoor, hobby".

b. *Use-Specific Standard[S]*

Junkyards and salvage yards shall comply with the use-specific standards applicable to "storage yard" set forth above.

5. Land Reclamation

a. *Definition*

An operation engaged primarily in increasing land-use capability by changing the land's character or environment through fill or regrading. Land reclamation shall include only operations at a scale involving 5,000 cubic yards or more of fill material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

b. *Use-Specific Standards*

i. If the land reclamation operation will be completed within one year, the review and approval procedure shall be an administrative site plan review. If the operation will continue for more than one year, the review and approval procedure shall be the conditional use process. If an operation was approved under the administrative site plan review process but is not completed within one year, the operator must then apply for a conditional use permit.

ii. In addition to the submittal requirements in the user's guide, an applicant for a land reclamation use shall submit the following:

(A) A site plan showing:

(1) Drainage.

(2) Existing and proposed topographical contours (ten-foot contour).

(3) Water table information.

(4) Points of vehicular access to the site.

(B) An erosion and sediment control plan.

(C) A description of the soil types encountered on the site.

(D) A landscaping plan for the period of land reclamation operations and for final restoration of the site.

(E) A security plan to prevent casual trespass.

(F) Proposed hours of operation.

Page 247 ANNOTATION

Administration Addition
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(G) A description of land reclamation and processing operations proposed for the site.

(H) Projected traffic counts for each point of vehicular access to the site.

(I) An estimate of the quantity of materials to be imported to the site and timetable, with supporting calculations conforming to generally accepted engineering principles.

(J) A statement of the types of materials that will be accepted at the site.

(K) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.

iii. The site plan and erosion and sediment control plan required in subsection ii. above shall be subject to review and approval for drainage, erosion and sedimentation control; for conformance with the *208 Areawide Water Quality Management Plan*; and for compliance with generally accepted sound engineering principles.

iv. A building or land use permit is required for land reclamation.

v. In addition to the conditional use standards of approval at 21.03.080C., the planning and zoning commission may approve a land reclamation use only if the commission finds that the use also meets the following standards:

(A) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free. Where access roads intersect arterials, suitable traffic controls shall be established.

(B) The site will not accept materials that are hazardous or flammable.

(C) The site will not accept junk as defined in chapter 21.14.

(D) The site will not accept soils contaminated with petroleum products or byproducts.

(E) The reclamation operations will not pose a hazard to the public health and safety.

(F) The reclamation operations will not generate noise, dust, surface water runoff, groundwater pollution, or traffic that will unduly impact surrounding land uses.

(G) The restoration plan for the site ensures that, after reclamation operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition.

(H) The proposed use meets such additional standards for land reclamation conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.

Page 248 ANNOTATION

Landfill standards should not be applied to areas where building and organic material is disposed of. This would fall under the use, land reclamation, assuming the amount of fill met the threshold for that use.

After provisional adoption of chapter 21.05, staff was contacted by some solid waste services organizations who raised some issues with the landfill use, the recycling drop-off use, and the solid waste and/or recycling transfer facility use. Staff worked with those organizations to create acceptable language, which was reviewed and recommended for approval by the 2010 Planning and Zoning Commission, as well as the 2012 Planning and Zoning Commission.

vi. The planning and zoning commission may attach such conditions to the approval of a land reclamation conditional use as it finds are necessary to mitigate potential negative impacts on adjacent uses.

6. Landfill

a. ***Definition***

The burial of hazardous or non-hazardous agricultural, residential, institutional, commercial, or industrial waste, including [AREAS FOR THE DISPOSAL OF BUILDING AND ORGANIC MATERIAL AND] solid waste processing. This use does not include land reclamation.

b. ***Use-Specific Standards***

i. Landfills (operational area, excavated or filled area) shall be set back at least 200 feet from the property boundary, and at least 500 [660] feet from the lot line of any academic school, hospital, religious assembly, or residential zoning district. [NON-INDUSTRIAL USE, AND THAT REQUIRED SETBACK SHALL BE PLANTED WITH] L3 [L4] screening landscaping is required along all lot lines.

ii. Landfills shall contain and treat [ON-SITE] all run-off that comes into contact with the waste material, in such manner that the run-off will not contaminate surface or ground water.

iii. Landfills shall comply with the requirements of 18 AAC 60 [NOT BE LOCATED IN ANY FLOODWAY].

iv. Applications for a conditional use for a landfill shall [NO LANDFILL SHALL COMMENCE OPERATION UNTIL A NUISANCE CONTROL PLAN,] specify[ING] all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, wildlife) [HAS BEEN APPROVED BY THE DIRECTOR].

7. Recycling Drop-Off

a. ***Definition***

A lot or portion of a lot where containers are located to collect various materials for recycling. This use includes drop-off and collection of materials for recycling, but not processing of such materials.

b. ***Use-Specific Standards***

i. No recycling drop-off area shall be located in required parking for any other uses on the same lot, required landscaping, or pedestrian facilities.

ii. Recycling drop-off areas that are on a lot with another principal use such as a school or retail store shall, to the extent reasonably feasible, be placed to the side of the principal structure and/or site, and not abutting the street that provides primary access to the site.

iii. Recycling drop-offs that are the sole or principal use on a lot, and are not placed on a lot with another principal use such as a school or retail store, shall be fenced. The fencing shall be interior to any landscaping required by section 21.07.080. Recycling drop-offs adjacent to residential districts shall have a screening fence. [CONTAINERS SHALL BE SCREENED IN ACCORDANCE WITH THE STANDARDS OF SUBSECTION 21.07.080H.2.]

Page 249 ANNOTATION

The minimum lot size for the use should be able to be met through the aggregation of smaller lots.

The Assembly Title 21 Committee raised a concern that the provisionally adopted 35-foot height limit for snow piles in snow disposal sites was too restrictive and impractical. After reviewing a departmental issue-response, the Committee proposed to retain the 35-foot height limit only near residential districts to provide a neighborhood protection transition, and to base the maximum height of snow piles elsewhere on the allowed building height of the underlying zoning district.

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iv. If a recycling drop-off area is within 200 feet of a residential district, n[N]o collection/pick-up of the accumulated materials shall occur between the hours of 10:00 p.m. and 6[7]:00 a.m.

v. If a recycling drop-off area is within 200 feet of a residential district, and the drop-off includes containers for collecting glass, the area shall be closed between the hours of 10:00 p.m. and 6[7]:00 a.m.

8. Snow Disposal Site

a. ***Definition***

An area used for the concentrated storage and disposal of snow transported to that site from other locations. For the purposes of this section, an entire Airport Management District is considered a single location.

b. ***Use-Specific Standards***

i. *Location*

Snow disposal sites shall be located at least 25 feet from a class A or class B wetland, and at least 100 feet from a stream or water body.

ii. *Dimensional Standards*

Notwithstanding the general dimensional requirements of chapter 21.06, the following specific standards shall apply to this use.

(A) *Minimum Lot Size*

The minimum lot size shall be 36,000 square feet, unless otherwise established by the planning and zoning commission. Abutting smaller lots in common ownership may be considered in aggregate to achieve the minimum lot size. With a recorded joint use agreement, abutting smaller lots with multiple owners may be considered in aggregate to achieve the minimum lot size.

A motor freight terminal that is separated from property zoned residential by the Alaska Railroad main line corridor, or a freeway or expressway as classified on the *Official Streets and Highways Plan* is not subject to the provisions of subsections b.ii. and b.iii. above.

(B) *Maximum Height of Snow Piles*

The maximum height of snow piles shall be 35 feet where the snow storage operations area is within 500 feet of a residential district, unless the snow pile and the residential district are separated by the Alaska Railroad main line corridor, or a freeway or expressway as classified on the *Official Streets and Highways Plan*. In that case, and in all other areas, the maximum height of snow piles shall be the height limit of the zoning district.

(C) *Minimum Setback Requirement*

The minimum setback of snow piles shall be 25 feet if adjacent to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to a non-industrial zoning district.

iii. *Snow Storage Area*

The snow storage area shall be well defined on-site in order to prevent storage of snow on adjacent properties or landscaped areas. This may be accomplished through location, landscaping, fencing, and/or signs.

Page 250 ANNOTATION

See annotation for page 248.

Administration Addition
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iv. *Screening Fence or Berm*

An earthen berm or a screening structure, either at least six feet high, shall be constructed within every setback adjacent to a public right-of-way or to a non-industrial zoning district. Site enhancement landscaping, or another ground cover acceptable to the planning and zoning commission, shall be planted on the berm and within the area between the berm and the lot line for the site. The planning and zoning commission may require construction of a berm or fence within other setback areas in order to restrict casual access, to confine the operations within the site, to reduce noise and glare, and to ensure compatibility of the operation with adjacent uses.

v. *Drainage and Water Quality Facilities*

The on-site and off-site drainage network shall handle water runoff and snow melt without impacting adjacent properties. Drainage and meltwater disposal shall comply with the municipal *Design Criteria Manual* sections regarding snow disposal sites and drainage.

vi. *Noise, Dust, and Litter*

(A) *Noise*

If the level of noise from the activity at the snow disposal site, measured at the property line of any residential zoning district or noise-sensitive use such as a public building, academic school, or hospital [OTHER PLACE OF PUBLIC ASSEMBLY] within one half mile of the snow disposal site, shall exceed the standards stated in AMC subsection 15.70.080A., then the site plan shall identify mitigation measures.

(B) *Dust and Litter Control*

A dust control and litter plan shall be established and implemented. Trash collection/removal shall be done in a manner so that there are no dust or litter impacts to adjacent properties or public rights-of-way.

9. Solid Waste and/or Recycling Transfer Facility

a. ***Definition***

An establishment for the processing, transfer, and/or disposal of hazardous or non-hazardous solid waste and/or materials for recycling.

b. ***Use-Specific Standards***

[ALL SUCH USES SHALL COMPLY WITH THE FOLLOWING STANDARDS:]

i. ***[LOCATION OF SITE]***

A solid waste transfer facility (structures, operations, outdoor storage) shall not be located within 500 feet of any academic school, hospital, [GOVERNMENTAL FACILITY (EXCEPT GOVERNMENTAL SERVICE),] or residential zoning district [SUBDIVISION, OR PLACE OF PUBLIC ASSEMBLY].

ii. ***[MINIMUM LOT SIZE AND WIDTH]***

Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a solid waste and/or recycling transfer facility shall be two acres and the minimum lot width shall be 150 feet, unless otherwise established by the planning and zoning commission.

Page 251 ANNOTATION

Administration Addition
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iii. ***[LIMITS ON OUTDOOR STORAGE]***
Outdoor storage shall not exceed 35 feet in height. No outdoor storage, operations, or donations shall occur within the required front or side setback as set forth in chapter 21.06.

iv. ***[SCREENING]***
In addition to any landscaping required under section 21.07.080, *Landscaping, Screening, and Fences,* the facility shall be surrounded by a [SOLID, OPAQUE] fence that is at least eight feet high, except that public drop-off areas need not be fenced unless they are adjacent to a residential district. [LOCATED NO LESS THAN 100 FEET FROM ANY PUBLIC RIGHT-OF-WAY, AND LOCATED NO LESS THAN 50 FEET FROM AN ADJACENT PROPERTY.] Such fencing that is adjacent to a residential district shall be screening fencing; such fencing that is adjacent to other non-industrial districts or to streets shall be sight-obscuring fencing.

21.05.070 ACCESSORY USES AND STRUCTURES

A. Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a principal use if it complies with the standards set forth in this section.

B. General Standards

All accessory uses shall comply with the general standards in this subsection B.

1. Approval of Accessory Uses and Structures

a. All principal uses allowed in a zoning district shall be deemed to include the accessory uses, structures, and activities set forth in this section, unless specifically prohibited.

b. See also sections 21.05.030 through 21.05.060 above, in which incidental or accessory uses are sometimes included in the description of a specific principal use category or use type. When a definition does include permitted accessory or incidental uses, such accessory or incidental uses shall be subject to the general standards set forth in this subsection B., ***the zoning district limitations in subsection C. below,*** as well as any use-specific standards set forth in subsections D. and E. below.

2. Compliance with Ordinance Requirements

a. All accessory uses and structures shall be subject to the standards set forth in this section and the dimensional standards of chapter 21.06. In the case of any conflict between the standards of this section and any other requirement of this title, the standards of this section shall control.

b. Any use listed in subsections 21.05.030 through 21.05.060 is allowed as an accessory use to a residential use if the accessory use meets the standards of a "home occupation" at subsection 21.05.070D.11[12]. If the use exceeds the standards of a "home occupation", then the use is no longer considered accessory and shall meet any applicable standards of subsections 21.05.010 through 21.05.060[070], which dictate in which districts the use is allowed, and any use-specific standards.

Page 252 ANNOTATION

PZC recommended combining the two accessory use tables in the provisionally adopted code into a single table, so that all districts and allowed accessory uses were shown in one table.

Administration Addition
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c. Accessory uses shall comply with all standards of this title applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use, as specified in section 21.07.090, and any additional requirements for the accessory use, if applicable and specified in this section.

3. Dimensional Standards for Accessory Buildings and Structures

a. ***Same Lot***

The accessory use or structure shall be conducted and/or located on the same lot as the principal use.

b. ***Location of Accessory Structures***

No accessory structure shall be erected or maintained in any required setback, except that:

i. Buildings accessory to a residential use and allowed by this section 21.05.070 may be erected in a required side or rear setback that is adjacent to an alley;

ii. Two sheds or greenhouses, each 150 square feet or less, a maximum of 12 feet in height, and not attached to a foundation, may be erected in a required side or rear setback; and

iii. Dog runs and dog houses not attached to a foundation [AND ALLOWED BY THIS SECTION 21.05.070] may be erected in a required side or rear setback.

4. Same Ownership Required

The principal use and the accessory use shall be under the same ownership.

5. Temporary Accessory Uses and Structures

Temporary accessory uses and structures shall be governed by the temporary use standards set forth in section 21.05.080 of this title.

C. Table of Allowed Accessory Uses

Table[S] 21.05-3[4 AND 21.05-5] below lists the accessory uses allowed within all base zoning districts. Each of the listed uses is defined in subsection D. below.

1. Explanation of Table Abbreviations

a. ***Permitted Uses***

"P" in a cell indicates that the accessory use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this title, including the use-specific standards in subsection D. below and the development and design standards set forth in chapter 21.07.

b. ***Administrative Site Plan Review***

"S" in a cell indicates that the accessory use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.180[190]B, *Administrative Site Plan Review.*

c. ***Conditional Uses***

"C" in a cell indicates that, in the respective zoning district, the accessory use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*.

Page 253 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

d. ***Prohibited Uses***

A blank cell indicates that the accessory use is prohibited in the respective zoning district.

e. ***Definitions and Use-Specific Standards***

Each use listed in table 21.05-3 is defined in this section. Regardless of whether an accessory use is allowed by right or subject to administrative site plan review or conditional use, there may be additional standards that are applicable to the use. The [EXISTENCE OF THESE USE-SPECIFIC STANDARDS IS NOTED THROUGH A SECTION] cross-reference in the last column of the table identifies the code location of the definition and any use-specific standards. [REFERENCES REFER TO SUBSECTION D. BELOW. THESE] Any standards apply in all districts unless otherwise specified.

f. ***Unlisted Accessory Uses or Structures***

An accessory use or structure that is not listed in table[S] 21.05-3[4 AND 21.05-5] shall comply with all standards set forth in subsection B. above.

Page 254 ANNOTATION

The use table in this document does not show changes between this proposed table and the provisionally-adopted tables. Several substantive changes are:

+ Accessory Dwelling Units are proposed to be allowed within a limited area of R-1 and R-1A between Downtown and Midtown.

+ Dormitories are proposed to be permitted in the I-2 district.

+ Outdoor Keeping of Animals is proposed to be allowed in the PR and PLI Districts

Administration Addition
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PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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g. *Table[S] of Permitted Accessory Uses and Structures*

TABLE 21.05-3: TABLE OF ACCESSORY USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted S = Administrative Site Plan Review C = Conditional Use Review

	RESIDENTIAL														COMMERCIAL					INDUST.			OTHER					
Accessory Uses	**R-1**	**R-1A**	**R-2A**	**R-2D**	**R-2M**	**R-3**	**R-4**	**R-4A**	**R-5**	**R-6**	**R-7**	**R-8**	**R-9**	**R-10**	**B-1A**	**B-1B**	**B-3**	**RO**	**MC**	**I-1**	**I-2**	**MI**	**AF**	**DR**	**PR**	**PLI**	**W**	**Definitions and Use-Specific Standards**
Accessory dwelling unit (ADU)	P[3]	P[3]	P	P	P	P			P	P	P	P	P	P														21.05.070.D.1.
Bed and breakfast (up to 3 guestrooms)	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P										21.05.070D.2.
Bed and breakfast (4 or 5 guestrooms)	S	S	S	S	S	S			S	S	S	S	S	S	P	P	P	P										21.05.070D.2.
Beekeeping	P	P	P	P	P	P	P		P	P	P	P	P	P											P	P		21.05.070D.3.
Caretaker's residence																				P	P				P	P		21.05.070D.4
Dormitory						S	S	S	S	S	S	S	S	S			P			C	P					P		21.05.070D.5.
Drive-through service															P	P	P	P	P	P	P	P						21.05.070D.6.
Family self-sufficiency Service						P	P	P								P	P											21.05.070D.7.
Farm, hobby									P	P	P	P	P															21.05.070D.8.
Garage or carport, private residential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		P		21.05.070D.9.
Home- and garden-related use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		P		21.05.070D.10.
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		P		21.05.070D.11.
Intermodal shipping container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.12
Large domestic animal facility									P	P	P	P	P	P														21.05.070D.13.
Outdoor keeping of animals	P	P	P	P	P	P			P	P	P	P	P	P										P	P	P		21.05.070D.14.

TABLE 21.05-3: TABLE OF ACCESSORY USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted S = Administrative Site Plan Review C = Conditional Use Review

	RESIDENTIAL													COMMERCIAL					INDUST.			OTHER					
Accessory Uses	**R-1**	**R-1A**	**R-2A**	**R-2D**	**R-2M**	**R-3**	**R-4**	**R-4A**	**R-5**	**R-6**	**R-7**	**R-8**	**R-9**	**R-10**	**B-1A**	**B-1B**	**B-3**	**RO**	**MC**	**I-1**	**I-2**	**MI**	**AF**	**DR**	**PR**	**PLI**	**W**	**Definitions and Use-Specific Standards**
Outdoor display accessory to a commercial use															P	P	P		P	P	P	P						21.05.070D.15.
Outdoor storage accessory to a commercial use																	P		P	P	P	P						21.05.070D.16.
Parking of business vehicles, outdoors, accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070D.17.
Private outdoor storage of non-commercial equipment accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	P	P	P										P				21.05.070D.18.
Vehicle repair/rebuilding, outdoor, hobby	P	P	P	P	P				P	P	P	P	P	P										P				21.05.070D.19.

[3] Accessory dwelling units in the R-1 and R-1A district are limited to certain areas of the Anchorage Bowl—see subsection 21.05.070D.1.b.iii.(B).

D. Definitions and Use-Specific Standards for Allowed Accessory Uses and Structures

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

1. Accessory Dwelling Unit (ADU)

a. *Definition*

A subordinate dwelling unit added to, created within, or detached from a detached single-family residence, which provides basic requirements for living, sleeping, cooking, and sanitation.

b. *Use-Specific Standards*

i. *Purpose and Intent*

The purpose and intent of this section is to:

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

(B) Provide a means for homeowners, particularly the elderly, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;

(C) Allow more efficient and flexible use of existing housing stock and infrastructure;

(D) Respond to changing family needs and smaller households by providing a mix of housing;

(E) Stabilize homeownership and enhance property values;

(F) Provide a broader range of accessible and more affordable housing within the municipality; and

(G) Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the provisions of this title.

ii. *Application, Review, and Approval Procedures*

(A) Any landowner operating or seeking to establish an ADU shall obtain a building or land use permit from the building official. The permit shall constitute an ADU permit.

(B) With the permit application, the landowner shall submit an affidavit on a form provided by the municipality, affirming that at least one landowner will occupy the principal dwelling or the accessory unit, and that the ADU will conform to the requirements of the permit and the requirements of this section.

(C) The permit and the affidavit shall be filed as a deed restriction with the Anchorage recording district to indicate the presence of the ADU, the requirement of owner-occupancy, and conformity with the requirements of the permit and the requirements of this chapter.

Page 257 ANNOTATION

The Assembly Committee proposes to allow accessory dwelling units in R-1 and R-1A areas that are centrally located in the Anchorage Bowl, to help address the housing shortage and the affordable housing shortage.

Administration Addition
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PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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(D) The department shall receive a fee from the applicant pursuant to the title 21 user's guide.

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

iii. *Requirements*
All ADUs shall meet the following requirements:

(A) *Purpose*
Requirements for accessory dwelling units address the following purposes:

(1) Ensure that accessory dwelling units maintain and are compatible with the single-family appearance and character of the principal residence, lot, and neighborhood;

(2) Ensure that accessory dwelling units are smaller in size than the principal dwelling on the lot, and preserve yards and open space;

(3) Provide adequate parking while maintaining the single-family residential character of the neighborhood, avoiding negative impacts to on-street parking, and minimizing the amount of paved surface on a site; and

(4) Provide clear and flexible standards that make it practical and economical to develop accessory dwelling units that are in compliance with this code, and offer an accessible, affordable housing option to the community.

(B) *Allowed Zoning Districts*

(1) Except as allowed in subsection (B).(2). below, ADUs are prohibited in the R-1, R-1A, R-4 and R-4A zoning districts.

(2) ADUs are allowed in the R-1 and R-1A zoning districts in the area bounded by 9th Avenue to the north, Fireweed Lane to the south, the Seward Highway to the east, and Minnesota Drive to the west, in accordance with the other standards of this section.

(C) *Requirements for Developing an ADU*
[ADUS SHALL BE ALLOWED IN ALL RESIDENTIAL ZONING DISTRICTS EXCEPT R-1, R-1A, R-3, R-4, AND R-4A.]

(1) *One Principal Structure*
One ADU may be added to or created within a detached single family dwelling on a lot, tract, or parcel, but only if the detached single-family dwelling is the sole principal structure on that lot, tract, or parcel.

Page 258 ANNOTATION

The Assembly Committee proposes changes to make detached ADUs more available.

The Assembly Committee proposes to delete the restriction on number of residents in an ADU, as unenforceable.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
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(2) *Detached ADU*

One ADU detached from a single-family dwelling is permitted on a lot, tract, or parcel, but only if:

(a) The lot, tract, or parcel is 10,000 [20,000] square feet or greater and the ADU is attached to or above a garage and the detached single-family dwelling is the only principal structure; or

(b) The lot, tract, or parcel abuts an alley; the ADU is above a detached garage, the ADU/garage abuts the alley, and the detached single-family dwelling is the only principal structure; or

(c) The lot, tract, or parcel is greater than 40,000 square feet.

(3) *Lot Coverage*

The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.

(4) *Uses*

(a) An ADU shall not be permitted on any lot with a child care center.

(b) 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.

[NO MORE THAN TWO PERSONS MAY RESIDE IN AN ADU.]

(5) *Building Code Requirements*

To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted municipal building code standards for two-family dwellings.

(6) *Size*

(a) The gross floor area of the ADU, not including any related garage, shall be no [MORE THAN 700 SQUARE FEET, NOR] less than 300 square feet.[, NOR HAVE MORE THAN TWO BEDROOMS;]

(b) In class A districts, the gross floor area of the ADU, not including any related garage, shall be no greater than 700 square feet or 35 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is less.[IN NO CASE SHALL THE TOTAL GROSS FLOOR AREA OF AN ADU BE MORE THAN 35 PERCENT OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL

Page 259 ANNOTATION

Larger ADUs are proposed to be allowed in the large lot districts.

This amendment both clarifies the requirement, and keeps the ADU as an accessory structure on the lot.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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DWELLING UNIT, EXCLUDING THE ADU AND GARAGES.]

(c) In class B districts, the gross floor area of the ADU, not including any related garage, shall be no greater than 700 square feet or 35 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is greater.

(d) The ADU shall have no more than two bedrooms.

(7) *Setbacks*
An ADU shall not encroach into any required setback, except that an ADU may encroach into the rear setback abutting an alley.

(8) *Parking*
One off-street 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. Notwithstanding the provisions of chapter 21.12, *Nonconformities*, all off-street parking deficiencies shall be corrected.

(9) *Design and Appearance*

(a) All ADUs shall be designed to maintain the appearance of the primary unit as a single family dwelling. The accessory dwelling unit shall maintain the architectural style and character of the single-family residence. Exterior siding, roofing, and trim shall match the appearance of the materials on the principal dwelling unit. Roof style shall match the predominant style of the principal dwelling unit. Exterior window trim, window proportions (width to height), patterns, and orientation (horizontal to vertical) shall match those of the principal dwelling unit.

(b) 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.

(10) *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) The ADU shall, on all street frontages, either have a front setback of [BE] at least 60 feet [FROM THE

PRIMARY FRONT LOT LINE], or be at least 10 feet behind the street facing [PRIMARY] façade of the principal dwelling unit.

(2) The maximum height of a detached ADU shall be 25 feet.

(E) *Density*
ADUs are not included in the density calculations for a site.

(F) *Expiration of Approval of an ADU*
Approval of an ADU expires when:

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

(2) The property ceases to maintain all required off-street parking spaces;

(3) A landowner of the property does not reside in either the principal or the accessory dwelling unit;

(4) The ADU is abandoned by the landowner through written notification to the municipality on a form provided by the municipality; or,

(5) The property with an ADU changes ownership.

(G) *Transfer*
An ADU permit is not transferable to any other property or any other person. When a property with an ADU is sold or otherwise transferred, the new landowner shall file an affidavit of owner-occupancy with the department within 30 days of the transfer, and pay a processing fee. Failure to file an affidavit by the due date constitutes failure to have a permit, in violation of this section. Transfers from one landowner to another landowner do not require a new affidavit so long as the recipient landowner signed the original affidavit.

(H) *Prior Illegal Use*

(1) All structures which meet the definition of accessory dwelling unit which are not recognized as legal nonconforming structures or uses of structures under chapter 21.12 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:

(a) A permit application for an ADU is submitted to the building safety division within six months of [effective date].

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

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

(3) In addition to any other remedies provided in this code, failure to legalize an existing unit under this subsection shall result in civil penalties as provided at AMC section 14.60.030. All landowners of illegal units shall also be required to either legalize the unit or remove it.

(4) This subsection does not apply to existing legal nonconforming uses of structures established pursuant to chapter 21.12.

(I) *Variances*
Nothing in this section guarantees any property landowner the right to create an ADU unless it conforms to all provisions in this section. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section. No variances shall be granted from the standards and provisions of this section.

2. Bed and Breakfast

a. ***Definition***
A bed and breakfast is a private residence that offers overnight accommodations and limited food service to overnight guests, for which compensation is paid on a daily or weekly basis.

b. ***Use-Specific Standards***

i. *General Standards*

(A) Bed and breakfast establishments are allowed only in attached or detached single-family and two-family dwellings, not including mobile homes.

(B) The host-operator of the bed and breakfast enterprise shall establish and maintain the single-family or the bed and breakfast unit of a two-family structure as his or her primary domicile at all times while it is operated as a bed and breakfast.

(C) A bed and breakfast may have up to five guestrooms, as allowed by table[S] 21.05-3[4 AND 21.05-5]. If an ADU also exists on the premises, the ADU shall count as one of the allowed guestrooms. No more than the permitted number of guestrooms shall be offered for use at any one time.

(D) Only one daily meal shall be offered to guests at any bed and breakfast establishment.

(E) Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than 30 consecutive days.

(F) A bed and breakfast shall not be permitted concurrently on any lot with an child or adult care facility, or assisted living facility.

(G) The accessory use shall protect and maintain the integrity of the residential neighborhood. A bed and breakfast shall not detract from the principal use in the district and shall not place a burden on any private or public infrastructure (i.e., streets or utilities) greater than anticipated from permitted development.

Page 262 ANNOTATION

Administration Addition
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PZC Addition
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Assy Cmte Addition
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[TECH EDIT DELETION]

(H) Every bed and breakfast shall meet the off-street parking requirements stated [IN SECTION 21.07.090 AND] in its administrative permit.

(I) Every bed and breakfast supported by on-site well and wastewater disposal systems shall conform to the requirements of AMC chapter 15.65, pertaining to wastewater disposal regulations, and shall obtain a one-time only health authority certificate.

ii. *Administrative Permit*
A bed and breakfast shall require an administrative permit pursuant to section 21.03.030. An application for a bed and breakfast permit shall not be complete unless it is accompanied by proof of a current business license, a certificate of on-site systems approval (for on-site systems only), and a site plan and building floor plans meeting the requirements of this title.

3. Beekeeping

a. ***Definition***
Keeping honey bees, *Apis mellifera*, for the purpose of education and/or producing honey or other products related to bees.

b. ***Use-Specific Standards***

i. Colonies of *Apis mellifera* shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

(A) At least 25 feet from any lot line not in common ownership; or

(B) Oriented with entrances facing away from adjacent property; or

(C) Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in all directions.

ii. No more than four hives shall be placed on lots smaller than 10,000 square feet.

4. Caretaker's Residence

a. ***Definition***
A dwelling unit on the site of a non-residential use and occupied only by a guard or the person who oversees the operation of the non-residential facility (and his/her family).

5. Dormitory

a. ***Definition***
A facility intended or used as group living quarters for students, religious orders, employees, and the like, directly affiliated with a permitted principal use such as a school, college, convent, or similar institutional use.

b. ***Use-Specific Standards***

i. Dormitories in non-industrial [RESIDENTIAL AND MIXED-USE] districts shall comply with the [APPLICABLE] multifamily residential design standards in subsection 21.07.110C[100].

ii. L1 [L2] visual enhancement landscaping is required when dormitories abut residential lots in a residential district.

Page 263 ANNOTATION

As the physical addition or removal of a drive-through changes the parking needs of the use, this action should trigger a change of use determination. This is needed in order to be able to administer the differing parking requirements between drive-throughs and sit-down restaurants.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

6. Drive-Through Service

a. *Definition*

The physical facilities of an establishment that encourage or permit customers to receive services or obtain goods while remaining in their motor vehicles. A drive-through facility consists of two parts—the queuing lane and a service station where the service occurs. The queuing and service facilities of motor vehicle-related uses such as fueling stations, car washes, and vehicle service and repair are not included in the definition "drive-through service" as an accessory use, and are addressed elsewhere in this title.

b. *Use-Specific Standards*

The purpose of these standards is to allow for drive-through facilities by reducing the impacts they may create, such as noise, glare, and fumes from idling cars, noise from voice amplification equipment, or traffic interferences with vehicle and pedestrian circulation. Drive-through services are allowed as accessory uses to the following primary uses: restaurant, pharmacy, financial institution, general personal services and food and beverage kiosk. The following standards apply to all drive-through services:

i. *Queuing Spaces*

Vehicle queuing spaces shall be provided pursuant to section 21.07.090L.

ii. *Impact on Adjacent Uses*

(A) A drive-through that abuts a residential or NMU zoned property shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties, based on the findings of an administrative site plan review.

(B) No drive-through queuing spaces shall be located directly between the building and an abutting right-of-way unless otherwise allowed by the director.

(C) When a drive-through service facility abuts a residential or NMU zoned lot, a six-foot high screening fence or wall shall be provided along that lot line between the drive-through facility and required perimeter landscaping.

(D) To the maximum extent feasible, talk boxes shall be located so that the principal structure on the site is between the talk box and any abutting residential zoning district, and shall meet the noise control standards in AMC section 15.70.

iii. *Change of Use*

The physical addition or removal of a drive-through is a change of use.

7. Family Self-Sufficiency Service

a. *Definition*

A governmentally operated or sponsored social service agency that provides aide to economically disadvantaged families in finding training, employment, and housing and/or access to personal computer equipment for use in self-instruction. The use is accessory to housing facilities run by public or non-profit agencies.

b. *Use-Specific Standards*

i. *General Standards*

The following general standards apply to these uses in all districts:

(A) *Building*
The structure used to house the facility shall maintain at least twenty residential units and devote at least 85 percent of the building's maximum gross floor area to residential use.

(B) *Ownership*
The operating agency shall have ownership of the structure. No other entity may rent, lease, buy, or otherwise obtain space in the building for the purposes of operating facilities regulated under this subsection.

(C) *Staff*
During the hours of operation [HOURS], there shall be at least one instructor/monitor on-site and responsible to the operating agency.

(D) *Clients*
Facility users are not required to be residents of the building housing the facility. The facility users shall be restricted to the tenants of the operating agency or beneficiaries of assisted housing from the operating agency.

8. Farm, Hobby

a. ***Definition***
The production of crops for sale. This may include a temporary stand for sales on the premises.

9. Garage or Carport, Private Residential

a. ***Definition***
A detached accessory or portion of a principal structure that is used for the parking and storage of vehicles owned and operated by the residents thereof.

b. ***Use-Specific Standards***

i. Garages may encroach into the rear or side setback when that setback abuts an alley.

ii. Such accessory uses shall serve only the residents of the property and shall not be used for commercial purposes except as part of a home occupation approved under subsection D.11[12]. below.

iii. In class A improvement areas and in the R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure.

iv. In class B improvement areas, except for the R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than five percent of the lot area, up to a maximum of 5,000 square feet.

10. Home- and Garden-Related Use

a. ***Definition***
Accessory uses subordinate to the use of a residential dwelling. Examples include, but are not limited to, greenhouses, gardens, storage sheds, garden sheds, tool sheds, workshops, private barbeque pits, spas, and hot tubs.

b. ***Use-Specific Standards***

i. All spas and hot tubs shall be set back a minimum of 10 feet from all property lines, and shall not be counted in calculating lot coverage.

ii. In class A improvement areas and in the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure.

iii. In class B improvement areas, except for the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than five percent of the lot area, up to a maximum of 5,000 square feet.

11. Home Occupation

a. ***Definition***

An activity that results in a product or service, carried out for consideration or not, and conducted as a customary, incidental, and accessory use in a dwelling unit. This use expressly does not include bed and breakfasts, hobby farms, large domestic animal facilities, small and large assisted living facilities, or adult or child care homes.

b. ***Use-Specific Standards***

A home occupation may be conducted in a dwelling unit or in a building accessory to a dwelling unit provided that:

i. A permanent resident of the dwelling unit is engaged in the home occupation on the premises;

ii. Only one nonresident may be engaged in the home occupation on the premises;

iii. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following in class A areas:

(A) No more than the lesser of 25 percent or 500 square feet of the floor area of the principal dwelling is devoted to any home occupation; or

(B) No more than 300 square feet of an accessory building is devoted to any home occupation; or

(C) No more than 250 square feet of the principal dwelling and 250 square feet of the accessory building are devoted to any home occupation.

iv. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following in class B areas:

(A) No more than the lesser of 40 percent [%] or 650 square feet of the gross floor area of the primary structure is devoted to the home occupation use; or

(B) No more than 600 square feet of an accessory structure is devoted to the home occupation; or

(C) No more than 325 square feet of the principal dwelling and 350 square feet of the accessory building are devoted to any home occupation.

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v. Except for as provided [IN B.VII. BELOW AND] in chapter 21.11, *Signs*, there shall be no change to the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation;

vi. Vehicles making deliveries shall not be parked at the site for a period exceeding one hour;

vii. No traffic or deliveries shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;

viii. All vehicles used in connection with the home occupation shall, except for delivery vehicles allowed above, be of the type commonly used for personal non-commercial transportation. Home occupations shall comply with the requirements of subsection D.17. below;

ix. The peace and quiet of the neighborhood shall not be disturbed. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, or odors detectable to the normal senses at the property line. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises. No hazardous or toxic materials shall be stored on the property as part of the home occupation;

x. The hours of operation during which an employee or co-worker, clients, or customers are allowed to come to the home in connection with the business activity are limited to between 7:00 a.m. and 10:00 p.m. Monday through Saturday. Care and feeding of animals is exempted from this provision;

xi. A home occupation shall not be permitted on any lot with an adult or child care facility, or assisted living facility; and

xii. Any storage of wholesale or retail stock in trade in conjunction with the home occupation shall not exceed 10 [TEN] percent of the area devoted to the home occupation, except on lots 40,000 sf or larger in class B districts as defined in 21.08.050B. On lots meeting this exception, storage of stock in trade may equal the area devoted to the home occupation, if the storage is screened from neighboring lots and separated from the neighboring lot line by at least the established district setback.

c. ***Uses Prohibited as Home Occupations***

A home occupation shall not include, but is not limited to excluding, the following: veterinary or animal hospital; restaurant; and vehicle repair, unless allowed below under "vehicle repair/rebuilding, outdoor, hobby."

12. Intermodal Shipping Container (Connex Unit)

a. ***Definition***

A pre-fabricated, standardized, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called cargo containers, transport containers, or marine cargo containers. This use includes similar structures, such as railroad cars.

b. ***Use-Specific Standards***

The use of a connex unit is allowed in all zoning districts subject to the following:

Page 267 ANNOTATION

These changes address concerns raised by the Anchorage School District. The screening requirements are changed to apply only to connexes that are visible from abutting streets and residential properties, and to be more flexible for seasonal connexes.

This amendment clarifies the intent of the provision, which is that a connex used for loading/unloading or construction is a ***temporary*** feature.

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i. Except in the industrial, commercial, and airport districts, connex units shall be screened on sides facing abutting public streets and residential properties [ALL SIDES] by structures, landscaping, and/or fences at least as high as the unit, or alternately, shall be sided and roofed using [WITH] materials and colors which are similar to materials and/or colors [SUBSTANTIALLY SIMILAR TO THE SIDING] of the primary structure. If the connex unit is placed and used for seasonal purposes subject to the provisions of section 21.05.080, *Temporary Uses and Structures*, it may instead be painted with paint that matches the color scheme of the principal building or blends the connex with the surroundings.

ii. In commercial districts, connex units shall be located to the rear of all principal structures or alternately, meet either the screening or the siding and roofing requirements of section b.i. above.

iii. In residential districts, connex units are only permitted on lots equal to or greater than 40,000 square feet. Except as restricted in b.vii. below, connex units existing as of [effective date] on any size lot may continue as long as the screening requirements of b.i. above and the number limitations of b.iv. below are met within one year of [effective date], in which case such connex unit(s) shall be deemed conforming. Failure to comply with this provision shall not result in a legal nonconformity, but rather shall result in an illegal structure.

iv. In residential districts where the primary use of the lot is residential, no more than one unit is allowed per every 40,000 square feet of property up to a maximum of three units. In conjunction with nonresidential uses in residential districts, no more than three units are allowed.

v. Self-storage establishments in compliance with the development standards of 21.05.060D.4., *Self-Storage Facility*, are exempt from this section.

vi. Loading or unloading a connex unit, or the use of a connex during construction is exempt from this section, as long as the connex unit is removed promptly at the finish of the loading/unloading or construction activity.

vii. In residential districts on lots of less than 40,000 square feet, connex units existing on [effective date] that are located between the front plane of the principal structure and the front property line shall be removed or relocated within one year of [effective date].

13. Large Domestic Animal Facility (4 or more animals)

a. ***Definition***

The keeping, harboring, riding, boarding, stabling, training, exercising, breeding, or related use of four or more large domestic animals regardless of animal ownership, and the associated structure(s) such as a paddock, stable, or barn. Operation of a large domestic animal facility is not a home occupation.

b. ***Use-Specific Standards***

i. *Lot Size*

The minimum lot size for a large domestic animal facility of four animals is 40,000 square feet. An additional 10,000 square feet is required for each animal over four. Application for an administrative variance from the minimum lot size may be made to the planning department pursuant

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to subsection 21.03.240L. [THROUGH THE ADMINISTRATIVE VARIANCE PROCESS, THE DIRECTOR MAY APPROVE A DEVIATION OF NO MORE THAN 10 PERCENT, WITH THE CONCURRENCE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEVELOPMENT SERVICES DEPARTMENT.]

ii. *Adjacent Lots*
Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the director. In such cases, setback requirements shall not apply to the interior lot lines between the applicable lots, and a primary use need not be located on the adjacent lot.

iii. *Setbacks*
Notwithstanding the setbacks of the underlying zoning district, covered structures associated with a large domestic animal facility, such as a stable or barn, shall be set back at least 25 feet from any abutting lot line, not including interior lot lines between lots in common ownership. Uncovered enclosures shall meet one of the following setback options:

(A) Seventy-five feet from residences existing on February 28, 2006, not including any residence in common ownership with the large domestic animal facility; or

(B) Ten feet from any abutting lot line, not including interior lot lines of lots in common ownership, if the separation area is vegetated with L2 [L3] buffer landscaping.

iv. *Structures*
The square footage of any single large domestic animal facility structure shall not exceed 10 percent of the lot size, up to a maximum of 8,000 square feet.

v. *Fences*
Barbed wire shall not be used for fencing of any large domestic animal facility.

vi. *Commercial Activity*
Commercial activity associated with large domestic animal facilities, such as boarding or riding lessons, is permitted.

vii. *Other Requirements*
Large domestic animal facilities shall:

(A) Meet the requirements of AMC chapter 15.20 regarding animal waste, AMC subsection 15.55.060B. concerning separation requirements from water supply wells, and section 21.07.020 concerning stream protection setbacks;

(B) Obtain an animal control facility license;

(C) Obtain certification of compliance with a state of Alaska, Anchorage soil and water conservation district conservation plan, or obtain a letter from the district showing demonstrated intent to come into compliance with a conservation plan within one year; and

Page 269 ANNOTATION

The Assembly Committee requested these amendments which allow animals (does not apply to dogs, cats, large domestic animals) to be kept outdoors in mobile home parks under certain circumstances, and also require that all outdoor keeping of these animals use some sort of restraint--a fenced enclosure or pen.

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(D) Comply with licensing and other laws concerning the keeping of animals as set forth in AMC titles 15, 17, and 21.

c. ***Large Domestic Animal Facilities That Do Not Meet These Standards***
Large domestic animal facilities that exceed the use-specific standards listed above for site area, structure size, or number of animals, may be allowed by conditional use, pursuant to subsection 21.03.080. In such case, the facility shall be considered a second principal use on the lot and shall comply with subsection 21.05.050B.3.

14. Outdoor Keeping of Animals

a. ***Definition***
Restraining or restricting the movement of animals outside of a principal structure, by any means not involving the continued presence and/or participation of a human being.

b. ***Use-Specific Standards***

i. One to three large domestic animals may be kept outdoors on lots of 20,000 square feet or greater, but any structures or enclosures for keeping such animals shall meet the setback standards of subsection 21.05.070D.13.b.iii.

ii. The following standards apply to the outdoor keeping of all animals except for dogs, domestic cats, and large domestic animals:

(A) Animals kept outdoors in accordance with this section shall be contained by a structure, fenced enclosure, or pen at all times.

(B) Animals under this section shall not be kept outdoors in manufactured home communities, except for when the following standards are met:

(1) Any structure, fenced enclosure, or pen for the outdoor keeping of animals shall be at least 20 feet from any residence, not including the residence of the owner of the animal(s).

(2) No nonconforming rights for the outdoor keeping of animals in a manufactured home community shall be established. If at any time the separation distance of subsection ii.(B).(1). is no longer achieved, the animal(s) shall no longer be kept outside.

(C) On lots of 40,000 square feet or greater, structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.

(D) On lots smaller than 40,000 square feet, the following shall apply:

(1) The outdoor keeping of roosters, turkeys, guinea fowl, peacocks, or geese is prohibited.

(2) Up to five animals may be kept on lots of 6,000 square feet or less, with an additional one animal per additional 1,000 square feet of lot area. A facility license may be required pursuant to title 17.

(3) Structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.

(4) It shall be unlawful for any owner or custodian of an animal under this section to permit it to make chronic animal noise, as defined in AMC section 17.05.010.

15. Outdoor Display Accessory to a Commercial Use

a. ***Definition***

Outdoor display of goods and/or materials for sale, accessory to a commercial principal use. Merchandise may be directly available to the consumer for purchase.

b. ***Use-Specific Standards***

No materials may be displayed in areas intended for vehicular circulation, required parking, required open space, required unobstructed clear width of pedestrian walkways, or required landscaping.

16. Outdoor Storage Accessory to a Commercial Use

a. ***Definition***

Outdoor storage, but not display for sale, of goods, equipment, and/or materials accessory to a commercial principal use. Merchandise in outdoor storage shall not be directly available to the consumer without the assistance of an employee.

b. ***Use-Specific Standards***

Except in industrial districts and except for outdoor storage associated with a large commercial establishment which is governed by subsection 21.07.130A.5.m.[120E.10.], outdoor storage of goods, equipment, and/or materials accessory to a commercial principal use shall be allowed subject to the following standards:

i. Each outdoor storage area shall not be located closer to the front property line than the front façade of the principal building.

ii. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.

iii. Equipment stored in an approved outdoor storage area shall be limited to equipment used for property maintenance, such as snow removal equipment. The number of pieces of equipment shall not exceed three. Such equipment storage is only allowed on lots of three acres or greater.

iv. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials used in the principal structure. The fence or wall may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area. Materials may not be stored higher than the height of the principal structure. The outer perimeter of the fence or wall shall be landscaped with L1 [L2] visual enhancement landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.

v. If the outdoor storage area is covered, then the covering shall include at least one of the predominant roofing materials and exposed roofing colors on the principal structure.

vi. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

vii. No goods, equipment, and/or materials may be stored in areas required [INTENDED] for vehicular or pedestrian circulation or parking.

17. Parking of Business Vehicles, Outdoors, Accessory to a Residential Use

a. ***Definition***

The outdoor storage or parking of a vehicle used for and/or bearing visible evidence of a commercial/business purpose, but not regulated by subsection 21.05.070E.7[8].

b. ***Use-Specific Standard***

Only *two* vehicles bearing visible evidence of a business/commercial purpose are permitted per residence.

18. Private Outdoor Storage of Noncommercial Equipment Accessory to a Residential Use

a. ***Definition***

The private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, aircraft, off-road vehicles, recreational vehicles (RVs), or travel trailers.

b. ***Use-Specific Standard***

The private outdoor storage of noncommercial equipment is permitted in the front setback only in the driveway, but not within five feet of any property line, and is prohibited in any side or rear setback, except in a side or rear setback abutting an alley. In class B districts, the setback shall be 25 feet from any property line where the adjacent property is not in common ownership.

19. Vehicle Repair/Rebuilding, Outdoor, Hobby

a. ***Definition***

The repair or rebuilding of an inoperative motor vehicle as an accessory use, not for commercial purposes.

b. ***Use-Specific Standards***

i. Only one inoperative vehicle may stored outdoors on the site at any given time.

ii. Any vehicle being rebuilt or repaired shall be the property of the resident of the principal structure.

iii. Repair or rebuilding work shall take place to the rear or side of the principal structure and shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence between six and eight feet in height, or by opaque landscaping of an equivalent height.

E. Prohibited Accessory Uses and Structures

1. Operation of Particle Accelerators, including Cyclotrons

Operation of particle accelerator systems, including cyclotrons, is prohibited in all residential districts, whether or not such system is associated with a home occupation.

2. Fabric Structures

Frame-supported, arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items,

are prohibited in all class A residential districts. In class B residential districts, setbacks for fabric structures shall be twice that otherwise required.

3. Outdoor Storage of Inoperative Vehicles

In all zoning districts, the outdoor storage of any vehicle that meets the definition of "junk vehicle" at AMC section 15.20.010 is prohibited except as provided in section 21.05.070D.19, *Vehicle Repair/Rebuilding, Outdoor, Hobby*; section 21.05.060E.4., *Junkyard or Salvage Yard*; and section 21.05.050I.7. or I.8., *Vehicle Repair, Major* and *Minor*.

4. Use of Mobile Home, Recreational Vehicle, or Travel Trailer as Residence

Except as allowed by 21.05.080B.3.e., in all zoning districts, mobile homes, recreational vehicles, and travel trailers may not be used as an accessory use for a permanent or temporary residence. However, an RV or travel trailer may be used as visitor accommodation for not more than 90 days in any calendar year.

5. Use of Motor Vehicle for Sales

In all zoning districts, the use of any motor vehicle or trailer as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted is prohibited. However, the following shall not be prohibited by this subsection:

a. The sale of food products at a municipal-approved or -sponsored event;

b. Use of a motor vehicle in connection with an approved recycling operation;

c. Approved food and beverage kiosks that comply with the use-specific standards in section 21.05.050E.2., *Food and Beverage Kiosk*; and

d. Use of a trailer in connection with an approved vehicle sales use.

6. Commercial Motor Vehicle Repair

Commercial motor vehicle repair, including engine, body, or other repair or repainting of more than one vehicle at any one time or owned by a person not residing at that address, is prohibited in all residential districts.

7. Parking of Commercial Vehicles, Outdoor

The outdoor storage or parking of a vehicle or trailer is prohibited in all residential districts, for a period of one or more nights, if the vehicle or trailer is licensed or regularly used for business purposes, and is either:

a. A vehicle for which a commercial driver's license is required by state law;

b. A vehicle or trailer having more than two axles;

c. Any trailer bearing commercial signage, logo, or carrying commercial or industrial equipment or materials;

d. A vehicle or trailer having a height in excess of 90 inches; or

e. A vehicle with a gross vehicle weight rating (GVWR) of more than 12,000 lbs.

21.05.080 TEMPORARY USES AND STRUCTURES

B. Purpose

This section allows for the establishment of certain temporary uses of limited duration, provided that such uses do not negatively affect adjacent properties or municipal facilities, and provided

that such uses are discontinued upon the expiration of a set time period. The construction or alteration of any permanent building or structure is not considered a temporary use.

C. General Temporary Use Standards

1. Required Permits

All temporary uses shall obtain any permits required by other municipal departments, such as the clerk's office, the health department, the building safety department, or the police department.

2. Uses Allowed

Except as specified below, any use allowed in a district, pursuant to table[S] 21.05-1 [AND 21.05-2], is allowed on a temporary basis in that district. Such temporary uses shall comply with the requirements of subsection D. below. Any such temporary use that is established for more than the allowed time limit as determined in subsection 21.05.080D.3[4]. shall be considered a permanent use and shall make all improvements required by this title.

3. Other Uses and Structures Allowed

The following temporary uses and structures shall be allowed in any zoning district or as specified below, in accordance with the standards of this section.

a. ***Licensed Commercial Uses***

Temporary licensed commercial uses and associated temporary structures are allowed in any non-residential zoning district, for not more than 90 days total (consecutive or intermittent) within a 12 month period.

b. ***Real Estate Sales Offices***

Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office to market sites outside of the project is prohibited.

c. ***Special Events***

Amusement, athletic, charitable, cultural, entertainment, and/or political events or similar temporary and transitory gatherings are allowed in all zoning districts, subject to the standards of this section.

d. ***Temporary Parking of Construction Equipment During Construction***

Temporary use of non-loading areas for tractor trailers, office trailers, construction equipment or materials, construction worker parking, or intermodal shipping container (connex) trailers, during construction or renovation is allowed in all zoning districts, subject to the standards of this section.

e. ***Temporary Living in a Mobile Home, Motor Home, or Other Recreational Vehicle***

Notwithstanding title 23, one mobile home, motor home, or other recreational vehicle with a fully operable self-contained sanitation system may be used on a lot in the R-5, R-6, R-7, R-8, R-9, R-10, and TA districts as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired, if the following requirements are met:

i. The property owner or person intending to occupy the temporary living quarters during construction or repair of the permanent dwelling shall secure a permit from the building official before a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under this subsection shall not be renewed and only one permit shall be issued for the same parcel within any 10 year period.

Page 274 ANNOTATION

This technical amendment moves this provision from line 21 of this page to a more appropriate location.

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The permit may be granted only upon the applicant's written certification, with attachments, that:

(A) The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system;

(B) Site access is sufficient and shall be used to transport refuse and excess waste year-round for proper off-site disposal;

(C) Electrical utility service is on-site for use during the permit period and no generators shall be used;

(D) The applicant has a current building or land use permit, a copy of which shall be attached to the certification; and

(E) If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.

ii. Only one motor home or other recreational vehicle shall be permitted for use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling.

iii. The motor home or recreational vehicle placement on the lot shall comply with the setbacks of the underlying zoning district.

f. ***Other Allowed Temporary Uses***

i. Up to nine one-day garage/yard sales per year per dwelling unit.

ii. Gatherings of less than 100 people, such as block parties, nonprofit bazaars, and fundraisers; and

iii. Temporary uses that occur wholly within an enclosed permanent building.

iv. Frame-supported, arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items, shall be allowed for 30 days within a 12 month period in all residential districts.

D. Prohibited Temporary Uses and Structures

The following temporary uses and structures are prohibited:

1. **[RESERVED] [FABRIC STRUCTURES**
FRAME-SUPPORTED, ARCH-SUPPORTED, OR INFLATED TENSION FABRIC OR MEMBRANE STRUCTURES, FABRICATED OFF-SITE AND ASSEMBLED ON-SITE, AND TYPICALLY USED FOR GARAGES, SHEDS, WAREHOUSES, OR TEMPORARY OR PERMANENT SHELTERS FOR AUTOMOBILES, BOATS, OR OTHER ITEMS, SHALL BE ALLOWED FOR 30 DAYS WITHIN A 12 MONTH PERIOD IN ALL RESIDENTIAL DISTRICTS.]

E. General Requirements for All Temporary Uses and Structures

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this title:

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1. The temporary use or structure shall not have substantial adverse or noise impacts on nearby residential neighborhoods.

2. The temporary use shall comply with all applicable general and specific regulations of this section unless otherwise expressly stated.

3. Unless otherwise stated in this title, temporary uses in residential districts shall last no longer than 90 days. Temporary uses in nonresidential districts shall last no longer than 180 days, with a possible 180 day extension, in accordance with AMC 23.10.104.

4. All temporary signs associated with the temporary use or structure shall be removed when the activity ends.

5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.

6. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.

7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, stream protection setbacks, wetlands, areas of slope greater than 20 percent, and required landscaping.

8. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movement, pedestrian circulation, or parking space availability.

9. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.

10. Off-street parking shall be adequate to accommodate the proposed temporary use.

11. Applications for temporary structures to be located in or near the 100-year floodplain shall be required to submit a plan to the director for the removal of such structure(s) in the event of a flood notification. The plan shall include the following information:

a. The name, address, and phone number of the individual responsible for the removal of the temporary structures;

b. The time frame prior to the event at which a structure will be removed;

c. A copy of the contract or other suitable instrument with a trucking company to insure availability of removal equipment when needed; and

d. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

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TITLE 21 REWRITE

CHAPTER 21.06

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

Page 276 ANNOTATION

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CHAPTER 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS

21.06.010 PURPOSE

A. Purpose

Specific purposes of this chapter include:

1. Preserving light and air, and avoiding congestion in residential zoning districts;

2. Promoting fire protection through appropriate separation of structures;

3. Ensuring setbacks which promote a reasonable relationship between residences and a consistent residential streetscape;

4. Promoting streetscapes that are consistent with the intended character of different commercial and mixed-use zones;

5. Promoting buildings close to the sidewalk in mixed-use districts, to reinforce a pedestrian oriented streetscape;

6. Controlling the overall building bulk and lot coverage to help define the character of different zones;

7. Promoting a reasonable building scale that is consistent with the function of local commercial areas and the character of surrounding neighborhoods; and

8. Promoting the efficient use of service capacity in areas with the highest levels of public services and intended development.

B. Applicability

This chapter applies to all development within the municipality.

21.06.020 DIMENSIONAL STANDARDS TABLES

A. This section contains tables that list the requirements for lot dimensions, [AND] building bulk, density, location, and height for all types of development. All primary and accessory structures are subject to the dimensional standards set forth in the following tables. Superscript [BRACKETED] numbers refer to notes at the bottom of each table. General rules for measurement and exceptions are set forth in section 21.06.030.

B. These general standards may be further limited or modified by other applicable sections of this title. In particular, some uses have use-specific standards in chapter 21.05 that impose stricter requirements than set forth in these tables.

Page 277 ANNOTATION

R-1 and R-1A, Residential Uses, Lot Coverage:
A new footnote #3 is added to the 30 percent maximum lot coverage for single-family houses in the R-1 and R-1A districts. The proposed footnote, located at the end of the table (on page 282), refers to a new amendment that proposes to allow an increase in lot coverage in R-1 and R-1A to 40% for one-storey houses on small to medium sized lots. See page 289.

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A. Table of Dimensional Standards: Residential Districts

TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS

(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-1: Single-Family Residential District								
Residential uses	6,000	50	30[3]	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	6,000	50	30	20	5	10	N/A	
R-1A: Single-Family Residential District (larger lot)								
Residential uses	8,400	70	30[3]	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	8,400	70	30	20	5	10	N/A	
R-2A: Two-Family Residential District (larger lot)								
Dwelling, single-family detached	7,200	60	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	8,400	70	40	20	5	10	1	
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
All other uses	7,200	60	40	20	5	10	N/A	
R-2D: Two-Family Residential District								
Dwelling, single-family detached	6,000	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	

Page 278 ANNOTATION

R-2M, Dwelling, single-family detached, Area:
The provisionally adopted R-2M district limited the maximum lot size allowed for a single-family house, in order to promote efficient use of multifamily zoned lands. The PZC recommends deleting all limitations on single-family houses in multifamily districts, to provide more flexibility for single-family housing development.

R-2M, Dwelling, multifamily, Max number of principal structures per lot or tract:
This amendment reflects that the review process for approving multiple residential structures on a lot is determined in section 21.07.110G.2., and in some cases will be a major site plan review if the development is large enough.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS

(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
All other uses	6,000	50	40	20	5	10	N/A	
[R-2F: MIXED RESIDENTIAL DISTRICT 1]								
[DWELLING, SINGLE-FAMILY DETACHED	6,000 MIN. 12,000 MAX.	50	40	20	5	10	1	[PRINCIPAL: 30, NOT TO EXCEED TWO AND ONE-HALF STORIES ACCESSORY GARAGES/CARPORTS: 25 OTHER ACCESSORY: 12]
DWELLING, TWO-FAMILY	6,000	50	40	20	5	10	1	
DWELLING, SINGLE-FAMILY ATTACHED	3,000	35 (40 ON CORNER LOTS)	40	20	N/A ON COMMON LOT LINE; OTHERWISE 5	10	1	
DWELLING, TOWNHOUSE	2,400	24 (30 ON CORNER LOTS)	60	20		10	1	
DWELLING, MULTIPLE-FAMILY (UP TO 4 UNITS PERMITTED)	8,500 FOR 3 UNITS; 11,000 FOR 4 UNITS	50	40	20	10	10	1	
ALL OTHER USES	6,000	50	40	20	5	10	N/A]	
R-2M: Mixed Residential District [2]								
Dwelling, single-family detached	6,000 min. [12,000 MAX.]	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		10	1	
Dwelling, multi[PLE-]family (up to 8 units permitted per building)	8,500 + 2,300 for every unit over 3	50	40	20	10	10	More than one principal structure may be allowed on any lot or tract in accordance with subsection 21.07.110G.2.[BY	

Page 279 ANNOTATION

R-3, Dwelling, single-family:
The provisionally adopted code did not allow single-family houses in the R-3 medium density multifamily district. The Administration proposed to allow single-family dwellings in certain parts of the R-3, subject to a maximum lot size requirement to ensure minimum density and a height limit of 30 feet for houses as provided in other urban districts. The Assembly Title 21 Committee supports allowing single-family houses without maximum lot size restrictions. PZC provided a rationale that any limitations on single-family housing in R-3 could be an impediment to the creation of certain kinds of affordable single-family housing products. PZC proposes allowing 35 foot tall houses in R-3.

R-3, Dwelling, multifamily:
The proposed changes to the minimum lot sizes for multifamily dwellings in the R-3 district would restore the current code's neighborhood protections against large apartment structures on small lots up to 8,500 square feet. Such lots typically have a 60-foot or narrower street frontage in neighborhoods such as Fairview. The proposed changes are an interim measure supported by the Assembly Title 21 Committee pending the preparation of a separate code amendment to be completed before the new title 21 becomes effective, which will create a new design option for more efficient multifamily site development. The process to prepare the amendment will explore whether it could be made appropriate or practical to allow up to one dwelling per 1,000 sf of lot area, subject to a site plan review and development standards to for neighborhood protection.

R-3, Dwelling, multifamily, Max number of principal structures per lot or tract:
This amendment reflects that the review process for approving multiple residential structures on a lot in R-3 is determined in section 21.07.110G.2., and in some cases will be a major site plan review if the development is large enough.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS

(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, multi[PLE-]family, with single- or two-family style construction of multiple buildings on a lot	3,000 per unit	50	40	20	10	10	ADMINISTRATIVE SITE PLAN REVIEW; NO PORTION OF ANY STRUCTURE MAY BE CLOSER THAN 10 FEET TO ANY PORTION OF ANY OTHER STRUCTURE]	
All other uses	6,000	50	40	20	5	10		
R-3: Multifamily Residential District [1]								
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	35
Dwelling, single-family detached	6,000	50	40	20	5	10	1	35
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	20	N/A on common lot line; otherwise 5	10	1	35
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, multi-family, three or four units	6,000[+1,000 FOR EVERY UNIT OVER 4 UNITS]	50	40	20	10	20	More than one principal structure may be allowed on any lot or tract in accordance with subsection 21.07.110G.2.[; NO PORTION OF ANY STRUCTURE MAY BE CLOSER THAN 10 FEET TO ANY PORTION OF ANY OTHER STRUCTURE.]	
Dwelling, multifamily, five or six units	8,500							
Dwelling, multifamily, seven or more units	9,000 +1,000 for every unit over 7 units							
All other uses	6,000	50	40	20	10	20		

Page 280 ANNOTATION

R-4, Dwelling, single-family:
The provisionally adopted R-4 district, like the R-3, did not allow single-family houses, because it is the highest density multifamily district and has limited buildable land. The PZC proposes that R-4 be amended to allow single-family houses, to avoid an impediment to the creation of affordable single-family housing products such as small-lot "cottage" housing.

R-4 and R-4A, Max number of principal structures per lot or tract:
This amendment reflects that the review process for approving multiple residential structures on a lot in R-4 and R-4A is determined in section 21.07.110G.2., and in some cases will be a major site plan review if the development is large enough.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS

(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-4: Multifamily Residential District 2								
Dwelling, single-family, attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	35
Dwelling, single-family detached	6,000	50	40		5	10		
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	10	N/A on common lot line; otherwise 5	10	More than one principal structure may be allowed on any lot or tract in accordance with subsection 21.07.110G.2. [; NO PORTION OF ANY STRUCTURE MAY BE CLOSER THAN 10 FEET TO ANY PORTION OF ANY OTHER STRUCTURE.]	35
Dwelling, multi-family	6,000	50	50		5 plus one foot for each 5 feet in height exceeding 35 feet	10		45 [4][3]
All other uses	6,000	50	50			10		45
R-4A: Multifamily Residential Mixed-Use District								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	Min: 10 [FT.] Max: 20 [FT.][5] A minimum of 50% of the front building elevation shall be within the maximum front setback (see 21.06.030A.5.)	N/A on common lot line; otherwise 5	15 if adjacent to a residential district (except R-4 or R-4A); otherwise 10	More than one principal structure may be allowed on any lot or tract in accordance with subsection 21.07.110G.2. [; NO PORTION OF ANY STRUCTURE MAY BE CLOSER THAN 10 FEET TO ANY PORTION OF ANY OTHER STRUCTURE.]	35
Dwelling, mixed-use	6,000	50	65		10 if adjacent to a residential district (except for R-4 or R-4A); otherwise 5			45[6][4]
Dwelling, multi-family	6,000	50	65					
All other uses	6,000	50	65					45
R-5: Low-Density Residential District								
Dwelling, single-family, or one mobile home	7,000	50	30	20	5	10	1	Principal: 30 Accessory

Page 281 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS

(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, two-family	13,000	100	30	20	5	10	1	garages/carports: 25 Other accessory: 12
All other uses	7,000	50	30	20	5	10	N/A	
R-6: Low-Density Residential District (1 acre)								
Dwelling, single-family	43,560	150	30	50	25	50	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	87,120	200	30	50	25	50	1	
All other uses	43,560	150	30	50	25	50	N/A	
R-7: Single-Family Residential District (20K)								
Dwelling, single-family	20,000	120	30	25	10	20	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	40,000	120	30	25	10	20	1	
All other uses	20,000	120	30	25	10	20	N/A	
R-8: Low-Density Residential District (4 acres)								
Dwelling, single-family	174,240	300	5	25	15	25	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	261,360	300	5	25	15	25	1	
All other uses	174,240	300	5	25	15	25	N/A	

Page 282 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS

(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-9: Low-Density Residential District (2 acres)								
Dwelling, single-family	87,120	180	5	25	15	25	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	130,680	180	5	25	15	25	1	
All other uses	87,120	180	5	25	15	25	N/A	
R-10: Low-Density Residential Alpine/Slope District								
All uses	(See section 21.04.020P.2.)			10	25 feet; 50 feet if average slope exceeds 30 percent	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 18

[1] For other lot dimensional standards, see section 21.08.030K.

[2] For those residential uses where only one principal structure is allowed on a lot, no additional nonresidential principal structures are allowed.

[3] On lots less than 10,000 square feet, lot coverage may be increased to 40% when the entire principal structure is less than 16 feet in height, measured in accordance with subsection 21.06.030D.3.

[4][3] See subsection 21.04.020H[I].2.d. for information regarding possible height increases.

[5] See subsection 21.06.030C.5. for information regarding possible increases and exceptions to the maximum front setback.

[6][4] See subsection 21.04.020I[J].2.d. for information regarding possible height increases.

Page 283 ANNOTATION

B-1A, B-1B, B-3, Mixed-use development:
The Assembly Title 21 Committee supports a recommendation by the PZC to insert the development standards from the mixed-use districts into the existing B-1A, B-1B, and B-3 districts, to be applied only to mixed-use projects. PZC intended this include the maximum front setbacks of the mixed-use districts.

B-1B district:
The PZC recommends retaining the existing B-1B Community Business district, by inserting the provisions for the B-1B from current code (with some changes) into the title 21 rewrite. Reinstatement of the B-1B is part of a general approach proposed by PZC to retain ex¬isting districts and address individual mixed-use projects under current zoning.

B-3, Residential household living uses:
This restores the current code requirement for residential uses in the B-3 district to follow the R-4 district dimensional standards. Carrying forward this existing protection is to ensure adequate setbacks, light, air, and appropriate limits to multifamily building bulk in the B-3.

B-3, Maximum height:
The PZC and Assembly Title 21 Committee support an amendment proposed by the Administration to allow unlimited building heights in Midtown, and apply building height limits elsewhere outside of Midtown to ensure a compatible scale of development for the outlying parts of town.

B-3, Mixed-use development, Front setback:
In carrying out a recommendation by the PZC to insert the maximum front setbacks from the deleted mixed-use districts into the existing B-3 districts, a higher percentage of the street-facing building elevation (50%) is proposed to be required to follow the maximum setback, than in the B-1B district, based on the Commercial Mixed-use district, which B-3 largely replaces.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

B. Table of Dimensional Standards: Commercial and Industrial Districts

TABLE 21.06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS
(Additional Standards May Apply. See district specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[5]			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
B-1A: Local and Neighborhood Business							
Mixed-use development	6,000	50	50	Min: 0 Max: 20[6] A minimum of 30% of the street-facing building elevation shall be within the maximum front setback	10 if adjacent to a residential district; otherwise 0 or at least 5	15 if abutting a residential district; otherwise 10	30[7]
All other uses	∞			10			30
B-1B: Community Business							
Mixed-use development	6,000	50	50	Min: 0 Max: 20[6] A minimum of 30% of the street-facing building elevation shall be within the maximum front setback	15 if adjacent to a residential district; otherwise 0 or at least 5	15 if abutting a residential district; otherwise 10	35[7]
All other uses				10			35
B-3: General Business							
Residential household living uses	6,000	50	50	10	5 plus one foot for each 5 feet in height exceeding 35 feet	10	45[8]
Mixed-use development	6,000	50	Unre-stricted	Min: 0 Max: 20[6] A minimum of 50% of the street-facing building elevation shall be within the maximum front setback	15 if adjacent to a residential district; otherwise 0 or at least 10	15 if adjacent to a residential district; otherwise 0 or at least 5	45, except in the Midtown area bounded by the Seward Highway, Tudor Road, Arctic Boulevard, and Fireweed Lane, where there is no maximum height
All other uses				10			
DT-1, DT-2, and DT-3: Downtown Districts (RESERVED[TO BE DETERMINED THROUGH DOWNTOWN PLAN PROCESS])							

Page 284 ANNOTATION

RO district:
This restores the current code requirement for residential uses in the RO district to follow the R-4 district dimensional standards. Carrying forward this existing protection is to ensure adequate setbacks, light, air, and appropriate limits to multifamily building bulk in the RO.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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TABLE 21.06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS
(Additional Standards May Apply. See district specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[5]			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
RO: Residential Office District							
Allowed residential household living uses	6,000	50	50	10	5 plus one foot for each 5 feet in height exceeding 35 feet	10	45[8]
All other uses	6,000	50	50	10	10 if adjacent to a residential district; otherwise 5	15 if adjacent to a residential district, otherwise 10	45, not to exceed three stories of nonresidential use[9]
MC: Marine Commercial District							
All uses	6,000	50	N/A	10	0 or at least 5	0 or at least 5	90 feet above mean sea level
I-1: Light Industrial District							
All uses	6,000	50	N/A	10	20 if adjacent to a residential district; otherwise 0 or at least 5		50[10] [6]
I-2: Heavy Industrial District							
All uses	6,000	50	N/A	10	40 if adjacent to a residential district; otherwise 0 or at least 5		none
MI: Marine Industrial							
All uses	6,000	50	N/A	10	0 or at least 5		Within 50 feet of a residential district, no portion of any structure shall exceed the height limit of that district; otherwise none

Page 285 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

TABLE 21.06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS
(Additional Standards May Apply. See district specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[5]			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	

[5] For other lot dimensional standards, see section 21.08.030K.

[6] See subsection 21.06.050C.5. for information regarding possible increases and exceptions to the maximum front setback.

[7] See subsection 21.04.030G.4. for information regarding possible height increases for mixed-use development.

[8] See subsection 21.04.020H.2.d. for information regarding possible height increases.

[9] See subsection 21.04.030E.2.d. for information regarding possible height increases.

[10] Non-building industrial structures and industrial appurtenances are exempt from the maximum allowed height.

Page 286 ANNOTATION

The Assembly Title 21 Committee supports a recommendation by the PZC to delete the three mixed-use zoning districts. In their place, select development standards and incentives from the mixed-use districts are proposed to be inserted into the existing commercial zones, to be applied only to mixed-use projects.

The Assembly Title 21 Committee supports a recommendation by the Administration to delete the placeholders for MT (Midtown) districts.

[TABLE OF DIMENSIONAL STANDARDS: MIXED-USE DISTRICTS]

[TABLE 21.06-3: TABLE OF DIMENSIONAL STANDARDS - MIXED-USE DISTRICTS
(ADDITIONAL STANDARDS MAY APPLY. SEE DISTRICT-SPECIFIC STANDARDS IN CHAPTER 21.04 AND USE-SPECIFIC STANDARDS IN CHAPTER 21.05.)

USES	MINIMUM LOT DIMENSIONS[7]		SETBACKS			MAX HEIGHT (FT)	MAX FLOOR AREA RATIO (FAR) [8]
	AREA (SQ FT)	WIDTH (FT)	FRONT	SIDE	REAR		
NMU: NEIGHBORHOOD MIXED-USE DISTRICT							
DWELLING, TOWNHOUSE	2,000	20 (30 ON CORNER LOTS)	MIN: 10 FT. MAX: 20 FT.	N/A ON COMMON LOT LINE; OTHERWISE 5	15 ADJACENT TO A RESIDENTIAL DISTRICT (EXCEPT R-4 OR R-4A); OTHERWISE 10	35	N/A
ALL OTHER USES	6,000	50	MIN: 0 FT. MAX: 20 FT. A MINIMUM OF 30% OF THE STREET-FACING BUILDING ELEVATION SHALL BE WITHIN THE MAXIMUM FRONT SETBACK. [9]	15 ADJACENT TO A RESIDENTIAL DISTRICT; OTHERWISE 0 OR AT LEAST 5	15 ADJACENT TO A RESIDENTIAL DISTRICT; OTHERWISE 0 OR AT LEAST 5	45	0.5
CMU: COMMUNITY MIXED-USE DISTRICT							
DWELLING, TOWNHOUSE	2,000	20 (30 ON CORNER LOTS)	MIN: 10 FT. MAX: 20 FT.	N/A ON COMMON LOT LINE; OTHERWISE 5	15 ADJACENT TO A RESIDENTIAL DISTRICT (EXCEPT R-4 OR R-4A); OTHERWISE 10	35	N/A
ALL OTHER USES	6,000	50	MIN: 0 FT. MAX: 20 FT. A MINIMUM OF 50% OF THE STREET-FACING BUILDING ELEVATION SHALL BE WITHIN THE MAXIMUM FRONT SETBACK. [9]	15 ADJACENT TO A RESIDENTIAL DISTRICT; OTHERWISE 0 OR AT LEAST 5	15 ADJACENT TO A RESIDENTIAL DISTRICT; OTHERWISE 0 OR AT LEAST 5	60	1
RMU: REGIONAL MIXED-USE DISTRICT							
DWELLING, TOWNHOUSE	2,000	20 (30 ON CORNER LOTS)	MIN: 10 FT. MAX: 20 FT.	N/A ON COMMON LOT LINE; OTHERWISE 5	15 ADJACENT TO A RESIDENTIAL DISTRICT (EXCEPT R-4 OR R-4A); OTHERWISE 10	35	N/A
ALL OTHER USES	6,000	50	MIN: 0 FT. MAX: 20 FT. A MINIMUM OF 30% OF THE STREET-FACING BUILDING ELEVATION SHALL BE WITHIN THE MAXIMUM FRONT SETBACK. [9]	20 ADJACENT TO A RESIDENTIAL DISTRICT; OTHERWISE 0 OR AT LEAST 5	20 ADJACENT TO A RESIDENTIAL DISTRICT; OTHERWISE 0 OR AT LEAST 5	60	1
MT-1: MIDTOWN DISTRICT CORE							
MT-2: MIDTOWN DISTRICT GENERAL							

Page 287 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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[7] FOR OTHER LOT DIMENSIONAL STANDARDS, SEE SECTION 21.08.030K.
[8] SEE FAR INCENTIVES FOR MIXED-USE DISTRICTS AT 21.04.030O.2.
[9] SEE SUBSECTION 21.06.030A.5., *MAXIMUM SETBACKS*.]

Page 288 ANNOTATION

A height limit is proposed for the PLI district, in order to be consistent with other districts, and to protect neighboring areas. Additional height is possible for the university and hospital campuses of the U-MED District through the institutional master plan process.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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C. Table of Dimensional Standards: Other Districts

TABLE 21.06-3[4]: TABLE OF DIMENSIONAL STANDARDS - OTHER DISTRICTS
(Additional Standards May Apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05. See section 21.04.070 for AM district standards.)

Uses	Minimum lot dimensions[10]		Max lot coverage (%)	Minimum setback requirements (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
AF: Antenna Farm District							
All	87,120	120	50	50	25	25	Unlimited, except that structures shall not interfere with FAA regulations on airport approaches
DR: Development Reserve District							
All	5 acres	100	20	Front, side, and rear setbacks shall be 25 feet when the abutting district is PR, PLI, or residential; otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			35
PR and PLI: Parks and Recreation, and Public Lands and Institutions Districts							
All	6,000	50	45	Front, side, and rear setbacks shall be 25 feet when the abutting district is DR, PR, PLI or residential; otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			75 feet, unless greater height is approved by conditional use or through an institutional master plan [NO MAXIMUM, EXCEPT THAT THE HEIGHT TRANSITION PROVISIONS OF SUBSECTION 21.06.030D.7. SHALL APPLY]
TA: Turnagain Arm District							
Residential (with sewers)	10,400	70	30	20	5	10	35, unless a conditional use permit is obtained for greater height
Residential (without sewers) (Bird Creek, Indian Valley, Portage inholdings)	108,150	100	20	25	15	25	
Residential (without sewers) (Rainbow Valley inholdings)	216, 300	100	20	25	15	25	
Commercial (with sewers)	8,400	50	70	10	10 if adjacent to a residential district, otherwise 5	15 if adjacent to a residential district, otherwise 10	
Commercial (without sewers)	50,000	100	25	25	15	25	
Industrial (with sewers)	8,400	50	100	10	If abutting to a residential use, the setback shall be equal to that required by the residential use; otherwise None		
Industrial (without sewers)	50,000	100	25	25	15	25	
Institutional (with sewers)	8,400	50	30	25	10	15	
Institutional (without sewers)	50,000	100	25	25	15	25	
W: Watershed District							
All	N/A	N/A	5	N/A	N/A	N/A	50

[10] For other lot dimensional standards, see section 21.08.030K.

Page 289 ANNOTATION

The Assembly Title 21 Committee supports a recommendation by PZC to allow single-family houses to have an increase in allowed lot coverage, from 30% to 40%, if they are limited to one-storey. The change would enable medium-sized, ADA accessible houses on small to medium sized urban lots.

This amendment clarifies where the measurement of the setback begins when a public use easement or a road reservation exists instead of publicly dedicated right-of-way.

Administration Addition
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PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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21.06.030 MEASUREMENTS AND EXCEPTIONS

A. Lot Area, Width, and Depth

1. Minimum lot area shall be provided as indicated in section 21.06.020, unless otherwise stated in this title.

2. Lot width and depth shall be measured as shown in the lot width and lot depth illustrations at the end of the chapter.

B. Lot Coverage

1. Lot Coverage Requirement Generally

a. No building, structure, or lot shall be developed, used, or occupied unless it meets the lot coverage requirements set forth in this chapter or in chapter 21.04, for the zoning district in which it is located.

b. In the R-1 and R-1A districts for residential uses on lots less than 10,000 square feet, lot coverage may be increased to 40 percent when the entire principal structure is less than 16 feet in height, measured in accordance with subsection 21.06.030D.3.

2. Structures Not Considered in Measuring Lot Coverage

Unless otherwise provided in this title, all structures shall be considered in determining lot coverage except for the following:

a. Structures less than 30 inches above the finished grade level (such as paved terraces or ground-level decks);

b. Windowsills, bay windows, fireplace chases, belt courses, cornices, eaves, and similar incidental architectural features;

c. Accessibility ramps;

d. Fences, trellises, poles, posts, ornaments, lawn furniture, and similar and customary yard accessories; and

e. Covered stairways and walkways as described in subsection C.2.j. below.

C. Setbacks

1. Required Setbacks

a. Setbacks shall be located as shown in the illustrations at the end of the chapter. Where a road reservation or public use easement exists in place of dedicated street, the setback required by table 21.06-1 shall start at the edge of the setback from projected right-of-way required in subsection 21.06.030C.7. below.

b. A building, structure, or lot shall not be developed, used, or occupied unless it meets the setback requirements set forth in section 21.06.020 for the zoning district in which it is located, except as otherwise established in this title for particular uses, or unless a variance or minor modification has been granted.

c. Setbacks shall be unoccupied and unobstructed by any structure, except as provided in subsection C.2. below, and except that fences, walls, trellises, poles, posts, ornaments, furniture, and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

d. A setback required by this title shall not be included as part of a setback required by this title for another building or structure or lot.

Page 290 ANNOTATION

Resolves an inconsistency with the building code where a 0 foot setback may be required by title 21, but a seismic deflection setback may be required by title 23 (building code).

Administration Addition
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PZC Addition
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e. The entire "pole" portion of a flag lot shall be considered a front setback.

f. Where a setback is allowed to be zero feet, the setback shall be any inelastic response displacement distance required by title 23 to accommodate seismic deflection. A parapet cap, trim, or other similar cover shall cover any gap between buildings, in accordance with title 23.

2. Projections into Required Setbacks

The following structures or features may project into required front, side, or rear setbacks as specified in this subsection:

a. ***Paved Terraces***

Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this title.

b. ***Unroofed Landings, Decks, and Stairs***

Except as provided in subsection 2.c. below, unroofed landings, decks, and stairs may project into required front and rear setbacks only, provided that no portion other than a handrail shall extend higher than 30 inches above the finished grade level.

c. ***Roofs Over Porches and Other Exterior Approaches***

Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five feet into a front setback, provided that, where such roof projections encroach within the setback, the roof projections shall comprise no more than 50 percent of the total length of a building's front elevation. The covered porch or entrance area encroaching into the setback shall remain exterior to the building, and unenclosed or only partly enclosed, as by a handrail.

d. ***Incidental Architectural Features***

Windowsills, fireplace chases, belt courses, cornices, eaves, and similar incidental architectural features may project up to two feet into any required setback.

e. ***Bay Windows***

Bay windows, measuring no more than eight feet in width where the projection breaks the plane of the wall, may project up to two feet into any required setback, so long as there is a minimum of eight feet between the bay window and any opposing encroachment on an adjacent lot.

f. ***Private Garage or Carport***

A private garage or carport may project into a required side or rear setback abutting an alley.

g. ***Accessory Structures***

Accessory structures may encroach into a required setback a[A]s allowed in subsection 21.05.070B.3.b. Refuse collection receptacles and their enclosures that are less than 150 square feet may encroach in any side or rear setback.

h. ***Accessibility Ramps***

The director may allow the installation of accessibility ramps with handrails in any required setback if they meet the following criteria:

i. The ramp is neither roofed nor enclosed;

ii. There are no switchbacks over 30 inches in height; and

Page 291 ANNOTATION

Administration Addition
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iii. The width of the ramp does not exceed 48 inches.

i. ***Fire Exits***
For buildings existing on [effective date], open fire exits may project not more than four feet six inches into any required setback [YARD].

j. ***Covered Stairways and Walkways***
Stairways and walkways that are roofed but not fully enclosed, and are installed to provide public access between grade-separated areas, but are not intended to provide access to the entrance of any particular structure, may encroach into required setbacks.

3. Construction on Adjoining Lots
In determining minimum setback requirements, each lot shall be determined individually and minimum setback requirements may not be calculated on the basis of two or more combined lots. In all instances where a building may be constructed immediately adjacent to a lot line, the building may be constructed upon or over such lot line, provided that the portion of the building on each individual lot is otherwise permitted on each lot.

4. Corner Lots with Two or More Frontages and Double-Frontage Lots

a. In the case of corner lots with two or more frontages and double-frontage lots, the director shall determine the setback requirements (except as provided in 4.b. below) subject to the following limitations:

i. At least one front setback shall be provided having the full depth required generally in the district.

ii. No other front setback on such lot shall have less than half the depth required generally for front setbacks in the district.

iii. For residential lots of less than one acre in area and for non-residential lots, setbacks shall be consistent with surrounding properties, with more weight given to abutting properties oriented in the same pattern.

b. For residential lots of one acre or greater in area, the property owner, with the concurrence of the traffic engineer, has discretion over which frontage shall be the primary front setback.

5. Maximum Setbacks
Maximum setbacks are intended to help create an environment that is inviting to pedestrians and transit users, and a more active streetscape. Maximum setbacks promote buildings closer to the sidewalk and a stronger interface between buildings and adjoining streets, improving connectivity and making walking more convenient. The requirements of this subsection provide for flexibility and creativity, and allow improvements to existing developments that do not meet the standard.

a. ***Measurement and Applicability***

i. The maximum setback applies to the ground-floor, street-facing elevation of the building, as depicted below.

Page 292 ANNOTATION

Administration Addition
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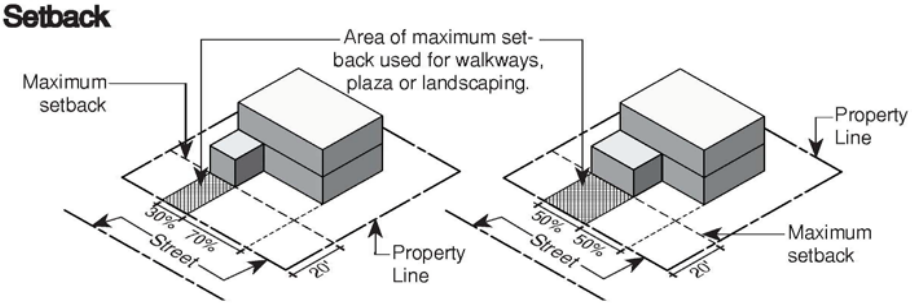
Application of Maximum Setback



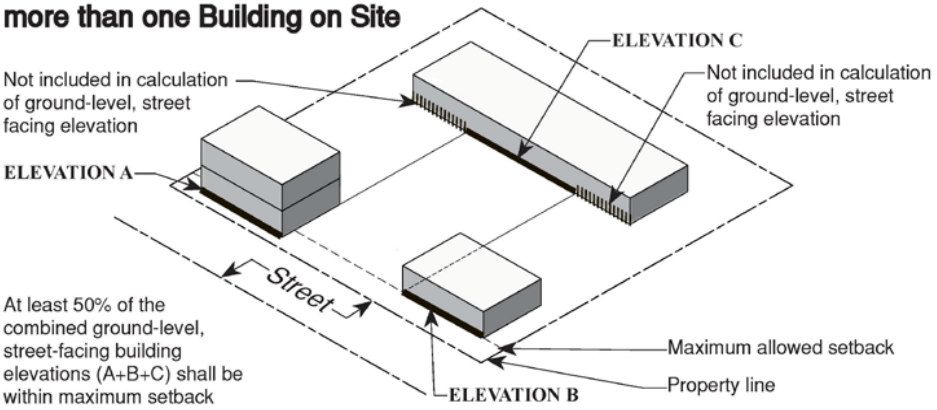
Example of Application of Maximum Setback for 30% of the front building elevation

Example of Application of Maximum Setback for 50% of the front building elevation

ii. On lots with two or more street frontages, the maximum setback shall apply only on the primary front setback. When the site abuts a street designated in the comprehensive plan as a "main street", a "transit street", a "mixed-use street", or a derivation of these street typologies, the location of the maximum setback may be changed to such street with the concurrence of the director.

iii. Where there is more than one building on the site, the maximum setback standard applies to the combined ground-floor, street-facing elevations of all the buildings, as depicted below.

Maximum Building Setback with more than one Building on Site



iv. The maximum setbacks shall apply only to new buildings and any building addition that increases the length of the building elevation facing the applicable street, as depicted below.

Page 293 ANNOTATION

Administration Addition
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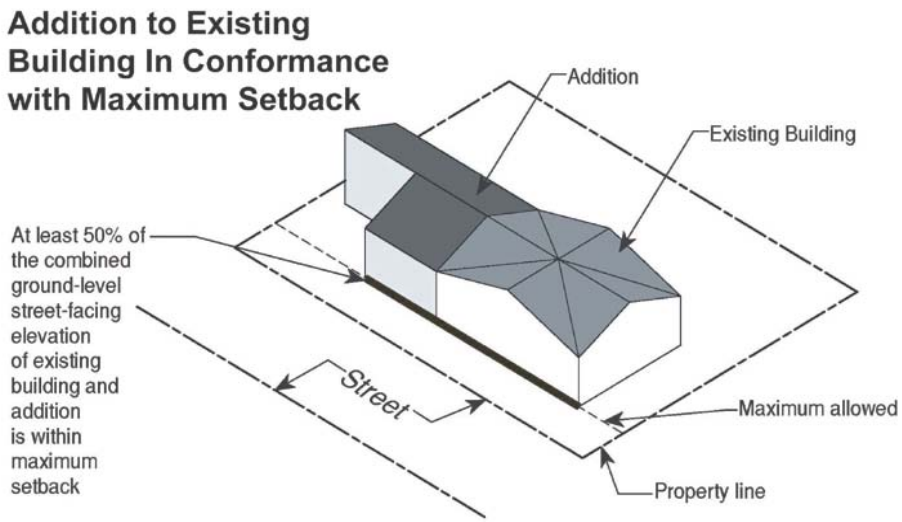

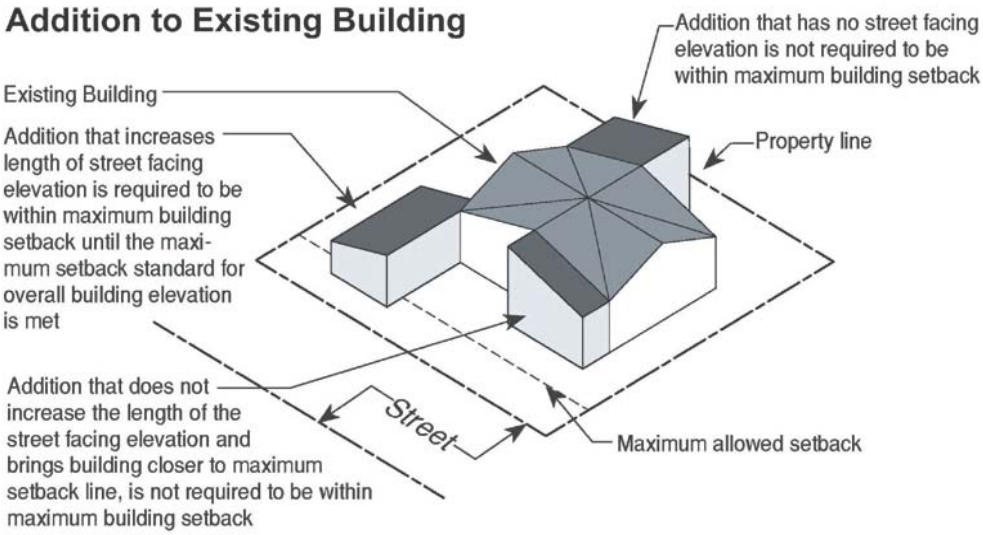

v. For all multi-building sites except those which fall under the large commercial establishment regulations in subsection 21.07.130A., the order of construction shall ensure that this standard is met at all times.

vi. Where the required setback from a projected right-of-way is equal to or greater than the maximum setback, the maximum setback shall be measured from the projected right-of-way setback line.

b. ***Use of Maximum Setback Area***

i. Motor vehicle parking and circulation is not permitted in between the street and the portion of the building that is used to comply with the maximum setback, except as provided in subsection 5.d. below [THIS SUBSECTION].

ii. The area between the street lot line and the portion of the building that is used to comply with this subsection shall be designed to be sidewalk or walkway, building entrance plaza, pedestrian plaza, open space, landscaping, and/or courtyard areas. Where landscaping is provided, the area shall meet the specifications for site enhancement landscaping.

Page 294 ANNOTATION

The Assembly Title 21 Committee took a close look at the maximum setback requirements, which are now proposed to apply mainly to mixed-use projects. For most parts of town, where buildings are expected to be lower-rise and spaced further apart than in Midtown, the maximum setback provisions were found to provide adequate flexibility, by allowing greater distances than 20-feet, and practicable based on reviews of existing developments in Anchorage.

However, in areas where mid-rise and high-rise buildings are expected (primarily in Midtown), tall buildings set right to the street could create the shadowed urban canyon effect. The Assembly Title 21 Committee proposes to allow mid- to high-rise buildings in Midtown to have a bay of parking and vehicle circulation across the front of the building, in lieu of the required maximum setback area, subject to site plan review and enhanced pedestrian connections.

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One pedestrian feature [AMENITY] as defined by this title is required for every 300 square feet of maximum setback area. Parking facilities allowed under subsection 5.d. below are exempted.

c. ***General Exceptions to Maximum Setback***

i. The maximum front setback may be exceeded by up to 20 additional feet (or more through administrative site plan review) if the additional area between the building and the property line is used to provide common open space that conforms to the standards of section 21.07.030, contains site enhancement landscaping, and/or contains pedestrian amenities as described in subsection 21.07.060F. The additional area shall not be developed for motor vehicle parking or driveways, loading or refuse collection, or ground-mounted utilities.

ii. For buildings where all the floor area is in residential use, the street-facing façade of a covered porch qualifies for meeting this standard. The porch shall have at least one entrance accessible from the street.

d. ***Specific Exceptions to Maximum Setback—Midrise and High-Rise Buildings***

For buildings in Midtown that exceed 60 feet in height and include five or more floors, the maximum front setback may be increased to a total distance of 90 feet and incorporate up to one vehicle circulation aisle and/or parking bay between the building and the street, subject to the following requirements and limitations, in order to reduce shadowing and allow for light, air, and views along urban corridors while also retaining pedestrian connections:

i. Development requesting the maximum setback increase shall be subject to administrative site plan review, unless a higher level of review is already required.

ii. Where an area or street has been designated for more restrictive setbacks in the comprehensive plan, such as in the *Anchorage Downtown Comprehensive Plan*, the more restrictive policies or standards shall govern.

iii. The building shall provide at least one primary entrance within 90 feet of the street or right-of-way, and connected to the street by a walkway that meets subsection 21.07.060F.4., *Primary Pedestrian Walkway*.

iv. A walkway or pedestrian areas shall be provided along the length of the street-facing building elevation fronting the parking and vehicle circulation area. Perimeter landscaping and sidewalk facilities meeting the requirements of this title shall be provided along the length of the street frontage between the street and the parking lot.

e. ***Exemptions***

The following uses are exempt from the maximum setback requirement:

i. Food and beverage kiosks;

ii. Fueling stations; and

iii. Vehicle service and repair, major or minor.

6. Setback from Planned Utility Transmission Facilities

a. No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum area stated in the *Utility Corridor*

Page 295 ANNOTATION

This amendment reflects the fact that local roads in Class B districts are required to have 50 foot rights-of-way, instead of 60 foot.

Administration Addition
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Plan for planned electrical or telecommunication transmission facilities for which there is a projected easement or right-of-way, except as allowed under [PARAGRAPH] 6.b., below.

b. The following uses and activities are permitted, with written acknowledgement of coordination with the affected utilities, within the setbacks described in [PARAGRAPH] 6.a., above:

i. Sidewalks, walkways, pathways, and trails;

ii. Bus shelters and bus turnouts;

iii. Kiosks and seating units;

iv. Utilities, utility easements and utility-related structures;

v. Landscaping required by section 21.07.080, *Landscaping, Screening, and Fences*, and consisting of ground cover, shrubs and understory trees whose maximum height does not exceed 30 feet;

vi. Surface parking required by section 21.07.090, *Off-Street Parking and Loading*;

vii. Temporary parking as described in section 21.05.080;

viii. Additional parking to that required by this title;

ix. Open space;

x. Fences and signs;

xi. Retaining walls;

xii. Remodeling of or addition to structures existing as of February 27, 1990, so long as it does not further intrude within the setback area after that date; and

xiii. Driveways and vehicular access points.

c. Applicable setback requirements stated elsewhere in this title may include the area of setback for electrical transmission facilities.

7. Setbacks from Projected Rights-of-Way

a. ***Minimum Setback***

Except as allowed under subsection 7.b. below, no new structural or land development activity requiring a building or land use permit shall be permitted within the minimum setback set forth in the table below from the existing or projected centerline of a street designated on the *Official Streets and Highways Plan* (OSHP), or within 30 feet (25 feet in class B districts) from the centerline of a road reservation or public use easement not so designated on the OSHP.

TABLE 21.06-5: SETBACKS FROM PROJECTED RIGHTS-OF-WAY CENTERLINE

Street Class in [ON] *Official Streets and Highways Plan*		Setback from Centerline (feet)
IC	Neighborhood Collector	30

Page 296 ANNOTATION

Technical edits in table 21.06-5 reflect terminology changes made to the Official Streets and Highways Plan in 2005.

Administration Addition
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TABLE 21.06-5: SETBACKS FROM PROJECTED RIGHTS-OF-WAY CENTERLINE		
	Street Class in [ON] *Official Streets and Highways Plan*	**Setback from Centerline (feet)**
IIA	Minor Arterial	
IIIC	[UNDIVIDED] Major Arterial	
IB	Neighborhood Collector	35
I	[RESIDENTIAL] Collector	40
IA	Industrial Commercial Collector	
II	Minor Arterial	
III	[DIVIDED] Major Arterial	50
[IIIB]	[UNDIVIDED MAJOR ARTERIAL]	
IIIA	[DIVIDED] Major Arterial	65
IV	Expressway	
V	Freeway	75

b. ***Permitted Uses Within Setback***

The following uses and activities are permitted within the setbacks described in paragraph 7.a., above:

i. Sidewalks, walkways, pathways, and trails;

ii. Bus shelters and bus turnouts;

iii. Kiosks, seating units, and skywalks;

iv. Canopies, awnings, incidental architectural features, and public art;

v. Utilities and utility easements;

vi. Temporary parking, temporary fences and signs, or temporary retaining walls, as described in paragraph 7.d., below;

vii. Additional parking to that required by this title;

viii. Landscaping, but not required landscaping, except that required landscaping is permitted if an alternate site plan is submitted that shows how all the required site elements, including the required landscaping, would be accommodated on the lot if the projected setback is acquired for public right-of-way;

ix. Approved grading activities;

x. Remodeling of or addition to structures existing as of May 19, 1987, so long as such remodeling or addition does not further intrude within the setback area or increase the floor area of the structure within the setback area; and

xi. Driveways and vehicular access.

Page 297 ANNOTATION

The MOA Traffic Engineer establishes sight distance triangle requirements in the Municipal Driveway Standards, a stand-alone policy document.

Administration Addition
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PZC Addition
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c. ***Additional Setback Requirements***
Applicable setback requirements stated elsewhere in this chapter shall be in addition to those stated in this subsection 21.06.030C.7.

d. ***Temporary Features***
As used in this subsection 21.06.030C.7.d., the term "temporary" or "temporarily" means that period of time between the issuance of a building or land use permit and the right of entry conveyed to the municipality or other government entity for a road project that affects the setback area required by this subsection 21.06.030C.7.d. Parking, fences and signs, and retaining walls required by this title may be provided temporarily within a setback area described in this subsection 21.06.030C.7.d. only if the director and the traffic engineer first find that:

i. The temporary features to be used on the lot conform to all other applicable requirements of this title;

ii. An alternate site plan has been submitted with an application for a building or land use permit for permanent required features on the lot, excluding all setback areas thereon, in conformance with all applicable requirements of this title; and

iii. An agreement between the owner of the lot and the municipality has been executed and recorded so as to give notice of the temporary requirements to be applied to the lot and of the date or event by which the temporary features shall be abandoned in favor of the permanent configuration stated in the alternate site plan.

8. Sight Distance Triangles
Sight distance triangles shall be unobstructed as required by the traffic engineer [TITLE 9].

D. Height

1. Allowable Height
The maximum allowable height for buildings and structures in each district shall be as provided in section 21.06.020, *Dimensional Standards Tables*, except where specifically modified by this subsection D. and/or other provisions of this title.

2. Airport Height Overlay District
Nothing in this section allows a building, structure, or appurtenance to exceed the height limitations of the airport height overlay district (21.04.080C.).

3. Rules for Measuring Height

a. Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface, as shown in the illustration at the end of the chapter, subject to D.4. and D.5. below. Exceptions for curved roof surfaces are illustrated at the end of the chapter.

b. Structures that are not buildings shall be measured as the vertical distance from grade plane to the highest point of the structure. Fences on top of retaining walls shall be measured from grade plane on the highest side of the retaining wall.

c. Where tables 21.06-1 and 21.06-2 measure maximum height in terms of stories, any story below grade plane shall be excluded from calculation of the number of stories for determining building height.

Page 298 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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4. Grade Plane

The grade plane for determination of structure height shall be the average of existing or finished grade, whichever is lower, abutting the structure at exterior walls. Where the grade slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and the lot line, or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

5. Establishment of Grade

The grade plane shall be calculated using the more restrictive of either the existing grade or the finished grade.

a. ***Existing Grade***

In no case shall the existing grade be altered by grading, such as an artificial embankment or where the ground has been built up to increase the grade around the building, to obtain a higher structure than is otherwise permitted in the district.

b. ***Adjustments to Establishment of Grade***

In a case where existing grade or finished grade is, in the judgment of the director, inappropriate or unworkable for the purpose of measuring height, the director shall establish grade in such a way as to be consistent with this section. The proposed grade being requested by the applicant shall be, in the judgment of the director, reasonable and comparable with the grades of surrounding properties and streets; not detrimental to the general health, safety, and welfare; not result in the loss of any public views; consistent with the existing character of the neighborhood; and necessary for the preservation and enjoyment of substantial property rights of the applicant.

6. Height Exceptions

a. Free-standing flag poles shall conform to the height restrictions of the principal structure, rather than an accessory structure.

b. Window wells, light wells, cellar or basement access walkways serving a dwelling unit, and similar appurtenances installed below grade with an inside dimension of 120 square feet or less (including stairs) and that do not exceed in length 25 percent of the building elevation wall shall be excluded from calculation of grade plane for determining building height.

c. Except as specifically provided elsewhere in this title, the height limitations contained in this chapter do not apply to appurtenances on buildings, such as spires and similar religious appurtenances, belfries, cupolas, flagpoles, chimneys, antennas, rooftop mechanical equipment and its screening, stairwell towers, elevator penthouses, parapets, firewalls, open or transparent railings, solar reflectors, photovoltaic panels, skylights, or similar appurtenances; provided, however, the following:

i. The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;

ii. The appurtenances cumulatively cover no more than one-third of the roof area of the building, except that when it has been demonstrated to the director and the building official that building HVAC requirements necessitate a larger mechanical penthouse, the appurtenances may cumulatively cover up to one-half of the roof area;

iii. The appurtenance is not constructed for the purpose of providing additional floor area, usable space, or storage room for the building, except that a storage room of 60 square feet or less, combined with a

Page 299 ANNOTATION

The Assembly Title 21 Committee supports the height transitions for neighborhood compatibility, with amendments proposed by the administration to clarify alternative methods available for complying, and gives applicants more discretion as to how to meet the section's objectives.

The Administration's amendments also deleted a provisionally adopted illustration which was found to be potentially confusing. Its diagram seemed to imply that step-backs in building form would be required, when in fact the section avoids affecting building form or size, and instead seeks an appropriate placement of taller buildings on the lot, relative to adjacent residential.

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stairwell tower or elevator housing, and directly related to a rooftop use (such as tool storage for a rooftop garden), is allowed; and

iv. The appurtenance does not exceed the height limit of the district by more than 15 feet, with the following exceptions:

(A) The allowed height of antennas and other telecommunications infrastructure is addressed in subsection 21.05.040K.;

(B) Flagpoles and spires and similar religious appurtenances may exceed up to 30 feet in residential districts and up to 50 feet in nonresidential districts;

(C) Elevator penthouses may exceed up to 25 feet;

(D) Parapets, firewalls, and skylights may exceed up to four feet.

7. Height Adjustments

Commercial buildings sometimes feature a greater ceiling height on the first floor to enhance the building's aesthetic appeal and openness of ground-floor retail spaces. Building height shall be allowed to be increased by up to five feet above the height limit for the district, provided that the increase is only to allow a greater first story height for ground level commercial use, and the increase in height does not result in a greater number of stories than would otherwise be constructed.

8. Height Transitions for Neighborhood Compatibility

a. ***Purpose***

The objective of the height transition standard is to help ensure compatibility between higher intensity development and adjacent lower density residential districts, in terms of building bulk and scale, a degree of sunlight access and ambient daylighting, and the potential for privacy and visual buffering. The standard is not designed to reduce the gross floor area development potential of a subject lot; instead, it is intended to encourage thoughtful positioning of building massing and height on the subject lot with respect to adjacent neighborhoods.

b. ***Applicability***

This standard shall apply to structures located in any non-residential district (except for the DT districts), the R-4 district, or the R-4A district, that is [AND] within 200 feet of any lot zoned R-1, R-1A, R-2A, R-2D, R-2M, [R-2F,] R-3, R-5, R-6, R-7, R-8, R-9, or R-10.

c. ***Standard***

Structures on the subject lot shall not penetrate a daylight plane that rises inward over the subject lot at an angle of five feet of run for every three feet of rise, and starting from a height of 15 feet above existing grade at the nearest lot line of the residential (protected) lot. The standard may be met using one or more of the following options:

i. Compatible placement of a tall building on the subject lot with respect to the residential neighborhood, by shifting the location of the building to be further away from the adjacent residential property, and providing space for parking facilities or other site elements in the space in-between;

ii. Compatible massing of a tall building, such as a step-back in building form, by arranging the building mass so that the lower part is closer and the taller part is further away from the adjacent residential property; and/or

Page 300 ANNOTATION

Administration Addition
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iii. Compatible height transition that meets the intent of the section through an alternative design and/or placement, using the procedure and criteria of section 21.07.010D., *Alternative Equivalent Compliance*.

d. ***Exceptions***

i. Height exceptions in subsection D.5. above that have a width of 20 feet or less facing the residential lot are not subject to the height transitions standard.

ii. The director may exempt any portion of a proposed development which, being already completely blocked from the protected property by existing permanent structures or topography, will have no additional impact.

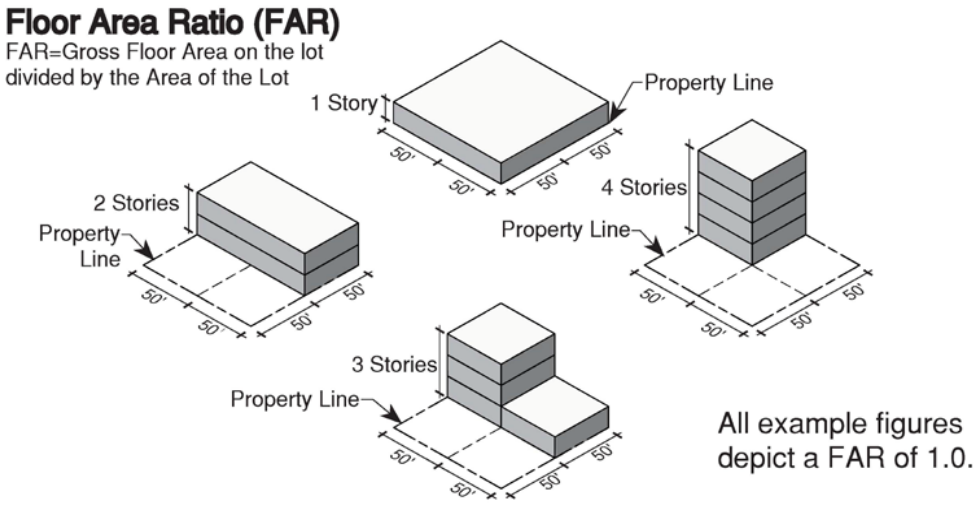
iii. The director may exempt a proposed development if, because of topography or lot dimensions or configuration, the height transitions provisions would unduly restrict permissible development, and reasonable use cannot otherwise be made of the site of the proposed development.

iv. Exceptions shall be the minimal action that would afford relief and shall cause the least interference possible with the intended protections for the residential lots.

E. Floor Area Ratio (FAR)

1. Purpose

Floor area ratio (FAR) establishes the amount of use (the intensity) on a site. FAR provides a means to match the potential amount of uses with the intended functions and character of the area and the provision of public infrastructure and services. FARs also work with the height, setback, and lot coverage standards to ensure the overall bulk of development is compatible with the area. It is also the purpose of this title to provide floor area ratio bonuses to encourage development characteristics that advance community objectives, such as affordable housing, below grade parking, and open space.



2. Areas Not Considered in Measuring Floor Area Ratio [(FAR)]

Unless otherwise provided in this title, all gross floor area shall be considered in determining FAR except for the following:

Page 301 ANNOTATION

Since the mixed-use districts are proposed to be deleted, lines 9–13 are no longer necessary.

Administration Addition
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a. Uninhabitable attics;

b. Residential space in an attic under a roof slope of between 8:12 and 12:12, provided the residential space is limited to one story;

c. Crawl spaces less than five feet from floor to ceiling;

d. Floor area in stories below grade plane that is devoted to parking or loading;

e. Detached accessory structures; and

f. Private open space that meets the standards of 21.07.030.

3. Maximum Floor Area Ratios

[MIXED-USE DISTRICTS
FOR THE NMU, CMU, RMU, MT-1 AND MT-2 ZONING DISTRICTS, TABLE 21.06-3 ESTABLISHES THE MAXIMUM FAR FOR EACH DISTRICT. INCREASES IN ALLOWABLE FAR ARE AVAILABLE THROUGH INCENTIVES PROVIDED IN THE MIXED-USE DISTRICT STANDARDS AT 21.04.030O.]

a. ***Downtown and Other Districts***
Maximum FAR in the DT-1, DT-2, DT-3, R-4, R-4A, and other districts in which FARs may apply are established within the district-specific standards in chapter 21.04. Increases in allowable FAR are available through incentives also provided in the district-specific standards.

b. ***FAR Bonus Review***
An administrative site plan review shall be conducted on all developments proposed for a floor area ratio bonus, unless exempted in writing by the director.

c. ***FAR Bonus Agreement***
Where a special feature is to be provided in order to receive an FAR bonus, the owner shall enter into a written agreement with the municipality ensuring the continued provision of the special feature for as long as the development uses the FAR bonus. The municipality shall record the agreement at the district recorder's office as a covenant running with the land, binding upon the owner and all successors and assigns, and enforceable by the municipality. Recordation of the agreement shall take place prior to the issuance of any entitlement for the development.

Page 302 ANNOTATION

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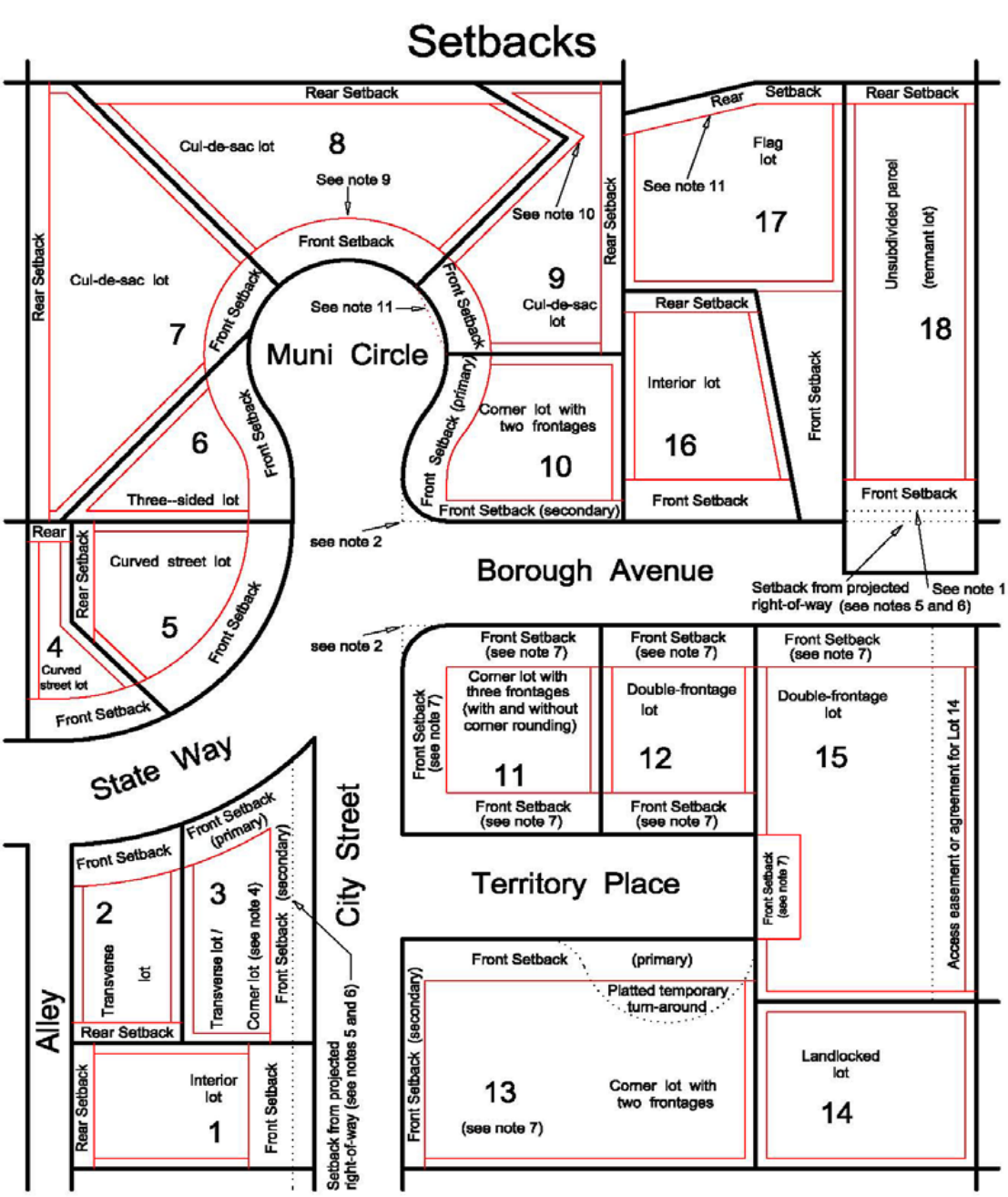

Notes:
All setbacks not called out in the illustration are side setbacks.

1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
4. On corner, double-frontage, and three-sided lots, there are no rear setbacks, but only front and side setbacks.
5. The area between the property line and the setback from projected right-of-way is subject to the same regulations as a front setback.
6. The front setback is measured from the setback from projected right-of-way. See subsection 21.06.030C.7.c.
7. Front setbacks shall be determined pursuant to subsection 21.06.030C.4. Until such determination, full-depth setbacks apply on all frontages.
9. The setback follows the curve of the lot line.
10. Side setbacks are extended to intersect.
11. The rear property line is the line (or lines intersecting at an interior angle of not less than 135 degrees) most parallel to the chord of the front property line.

Page 303 ANNOTATION

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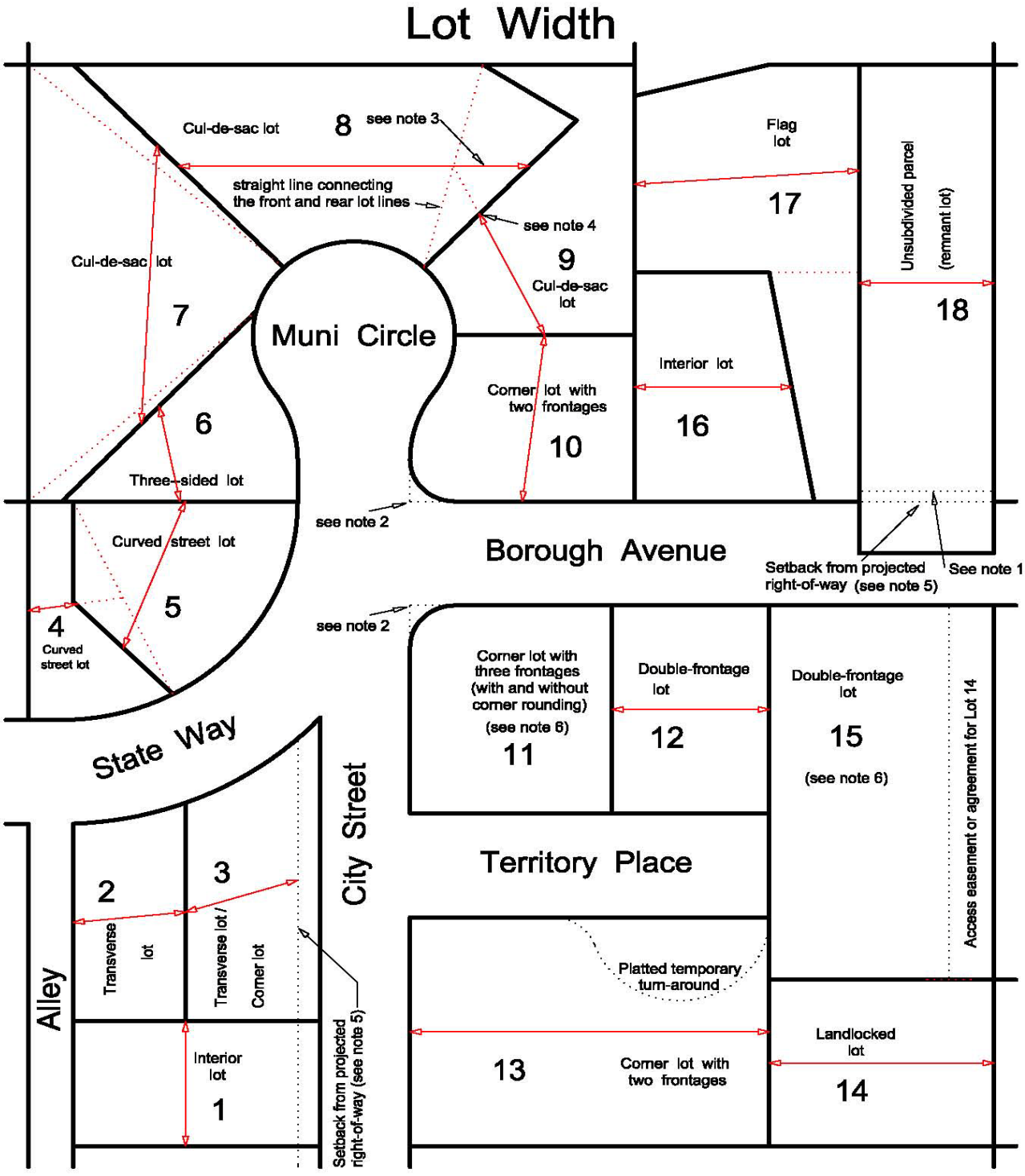

Notes:
1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
3. The measurement extends to the side property line.
4. The measurement does not extend beyond the property lines.
5. The setback from projected right-of-way is considered the front property line for computing lot width.
6. When the definitions do not unambiguously identify the lot width, the director shall determine the lot width.

Page 304 ANNOTATION

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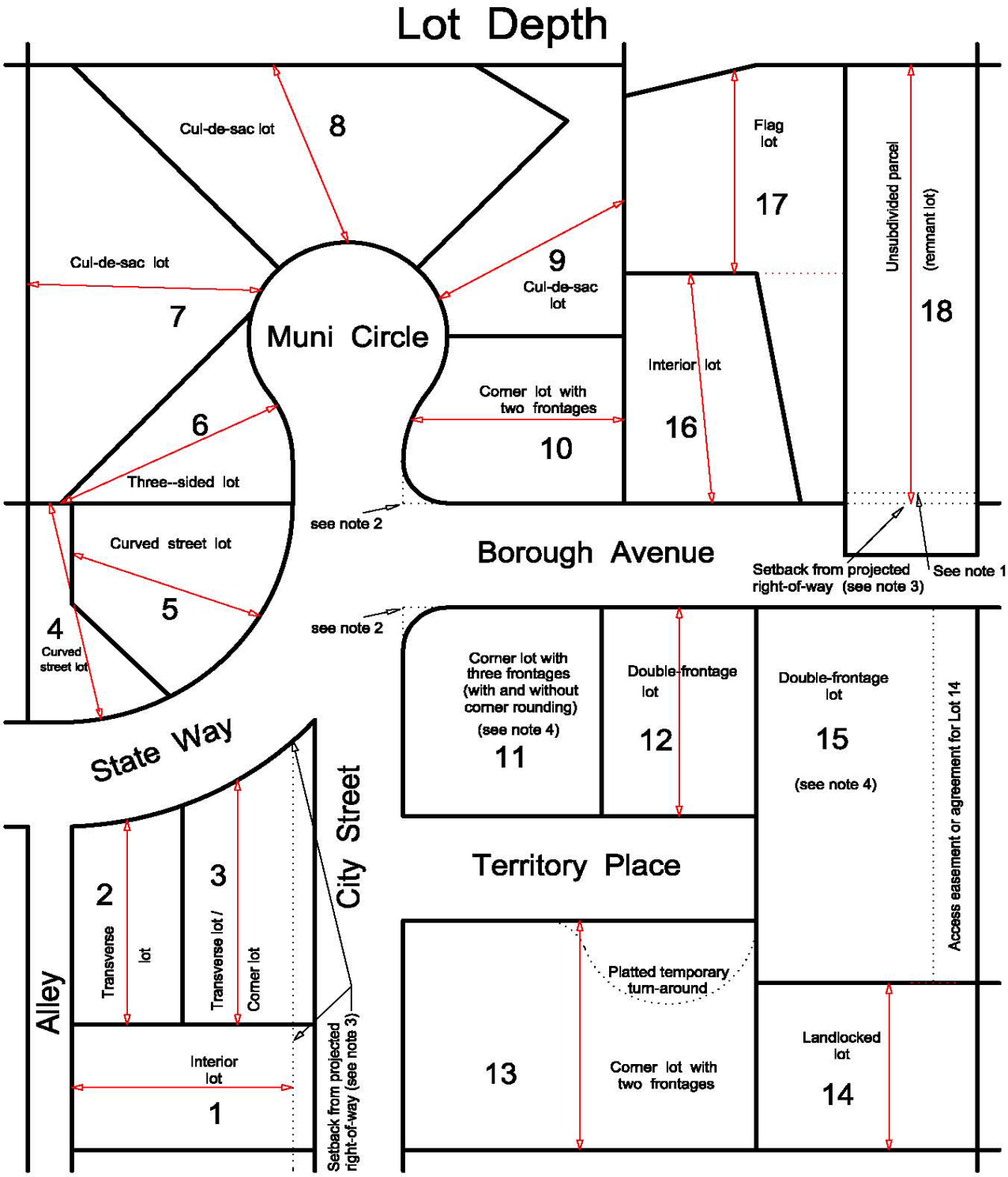

Notes:
1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
3. The setback from projected right-of-way is considered a property line for computing lot depth.
4. When the definitions do not unambiguously identify the lot depth, the director shall determine the lot depth.

Page 305 ANNOTATION

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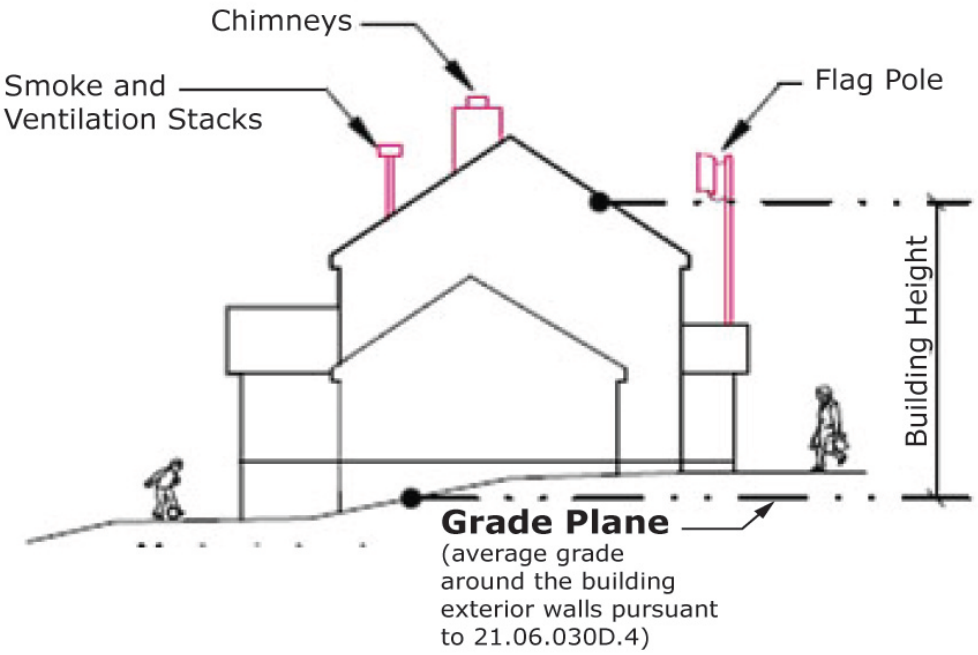

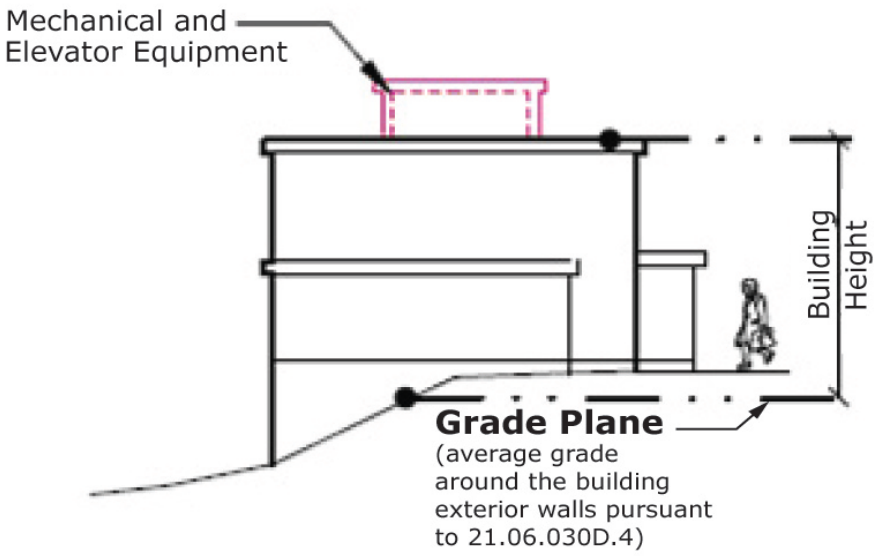

Grade Plane for Measurement of Building Height

Page 306 ANNOTATION

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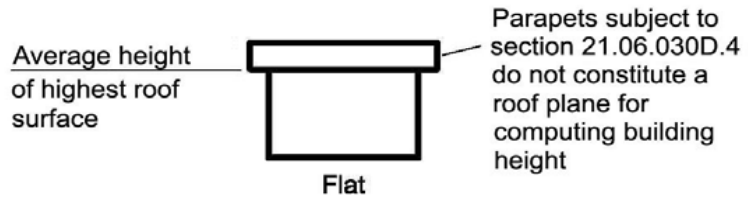
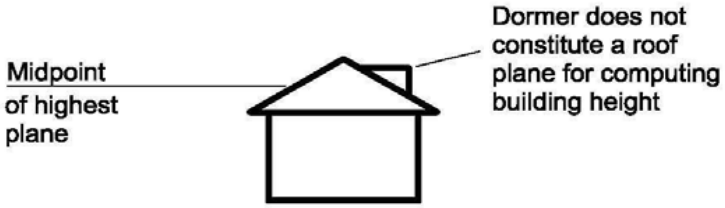
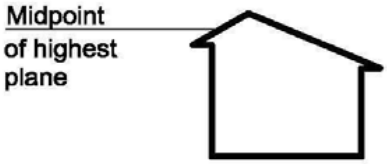


Flat

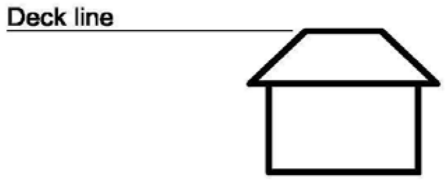
Shed



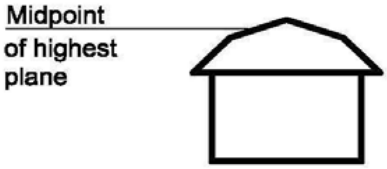
Gable or Hip



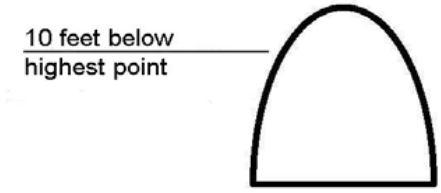
Asymetrical Gable



Mansard-style skirt



Gambrel or Mansard



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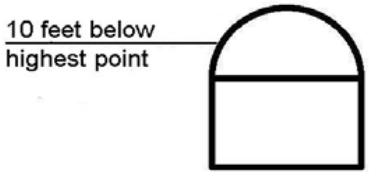

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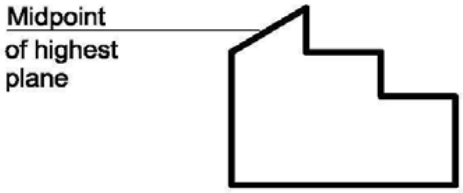

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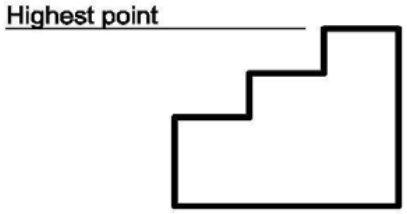

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TITLE 21 REWRITE

CHAPTER 21.07

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

Page 307 ANNOTATION

The Planning and Zoning Commission (PZC) recommended to delete purpose statements, and the Assembly Title 21 Committee agreed on the some of statements as shown. PZC gave the following written rationale: "Provide simplification."

Administration Addition
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Tech Edit Addition
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CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS

21.07.010 GENERAL PROVISIONS

A. Purpose

The development and design standards set forth in this chapter shall apply to the physical layout and design of development in the municipality. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community. The specific purposes of this chapter include:

1. To encourage the proper use of the land by promoting an appropriate balance between the built environment and the preservation and protection of open space and natural resources;

2. To provide standards that reasonably balance community goals, economic growth, quality of life, and development costs;

[TO PROTECT PUBLIC AND PRIVATE INVESTMENT THROUGH PRESERVATION OF OPEN SPACES, PROTECTION OF NATURAL RESOURCES INCLUDING EXISTING TREES, PROVIDING BUFFERS BETWEEN INCOMPATIBLE USES AND ALONG ROADWAYS, AND ENCOURAGING THE PLANTING OF NEW TREES AND VEGETATION AS DEEMED APPROPRIATE;

TO PROMOTE SOUND MANAGEMENT OF WATER QUALITY AND QUANTITY THROUGH PRESERVATION OF NATURAL AREAS AND THEIR HYDROLOGICAL FUNCTIONS AND BY ENCOURAGING SOIL MANAGEMENT AND THE USE OF NATIVE PLANT MATERIALS;

TO PROVIDE A HEALTHY, SUSTAINABLE LIVING AND WORKING ENVIRONMENT BY ENCOURAGING DESIGN AND DEVELOPMENT THAT REDUCES ENERGY USE AND COSTS; MINIMIZES POLLUTION; PROVIDES NATURAL, CULTURAL, AND RECREATIONAL AMENITIES; AND USES LAND AND OTHER RESOURCES EFFICIENTLY AND SUSTAINABLY;]

3. To provide appropriate standards to ensure a high quality appearance for the municipality and promote good design while also allowing flexibility, individuality, creativity, and artistic expression;

4. To provide development and design standards that address and are tailored to the municipality's northern climate and winter city character;

[TO STRENGTHEN AND PROTECT THE IMAGE, IDENTITY, AND UNIQUE CHARACTER OF THE MUNICIPALITY AND THEREBY TO ENHANCE ITS BUSINESS ECONOMY;]

5. To protect and enhance residential neighborhoods, commercial districts, and other areas by encouraging physical development that is of high quality and is compatible with the character, scale, and function of the surrounding area; AND

6. To encourage developments that relate to adjoining public streets, open spaces, and neighborhoods with building orientation and physical connections that contribute to the surrounding network of streets, walkways, pathways, and trails[; AND

Page 308 ANNOTATION

PZC states: "Shorten and simplify."

PZC states: "Deletes the example."

Administration Addition
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TO PROVIDE MULTIMODAL CONNECTIVITY FOR THE SAFE AND EFFICIENT MOVEMENT OF PEOPLE, GOODS, AND SERVICES, INCLUDING ROADS, TRANSIT, AND PEDESTRIAN FACILITIES].

B. Buildings to Have Access

Every building shall be on a lot abutting on a constructed public street with principal access to such street, or with access to a constructed private street approved by the appropriate fire authority, public works [PROJECT MANAGEMENT AND ENGINEERING] department, development services department, traffic department, and planning department. This standard may be waived by approval of the municipal engineer, traffic engineer, and the director.

C. Addresses

It is the responsibility of the property owner to affix street address numbers assigned by the municipality to the affected building(s) or on another structure (natural or otherwise) nearer to the street, to be plainly visible and legible from the street named in the address. Sub-addresses shall [MUST] also be visible when approaching the building and on each applicable entrance.

D. Alternative Equivalent Compliance

1. Purpose

Alternative equivalent compliance is a procedure that allows development to meet the intent of [THE DESIGN-RELATED PROVISIONS OF] this chapter through an alternative design. [IT IS NOT A GENERAL WAIVER OR WEAKENING OF REGULATIONS. RATHER, T]The procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this title. This procedure is not intended as a substitute for a variance or administrative modification or as a vehicle for relief from standards in this chapter.

2. Applicability

The alternative equivalent compliance procedure shall be available only for the following sections of this chapter:

a. Section 21.07.100, *Residential Design Standards*;

b. Section 21.07.110, *Community Use* [*PUBLIC/INSTITUTIONAL]* *and Commercial Design Standards*;

c. Section 21.07.120, *Large Commercial Establishments*; and[.]

d. Subsection 21.09.080, *Building Design Standards* (Girdwood).

3. Pre-Application Conference Required

An applicant proposing to use alternative equivalent compliance under this section shall request and attend a pre-application conference prior to submitting the site plan for the development, to determine the preliminary response from the director. Based on that response, the site plan application shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.

4. Decision-Making Responsibility

Final approval of alternative equivalent compliance under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. [FOR EXAMPLE, PROPOSED ALTERNATIVE EQUIVALENT COMPLIANCE ON A MAJOR SITE PLAN APPLICATION SHALL BE CONSIDERED AND DECIDED UPON BY THE URBAN DESIGN COMMISSION.] By-right projects that would not ordinarily

Page 309 ANNOTATION

The Assembly committee reduced the amount of time for staff to review and decide on this process, after hearing concerns from the development community.

PZC states: "Simplifies."

Administration Addition
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require review under this title, yet which are proposing alternative equivalent compliance, shall receive written approval of the alternative equivalent compliance from the director.

5. Timing of Decision

If the director is the decision-making body, the director shall render a written decision within 21 [30] days of receipt of an application for alternative compliance. Should a decision not be rendered within 30 [40] days, the application shall stand as approved.

6. Criteria

To grant a request for alternative equivalent compliance, the decision-making body shall find that all of the following criteria are met:

a. The proposed alternative design achieves the intent of the subject design standard to the same or better degree than the subject standard.

b. The proposed alternative design achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard.

c. The proposed alternative design results in benefits to the community that are equivalent to or better than compliance with the subject design standard.

7. Effect of Approval

Alternative compliance shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

21.07.020 NATURAL RESOURCE PROTECTION

A. Purpose

The municipality contains many natural amenities that [, INCLUDING STREAMS, NATURAL DRAINAGES, WILDLIFE HABITAT AREAS, WATER BODIES, SCENIC FEATURES SUCH AS MOUNTAINS AND COASTAL AREAS, WETLANDS, AND HILLSIDES, AS WELL AS SIGNIFICANT AMOUNTS OF NATIVE FOREST, TREE COVER, AND OPEN SPACE, ALL OF WHICH] contribute to the municipality's character, public health, quality of life, and property values. The requirements of this section are intended to ensure that the natural character of the municipality is reflected in patterns of development and redevelopment, where feasible and appropriate [AND SIGNIFICANT NATURAL FEATURES ARE INCORPORATED INTO OPEN SPACE AREAS].

B. Stream, Water Body, and Wetland Protection

1. Purpose

The following requirements are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions provided by streams, associated riparian areas, water bodies, and wetlands, particularly by minimizing impervious surface and by reducing erosion and the contamination of streams, wetlands, and water bodies by pollutants or invasive plants.

2. Applicability

This subsection 21.07.020B. shall apply to new development, except for the following development or activities:

a. Maintenance and repair of existing public roads, utilities, and other public facilities within an existing right-of-way or easement, or otherwise within a setback;

Page 310 ANNOTATION

PZC states: "If all permits have to be obtained before final approval was granted, there would be time delays. Granting approval conditioned on permits being obtained puts pressure on the government to act on the permit request."

The Administration proposed to return stream setback widths to their current code widths, with the exception of the R-10 district, which is proposed to be half of its current code width. The Assembly committee, in accordance with the Hillside District Plan (HDP), recommends that stream setbacks within the HDP area be 50 feet wide.

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b. Flood prevention or rehabilitation work carried out by a government agency or approved by a government agency;

c. Maintenance and repair of flood control structures and activities in response to a flood emergency; and

d. Wetland, stream channel, and wildlife habitat restoration, construction, and/or enhancement that improves or restores the wetland or stream functions, provided that the proposed activity is approved by the appropriate agency such as the U.S. Corps of Engineers or the Alaska department of fish and game.

3. Relationship to Other Regulations

a. This subsection 21.07.020B. does not repeal or supersede any existing federal, state, or local laws, easements, covenants, or deed restrictions. When this subsection imposes a higher or more restrictive standard than found in another applicable ordinance, statute, or regulation, this subsection shall apply.

b. No person shall engage in any activity that will disturb, remove, drain, fill, dredge, clear, destroy, or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under a permit issued by the appropriate federal agency.

c. The decision-making body may [SHALL NOT] grant final approval to any development or activity, including subdivisions and rezonings, in a wetland that falls within the federal government's jurisdiction conditioned upon [UNTIL] all necessary federal approvals and permits having [HAVE] been obtained.

4. Buffer/Setback Requirements

a. ***Water Courses***

i. In all zoning districts except for the R-10 district and the area covered by the *Hillside District Plan*, buildings, accessory structures, and parking lots shall be set back at least 25 [50] feet horizontally from the ordinary high-water mark on each side of streams or, if not readily discernible, from each side of the defined bank of the stream. In the R-10 district and in the area covered by the *Hillside District Plan*, the setback shall be 50 feet. Except as provided in B.6. below, no disturbance is permitted in the [50-FOOT] setback area.

ii. In all zoning districts, buildings, accessory structures, and parking lots shall be set back at least 10 feet horizontally from the edge of each side of drainageways and ephemeral channels defined or verified by the public works [PROJECT MANAGEMENT AND ENGINEERING] department. Except as provided in B.6. below, no disturbance is permitted in the 10-foot setback area. The public works [PROJECT MANAGEMENT AND ENGINEERING] department may require a greater setback, if in their professional judgment, the additional setback is necessary to provide for groundwater discharge zones or infiltration areas, the disturbance of which would alter natural flow characteristics.

iii. Segments of streams or tributaries that are contained underground in pipes or culverts have no setback.

iv. For parcels where there are wetlands contiguous with a stream, setback requirements are listed in table 2 of the *Anchorage Wetlands Management Plan*.

Page 311 ANNOTATION

Amendments for clarity.

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b. ***Alternate Setback Option for Stream Corridor***

i. A stream channel alteration or restoration project may create [DEVELOP] a "stream corridor" containing appropriate meander widths [DISTRIBUTED] based on topographic conditions and hydraulic design. Where established, the "stream corridor" shall be the stream setback for the purposes of municipal code.

ii. The stream corridor width shall be subject to public works [PROJECT MANAGEMENT AND ENGINEERING] department approval.

iii. Stream corridor widths shall be based on appropriate reference stream reaches, considering slope, soils, discharge, elevation, and channel pattern and function and shall not be less than 100 feet wide.

iv. The design of the new stream channel [ALTERATION] may meander within this corridor. Channel alteration design shall comply with subsections 6.c. and 6.d. below. The ordinary high water mark of the designed channel shall not come within 25 feet of the edge of the corridor, and not more than 20 percent of its length shall be within 25 to 35 feet of the edge of the corridor.

v. Before site work begins, the stream corridor shall be established by a recorded survey or an approved plat.

c. ***Wetlands***

i. To the maximum extent feasible, class A and those class B wetlands which, as a result of a U.S. Corps of Engineers decision or permit condition, are not authorized for development, shall be platted into separate tracts and not included as part of a development lot. Wetland classes are defined and delineated in the *Anchorage Wetlands Management Plan*.

ii. Except as provided in B.6. below, all buildings, accessory structures, fills and other storage of materials, and parking lots shall be set back at least 15 feet horizontally from the delineated edge of all class A wetlands, and all portions of class B and C wetlands not authorized for development; no disturbance is permitted in the 15-foot setback area.

d. ***Water Bodies***

In all districts, buildings, accessory structures, and parking lots shall be set back at least 25 feet horizontally from the edge of water bodies. The setback shall be vegetated, except for minimal areas to allow for access to those uses such as docks, boathouses, and floatplane storage that require direct access to a water body by their very nature or function.

e. ***Credit for Other Requirements of this Title***

Stream, water body, and wetland setback areas shall be credited toward any applicable private open space requirements or landscaping requirements only if such setback areas serve the purposes of those requirements as set forth in this title.

5. Boundary Delineation

a. ***Official Definitions and Standards***

i. In cases where water courses or water bodies are not mapped and recorded in official plans or other documents, delineation of such features shall be made according to public works [PROJECT

Page 312 ANNOTATION

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MANAGEMENT AND ENGINEERING] department procedures, and shall be subject to formal verification by the public works [PROJECT MANAGEMENT AND ENGINEERING] department.

ii. In cases where wetlands are not mapped and recorded in official plans or other documents, including the *Anchorage Wetlands Management Plan*, delineation of such features shall be performed using procedures as described by the U.S. Corps of Engineers. Delineations shall be subject to formal verification by [THE DEPARTMENT AND/OR] the U.S. Corps of Engineers.

b. ***Water Course Boundaries***

Water course boundaries shall be delineated at the ordinary high-water mark or, if not readily discernible, the defined bank of the stream, as those terms are defined in chapter 21.14. In those instances where the defined bank of the water course is not readily discernable, the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall establish the effective ordinary high-water mark. The public works [PROJECT MANAGEMENT AND ENGINEERING] department shall maintain the official record of all water course boundaries.

c. ***Wetland Boundaries***

i. *Mapped Wetlands*

Boundary delineation of wetlands shall be established by reference to the *Anchorage Wetlands Management Plan*, which is available for reference in the department and which is hereby adopted and incorporated into this title by reference. Plats shall depict class A and B wetland boundaries, and boundaries of class C wetlands that are not authorized for development.

ii. *Unmapped Wetlands*

The review of a development proposal may discover a potential wetland that has not been mapped or for which the boundaries have not been clearly established. In such instances, the boundaries of the wetland shall be delineated according to subsection 5.a.ii. above. Any new wetland boundaries delineated herein shall be submitted to the U.S. corps of engineers for approval.

6. Development Standards

a. ***Activities, Uses, and Structures Allowed in a Required Water Course or Wetland Setback With Prior Approval, As Noted***

i. With the appropriate approvals and/or permits and in accordance with the conditions of subsection 6.c. below, maintenance, including placement of riprap, debris removal, glaciation control, sediment removal, protection of adjacent or downstream property from flooding, soil stabilization, and erosion control, may be performed within the water course and/or the setbacks described in B.4. above. Appropriate approvals and/or permits may include a U.S. Corps of Engineers permit, a municipal flood hazard permit, or a storm water treatment plan approval.

ii. Channel alteration, including restoration and relocation projects, with appropriate state and federal permits and in accordance with the conditions of 6.c. below, are allowed.

iii. Culvertization of water courses, with any appropriate permits, is allowed.

Page 313 ANNOTATION

These amendments retain current code allowances for use of the stream setback area, but make changes to those allowances for the increased setback width in the Hillside District Plan area.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

iv. Redevelopment of structures or uses existing on [effective date] is allowed in the setback where:

(A) The director determines there is no practical or feasible alternative to encroaching into the setback; and

(B) The redevelopment does not increase the encroachment over the existing situation.

v. On undeveloped platted lots existing before [effective date] where the director determines the setback precludes practical or feasible development of the lot, the director shall approve a site plan that allows but minimizes encroachment into the setback.

b. ***Activities, Uses, and Structures Allowed in a Required Water Course or Wetland Setback Without Prior Approval, Unless Specifically Noted***

i. The following structures and uses of land or structures are permitted generally perpendicular to the setback or stream edge within the stream, drainageway, ephemeral channel, wetland, and water body setback, where it is necessary in order to cross or enter the feature:

(A) Roads, driveways, trails, and other transportation and public recreation facilities;

(B) Utility facilities pursuant to 6.d. below;

(C) Drainage facilities, in accordance with subsection 21.07.040 and approved by the public works [PROJECT MANAGEMENT AND ENGINEERING] department.

ii. The following structures and uses of land or structures are permitted parallel to the stream within the outer 10 [15] feet (15 feet in the R-10 district and in the area covered by the *Hillside District Plan*) of the setback:

(A) Public recreation facilities such as [OTHER THAN] trails;

(B) Utility facilities pursuant to 6.d. below;

(C) On-site snow storage piles in accordance with subsection 21.07.040F., Snow Storage and Disposal;

(D) Drainage facilities, in accordance with subsection 21.07.040 and approved by the public works [PROJECT MANAGEMENT AND ENGINEERING] department; and

(E) Only in the area covered by the Hillside District Plan, l[L]awns, landscaping, play equipment, fences, pervious decks, unpaved patios, and other similar features that are based on a pervious surface;[.]

The structures and uses listed in subsections ii.(A)-(D) above are allowed provided that utility facilities and applicable drainage facilities are buried, and provided that all disturbed areas shall be revegetated with trees, shrubs, and ground cover similar to natural vegetation in the area.

Page 314 ANNOTATION

Administration Addition
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PZC Addition
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Tech Edit Addition
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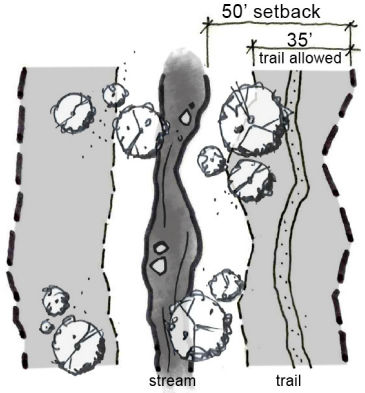
Revegetation is to occur during the same growing season, except as otherwise permitted by the director.

iii. Only in the area covered by the Hillside District Plan, t[T]rails are permitted parallel to the stream within the outer 35 feet of the setback. Through the design and permitting process, trails may be located closer to the stream for a justified reason, such as overcoming a physical, topographical, or land ownership constraint, or taking advantage of a viewpoint.



iv. All disturbed areas associated with permitted activities shall be revegetated with landscaping similar to the natural vegetation of the area. Revegetation shall occur during the same growing season as the permitted activity, unless otherwise permitted by the director.

c. ***Conditions***

All work within a water course or water course setback, whether permitted by-right or allowed through a specific approval process, shall meet the following conditions, along with any other required permits:

i. Materials used or the removal of ground cover shall not create turbidity or other water quality problems;

ii. There shall be no increase in flooding or erosion problems upstream or downstream;

iii. If applicable, flow lines of the altered section of the water course shall match those in the existing water course at the endpoints of the alteration;

iv. If applicable, the gradient/meander balance, grade control, and bed stability shall be adequate to maintain the natural stream function of water conveyance and sediment transport, in accordance with the judgment of the public works [PROJECT MANAGEMENT AND ENGINEERING] department; and

v. If applicable, the alteration shall have no negative effect on fish habitat.

d. ***Prohibited Activities***

i. No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy, or alter an area, including vegetation, within water

Page 315 ANNOTATION

PZC states: "The Anchorage Wetlands management Plan controls and if there are changes to it, Title 21 should not have to be amended."

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

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courses, water body edges, wetlands, or their associated setback areas, except as may be expressly allowed in this section or title.

ii. Except as allowed in 6.a. and 6.b. above, channel alteration is prohibited unless required in emergency situations. In emergency situations, the municipal engineer shall be notified on the next business day after channel alteration has begun. After inspection, the municipal engineer shall prescribe any measures necessary to meet the conditions of 6.c. above. For the purposes of this standard, an "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken immediately.

iii. No storage or processing of hazardous materials or other substances that would constitute a violation of AMC chapter 15.40 is permitted.

e. ***Utilities***

Utilities and potable water wells, may be allowed in a setback area only if the decision-making body determines that there is no practical alternative. Any disturbance of the setback area shall be reclaimed by regrading to original contours and revegetation with native species. Provisions for reclamation of the disturbed area shall be included in any development or improvements agreement for the project, with adequate collateral to guarantee the reclamation will be completed. Utility corridors in setback areas shall be located at the outside edge of the area or if crossing the setback laterally shall disturb only the minimum area necessary to install the utility. Access roads for maintenance of utilities shall be located outside the setback area to the maximum extent feasible. Access for maintenance of utilities in setback areas shall be at specific points rather than parallel to the utility corridor whenever possible.

f. ***Recreation, Education, or Scientific Activities***

Structures and improvements for recreational, educational, or scientific activities such as trails, swimming beaches, docks, fishing access, and wildlife management and viewing may be permitted in a setback area by the appropriate government agency.

7. Preservation and Restoration of Vegetation

All existing vegetation within the stream or wetland setback area shall be preserved and, where necessary to repair damaged riparian areas, supplemented with additional native planting and landscaping. The removal of trees or vegetation that are a threat to the public health, safety, or welfare; the removal of species identified as invasive by the state of Alaska; or the removal of dead or naturally fallen trees or vegetation, shall be exempt from this requirement.

8. Implementation of Anchorage Wetlands Management Plan

a. ***Zoning and Platting Actions***

Zoning and platting actions taken under this title shall be consistent with the *Anchorage Wetlands Management Plan*. [AND THE APPLICABLE STANDARDS DESCRIBED BELOW.

i. ***"A" WETLANDS***

WETLANDS DESIGNATED "A" IN THE *ANCHORAGE WETLANDS MANAGEMENT PLAN* AND IN TABLE 2 OF THAT PLAN SHALL BE

Page 316 ANNOTATION

Administration Addition
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PZC Addition
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[TECH EDIT DELETION]

PROTECTED AS INDICATED IN THAT TABLE AND IN CHAPTER 4 OF THE *ANCHORAGE WETLANDS MANAGEMENT PLAN*.

ii. ***"B" WETLANDS***

NEW DEVELOPMENT PLANS IN "B" WETLANDS SHALL OBTAIN A U.S. CORPS OF ENGINEERS PERMIT, CONCURRENT WITH OR PRIOR TO NECESSARY APPROVAL BY THE PLATTING BOARD AND/OR THE PLANNING AND ZONING COMMISSION. IN ORDER TO MAXIMIZE PROTECTION OF WETLANDS DESIGNATED "B," IN ADDITION TO THE CRITERIA NORMALLY CONSIDERED IN SUBDIVISION, SITE PLAN, AND CONDITIONAL USE APPLICATIONS, THE PLATTING AUTHORITY OR THE PLANNING AND ZONING COMMISSION SHALL, PRIOR TO APPROVAL, MAKE EXPLICIT FINDINGS THAT, OR THE APPLICANT SHALL CERTIFY WITH THEIR U.S. CORPS OF ENGINEERS PERMIT THAT:

(A) THE PROPOSED DESIGN AND PLACEMENT OF ROADWAYS, UTILITY LINES, AND STRUCTURES WILL NOT INTERFERE WITH THE NATURAL DRAINAGE FUNCTION INDICATED IN THE REQUIRED HYDROLOGIC STUDIES OR THAT SUCH INTERFERENCE CAN BE ADEQUATELY MITIGATED TO MAINTAIN THE NATURAL DRAINAGE FUNCTION;

(B) THE SOILS IN THE AREA PROPOSED FOR DEVELOPMENT SHALL ADEQUATELY SUPPORT ROADWAYS AND STRUCTURES, OR THAT PROPERLY DESIGNED ROADS AND FOUNDATIONS WILL BE PROVIDED; AND

(C) HABITAT AREAS IDENTIFIED IN FEDERAL, STATE, OR MUNICIPAL DOCUMENTS SHALL BE ADEQUATELY PROTECTED.

MAINTENANCE OF OPEN SPACE IN ITS NATURAL STATE SHALL BE REQUIRED WHERE THE PLATTING AUTHORITY OR THE PLANNING AND ZONING COMMISSION DETERMINES THAT SUCH OPEN SPACE IS NECESSARY TO PROTECT THE HYDROLOGIC AND HABITAT VALUES OF WETLANDS ON THE PROPERTY BEING DEVELOPED OR ON ADJACENT PROPERTY. AREAS WHERE OPEN SPACE IS TO BE PRESERVED IN ITS NATURAL STATE SHALL BE INDICATED ON THE PLAT OR APPROVED SITE PLAN. THE PLATTING AUTHORITY AND PLANNING AND ZONING COMMISSION MAY REQUIRE SUCH LAND DEVELOPMENT TECHNIQUES AND SUCH ADDITIONAL CONDITIONS AS MAY BE APPROPRIATE TO CARRY OUT THE INTENT OF THE *ANCHORAGE WETLANDS MANAGEMENT PLAN* AND SUCH OTHER WETLANDS STUDIES AS MAY BE RELEVANT.

iii. ***"C" WETLANDS***

WHEN APPROVING PLATS OR CONDITIONAL USE PERMITS IN WETLANDS DESIGNATED "C" UNDER THE PLAN, THE PLATTING AUTHORITY OR THE PLANNING AND ZONING COMMISSION SHALL, WHENEVER APPLICABLE, INCLUDE THE RECOMMENDED CONSTRUCTION MITIGATION TECHNIQUES AND CONDITIONS AND

Page 317 ANNOTATION

PZC recommended deletion of some of the purpose statements with no explanation.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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ENFORCEABLE POLICIES IN TABLE 2 OF THE *ANCHORAGE WETLANDS MANAGEMENT PLAN*.]

b. ***Application of Plan to Approved Projects***
Conditional uses and preliminary plats approved prior to March 12, 1996, the date of adoption of the revised *Anchorage Wetlands Management Plan*, shall not have additional conditions imposed upon them as a result of requirements of the plan except as follows:

i. The "A" designation shall apply regardless of prior approvals.

ii. Approved plats or conditional uses in wetlands that are returned to the platting authority or planning and zoning commission for major amendment may be examined for conformity with goals and enforceable policies of the *Anchorage Wetlands Management Plan*.

iii. A new U.S. Corps of Engineers permit is required.

C. Steep Slope Development

1. Purpose

The purpose of this subsection 21.07.020C. is to establish standards that help achieve the following objectives for development on steep slopes:

a. Prevent soil erosion and landslides;

b. Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and to provide access for emergency vehicles necessary to serve the hillside areas;

c. Encourage only minimal grading that relates to the natural contour of the land and discourage mass grading of large pads and excessive terracing;

d. Encourage building types, grading design, lot sizes, site design, density, arrangement, and spacing of buildings in developments in sloped areas that integrate into the natural terrain with minimal re-contouring, in accordance with adopted goals and policies;

e. Encourage innovative architectural, landscaping, circulation, and site design;

[ENCOURAGE THE PROTECTION OF VISUALLY SIGNIFICANT AND/OR PROMINENT NATURAL FEATURES, SUCH AS RIDGELINES AND ROCK OUTCROPPINGS;]

f. Incorporate drainage design that does not adversely impact neighboring or nearby properties, downstream properties, receiving waters, and public infrastructure; and

g. Encourage the retention of [NATURAL, INDIGENOUS] vegetation that [PROVIDES WILDLIFE HABITAT,] helps retain runoff, and maintains the area's visual character.

2. Applicability

a. Except as noted in subsection 2.b. below, a[A]ny lot with an average slope of 20 percent or greater, or where adverse conditions associated with slope stability, erosion, or sedimentation are present as determined by the municipal engineer, shall comply with the standards of this subsection 21.07.020C. Lots being

Page 318 ANNOTATION

This amendment clarifies that the steep slope section applies to naturally occuring slopes, and not to situations, such as old gravel pits, where humans have created the steep slopes.

The Assembly committee requested more flexibility in marking the boundary of construction.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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subdivided shall comply with chapter 21.08, including subsection 21.08.030H., *Subdivisions on Slopes*, if applicable.

b. This section applies to naturally occurring steep slopes and not to those that result from human activities, such as gravel extraction.

3. Standards

Except as allowed in subsection C.4. below, all proposed development subject to this section shall comply with the following standards.

a. ***Determination of Original/Natural Grade***

Original/natural grade shall be as defined in chapter 21.14. If there has been previous development on the lot (e.g., gravel extraction), the director shall determine original/natural grade, taking into account the previous development, the existing grade of surrounding lots, the availability of information on pre-development grade, and the feasibility of using pre-development grade.

b. ***Slopes Greater than 30 Percent***

That contiguous portion of any lot which is 5,000 square feet or larger with slopes steeper than 30 percent shall remain undisturbed, except as allowed in subsection C.4. below.

c. ***Site Disturbance Envelope***

i. There shall be a site disturbance envelope on each applicable lot. Earth disturbance and vegetation clearing shall be limited to the site disturbance envelope. Clearing, grubbing, or grading outside the site disturbance envelope is prohibited except to modify fuels in order to reduce fire risk, or to accommodate utility service connections.

ii. The size of the site disturbance envelope shall be as follows:

(A) Lots less than 40,000 square feet: 60 percent of the lot area maximum.

(B) Lots 40,000 square feet to two acres in area: 20,000 square feet maximum.

(C) Lots over two acres but less than five acres: 30,000 square feet maximum.

(D) Lots five acres or greater: 40,000 square feet maximum.

iii. Areas outside the site disturbance envelope shall not be used for stockpiling materials or excess fill, construction vehicle access, storage of vehicles during construction, or similar uses. Temporary construction fencing or some similar manner of demarcation approved by the director shall be installed around the perimeter of the site disturbance envelope, to be removed after the final certificate of zoning compliance is issued.

iv. The front setback of the lot may be reduced to 10 feet.

v. If the average slope of the site disturbance envelope is less than 20 percent, the development is exempt from subsections 3.e., 3.f., 3.g., 3.h., and 3.i.

Page 319 ANNOTATION

PZC states: "The additional square footage is needed for flexibility in building, especially a house with a walkout basement on the downhill side."

Retaining wall heights in this section were adjusted to match the changes PZC made in subsection e. above.

Due to changes in the landscaping section that eliminated the landscaping units system, amendments were made throughout the code to translate the proposed units into a concrete number of trees and shrubs. An option is provided for planting between parallel retaining walls.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

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d. ***Cutting, Grading, and Filling***

i. Cutting and grading to create benches or pads for buildings or structures shall be limited to within the site disturbance envelope.

ii. Cut and fill slopes shall be entirely contained within the site disturbance envelope. The toe of any fill slope not utilizing an engineered retaining structure, and any engineered retaining structure shall be a minimum of 15 feet from any property line, except for the property line abutting the street from which driveway access is taken.

iii. Cut and fill slopes shall be designed to provide a natural transition into the existing terrain by feathering and rounding.

e. ***Raising or Lowering of Natural Grade***

The original, natural grade of a lot shall not be raised or lowered more than ten [FOUR] feet at any point for construction of any structure or improvement, except:

i. The site's original grade may be raised or lowered a maximum of ten [SIX] feet if retaining walls are used to reduce the steepness of constructed slopes, provided that the retaining walls comply with the requirements set forth in this subsection.

ii. As necessary to construct a driveway from the street to a garage or parking lot [AREA], grade changes or retaining walls up to ten [SIX] feet may be allowed.

iii. For the purposes of this subsection 21.07.020C.3.e., basements and buildings set into a slope are not considered to lower the natural grade within their footprint.

f. ***Retaining Walls***

Retaining walls may be used to maximize the usable area on a lot within the site disturbance envelope. Generally, a retaining wall shall be no higher than 10 [SIX] feet, except that a wall varied in height to accommodate a variable slope shall have an average height no greater than 10 [SIX] feet and a maximum height no greater than 15 [EIGHT] feet in any 100-foot length. Parallel retaining walls may be used to overcome steep slopes, provided the following standards are met:

i. The minimum distance between walls shall be six feet;

ii. The maximum allowable slope between walls shall be 3H:1V; and

iii. The area between the walls shall be landscaped with one of the following per 20 linear feet. [TREES, SHRUBS, OR BOTH AT A RATE OF 0.5 LANDSCAPE UNITS PER LINEAR FOOT] measured along the length of the lower retaining wall:[.]

(A) One tree and six shrubs; or

(B) Three shrubs that are at least five feet high at the time of planting, and four other shrubs meeting the standards of 21.07.080.

A higher wall is permitted:

Page 320 ANNOTATION

At the request of the Assembly committee, flexibility is proposed--a higher retaining wall is allowed through a review process.

Administration Addition
[ADMINISTRATION DELETION]

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i. Where used internally at the split between one- and two-story portions of a building; [AND]

ii. Where substantially hidden from public view at the rear of a building, where it may not exceed the eave height of the building; or[.]

iii. Through an administrative site plan review that examines the drainage, safety, and visual impacts.

g. ***Natural Drainage Patterns***

i. Site design shall not change natural drainage patterns, except as provided below.

ii. All grading and drainage shall comply with section 21.07.040, title 23, the *Design Criteria Manual* (current approved edition), and the municipality's *Storm Water Treatment Plan Review Guidance Manual*.

iii. Except where otherwise provided in this section, development shall preserve the natural surface drainage pattern unique to each site as a result of topography and vegetation. Grading shall ensure that drainage flows away from all structures. Natural on-site drainage patterns may be modified on site only if the applicant shows that there will be no significant adverse environmental impacts on site or on adjacent properties. If natural drainage patterns are modified, appropriate stabilization techniques shall be employed.

iv. Development shall not adversely impact adjacent and surrounding drainage patterns.

h. ***Ground Cover and Revegetation***

Ground cover and vegetation shall be maintained to control erosion and sedimentation. All areas that are denuded for any purpose shall be revegetated or the soils stabilized to prevent erosion and sedimentation prior to November 1 of the year of construction. No excavation shall be permitted after November 1 or before May 1 except under emergency conditions, as determined by the building official.

i. ***Building Design Standards***

The purpose of the building design standards is to minimize site disturbance, avoid extreme grading required by large building pads on steep slopes, and reduce the risk of damage from natural hazards.

i. All buildings and structures shall have a foundation which has been designed by a professional engineer, architect, or other qualified professional.

ii. At any given point, the height of the structure shall not exceed 25 feet above the original (natural) grade.

4. Slopes Greater Than 30 Percent

a. ***Purpose***

The requirements of this section are intended to allow consideration of development on slopes up to 50 percent. In order to assure the safety and stability of such development and to reduce offsite impacts, additional submittals are required as described in this subsection. Nothing in this subsection guarantees approval to disturb slopes greater than 30 percent.

Page 321 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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b. ***Applicability***
If the site disturbance envelope as defined in C.3.c. above contains slopes over 30 percent, the standards of this section shall apply.

c. ***Slopes Greater Than 50 Percent***
All slopes greater than 50 percent shall remain undisturbed.

d. ***Existing Lots***
Notwithstanding other standards of this section, lots existing on [effective date] that, due to the prevalence and/or distribution of slopes over 50 percent, are not able to meet these standards, are allowed a site disturbance envelope of 20,000 square feet. Within this site disturbance envelope, slopes over 50 percent are allowed to be disturbed.

e. ***Administrative Site Plan Review Required***
Development on slopes greater than 30 percent but not exceeding 50 percent requires an administrative site plan review. In addition to the site plan approval criteria set forth in subsection 21.03.180E., the approval criteria in subsection 4.g. below shall apply.

f. ***Additional Submittal Requirements***
In addition to the submittal requirements for an administrative site plan review, the following information is required:

i. A geotechnical engineering report, stamped by an engineer licensed in the state of Alaska, to include the following:

(A) Nature, distribution, strength, and stability of soils; conclusions and recommendations for grading procedures; recommendations for frequency of soil compaction testing, design criteria for corrective measures; and opinions and recommendations covering the adequacy of the site to be developed.

(B) Slope stability analysis: conclusions and recommendations concerning the effects on slope stability of excavation and fill, introduction of water (both on and offsite), seismic activity, and erosion.

(C) Foundation investigation: conclusions and recommendations concerning the effects of soil conditions on foundation and structural stability, including permeability, bearing capacity, and shear strength of soils.

(D) Specific recommendations for cut and fill slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards, slope failure, and soil erosion.

(E) Depth to groundwater in the wettest seasonal conditions, and to bedrock, if less than 15 feet.

(F) Complete description of the geology of the site, a complete description of bedrock and subsurface conditions and materials, including artificial fill, soil depth, avalanche and mass wasting hazard areas, fractures, or other significant features.

(G) A summary of field exploration methods and tests on which the report is based, such as probings, core drillings, borehole photography, or test pits. The public works [PROJECT MANAGEMENT AND ENGINEERING] department shall confirm that the analysis methods and age of data are a reliable gauge of the site conditions and the potential impacts.

ii. A site development plan showing the following:

(A) Site disturbance envelope as set forth in C.3.c. above.

(B) Location of all driveways, and utility lines and installations.

(C) Location of all structures.

(D) Elevation drawings of all structures.

iii. Grading and drainage plans that provide the following:

(A) Topographic survey of existing conditions depicting at a minimum two foot contour intervals on a legible site map of one inch equaling 50 feet, or better.

(B) Proposed grading plan indicating limits of disturbed area, finished grade at minimum two foot contour intervals, proposed elevations of improvements, driveway grading at minimum 10 foot intervals measured on centerline, delineation of cut and fill areas, constructed slopes, proposed drainage features, and related construction.

(C) Drainage plans showing approximate locations for all surface and subsurface drainage devices, retaining walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of, the proposed work, together with a map showing drainage area, how roof and other impervious surface drainage will be disposed, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated volume and rate of runoff of the area served by the drains.

(D) A plan for erosion control and other specific control practices to be employed on the disturbed area where necessary.

iv. A revegetation plan that shows:

(A) The type, size, location, and grade of vegetation that will be used to complete the development plan and restore areas disturbed during construction, on a scaled plan of one inch equaling 30 feet, or better.

(B) Slope stabilization measures to be installed.

g. ***Standards***

The following subsections apply to development under this subsection C.4.:

i. 21.07.020C.3.c., *Site Disturbance Envelope*;

ii. 21.07.020C.3.d., *Cutting, Grading, and Filling*;

iii. 21.07.020C.3.g., *Natural Drainage Patterns*;

iv. 21.07.020C.3.h., *Ground Cover and Revegetation*; and

v. 21.07.020C.3.i., *Building Design Standards*.

h. ***Approval Criteria***

i. The proposed development minimizes disruption of the natural topography and protects natural features on the site in their natural state to the greatest degree possible.

ii. The principal and accessory structures have been sited in such a manner as to protect natural features of the site, minimize grading, preserve the appearance of scenic vistas, and minimize the risk of property damage and personal injury from natural hazards.

iii. The design of the structures includes massing, roof lines, exterior materials and colors, and decking that complements the terrain and complies with the building design standards set forth in paragraph C.3.i. above.

iv. Proposed landscaping preserves the natural character of the area while minimizing erosion and fire hazard risks to persons and property.

v. The drainage design of the development will have no adverse impact on neighboring or nearby properties.

vi. Areas not well suited for development due to soil stability characteristics, geology, hydrology limitations, or wastewater disposal, have been avoided.

D. Wildlife Management Corridors

1. Intent

The purpose of this section is to reduce wildlife-human conflicts by managing certain linear stream corridors to minimize adverse human-wildlife interactions and to facilitate more safely the movement of wildlife in those corridors identified in this section. It is not the intent of this section to reduce density that is otherwise allowed.

2. Applicability

This subsection shall apply within 200 feet on either side of the ordinary high water mark of the following streams: Peters Creek and its tributaries upstream of the Old Glenn Highway, Eagle River, South Fork of Eagle River (below the falls), Ship Creek (upstream from Reeve Blvd.), Campbell Creek (upstream from Lake Otis Parkway), North Fork of Little Campbell Creek (upstream from Elmore Road), Rabbit Creek, Little Rabbit Creek, Indian Creek, Bird Creek, Penguin Creek, California Creek, Glacier Creek, Virgin Creek and Portage Creek.

3. Standards

Within the area identified in subsection D.2. above, the following mandatory standards shall apply:

Page 324 ANNOTATION

PZC recommends requiring a report from ADF&G, but gave no explanation for this amendment.

These changes by PZC are intended to simplify the Private Open Space purpose statement.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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a. No new landfills, solid waste transfer stations, schools, or campgrounds are allowed.

b. All outdoor trash receptacles shall be bear-resistant, and food shall not be stored outside.

c. Roads, driveways, or trails, including bridges, [SHALL BE SUBJECT TO THE SETBACK REQUIREMENTS OF THIS TITLE AND] shall be designed to facilitate wildlife passage along streams and to minimize wildlife-human conflicts.

d. Trails shall be sited with direct consultation with the state department of fish and game.

4. Discretionary Approvals

a. Within the area identified in subsection D.2. above, the following standards, if applicable according to the report provided in accordance with subsection D.5. below, may be imposed by the planning and zoning commission and/or the platting board, during approvals [SHALL BE CONSIDERED BY DECISION-MAKING BODIES DURING ANY DISCRETIONARY APPROVAL]:

i. Location of new buildings and permanent structures[, TRAILS, AND FENCES].

ii. Long-term retention of natural vegetation and terrain in a landscape pattern that provides cover for wildlife movement and directs wildlife [THAT MOVEMENT THROUGH THE AREA,] away from residential structures or other structures occupied on a frequent basis [CENTERS OF HUMAN ACTIVITY].

b. All applicable discretionary approvals under this section shall be referred to the Alaska department of fish and game, wildlife division, for their review, comments, and recommendations, which shall be considered by the decision-making body.

5. Review Report

All applications affected by this section shall be referred to the Alaska Department of Fish and Game for its review, comments, and recommendations, which shall be considered by the decision-making body. Recommendations for approval shall be supported by evidence in the report submitted by that department.

21.07.030 PRIVATE OPEN SPACE

A. Purpose

1. In residential development, private open space is intended to provide residents with opportunities for active and passive outdoor recreation, relaxation, and enjoyment. [OPEN SPACE ENHANCES THE QUALITY AND LIVABILITY OF NEW DEVELOPMENT AND CAN PRESERVE VEGETATION, ACCESS TO LIGHT AND AIR, AND SCENIC VIEWS.]

2. In nonresidential development, private open space is intended for the [TO CONTRIBUTE TO THE WALKABILITY AND] general quality of the public domain [REALM], and to provide employees and customers with space for active or passive recreation and relaxation.

Page 325 ANNOTATION

The second sentence of B. is deleted, as it is redundant to section 21.07.030C on the next page, which provides the exemptions for single-family and the other uses.

The R-2F district is proposed to be deleted.

The R-4 private open space area requirement for townhouse structures is proposed to be made the same as for multifamily structures. Consistency across building styles makes the requirements simpler and easier to administer. Some development projects actually mix the two building styles. This change also gives the townhouse designer the same flexibility as given to multifamily buildings.

The private open space area requirement in the R-4 district is proposed to be adjusted from 125 to 120 square feet as a technical amendment to improve ease of use and administration. It is proposed so that the 25 percent area reduction available in the "incentive for high quality spaces" in subsection 21.07.030D.6., will result in a whole number (90 square feet).

The Administration proposes that the amount of private open space required for all non-residential development be capped at 2,000 square feet. This is consistent with the provisionally adopted cap for large retail stores in 21.07.130A.

Exemptions for single-family houses and several uses are moved here from another subsection. All exemptions from the private open space requirement are now listed in one place in this subsection.

Additional uses, establishments and buildings are proposed to be exempted.

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B. Applicability and Open Space Requirement

Development shall be required to set aside private open space according to the following minimum requirements. [SINGLE-FAMILY, TWO-FAMILY, AND TOWNHOUSE RESIDENTIAL USES ARE EXEMPT.] For the purposes of this section, gross floor area shall not include floor area devoted to parking or loading, or indoor private open space that meets the standards of C.4. below.

1. R-2M [AND R-2F] districts: 480 square feet of private open space per dwelling unit, or an area equal to five percent of the gross floor area of group living uses or nonresidential development.

2. R-3 district: 400 square feet of private open space per dwelling unit. At least half of the private open space shall be shared in common among the units. Group living uses and nonresidential development shall provide an area equal to five percent of the gross floor area for open space.

3. R-4 and R-4A districts: [FOR A MULTIFAMILY USE WITH TOWNHOUSE-STYLE CONSTRUCTION, 225 SQUARE FEET OF PRIVATE OPEN SPACE PER DWELLING UNIT, TO BE PROVIDED FOR THE EXCLUSIVE USE OF EACH DWELLING UNIT PER C.2. BELOW; FOR NON-TOWNHOUSE-STYLE MULTIFAMILY USES,] 120 [125] square feet of private open space per dwelling unit, and at least half of the private open space shall be shared in common among the units. Group living uses and nonresidential development shall provide an area equal to five percent of the gross floor area for open space.

4. B-1A, B-1B, B-3, RO, [NMU, CMU, AND RMU,] and nonresidential development in residential districts:

a. Private open space equal to five percent of the gross floor area of the nonresidential portion of the development shall be provided, up to a maximum requirement of 2,000 square feet.

b. Where dwelling units are part of the development, an additional 120 square feet of private open space per dwelling unit shall be provided, which shall not be combined with private open space for the nonresidential portion of the development. For townhouse-style construction, the private open space may be provided for the exclusive use of each dwelling unit. For other building types, at least half of the private open space shall be shared in common among the units.

5. DT [AND MT] districts: [to be determined through Downtown Plan [AND MIDTOWN PLAN] and regulations processes]

C. Exemptions

The following are exempt from the private open space requirement:

1. Single-family, two-family, mobile home, and townhouse residential uses;

2. Parks [AND OPEN AREAS], Public Safety Facility, Transportation Facility, Utility Facility, Telecommunication Facility, Agricultural Uses, Animal Boarding, Large Domestic Animal Facility;

3. Vehicles and Equipment, Manufacturing and Production, Warehouse and Storage, and Waste and Salvage use categories;

4. Any building floor area devoted to parking and/or loading; [AND]

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The term “average” is deleted because it is too complicated to measure “average slope”. It would require the use of contour lines on all site plans. The change carries forward the current MOA land use review practice for how to measure slope, which is simpler, familiar, and more flexible for site planners.

Slopes below 10 percent are generally considered suitable for outdoor recreational uses. Slopes above 10 percent are typically unsuitable for most recreational activities. Such slopes are commonly found on drainage swales or in property setbacks at the edge of a graded development site.

After a review requested by the Assembly Title 21 Committee, a 10 percent slope was found to be more appropriate and flexible than a maximum 5 percent average slope. Areas in the 5 to 10 percent slope category are generally suitable for informal play.

This change will exempt non-residential plazas and courtyards serving commercial and community uses from the requirement for a physical delineation from abutting public streets. Unlike residential private open space, community plazas do not necessarily need boundary delineation, privacy, or separation from abutting public streets.

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5. Any building floor area provided as indoor private open space that meets the standards of subsection D.5. below; and

6. Any nonresidential building with less than 5,000 [1,000] square feet of gross floor area.

D. Standards

1. Areas Not Credited

Lands within the following areas shall not be counted towards required private open space areas:

a. Setbacks with [AVERAGE] slopes over 10 percent;

b. Swales with side slopes over 10 percent, and d[D]rainage [EASEMENTS,] ditches[, SWALES, AND OTHER AREAS INTENDED TO COLLECT AND CHANNEL WATER];

c. Required site perimeter and parking lot landscaping;

d. Public or private streets or street rights of way;

e. Parking facilities, driveways, other motor vehicle circulation areas, loading areas, and refuse collection areas; and

f. Land covered by structures not intended solely for recreational uses.

2. Use of Private Open Space Areas

Required private open space may be private yard, garden, patio, deck, balcony, or other open space reserved for the exclusive use of a single dwelling unit. It shall be designed for the occupants of a specific dwelling, and provided immediately adjacent to, and with direct access from the dwelling. The minimum inside dimension for such an area used to meet the private open space requirement shall be no less than 15 feet for ground level spaces such as yards, or six feet for above ground level spaces such as balconies. Individual private open space for the exclusive use of each dwelling unit shall have a slope of 10 percent or less [AN AVERAGE SLOPE OF LESS THAN FIVE PERCENT].

3. Physical Delineation

A fence, hedge, earth berm, railings on decks, and/or other continuous linear landscaping features shall define and separate ground-level private open space from abutting streets and rights-of-way. Such features may be incorporated as part of required perimeter landscaping. A nonresidential private open space such as a plaza or outdoor seating area shall be exempt from the physical delineation requirement where it abuts a sidewalk or other public pedestrian space. Private open space shall be separated from refuse collection areas by L1 [L2] visual enhancement landscaping.

4. Common Private Open Space

Private open space areas to be used in common by residents and/or associated with nonresidential uses or mixed uses are intended to be usable spaces that incorporate user amenities facilitating passive or active recreation and relaxation. These areas shall meet the following standards:

a. At least half of the common private open space shall be contiguous.

b. Common private open space shall be conveniently accessible to residents or users of the development. The nearest building façade to the open space, any façade sharing a corner with the nearest building façade, or any façade directly

Page 327 ANNOTATION

The dimension for a non-residential "high quality" open space is reduced to 20-feet, in order to be five feet (or 25 percent) wider than the minimum dimension for non-residential open spaces required by Title 21. This is more consistent with the size relationship between "high quality" and required open spaces for residential uses.

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facing the open space, shall have a primary entrance. A walkway shall connect common private open space to primary building entrances.

c. The minimum inside dimension for an area used to meet the requirement shall be 18 [20] feet for residential uses and 15 feet for nonresidential uses.

d. Common private open space may include lawn areas; picnic areas; gardens; natural vegetation; equipped recreation areas; sports courts; hard surfaced pedestrian spaces such as patios, decks, courtyards, housing courtyards, or plazas; indoor private open space pursuant to C.5. below; and/or roof tops or terraces.

e. Up to 25 percent of the total required open space area may be developed for active recreation, such as with play equipment or delineated sports field.

5. Indoor Private Open Space Option

Up to 25 percent of the total required private open space for residential uses, and up to 50 percent of the total required private open space for nonresidential uses, may be indoors. Such space:

a. Shall be located and designed to maximize sunlight access by providing one square foot of transparent window and/or skylight area for each two square feet of floor area of the indoor private open space;

b. Shall be climate controlled and furnished with features and amenities that encourage its use;

c. Shall be accessible to all residents, or to all employees and customers of the development; and

d. Shall not be combined with some other function, such as laundry or storage.

6. Incentive for High Quality Spaces

The total open space area requirement may be reduced by 25 percent if the largest common open space area meets all the other requirements of this section and the following standards:

a. Has less than an average five percent slope;

b. Is well-drained and not wetlands;

c. Has a minimum inside dimension of 25 feet for residential uses, or 20 feet for nonresidential uses; and

d. Receives sunlight access on the majority of the open space for at least four hours per day between the spring and fall equinox.

7. Ownership

All private open space areas not reserved for the exclusive use of a single dwelling unit shall be owned jointly or in common by the owners of the development or permanently preserved through some other mechanism satisfactory to the director. While private open space may be platted into separate tracts, those tracts which provide required private open space shall not be sold separately from the development.

8. Fee In Lieu Prohibited

The payment of fees in lieu of the set-aside of land for private common open space is prohibited.

21.07.040 DRAINAGE, STORM WATER TREATMENT, EROSION CONTROL, AND PROHIBITED DISCHARGES

A. Purpose

1. Drainage plans and the requirements of this section and the *Design Criteria Manual* are intended to implement the following principles of drainage planning:

a. The design of a drainage system shall not transfer a problem from one location to another.

b. Adequate space shall be provided for drainage conveyance and storage.

c. Good drainage design incorporates the effectiveness of the natural systems, rather than negating, replacing, redirecting, or ignoring them. The features, capacity, and function of the existing natural system shall be considered and utilized.

d. Drainage and storm water management facilities shall be designed with ease of maintenance, long-term function, sub-arctic climate function, protection of public safety, and accessibility as primary considerations.

2. Other purposes of this section include:

a. Regulating development preparation and land-disturbing activity in order to control erosion and sedimentation and accordingly to prevent water pollution from sedimentation, to prevent accelerated erosion and sedimentation of lakes and natural watercourses; and to prevent damage to public and private property by erosion and/or sedimentation during and after construction;

b. Regulating storm water discharge to improve the quality of the environment for residents of the municipality, administer the Municipal Separate Storm Sewer permit, and manage impacts to the watersheds in the municipality; and

c. Minimizing point and non-point source pollution into the water bodies of the municipality.

B. Guidance Documents

The municipal engineer shall develop, implement, and maintain various guidance manuals which shall provide standards and guidelines for this section 21.07.040. The *Design Criteria Manual* and the *Storm Water Treatment Plan Review Guidance Manual* are examples of such manuals.

C. Emergencies

Where site work [MUST] deviates from approved plans due to an emergency, the municipal engineer shall be notified on the next business day. Changes to an approved plan shall be submitted within 14 days to the public works [PROJECT MANAGEMENT AND ENGINEERING] department. For the purposes of this section, an "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken immediately.

D. Drainage

1. Intent

A drainage plan shall show the post-development drainage patterns of the site.

2. Applicability

This section applies to all development within the municipality.

3. Drainage Plan Required

a. Applications for the following entitlements shall include a drainage plan:

i. A permit from the development services department, for projects that include land disturbance;

ii. Subdivision plat (both preliminary and abbreviated plats);

iii. Site plan review (administrative and major); and

iv. Conditional use.

The drainage plan submittal requirement may be waived by the director and the municipal engineer if both agree that such a plan is not necessary.

b. The drainage plan shall show the area affected by the application, as well as watercourses, drainage and water quality easements, appropriate drainage outfall for surface water, roof drainage, and other impervious surfaces, and any other pertinent information, and shall address surface and subsurface drainage. The drainage plan shall also indicate impacts, if any, on adjacent, up-gradient, and down-gradient properties.

c. An approved drainage plan is required before any site work commences.

4. Standards

Drainage plans shall comply with the requirements of municipal code and the guidance of the *Design Criteria Manual*. Post-development drainage plans shall be designed in a manner such that there will be no adverse off-site impacts. Any net increase of water volumes shall [MUST] be mitigated and/or directed to an adjacent drainage system or receiving water that has the demonstrated capability to handle the new flows. The municipality may require a dedicated drainage easement(s) to ensure the drainage is consistent and compatible with surrounding drainage patterns.

5. When No Permit is Required

a. In situations where a building or land use permit is not required, all design and construction activities shall comply with municipal code.

b. If the municipal engineer reasonably believes that a project is significant in nature or that it will have negative impacts on surrounding property, water quality, drainage, or the roadways, the municipal engineer may require submittal of a drainage plan and a full review of the project. The applicant shall pay the appropriate review fees for the review. If the project is under construction, the municipal engineer may issue a stop work order until the project has been reviewed and approved.

c. If a project has been completed and there are negative impacts on surrounding property, water quality, drainage, or the roadways, the municipal engineer may pursue enforcement actions under chapter 21.13.

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6. Exposure of Subsurface Flows

If, during site work, unexpected subsurface flows are exposed, the municipality shall be informed immediately. If the subsurface flow cannot be contained within the site and has a significant off-site impact, work shall cease immediately and shall not be resumed until a temporary flow management plan has been submitted to and accepted by the municipality. In addition, the developer shall amend the drainage plan to address the exposed flows and potential for glaciation and shall submit it to the municipality and receive approval before resuming site work other than temporary flow management.

E. Storm Water Treatment and Erosion and Sediment Control

1. Intent

A storm water treatment plan shall show both the controls put in place during construction and any needed post-development controls to prevent erosion and protect water quality.

2. Applicability

Storm water treatment plan approval is required prior to commencement of land clearing or ground disturbing activities; the discharge of surface water (including from snow disposal sites); the construction, alteration, installation, modification, or operation of a storm water treatment or disposal system; demolition or utility work; connection to the municipal separate storm sewer system; work in water bodies, wetlands, or watercourses; or dewatering activities, except as listed in E.3. below. All construction, development, and maintenance activities shall be in accordance with the approved storm water treatment plan.

3. Nonconformities

No nonconforming rights are granted for this section 21.07.040E.

4. Exceptions

A storm water treatment plan shall not be required for the following. An erosion control plan may still be required if the discharge is so concentrated as to cause soil disturbance. The municipal engineer may waive the requirement for a storm water treatment plan for other activities that, in his or her judgment, will not create erosion or impair water quality.

a. Building improvements where no earth is disturbed;

b. Any earth disturbance that is less than 500 square feet in area;

c. Agricultural activities (not including site landscaping). Discharges from agricultural activities are still subject to water quality standards and potential enforcement for illicit discharges to watercourses or the storm sewer system;

d. Discharges of the following into the municipal separate storm sewer system:

i. Uncontaminated water line flushing;

ii. Residential irrigation water;

iii. Rising ground waters;

iv. Uncontaminated ground water infiltration;

v. Uncontaminated discharges from potable water sources;

vi. Foundation drains;

vii. Air conditioning condensate;

Page 331 ANNOTATION

This amendment is consistent with when a land use permit is required for land clearing.

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viii. Springs;

ix. Uncontaminated water;

x. Individual residential car washing;

xi. Flows from riparian habitats and wetlands;

xii. De-chlorinated swimming pool discharges;

xiii. Street wash waters; or

xiv. Flows from emergency fire fighting activity.

5. Submittal Requirements and Review Procedure

Storm water treatment plans shall be submitted to the public works [PROJECT MANAGEMENT AND ENGINEERING] department on the form provided. The submittal shall include plans for both temporary (during construction) and permanent storm water treatment and erosion control, and any supplementary information required in the user's guide or the *Design Criteria Manual*.

a. ***Storm Water Treatment Plan Review Guidance Manual***

The *Storm Water Treatment Plan Review Guidance Manual* shall be used to develop, review, and approve storm water treatment plans. Applicants submitting plans under this subsection shall comply with the manual regarding plan requirements and reviews, and if necessary shall gather data to confirm storm water conditions.

b. ***Changes to an Approved Storm Water Treatment Plan***

Any changes to permanent storm water controls from an approved storm water treatment plan require approval by the municipal engineer. Changes in temporary or construction storm water treatment controls or best management practices necessary to maintain effective storm water treatment do not require municipal approval but shall be documented.

c. ***New Application Required***

If dewatering, land clearing, construction, alteration, installation, modification, or operation has not begun within one year after issuance of a storm water treatment plan approval, the approval is void, and a new application shall be submitted to the public works [PROJECT MANAGEMENT AND ENGINEERING] department for review and approval.

d. ***Project-Wide Approval***

The municipal engineer may issue a project-wide approval to an applicant who plans to conduct an operation with the same runoff characteristics at various discharge locations. He or she may require the submittal of site-specific plans, including a schedule and description of all planned discharge activities, for approval, and may restrict that approval to certain proposed discharge activities.

6. Land Clearing

Mechanized land clearing of one acre or greater requires an approved storm water treatment plan. Until a subsequent use is approved, a temporary native vegetation buffer shall be retained on the perimeter of the lot being cleared, equal to or greater than the specified minimum setback required in the zoning district. This buffer shall be at least 15 feet wide on the perimeter of lots in commercial and industrial zoning districts, except where these are adjacent to PLI and/or residential zoning districts, where the temporary

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buffer shall be a minimum of 30 feet wide. Those areas of native vegetation in commercial and industrial zoning districts not essential to the parcel's development and situated on the perimeter of the site shall be retained and protected from disturbance as specified in subsection 21.07.080G.3.

7. Erosion and Sediment Control Administrator

A qualified erosion and sediment control administrator, who shall be responsible for the erosion, sedimentation, and best management practices during construction, shall be identified in each storm water treatment plan submitted for approval, except for storm water treatment plans for owner-built single- and two-family dwellings. Evidence of contractual liability shall be provided when requested.

a. In order to be identified as a qualified administrator, a person shall successfully complete a training course and associated test for certification from a training program approved by the public works [PROJECT MANAGEMENT AND ENGINEERING] department.

b. The qualified administrator shall maintain their certification in active status throughout the length of the project. In the case where the qualified administrator's certification becomes expired or revoked, a new qualified person shall be selected to be the erosion and sediment control administrator and shall be identified on the storm water treatment plan.

8. Alternate Materials, Design, and Method of Construction

a. The provisions of this section are not intended to prevent the use of any alternate material, design, or method of construction not specifically prohibited by this code, provided any alternate has been approved and its use authorized by the municipal engineer.

b. The municipal engineer may approve any such alternate, provided that he or she finds that the proposed design complies with the intent and purpose of this code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that required in this code in suitability, effectiveness, durability, safety, sanitation, and degree of structural integrity. The details of any action granting modifications or the acceptance of a compliance alternative shall be recorded and entered in the public works [PROJECT MANAGEMENT AND ENGINEERING] department's files.

c. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the municipal engineer may require tests as proof of compliance to be made at no expense to the municipality. Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternative, the municipal engineer shall determine test procedures. All tests shall be made by an approved agency. Reports of such tests shall be retained by the municipal engineer for the period required for the retention of public records.

9. Inspections

a. ***Required Inspections***

Prior to the commencement of or during land clearing or ground disturbing activities of one acre or greater, the discharge of surface water, or dewatering activities subject to this section, an inspection of approved best management practices associated with the storm water treatment plan shall be conducted. Prior to the issuance of a certificate of zoning compliance, permanent site

Page 333 ANNOTATION

The draft snow storage section was moved out of the off-street parking section in 2009, to be placed here in the drainage and stormwater treatment section. The draft provisions for snow storage underwent substantial revision by the Assembly Title 21 Committee in 2010.

The Committee's 2010 changes to the snow storage section, and some additional amendments from the Administration, were then reviewed by PZC in 2012. PZC forwarded its revised version to the Assembly Title 21 Committee in July 2012. The Assembly Title 21 Committee has reviewed and made further changes, and provides the section as shown.

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controls shall be verified by inspection or other means, as determined by the municipal engineer. The owner or contractor of record is responsible for requesting the required inspections at the appropriate times.

b. ***Other Inspections Authorized***

i. A municipal official, upon presentation of proper identification, may enter the premises at reasonable times to inspect or perform duties imposed by this code, for the purpose of determining whether the owner or operator thereof is in compliance with the specific requirements of this section. If such premises are unoccupied, the official shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, any approvals issued under this section may be immediately suspended until an inspection is conducted, and the official shall have recourse to the remedies provided by law to secure entry. Permittees, owners, or operators shall immediately stop all work upon the site being posted with a stop work order for failure to allow inspection.

ii. A municipal official may inspect any property or facility suspected as the source of illicit discharges in violation of 33 USC 1342 (1987) as amended.

iii. No inspection for which a warrant would be required under the constitution of this state or the United States may be conducted under this section without the proper warrant.

c. ***Availability and Production of Plans and Records***

Approved plans and specifications shall be available on site for review by municipal inspectors at the time of requested inspections. At the request of municipal officials and during normal working hours, owners or operators of facilities, construction sites, premises, or areas shall produce and make available for inspection or copying all records or information required to be maintained or reported under the provisions of this section.

F. Snow Storage and Disposal

1. Intent

This section addresses seasonal storage and management of plowed snow from on-site parking lots and other motor vehicle areas. It requires developments to provide space to accommodate plowed snow, and also allows alternative and innovate solutions. This section is not designed to increase the amount of area already used for snow storage by existing developed residential and commercial property; instead it is intended to clarify applicable regulations and encourage thoughtful site planning and snow management with respect to adjacent property and other requirements of this title. Its objectives are:

a. Ensure water quality treatment and drainage control of snow melt;

b. Maintain safe and convenient access and circulation; and

c. Protect adjacent landscaping, walkways, streets, and property.

2. Applicability

Except where stated otherwise, all existing and new uses with on-site surface areas to be plowed for motorized vehicle access or parking shall comply with this section. For example, this includes surface areas such as parking spaces, circulation and parking aisles, associated driveways, queuing lanes, emergency vehicle access lanes, loading

Page 334 ANNOTATION

The snow storage and disposal section addresses site developments, in terms of potential impacts on neighboring streets, properties, landscaping, and safe traffic circulation. This section does not apply to snow disposal sites, which are addressed as a use category with its own set of use-specific standards in Chapter 5.

Essentially, this section requires new development sites to show an adequate snow storage area on the site layout plan, or demonstrate there is a snow management plan to remove or dispose of the snow in an appropriate manner. Existing establishments are exempt from having to show a snow storage area or removal strategy. They are only subject to generally applicable operational standards for safety, protection of abutting streets and properties, and water drainage and treatment. Single-family homes and other smaller residential developments are exempt. Pedestrian walkways and heated paved areas are also exempt.

The requirement for a snow storage area applies only to new development sites, and only when such sites will store the piled snow on-site. If the snow will be removed off-site, then the snow storage area requirement is reduced or waived. Existing developments are exempt from this section. Renovations and expansions of existing buildings are also exempt—unless there is a significant enlargement of paved area.

Based on comments from the development community, the Assembly Title 21 Committee now recommends that this section avoid prescribing a minimum size of snow storage area relative to the size of the parking lot to be plowed. The draft has been changed to give the applicant the responsibility and flexibility to calculate how much snow storage area is needed, and demonstrate that will be adequate in an average snow year. This change from previous drafts is based on a comment that it is current practice for designers who site plan with snow in mind, to make these calculations while preparing a site plan. The amount of area needed for snow storage varies depending on the site and the proposed method of snow plowing, stacking, and disposal.

The Assembly Title 21 Committee in 2010 placed the standards of subsections d., e., and f. in this section, so that they will apply to new development sites only, not to existing properties.

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areas, tractor trailer areas, and vehicle sales and display areas. The following uses and surfaces are exempt:

a. Single-family, two-family, three-unit multifamily, townhouse, and mobile home dwellings on individual lots;

b. Snow disposal sites subject to subsection 21.05.060E.8.; and

c. Ice-free (snow-melting) surfaces and/or covered surfaces.

3. Operational Standards

For all applicable uses (including existing uses and new development):

a. Plowed snow shall not interfere with required pedestrian or vehicle circulation or sight distance.

b. Snow storage shall not interfere with access to utility equipment or create a hazard around utility equipment, in accordance with utility tariffs. For example, snow piles shall not be placed underneath an overhead utility line such that the snow pile reduces clearances to less than National Electrical Safety Code (NESC) ground clearance requirements.

c. Plowed snow may be removed to an approved snow disposal site, or shared among abutting or contiguous lots jointly managed for snow storage and disposal purposes. Plowed snow shall not be otherwise removed from the property. Snow shall not be moved to a right-of-way or other public place without a valid right-of-way permit pursuant to title 24.

d. Winter trash accumulation from plowed snow shall be removed and paved snow storage areas swept by June 1 (or as soon as snowmelt conditions permit).

4. Snow Storage Areas on New Development Sites

Developments involving the construction of new principal buildings and/or the removal and replacement of existing principal buildings shall provide for snow storage and disposal on the site plan, as provided below. Tenant improvements, renovations, alterations, and enlargements of existing buildings are exempt, except that the addition or expansion of parking lots or other areas for motorized vehicle parking and access by the greater of either 10 parking spaces or 10 percent of the existing area shall comply.

a. If snow will be stored on-site, snow storage areas shall be designated on the site plan. If snow will be removed off-site to a snow disposal facility or another alternative snow management strategy is used as provided in subsection F.5. below, then the snow storage areas may be reduced or eliminated from the site plan.

b. The applicant shall provide a calculation stamped by a professional registered with the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors, that indicates the proposed snow storage and disposal strategy will be adequate to accommodate the plowed snow in an average snow year, considering the site plan layout, the amount of surface area to be plowed for motorized vehicles (as identified in subsection F.2.), and the proposed method(s) of snow storage and disposal.

c. Snow storage areas shall be located to comply with the operation standards of subsection F.3. above, and shall abut the surface area to be plowed.

Page 335 ANNOTATION

This subsection provides an administrative procedure to allow for snow removal, melting, and other alternative snow disposal strategies—in lieu of having to designate an area on-site for snow storage. The requirement that the property owner enter into a recorded agreement that runs with the land is to protect future owners, neighboring properties, and the MOA. It is the primary means by which future owners and tenants are informed that the site is dependent on the alternative snow disposal strategy (e.g., hauling or melting), in lieu of providing a designated snow storage area. The language is such that the MOA will provide the format for a recorded agreement. The MOA already uses this method for parking agreements.

Subsections 6. through 8. essentially refer to other municipal, state, and federal requirements, as a reference for applicants.

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d. Snow storage areas shall have a minimum dimension of eight feet to accommodate snow piling from a plow blade.

e. The site plan shall not, unless allowed through an administrative site plan review, designate snow storage areas in required perimeter landscaping, required residential private open space, or on required trees. Designation of required residential private open space for snow storage shall be permitted only on the conditional that the snow pile and trash accumulation from plowed snow be removed and the space made usable by May 1.

f. Snow storage areas shall be planted with ground-cover (such as grass), or paved subject to subsection 21.07.090H.14., *Paving*.

5. Alternative Snow Management Strategies

Alternative snow management strategies such as snow melters, underground storage, or removal to an approved snow disposal site, may be approved by the municipal engineer in lieu of a required snow storage area, subject to the following:

a. The owner shall either set aside the area that would otherwise be needed to provide the required snow storage area on the site, or enter into an agreement with the municipality, in conformance with the title 21 user's guide, which is recorded, runs with the use of the land, and ensures continuation of the alternative strategy and the future implementation of contingency measures if such contingency measures are ordered by the municipal engineer.

b. Areas to be used for temporary storage of plowed snow awaiting removal or disposal shall be depicted on the site plan.

c. The method of treatment and disposal shall comply with subsection F.7. below.

6. Setbacks

Plowed snow shall be set back from streams, watercourses, wetlands, and water bodies as specified in section 21.07.020, and is prohibited within ten feet of storm water outfalls and discharge points.

7. Snow Melt Drainage

Developments shall comply with subsection 21.07.040D., *Drainage*, to address drainage of snow melt in areas of the site affected by the development.

8. Snow Melt Treatment

Detention and treatment practices and/or facilities for chloride, particulates, and other pollutants shall be provided prior to discharge of snow melt from a site sufficient to comply with subsection 21.07.040E., and shall be subject to review and approval by the municipal engineer.

G. Prohibited Discharges

1. Applicability

This section applies throughout the municipality.

2. Prohibited Discharges or Acts

No person shall cause or permit illicit discharges:

a. Into any waters of the state, or waters of the United States, unless such is first treated in a manner approved by the federal, state, or other agencies having jurisdiction; or

b. Into a storm sewer of the municipality, other than pursuant to a dewatering permit, an approved storm water treatment plan, a national pollutant discharge elimination system permit, or a permit issued by a local, state, or other agency having jurisdiction. Examples of discharges that are prohibited include:

i. Grease, fatty materials, offal, or garbage;

ii. Sand, sand dust, dirt, gravel, sawdust, metal filings, broken glass, or any material which may cause or create an obstruction in the sewer;

iii. Gasoline, benzene, fuel oil, or a petroleum product or volatile liquid;

iv. Milk or any liquid milk waste product in quantities in excess of ten gallons during any 24-hour period;

v. Wax, cyanide, phenols, or other chemical or substance that may cause damage to materials of which the sewer system is constructed; or

vi. Wastewater, as defined in AMC section 15.20.010.

For the purposes of this section, "illicit discharges" means pollutants or any materials other than storm water.

3. Dumping in Watercourses and Water Bodies

No person shall deposit, dump, abandon, throw, scatter, or transport solid waste, garbage, rubbish, junk, fill, soil, dirt, snow, ice, vegetation, or other material in such a manner as to obstruct, impound, or cause siltation of any river, stream, creek, watercourse, water body, stream or water body or wetland setback, water quality easement, storm sewer, ditch, drain, or gutter except as otherwise allowed by valid federal, state, and other permits or licenses relative to water pollution, water impoundment, or water quality control.

H. Hazardous Sites

1. For the purposes of this section, any site meeting any or all of the conditions and defects described below shall be deemed to be hazardous, provided that such conditions or defects exist to the extent that the health of the watershed, the requirements of the Municipal Separate Storm Sewer System permit, or the safety of the public are endangered, as determined by the municipal engineer.

a. Any site that causes sediment to be discharged in such a way that it may be delivered directly or indirectly to the storm sewer or receiving waters;

b. Any site that causes pollution to be discharged in such a way that they may be delivered to the watershed;

c. Any property for which the owner, manager, or tenant fails to install and/or maintain properly permitted BMPs; or

d. Any site where actions are causing soil masses to be in danger of sloughing, destabilizing, failing, or collapsing as a mass wasting event.

2. All sites which are determined after inspection by the municipal engineer to be a hazardous shall be abated as determined by the municipal engineer.

I. Violations and Penalties

1. Violations

a. Any person who violates any provisions of this section shall report such violation to the project management and engineering department and shall make available any information or records related to the contents of the substance discharged.

b. In addition to any other remedy or penalty provided by this title, any person who violates any provision of this title or regulations adopted there under shall be subject to the civil penalties or injunctive relief, or both, as provided by AMC section 1.45.010B.

c. In any action under this section, the municipality, if not a party, may intervene as a matter of right.

2. Penalties

a. All sites operating without approval under this section may be immediately posted with a stop work order and shall pay double fees for all required permits or inspections under this section, as well as any fines which may be assessed. In addition to any other remedy permitted by law, fines may be assessed for failure to have a permit or approved plan, failure to allow inspections, or failure to obey a properly issued stop work order. Violators of this section may also be charged $1,000 per day until the violation(s) is corrected.

b. Any person who negligently or intentionally permits or causes a discharge in violation of this section shall, upon conviction, be subject to a civil fine penalty of $5,000 to $10,000 per day, or injunctive relief to cease the violation, or both. In addition to any fine assessed under this section, any person who violates any provision of this section or any rule or regulation adopted pursuant to this section shall be subject to a further civil penalty of up to double the cleanup and remediation costs incurred as a result of the violation.

c. Any person who permits or causes a discharge in violation of this section shall be strictly liable, regardless of intent, for the full amount of any fines or other liquidated penalties incurred by the municipality for any violations of federal law which are caused by the discharge.

d. No certificate of zoning compliance shall be issued until all fines levied under this section have been paid.

J. Appeals

1. Appeals of orders, decisions, or determinations made by the municipal engineer shall be heard by the zoning board of examiners and appeals, pursuant to subsection 21.03.050B.

2. The zoning board of examiners and appeals shall have no authority over the interpretation of the administrative provisions of this section, nor shall the board be empowered to waive requirements of this section.

21.07.050 UTILITY DISTRIBUTION FACILITIES

A. Underground Placement Required for New or Relocated Lines

1. Except as provided in subsection B. below, all newly installed or relocated utility distribution lines (as defined in section 21.14.040) shall be placed underground.

2. Utility distribution lines owned or operated by utilities that are parties to a joint trench agreement shall be placed underground in a joint trench.

3. Nothing in this section restricts the maintenance, repair, or reinforcement of existing overhead utility distribution lines.

B. Exceptions

1. Except where an assessment district has been formed to convert overhead utility distribution lines as provided in title 19.60, utility distribution lines need not be placed underground in the class B improvement area defined in subsection 21.08.050B., or in the I-2 zoning district. However, in the following areas newly installed or relocated utility distribution lines shall be placed underground: Lower Hillside, between and including Abbott Road, Rabbit Creek Road, Hillside Drive and the New Seward Highway.

2. Except where an assessment district has been formed to convert overhead utility distribution lines as provided in AMC chapter 19.60, CATV utility distribution lines need not be placed underground where there are other overhead utility distribution lines; provided that, when all of the other overhead distribution lines are placed underground, the CATV utility distribution line shall also be placed underground.

3. A new utility distribution line may be placed overhead when necessary immediately to restore service interrupted by accident or damage by flood, fire, earthquake or weather; provided that the utility distribution line shall be replaced by a utility distribution line conforming to this chapter within 12 months of its placement.

4. A utility distribution line or service connection may be placed on the surface of frozen ground, provided that it is placed underground within 12 months thereafter.

5. New facilities may be added to existing overhead utility distribution facilities located outside target areas.

6. A temporary utility distribution line may be placed overhead in connection with new construction if the utility's tariff approved by the state public utilities commission expressly provides for removal of that line by a date certain, not to exceed 12 months thereafter.

C. Variances

1. The director may grant a variance from subsection A. above when any of the following is found:

a. Placing a utility distribution line underground would cause an excessive adverse environmental impact;

b. Placing a utility distribution line underground would threaten public health and safety, because the placement cannot be shown to meet acceptable technical standards for safety; or

c. Placing a utility distribution line underground in an environmentally sound and safe manner would cost more than three times the cost of placing the line overhead, where the applicant demonstrates the relative cost to the satisfaction of the director.

2. The director may grant a variance from subsection A. above when he or she finds that the utility distribution line is being placed overhead temporarily for one of the reasons listed in this subsection:

a. The line is being placed to provide service when weather conditions do not allow excavation for underground placement;

b. A permanent location for underground placement is not available because of construction in progress; or

c. The line is being placed to provide service to a temporary use or structure.

A variance issued under this subsection C.2. shall expire within two years of its issuance.

D. Relationship to Chapter 21.12, *Nonconformities*

Existing overhead utility distribution lines located where this title requires new or relocated utility distribution lines to be placed underground are nonconforming utility distribution lines and are subject to the provisions of this subsection. A utility distribution line is not a nonconforming structure or use under chapter 21.12, *Nonconformities,* solely because it is a nonconforming overhead line under this section.

E. Designation of Target Areas

1. An electric utility that owns poles that support nonconforming utility distribution lines shall prepare or otherwise include as part of its annual capital improvement plan, a five-year undergrounding program consistent with subsection F. below. This five-year program shall be updated on an annual basis. Priorities shall be based on undergrounding in conjunction with the electric utility's essential system improvements and then by target area as set forth below in no particular order of priority. The director shall review and provide comment for consideration by the electric utilities on these five-year programs. When reviewing and commenting on these programs, the director shall consider the following factors in no particular order of priority:

a. Whether undergrounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities.

b. Whether the street or general area is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.

c. Whether the appearance of grounds and structures adjacent to the roadway is such that the removal of the overhead facilities will substantially improve the general appearance of the area.

d. Whether the street or area affects a public recreation area or an area of scenic interest.

e. Whether there is a significant opportunity to achieve economies due to the anticipated relocation or replacement of overhead lines or the widening or realignment of streets within a given area.

f. Whether the five-year program sufficiently addresses the objectives of subsection F. below.

g. Whether the area under consideration is within a zone where new and relocated distribution lines are required to be placed underground.

h. Whether the installation of underground distribution lines is economically, technically and environmentally feasible, including the effect on the attached utility.

2. The director shall confirm annually that the electric utilities have developed project undergrounding implementation plans. The director shall consult with the utilities and public agencies affected by any implementation plan. In reviewing implementation plans, the director shall consider the factors stated in subsection E.1. above.

3. The following shall be target areas:

a. Central Business District: between and including Third Avenue and Tenth Avenue and L Street and Ingra Street.

b. Midtown area: between and including New Seward Highway and Minnesota Drive and International Airport Road and Fireweed Lane.

c. All municipal and state street improvement projects except for those which do not require relocation of utility distribution facilities.

d. The following major traffic corridors:

i. Old Seward Highway.

ii. Ingra and Gambell Streets between and including Ninth Avenue and Fireweed Lane.

iii. Northern Lights Boulevard and Benson Boulevard between and including Glenwood Street and Arlington Drive.

iv. Muldoon Road between and including New Glenn Highway and Patterson Street.

v. Tudor Road between and including Patterson Street and Arctic Boulevard.

vi. Boniface Parkway between and including 30th Avenue and New Glenn Highway.

vii. Spenard Road between and including Hillcrest Drive and International Airport Road.

viii. Arctic Boulevard between 17th Avenue and Tudor Road.

ix. Lake Otis Parkway between Tudor Road and Abbott Loop

e. All park, recreational use, and scenic interest areas.

f. Eagle River Central Business District between and including the New Glenn Highway, North Eagle River Access Road, Aurora Street as extended to the Old Glenn Highway, and the Old Glenn Highway.

g. Any area where utility distribution facilities are provided by more than one utility as a result of mergers and boundary changes approved by the state public utilities commission.

h. School and university areas.

F. Nonconforming Overhead Lines

1. An electric utility that owns poles that support nonconforming utility distribution lines shall remove the poles and place those lines underground. Any other utility that attaches to such poles shall place its lines underground at the same time that the pole owner places lines underground.

a. The electric utility that owns poles shall, in each fiscal year, expend at least two percent of a three-year average of its annual gross retail revenues derived from utility service connections within the municipality, excluding toll revenues, revenues from sales of natural gas to third parties, and revenues from sales of electric power for resale for purposes of undergrounding nonconforming lines. An electric utility's expenditures, pursuant to AS 42.05.381(h), within the municipality, shall be counted toward satisfaction of the two percent expenditure required by this subsection.

b. A utility with lines attached to a pole that is to be removed under this subsection shall place its lines underground at the same time that the pole owner places its lines underground. To underground nonconforming utility lines, an attached utility shall not be required to expend more than two percent of its annual gross retail revenues derived from utility service connections within the municipality, excluding toll revenues. For the purpose of satisfying subsection 21.07.050F., the utility's expenditures pursuant to AS 42.05.381(h) within the municipality are counted toward this two percent expenditure limit.

c. The electric utility that owns poles may choose which existing lines to underground in order to fulfill the two percent expenditure requirement, in consultation with appropriate public agencies and any other utilities.

d. An electric utility that owns poles that does not expend the amount required in subsection F.1. of this section, or that expends more than that amount, may carry over the under expenditure or over expenditure as an adjustment to the following year's obligation.

2. The electric utility that owns poles shall notify the director, and utilities or entities with lines attached to such poles, of the approximate date that the owner plans to remove the poles. Such notice, where possible, shall be given at least four months in advance of the undergrounding except where an emergency or other unforeseen circumstances preclude such notice, in which case such advance notice as is reasonable under the circumstances shall be provided.

3. A utility shall annually submit a report of its undergrounding projects and expenditures for non-conforming lines to the director within 120 days of the end of the preceding calendar year.

4. All new service connections shall be placed underground in the same manner as required for utility distribution lines under subsections A. and B. above. New service lines may be temporarily installed above ground from October through May, if placed underground prior to the next October.

G. Lines in Municipal Right-of-Way

1. The department of public works [PROJECT MANAGEMENT AND ENGINEERING] shall furnish to a utility owning or operating utility distribution lines all planning documents for municipal road construction that will require the relocation of those utility distribution lines.

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2. Once a utility installing a utility distribution line underground in material compliance with a right-of-way permit issued by the department of public works [PROJECT MANAGEMENT AND ENGINEERING] and in accordance with this chapter, the municipality shall reimburse the cost of any subsequent relocation of the utility distribution line required by municipal road construction.

3. If municipal road construction requires the relocation of a nonconforming utility distribution line, the municipality, as part of the road construction project cost, shall reimburse the cost of the relocation. Reimbursable costs under this subsection include engineering and design, inspection, construction, and general overhead costs, but exclude utility plant betterment costs. Plant betterment costs are the costs of providing utility distribution line capacity or quality beyond what current industry standards require for the capacity or level of service existing before the relocation.

H. Conversion of Service Connections

A utility that places a nonconforming utility distribution line underground as required by subsection F. above shall bear the cost of placing underground any related service connections or other utility facilities on a customer's premises, in accordance with the utility's applicable tariff or rules or regulations of operation.

21.07.060 TRANSPORTATION AND CONNECTIVITY

A. Purpose

The purpose of this section 21.07.060 is to support the creation of a safe and highly connected transportation system within the municipality in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of municipal service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; support the pattern of designated land uses; mitigate the traffic impacts of new development; create road and trail connectivity to free up arterial capacity while protecting neighborhood identity and safety; and, in high-volume traffic corridors, maintain an adequate degree of crossings for local circulation and minimize road and traffic impacts on adjacent uses.

B. Applicability

The standards of this section 21.07.060 shall apply to all development in the municipality.

C. Traffic Impact Mitigation

1. Traffic Impact Analysis Required

The transportation system for new development shall be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation of system capacity shall be undertaken through a traffic impact analysis (TIA), which should consider the following factors without limitation: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety. Unless the traffic engineer issues a substantiated written finding, based on location of the project and professional judgment, that there is no need for a TIA, a traffic impact analysis (TIA) shall be required with applications for development review and approval when:

a. Thresholds established in the traffic department's *Policy on Traffic Impact Analyses* are met;

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b. A TIA is required by the planning and zoning commission or assembly as a condition of any land use application approved pursuant to the requirements of this title;

c. Any case where the traffic engineer determines that the previous TIA for the property is out of date and no longer accurate—in such case the TIA shall not be less than two years old;

d. Any case where increased land use intensity will result in substantially increased traffic generation or reduction of the existing level of service on affected streets by at least one service level; or

e. Any case in which the traffic engineer determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.

2. TIA and Development Review Process

a. Prior to the development of a required TIA, there shall be a scoping meeting that includes the traffic department, the applicant, and all other relevant parties.

b. The development and review of a TIA shall be according to the traffic department's *Policy on Traffic Impact Analyses*.

c. When state-owned roads are involved, the applicant shall coordinate with the state department of transportation and public facilities, and the development of a TIA shall follow state regulations as defined in 17 AAC 10.095.

3. Traffic Mitigation Measures

The applicant shall, as part of the traffic impact analysis, recommend measures to minimize and/or mitigate the anticipated impacts and determine the adequacy of the development's planned access points. Mitigation measures shall be acceptable to the traffic engineer and may include, without limitation: an access management plan; transportation demand management measures; a reduction in the intensity or size of the proposed development; street improvements on or off the site; phasing of the proposed development to coincide with, and not outpace, the necessary upgrades to off-site infrastructure; placement of pedestrian, bicycle, or transit facilities on or off the site; or other capital improvement projects such as traffic calming infrastructure or capacity improvements.

D. Streets and On-Site Vehicular Circulation

1. Street Standards

All streets shall meet the standards and requirements set forth in subsections 21.08.030F.2., *Street Grades*, 21.08.030F.3., *Street Alignment,* and 21.08.030F.4. *Street Intersections*.

2. Parking Lots

In addition to complying with the standards in this subsection 21.07.060D., parking lots [AREAS] shall comply with the standards set forth in section 21.07.090, *Off-Street Parking and Loading.*

3. Street Connectivity

a. ***Purpose***

Street and block patterns should include a clear hierarchy of well-connected streets that distribute local traffic over multiple streets, providing multiple direct connections for neighborhood residents to and between local destinations, and

Page 344 ANNOTATION

The Administration proposes replacing the connectivity index with different vehicular and pedestrian connectivity standards. There is a concern that the connectivity index is confusing and difficult to apply.

Block length is a commonly used tool for connectivity.

These are alternate standards for vehicluar and pedestrian connectivity, due to the deletion of the connectivity index.

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avoid traffic congestion on principal routes. Within each residential development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development; provide ample opportunities for linking adjacent neighborhoods, properties, and land uses; and be designed in such a way as to limit and discourage cut-through traffic and protect the new development and adjacent development from adverse impacts. This section is not intended to increase speed limits in neighborhoods, create opportunities for cut-through traffic, or encourage freight movement through residential areas.

b. ***Internal Street Connectivity [(CONNECTIVITY INDEX)]***

[ALL DEVELOPMENT SHALL ACHIEVE A CONNECTIVITY INDEX OF 1.2 OR GREATER.]

[THE CONNECTIVITY INDEX FOR A DEVELOPMENT IS CALCULATED BY DIVIDING ITS LINKS BY ITS NODES. FIGURE 21.07-1, *CALCULATION OF CONNECTIVITY*, PROVIDES AN EXAMPLE OF HOW TO CALCULATE THE CONNECTIVITY INDEX. NODES (STARS) EXIST AT STREET INTERSECTIONS AND CUL-DE-SAC HEADS WITHIN THE DEVELOPMENT. LINKS (CIRCLES) ARE STRETCHES OF ROAD THAT CONNECT NODES. STREET STUB-OUTS ARE CONSIDERED AS LINKS. IN THE DIAGRAM, THERE ARE 11 LINKS (CIRCLES) AND NINE NODES (STARS); THEREFORE THE CONNECTIVITY INDEX IS 1.22 (11/9 = 1.22).]

[THE CONNECTIVITY INDEX STANDARD OF 1.2 OR GREATER MAY BE REDUCED BY THE DIRECTOR IF THE DEVELOPER DEMONSTRATES IT IS IMPOSSIBLE OR IMPRACTICABLE TO ACHIEVE DUE TO TOPOGRAPHIC CONDITIONS, NATURAL FEATURES, OR ADJACENT EXISTING DEVELOPMENT PATTERNS.]

i. Developments, whether subdivisions or not, shall meet the block length requirements of subsection 21.08.030G.

ii. Whenever cul-de-sac streets are created, at least one 10 foot wide pedestrian access easement shall be provided, to the extent reasonably feasible, between each cul-de-sac head or street turnaround and the closest adjacent street or pedestrian walkway. This requirement shall not apply where it would result in damage to or intrusion into significant natural areas such as stream corridors, wetlands, and steep slope areas, or if the configuration of existing adjacent development prevents such a connection.

c. ***External Street Connectivity***

i. The arrangement of streets in a development shall provide for the alignment and continuation of existing streets from the boundaries of the development. The arrangement of streets shall provide connections to [OR PROPOSED STREETS INTO ADJACENT LANDS IN THOSE CASES IN WHICH THE] adjacent lands that are undeveloped and intended for future development as required in subsection 3.e. below, or that [IN WHICH THE ADJACENT LANDS] are developed and include opportunities for such connections. This arrangement may be reduced or waived by the decision-making body if the applicant can show how connectivity is provided by a different arrangement of streets. Vehicular and/or pedestrian connections to adjacent municipal parks or municipal

Page 345 ANNOTATION

This language is intended to recognize that although some areas of the community have only one major access road (Girdwood, South Fork, Eagle River Valley), if connectivity can be provided within the development proposal, it should be created for safety and access.

PZC states: "Not clear wht is required to "retrofit" existing streets."

PZC states: "Encouraged but not mandatory."

These are alternate standards for vehicluar and pedestrian connectivity, due to the deletion of the connectivity index.

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lands designated as parks shall be required as determined or unless waived by the director of the parks and recreation department.

ii. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development at least every 1,300 [1,500] feet for each direction (north, south, east, and west) to the maximum extent feasible [IN WHICH DEVELOPMENT ABUTS VACANT LANDS]. The director may waive this requirement where the configuration of existing adjacent development, topography, or the presence of sensitive natural areas makes compliance impractical.

d. ***Vehicular Access to Public Streets***

Unless the decision-making body determines otherwise, a[A]ny development of more than 100 residential units or additions to existing developments such that the total number of units exceeds 100 shall be required to provide vehicular access to at least four public streets to the extent reasonably feasible [AS DETERMINED BY THE DIRECTOR AND THE TRAFFIC ENGINEER], due to topography, natural features, or the configuration of existing adjacent developments. These connections (if possible) shall be made to foster and accommodate connectivity into, out of, and within the new development, regardless of the macro-level access to and connectivity of the general area.

e. ***Connections to Vacant Land***

Where new development is adjacent to land likely to be developed or redeveloped in the future, all streets, sidewalks, pathways, trails, walkways, and access ways in the development's proposed street system shall continue through to the boundary lines of the site of new development, as determined by the director and the traffic engineer, to provide for the orderly subdivision of such adjacent land or the transportation and access needs of the community. [IN ADDITION, ALL REDEVELOPMENT AND STREET IMPROVEMENT PROJECTS SHALL TAKE ADVANTAGE OF OPPORTUNITIES FOR RETROFITTING EXISTING STREETS TO PROVIDE INCREASED VEHICULAR AND PEDESTRIAN CONNECTIVITY.]

f. ***Neighborhood Protection from Cut-through Traffic***

Street connections should [SHALL] connect neighborhoods to each other and to local destinations such as schools, parks, greenbelt trail systems, and shopping areas, while minimizing neighborhood cut-through vehicle traffic movements that are non-local in nature. Configuration of local and internal streets and traffic calming measures should [SHALL] be used to discourage use of the local street system for cut-through collector or arterial vehicle traffic.

g. ***Pedestrian Connectivity***

Where the director and the traffic engineer have determined a vehicular connection required above is not feasible or appropriate, a pedestrian access way shall be provided as long as:

i. The topography and existing development patterns allow for pedestrian access; and

ii. The land uses allowed on either end of the potential pedestrian connection are such that may generate pedestrian traffic.

Page 346 ANNOTATION

The Assembly committee felt that having sidewalks on both sides of local streets in industrial areas was not necessary.

This amendment proposes that idewalks should be required in cul-de-sacs only under certain conditions.

The issue of small Class A areas surrounded by Class B zoning is to be resolved in Chapter 21.10, as this circumstance seems to exist only in the Chugiak-Eagle River area.

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E. Standards for Pedestrian Facilities

1. Purpose

The purpose of this section is to provide convenient, safe, and regular pedestrian facilities along streets and within and between developments. Such facilities create a healthful built environment in which individuals have opportunities to incorporate physical activity, such as walking or bicycling, into their daily routine. Injuries and fatalities are reduced when interactions between pedestrians and vehicles are minimized. Adequate pedestrian facilities meet community goals for mobility and access, as well as for providing transportation choices. Safe pedestrian access for students to their schools is also an essential purpose of these standards.

2. Sidewalks

a. All sidewalks shall be designed to comply with the standards of the *Design Criteria Manual* (DCM) and *Municipality of Anchorage Standard Specifications* (MASS).

b. In all class A zoning districts except for industrial districts, sidewalks shall be installed on both sides of all new streets (local, collector, arterial, public or private, including loop streets [AND CUL-DE-SACS]). Where indicated in the comprehensive plan, a pathway [TRAIL] may replace a sidewalk on one side. In industrial zoning districts, a sidewalk shall be installed on one side of all new local streets.

c. In cul-de-sacs in class A zoning districts, the following shall apply:

i. For cul-de-sacs with fewer than 300 average daily trips and with speeds limited to 25 miles per hour by design, no sidewalks are required.

ii. For cul-de-sacs with 300 to 1,000 average daily trips, and for those with fewer than 300 average daily trips but a design speed of greater than 25 miles per hour, a sidewalk on one side of the cul-de-sac stem and bulb is required.

iii. For cul-de-sacs with more than 1,000 average daily trips, or for cul-de-sacs that are used to access a school or a park (notwithstanding subsections c.i. and c.ii. above), sidewalks on both sides of the stem and around the bulb are required.

iv. Average daily trips shall be computed by the traffic division.

d. In class B [RESERVED SUBSECTION TO ESTABLISH THAT WHERE CLASS A AND CLASS B DISTRICTS ARE INTERSPERSED, IF THE CLASS B DISTRICTS ARE PREDOMINANT IN THE AREA THEN CLASS B DISTRICT PROVISIONS SHALL APPLY] zoning districts, sidewalks, walkways, pathways, and trails shall be provided in accordance with the comprehensive plan. In all cases, pedestrian facilities shall be provided on at least one side of collector and arterial streets.

e. The requirements of 2.b. and 2.c. shall not apply in steep-slope areas where sidewalks on one side of the street may be approved by the director to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.

f. Development on lots along existing streets in class A zoning districts shall install sidewalks in the following situations:

Page 347 ANNOTATION

The Assembly Committee requested some flexibility on the requirement for sidewalks on both sides of streets.

The Assembly Title 21 Committee supports this edited version of a recommendation by PZC to exempt industrial uses from providing on-site walkways.

The basic requirement to provide a walkway on-site to the primary building entrance is proposed by the Assembly Title 21 Committee to be made more flexible. First, the applicant can propose connecting the building entrance to a secondary street frontage in lieu of the primary street frontage. Secondly, the requirement to use the shortest possible walkway route is made less restrictive, so that walkways may wrap around the building or make a jog around site elements.

The requirement for an on-site pedestrian circulation system is revised, along with its illustration, to show that the public street sidewalk may be used to satisfy the need for walkway connections between multiple buildings on a site.

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i. In R-4, R-4A, and commercial[, AND MIXED-USE] districts.

ii. Along streets identified in Appendix A of the *Anchorage Pedestrian Plan* as "missing sidewalk" or "inadequate sidewalk", with a total point rating of five or higher.

g. Where sidewalks are not specifically called for on both sides of the street by the comprehensive plan, the decision-making body may reduce a requirement to provide sidewalks (or other pedestrian facilities) on both sides of a street after considering the following:

i. Site conditions and the potential for significant negative impacts on the natural environment;

ii. Extensive public testimony offering rational arguments against sidewalks;

iii. Availability of an alternate trail system; and

iv. Vehicular speeds and pedestrian safety.

3. Through-Block Connections

Within new developments, pedestrian walkways, crosswalks, or multi-purpose trails no less than five feet in width shall be constructed near the center and entirely through any block that is 900 feet or more in length. This standard may be waived during a site plan review, if justified by the decision-making body.

4. On-Site Pedestrian Walkways

a. ***Continuous Pedestrian Access***

Pedestrian walkways are intended to form a convenient on-site circulation system that minimizes conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. This subsection E.4. does not apply to single- and two-family development, or to industrial and utility facility uses in the I-1 and I-2 zoning districts.

b. ***On-Site Pedestrian Connections***

The following walkways shall be provided. Where one walkway fulfills more than one requirement, only one walkway need be provided. If they can provide a relatively direct route, public pedestrian facilities such as public sidewalks shall satisfy any or all of the requirements below.

i. A walkway shall connect the primary entrance to the abutting primary street frontage, except where a proposed walkway connection to an alternative street frontage is determined by the director to provide equal or better pedestrian access. No walkway need be provided to the primary street frontage if that frontage is a restricted access street or a frontage road, unless there is a pathway [TRAIL] or other pedestrian facility to which access can be provided along the restricted access street or frontage road, in which case a walkway shall connect to that pedestrian facility. The walkway route shall be clear and direct, to the extent reasonably feasible [SHALL BE THE SHORTEST PRACTICAL DISTANCE BETWEEN THE ENTRANCE AND THE STREET, AND GENERALLY NO MORE THAN 133 PERCENT OF THE STRAIGHT LINE DISTANCE].

ii. All primary building entrances on a site shall be connected to the street by a convenient system of walkways. This includes multiple primary

Page 348 ANNOTATION

The Assembly Title 21 Committee supports clarifying the requirement for a walkway connection to bus stops, and to ensure that it applies only to active bus routes with regularly scheduled service.

The requirement for a pedestrian connection to abutting properties is deleted by the Assembly Title 21 Committee, as it was found to be too discretionary. It would be unpredictable for applicants, and difficult to administer for municipal staff.

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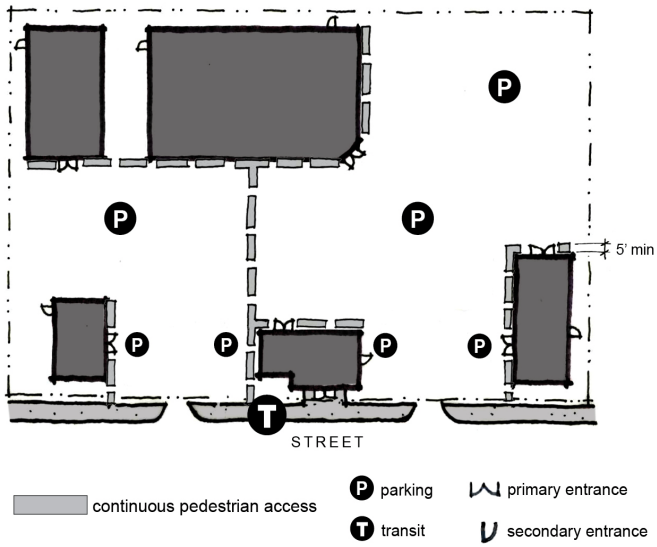
entrances into one building, and primary entrances in separate buildings on a site.



iii. A walkway shall connect the primary entrances to any transit stop abutting the site, where on an active transit route with scheduled service. The walkway shall be clear and direct to the extent reasonably feasible. [A WALKWAY SHALL CONNECT ALL PRIMARY ENTRANCES TO ALL BUS STOPS ADJACENT TO THE SITE.]

[WHERE ABUTTING PROPERTY HAS DEVELOPED OR IS LIKELY TO DEVELOP WITH A COMPATIBLE USE, THE DECISION-MAKING BODY MAY REQUIRE A WALKWAY FROM ALL PRIMARY ENTRANCES TO THE LOT LINE NEAREST THE ABUTTING LOT, IN A LOCATION MOST LIKELY TO PROVIDE CONVENIENT PEDESTRIAN ACCESS TO THE (EXISTING OR ANTICIPATED FUTURE) DEVELOPMENT ON THE ADJACENT LOT.]

c. ***Walkway Clear Width***

The minimum width of a required pedestrian walkway shall be five feet of unobstructed clear width, excluding vehicular overhang, except where otherwise stated in this title. A walkway that provides access to no more than four residential dwelling units may provide an unobstructed clear width of three feet.

d. ***Walkways and Parking***

i. Where an on-site pedestrian walkway system or required pedestrian area abuts a parking lot or internal street or driveway, the pedestrian facility shall be clearly marked and physically separated from the parking lot or drive, through the use of an upright curb of six inches in height, bollards spaced a maximum of six feet apart, or other physical buffer approved by the traffic engineer; and a change of paving materials distinguished by color, texture, textured edge, or other edge, or striping.

ii. The vehicle overhang established in table 21.07-9, *Parking Angle, Stall And Aisle Dimensions*, shall not encroach into the minimum required walkway width or area.

Page 349 ANNOTATION

This is a reference to a proposed new alternative to be available at the choice multifamily residential developers.

Based on a comment by PZC, the Assembly Title 21 Committee recommends to clarify that a walkway can be counted as part of a required private open space or landscaping bed where it crosses these areas.

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iii. Where an on-site pedestrian walkway crosses an internal street or driveway, the crosswalk shall be clearly marked and delineated through a change in paving materials distinguished by color, texture, textured edge, other edge, or striping, and shall meet the requirements of the Americans with Disabilities Act.

iv. Multifamily or townhouse developments may provide a parking courtyard in lieu of required walkways, where specifically allowed in section 21.07.110 and in conformance with subsection 21.07.060F.18.

e. ***Walkways, Landscaping, and Open Space***
Walkways shall be credited toward a required private open space where they are contiguous. A walkway that crosses a required landscaping bed (at or near perpendicular) shall be credited against the required landscaping area and amount of planting material.

5. Trails
All trails shall meet the following requirements in addition to the standards contained in the *Areawide Trails Plan*, *Design Criteria Manual* (DCM), and *Municipality of Anchorage Standard Specifications* (MASS)*:*

a. All trail connections shall be well-signed with destination and directional signing as approved by the traffic engineer or the parks director as appropriate.

b. Trails shall be designed in such a manner that motor vehicle crossings can be eliminated or significantly minimized.

c. Trails that connect to the street system shall do so in a safe and convenient manner as determined by the traffic engineer.

6. Use and Maintenance of Sidewalks, Walkways, Pathways, and Trails

a. ***Restrictions on Use***
Sidewalks, walkways, pathways, and trails are intended to provide pedestrian access. Vehicle parking, snow storage, garbage containers, merchandise storage or display, utility boxes and poles, signs, trees, and other obstructions shall not encroach into the required minimum clear width of any required sidewalk, walkway, pathway, trail, or other pedestrian way. Pedestrian amenities including bollards are exempt from this requirement.

b. ***Maintenance and Snow Removal***
Walkways required by this title shall be maintained in usable condition throughout the year, including snow and ice removal as appropriate. Sidewalks shall be maintained in a usable condition in accordance with AMC title 24.

F. Pedestrian Amenities

1. Purpose
The purpose of this section is to define and provide standards for pedestrian amenities that may be required or included in a menu of choices to meet a requirement, or listed as a special feature that can count toward a bonus incentive anywhere in this title. For example, another section of this title may list a pedestrian amenity as a special feature for which bonus floor area may be granted. The standards contained in this section give predictability for applicants, decision-makers, and the community for the minimum acceptable standards for pedestrian amenities. It also ensures the amenities will improve and enhance the community to the benefit of all, and respond to the northern latitude

Page 350 ANNOTATION

A definition of “pedestrian feature” as used by this section is now provided in Chapter 14, so that list of features that may be used to meet the “pedestrian feature” standards of Title 21 does not have to be repeated here.

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climate. This title provides flexibility to encourage and allow for creativity and unique situations through the alternative equivalent compliance and minor modifications process.

2. Applicability

Pedestrian amenities shall meet the minimum standards of this section in order to be credited toward a requirement, menu choice, or as a special feature bonus incentive of this title.

3. Walkway

A walkway is a surface, either improved or not, for the purpose of pedestrian and other non-motorized use, which connects two points and is not aligned along a vehicular public right-of-way. A walkway may be in a publicly dedicated pedestrian easement. Examples include pedestrian connections within one development site, mid-block, between subdivisions, or leading from streets to public amenities, such as schools or parks.

a. A walkway shall have a minimum unobstructed clear width of five feet, except where otherwise stated in this title. A walkway that provides access to no more than four residential dwelling units may have an unobstructed clear width of three feet.

b. Walkways shall be improved in accordance with subsection 21.08.050H.

4. Primary Pedestrian Walkway

A primary pedestrian walkway is intended to provide an unobstructed clear width of at least eight feet for pedestrian movement with additional space incorporating features along the walkway such as storefront sidewalk space, room for residential stoops or building foundation plantings, and peripheral space that accommodates landscaping, furniture, and utilities. As established generally in subsection F.1 and F. 2 above, the standards of this subsection apply only where the specific term "primary pedestrian walkway" is listed as a requirement, menu choice, or special feature that counts toward a bonus. Thus subsection is not a generally applicable requirement for other large walkways.

a. A primary pedestrian walkway shall be developed as a continuous pedestrian route extending for at least 50 feet.

b. A primary pedestrian walkway shall have an unobstructed clear width of at least eight feet. Where adjacent to a ground-floor building elevation it shall also have a sidewalk storefront or building interface zone a minimum of two feet in width for foundation landscaping or three feet in width of sidewalk space for opening doors or seating and transition pedestrian spaces. In addition, a buffer space of at least four feet in width shall be incorporated as part of the walkway when abutting any street or vehicle area, to accommodate street trees, landscaping beds, light poles, utilities, benches, and other objects to be kept clear of the walkway.

c. At least one [OF THE FOLLOWING] pedestrian feature[S] as defined by this title shall be provided for every 50 feet of length along a primary pedestrian walkway[: FORMAL SEATING, SUCH AS BENCHES, WHICH ACCOMMODATES AT LEAST TWO PEOPLE; INFORMAL SEATING, SUCH AS STEPS OR LOW WALLS, WHICH ACCOMMODATES AT LEAST FOUR PEOPLE; AND SPACES SUITABLE FOR STANDING AND TALKING WHICH INCLUDE OBJECTS TO LEAN AGAINST OR EDGE SPACES ALONG IRREGULAR BUILDING FACADES].

d. A primary pedestrian walkway shall be illuminated with pedestrian scale lighting.

Page 351 ANNOTATION

A definition of "pedestrian feature" as used by this section is now provided in Chapter 14, so that list of features that may be used to meet the "pedestrian feature" standards of Title 21 does not have to be repeated here.

This amendment is directed only at plazas that would receive credit toward a floor area bonus, menu choice, or other zoning incentive under title 21. It helps ensure such plazas meet minimum standards for quality to provide a public benefit in return for the credit that they receive. This does not apply to any other plazas.

The PZC recommends deleting some of the minimum standards for housing courtyards to make the standards more flexible. The standards for this section only apply when a housing courtyard is proposed by the applicant to be counted as credit toward a floor area bonus, menu choice, or other zoning incentive under title 21. It does not apply to any other housing courtyard.

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e. A primary pedestrian walkway shall directly connect to surrounding public streets and sidewalks, and be publicly accessible at all times.

5. Ice-Free (Snow Melting [HEATED]) Walkway

An ice-free (snow melting [HEATED]) walkway has a heated surface for the full extent of the walkway clear width. The walkway shall be maintained as ice-free at all times in areas required to be publicly accessible, and otherwise during all hours of operation of an establishment.

6. Plaza or Courtyard

A plaza is an open space which is designed to be used for relaxation, conversation, eating, or other outdoor activities.

a. A plaza shall contain at least one pedestrian feature as defined by this title for each 200 square feet of plaza or courtyard area. [PEDESTRIAN FEATURES INCLUDE FORMAL SEATING SUCH AS BENCHES OR CHAIRS WHICH ACCOMMODATE AT LEAST TWO PEOPLE; INFORMAL SEATING SUCH AS STEPS, PEDESTALS, LOW WALLS, AND SIMILAR AREAS SUITABLE FOR SITTING, WHICH ACCOMMODATE AT LEAST FOUR PEOPLE; 10 LANDSCAPING UNITS; AND OBJECTS SUCH AS FOUNTAINS, KIOSKS (NO MORE THAN ONE), AND ART WORK.]

b. A plaza shall be visible and directly accessible from the public sidewalk and at no point be more than five feet above nor more than 12 feet below the curb level of the nearest street.

c. A plaza shall be unobstructed to the sky except for certain permitted obstructions such as canopies or awnings, landscaping, or ornamental features such as fountains and flag poles.

d. A plaza shall be positioned so that at least two-thirds of its area receives at least four hours of direct or reflected sunlight on March 21 and September 21. A plaza or courtyard may be credited towards a requirement, menu choice, or bonus as long as it meets this standard. The director may reduce this requirement in cases where topography or vegetation shadow the site. Reductions shall be the minimal action that would address these factors.

e. Plazas shall not be paved with asphalt.

7. Housing Courtyard

A housing courtyard may be created when a multifamily building or buildings are arranged or configured to enclose and frame a common private open space. To receive credit as a housing courtyard, the space shall achieve the following:

a. The residential building(s) shall enclose a clearly defined courtyard open space. The structure(s) surrounding the housing courtyard may, for example, form an O, L, or U shaped enclosure.

[A COURTYARD SHALL INCORPORATE AT LEAST 50 PERCENT OF THE COMMON PRIVATE OPEN SPACE REQUIRED FOR THE DEVELOPMENT BY SECTION 21.07.030, UP TO A MAXIMUM REQUIREMENT OF 2,000 SQUARE FEET.]

[THE MINIMUM INSIDE DIMENSION OF A HOUSING COURTYARD SHALL BE 15 FEET ON LOTS UP TO 60 FEET WIDE, AND 20 FEET ON ALL OTHER

Page 352 ANNOTATION

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LOTS, EXCLUSIVE OF BALCONIES, PORCHES, OR PRIVATE OPEN SPACES EXCLUSIVELY SERVING INDIVIDUAL DWELLING UNITS.]

b. A courtyard shall comply with the plaza requirement for pedestrian features, and with the common private open space standards of section 21.07.030.

c. All individual dwelling units around the perimeter of a courtyard shall have windows, entrances, and/or transitional spaces such as porches or balconies that face the courtyard.

[FOR PURPOSES OF SUNLIGHT ACCESS AND WIND PROTECTION, THE HEIGHT OF THE ENCLOSING OR SURROUNDING BUILDING(S) SHALL NOT EXCEED 45 FEET. A PERIMETER STRUCTURE MAY BE TALLER IF STEPPED BACK AT A RATIO OF AT LEAST FIVE FEET OF RUN FOR EVERY THREE FEET OF RISE ABOVE 45 FEET, ON AT LEAST 65 PERCENT OF THE COURTYARD PERIMETER.]

d. A courtyard shall have a solar orientation as defined by this title in terms of openings in the courtyard and the lower height of surrounding buildings.

[TO ATTAIN WIND PROTECTION BENEFITS OF ENCLOSED SPACE, THE WIDTH AND LENGTH DIMENSIONS OF A COURTYARD SHALL BE NO GREATER THAN FOUR TIMES THE HEIGHT OF THE SURROUNDING BUILDING(S).]

8. Transit Stop or Transit Shelter

A transit stop or transit shelter shall meet or exceed the minimum design standards established by the transit facilities design guidelines in the *Design Criteria Manual*.

9. Pedestrian Shelter such as a Canopy, Awning, or Marquee

A pedestrian shelter is a roof-like structure extending out from the building face that provides year round overhead protection from precipitation and wind, and that can provide visual interest and wayfinding orientation to primary entrances, passenger loading areas, or waiting areas. Pedestrian shelter may be composed of awnings, canopies, marquees, cantilevered overhangs, colonnades, or similar overhangs along the pedestrian route.

a. A pedestrian shelter shall have a minimum dimension of six feet measured horizontally from the building wall, or shall extend to a line two feet from the curb line of the street or nearest motor vehicle area, whichever is less.

b. A pedestrian shelter shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 12 feet, except that a pedestrian shelter that projects out more than eight feet measured horizontally from the building wall shall have a maximum vertical clearance of 16 feet.

c. A pedestrian shelter may be indented as necessary to accommodate street trees, landscaping beds, street lights, bay windows, or similar building accessories. A pedestrian shelter shall not extend out to within three feet of the center of the main trunk of a street tree.

d. A pedestrian shelter shall incorporate architectural design features of the building from which it is supported.

Page 353 ANNOTATION

A definition of “pedestrian feature” as used by this section is now provided in Chapter 14, so that list of features that may be used to meet the “pedestrian feature” standards of Title 21 does not have to be repeated here.

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10. Arcade (or Building Recess)

An arcade is a covered passageway created by the overhanging upper portion of the building along a sidewalk or walkway to provide a sheltered area at grade level. An arcade is usually separated from the adjacent street, sidewalk/walkway, or pedestrian space by a line of supporting columns or arches. A ground level building recess without supporting columns may also receive credit if it achieves the following standards:

a. An arcade shall be developed as a continuous covered space extending along a street, plaza, or courtyard or other pedestrian open space. An arcade shall be open for its entire length to the street or pedestrian open space, except for building columns.

b. An arcade shall have a minimum vertical clearance of no less than 12 feet, and on average no greater than 18 feet.

c. An arcade shall have a minimum horizontal walkway clear width of eight feet between the building and any supporting columns, and a maximum covered width of 20 feet.

d. An arcade shall not at any point be above the level of the adjacent sidewalk, walkway, or pedestrian open space (whichever is higher). The width and spacing of the supporting columns shall be such that maximum visibility is maintained.

e. The spacing and rhythm of the supporting columns shall relate to the structural or architectural pattern of the building and shall be consistent along the length of the arcade.

f. No off-street parking spaces, passenger loading zones, driveways, or off-street loading berths are permitted anywhere within an arcade or within 10 feet of any portion thereof, unless the decision-making body determines that such activity will not adversely affect the air quality or functioning of the arcade. In no event shall such vehicular areas be eligible for credit as part of the arcade.

g. An arcade shall be publicly accessible at all times.

11. Atrium, Galleria, or Winter Garden

An atrium, galleria, or winter garden is a publicly accessible sunlit interior space suited for year-round public use, and which takes advantage of windows and sunlight access to provide brightness, orientation, and visual connections to the outdoors.

a. An atrium, galleria, or winter garden shall be developed and maintained as a temperature controlled, publicly accessible space furnished with features and amenities that encourage its use.

b. An atrium, galleria, or winter garden shall contain at least one pedestrian feature as defined by this title for each 200 square feet of [GROSS] floor area. [PEDESTRIAN FEATURES INCLUDE FORMAL SEATING SUCH AS BENCHES OR CHAIRS WHICH ACCOMMODATE AT LEAST TWO PEOPLE; INFORMAL SEATING SUCH AS STEPS, PEDESTALS, LOW WALLS, AND SIMILAR AREAS SUITABLE FOR SITTING WHICH ACCOMMODATE AT LEAST FOUR PEOPLE; 10 LANDSCAPING UNITS; AND OBJECTS SUCH AS FOUNTAINS, KIOSKS (NO MORE THAN ONE), AND ART WORK.]

c. An atrium, galleria, or winter garden shall be co-located with primary entrances and pedestrian activity areas, and either adjoin or directly connect to a publicly accessible sidewalk or open space.

Page 354 ANNOTATION

Administration Addition
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d. The publicly accessible portion of the atrium, galleria, or winter garden shall be at least 400 square feet, with a minimum dimension of 16 feet.

e. At least half of an atrium, galleria, or winter garden's ceiling area and at least a portion of its wall area shall consist of transparent glazing.

f. An atrium, galleria, or winter garden shall be exposed to direct an/or reflected sun for at least four hours daily for eight months of the year.

12. Sun Pocket (or Sun Trap)

A sun pocket or sun trap is a pedestrian space that captures direct and reflected sunlight. A sun pocket shall be a clearly defined open space partly sheltered by building walls, fences, or landscape features, such as a C, L, or U shaped semi-enclosure. The protected space shall contain at least 250 square feet of pedestrian area that is exposed to direct and reflected sunlight access for at least six hours on March 21 and September 21.

13. Reflected Sunlight

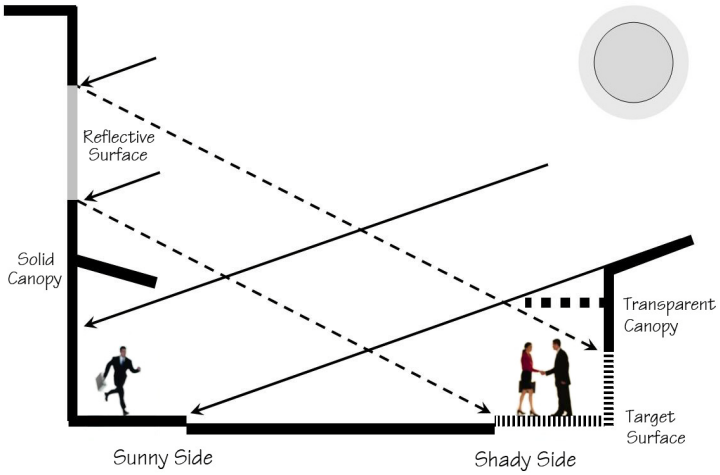
Reflected sunlight as a pedestrian amenity is created by a light-colored, partially reflective, upper-story façade surface that redirects sunlight radiation to pedestrian spaces and walkways to brighten or increase the comfort level in those spaces.

a. The reflective façade surface shall have a solar orientation.

b. The reflective façade surface shall have a reflectance of at least 50 percent and no greater than 75 percent in order to avoid excessive glare.

c. The reflective façade surface shall be an upper floor above ground-level.

d. Reflected sunlight shall fall on at least 400 square feet of a publicly accessible walkway, open space, and/or abutting ground-level wall area for at least four hours on March 21 and September 21.



14. Sheltered Transition Space

A sheltered transition space is an outdoor or glass covered space such as café seating along a building façade that provides a comfortable transition between indoor areas and unsheltered outdoor spaces.

Page 355 ANNOTATION

This feature was approved by PZC as an additional feature available to be counted for a floor area bonus, menu choice, or other zoning incentives under title 21. It describes a building with active ground-floor uses, entries, and windows that face the public street. The building is "interactive" with the sidewalk to support higher levels of pedestrian use in urban centers.

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a. A sheltered transition space shall be a minimum of 400 square feet.

b. A sheltered transition space shall comply with the dimensional standards for pedestrian shelter or arcade.

c. A sheltered transition space shall contain a minimum of one pedestrian feature as defined by this title.[, SUCH AS FORMAL SEATING, INFORMAL SEATING, A TREE, PLANTER, FOUNTAIN, KIOSK, BOLLARD TO LEAN ON, BIKE RACK, OR ART WORK FOR EACH 80 SQUARE FEET OF GROSS FLOOR AREA.]

d. A sheltered transition space shall not obstruct the minimum clear width of the adjoining walkway or sidewalk.

15. Bicycle Parking Facilities

a. Required bicycle parking or a sign leading thereto shall be located in an area visible from a primary entrance area and no farther from a primary entrance than the closest motor vehicle parking space, not including designated accessible parking, carpool, or vanpool spaces. It may also be located inside the building served, in a location that is easily accessible for bicycles.

b. A required bicycle parking space shall include a securely fixed structure that allows the bicycle wheel and frame to be locked to the facility, and that supports the bicycle frame in a stable position without damage to the bicycle, or shall be in a bicycle locker, lockable bicycle enclosure, or lockable room.

c. A required bicycle parking space shall be a minimum of six feet long and two feet wide.

d. The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud and snow.

e. Bicycle parking shall not obstruct pedestrian walkways, building access, or use areas.

16. Pedestrian-Interactive Use

A pedestrian-interactive use is intended to provide ground-floor spaces that strongly engage the sidewalk with street-facing windows and entrances, feature activities and services that support neighborhood residents, and generally contribute to the pedestrian-oriented environment. The standards that follow apply where the term "pedestrian-interactive use" is listed in this title as a requirement, special feature for a bonus, or a menu choice.

a. A pedestrian-interactive use shall be any of the following uses that are permitted in the district: retail and pet services; financial institution providing banking services open to the public with at least one employee on site; food or beverage service; personal service; cultural facility; or the frontage of entryways or stairways through which such uses are principally accessed;

b. Retail sales uses that are permitted in the district shall be considered pedestrian-interactive uses, except for the following types of retail sales uses: fueling station; building materials store.

c. The following uses supporting residential neighborhood and housing development are also considered pedestrian-interactive uses when permitted in the district: residential dwellings with individual front entries along the street; elementary school; middle or high school; health services; child care center.

Page 356 ANNOTATION

This feature was originally intended to be a district-specific option available for property owners in the mixed-use districts. It has been moved to this chapter because the mixed-use districts are proposed to be deleted. It increases the flexibility of the zoning ordinance to allow, through site plan review, a "main street" style commercial sidewalk environment, in lieu of suburban style arterial landscaping buffers. Property owners may choose to propose a "main street" style sidewalk facility, using the standards of this section, in lieu of having to provide the standard sidewalk and required arterial landscaping strip.

It can provide the public and the property owner with mutual benefits. The owner can save space by using some of the right-of-way to meet the requirement. Both the owner and the public can benefit from the enhanced sidewalk facility in appropriate locations.

The dimensions and required streetscape features of the enhanced sidewalk alternative use basic principles for downtown main streets, such as 4th and 5th Avenues in Downtown Anchorage. Like main streets in other cities, the cross-section of these sidewalks provide a relatively wide pedestrian movement zone in the middle, flanked by a "furniture zone" part of the sidewalk on the street side to buffer from moving traffic, and a "storefront zone" or "building interface zone" on the building street wall side.

d. A pedestrian-interactive use shall provide a primary entrance facing the street. Entrances at building corners facing a street may be used to satisfy this requirement.

e. A pedestrian-interactive use shall occupy a habitable space at least 24 feet deep extending along the full length of the ground-floor, street-facing building elevation, allowing for pedestrian and vehicle entrances, entry lobbies or atriums, and stairwells.

f. A pedestrian-interactive use shall comply with subsection 21.06.030C.5., *Maximum Setbacks*.

g. Street-facing ground-floor wall areas of a pedestrian-interactive use shall be 67 percent visual access windows, except that such wall areas for dwellings shall be at least 20 percent visual access windows.

h. Where a building has three or more street frontages, these criteria apply along only two of the frontages.

17. Enhanced Sidewalk Option

An enhanced sidewalk promotes sidewalk widening and streetscape enhancements to support higher levels of pedestrian activity and access in mixed-use developments. An enhanced sidewalk environment with "main street" style amenities may be provided in lieu of required site perimeter landscaping where it is logical to support a pedestrian zone as determined through an administrative site plan review, and subject to the following:

a. The sidewalk width shall be at least 12 feet, and include a pedestrian movement zone, building interface zone, and street interface zone. The street interface zone shall be at least four feet wide along major arterials. A pedestrian-interactive use meeting the standards of F.16. above shall be provided in the building next to the designated sidewalk.

[illustration]

i. A public use easement shall be recorded for any part of the designated sidewalk to be located within the subject parcel.

ii. Physical obstructions within the sidewalk's building interface zone, such as landscaping, entry stoops, or seating, shall extend no more than two feet into the minimum required 12 foot width, so that at least ten feet remain.

b. The enhanced sidewalk shall provide at least two-thirds the number of trees and shrubs required for site perimeter landscaping.

c. The enhanced sidewalk may be placed wholly or in part within a right-of-way, subject to approval of the traffic engineer and municipal engineer.

i. The enhanced sidewalk shall be subject to the applicable requirements of title 24, including sections 24.30.020., *Permit to use Public Places*, and 24.90, *Encroachment Permit*.

ii. Improvements within the public right-of-way shall be consistent with the DCM and MASS.

Page 357 ANNOTATION

In response to comments from within the development community made to the Administration, and with the approval and further adjustments by the PZC and Assembly Title 21 Committee, this amendment proposes to make the pedestrian access requirements for residential projects more flexible. It is based on a practice used in some northern cities allowing "parking courtyards" or "play streets" in lieu of separated vehicle and pedestrian access facilities.

The shared space is marked by very low traffic volume and speeds and a design that prioritizes use by pedestrians while still accommodating cars. It can save space and development costs when compared to having separate facilities, while still achieving the pedestrian access objectives of the land use regulations. Applicants may select this option subject to a site plan review.

The Assembly Title 21 Committee has approved some clarifications to the intent, description, and standards of the "parking courtyard" provision.

PZC recommends deleting the first sentence to simplify the purpose statement.

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iii. Existing improvements that meet the standards of the enhanced sidewalk may be counted towards the requirements of this section, subject to approval by the director.

iv. The owner shall maintain landscaping and amenities for the enhanced sidewalk within the right-of-way, and comply with the provisions for removal of snow and ice in AMC 24.80.090, 100, and 110.

v. Where the right-of-way is not adequate or cannot be configured to accommodate the enhanced sidewalk, then the development shall be set back from the street frontage as necessary to accommodate part of the improvements within the property.

18. Parking Courtyard

A parking courtyard is a pedestrian-oriented parking facility for residential developments that uses the principles of a "Woonerf Street" or "Play Street." It is designed and operated as a shared space to allow all resident users, not only drivers, to use it safely. A parking courtyard that is credited towards a residential pedestrian facility requirement or menu choice of this title shall meet the following standards:

a. The parking courtyard serves no more than eight dwelling units and contains no more than 12 parking spaces (not including garage spaces in individual dwellings);

b. The parking courtyard is a dead end and does not lead or provide access to other dwelling units, parking facilities, or streets;

c. An administrative site plan review is performed, unless a higher level of review is already required;

d. A walkway is provided between the parking courtyard and the street—the common access driveway does not qualify as a pedestrian walkway;

e. A special paving scheme and landscape treatment is applied, as approved through the review;

f. The space is designed for both vehicles and people, with an emphasis on pedestrians and usable, safe, and attractive pedestrian and play space, as approved through the review; and

g. The parking courtyard achieves the intent of this title for pedestrian access, as determined through the review.

21.07.070 NEIGHBORHOOD PROTECTION STANDARDS

A. Purpose and Relationship to Other Requirements

[THIS SECTION PROVIDES FOR TRANSITIONS BETWEEN NONRESIDENTIAL AND RESIDENTIAL USES, THROUGH DISCRETIONARY APPROVAL CRITERIA THAT MAY BE APPLIED IN COMBINATION WITH OTHER DEVELOPMENT STANDARDS IN THIS CHAPTER 21.07, IN ORDER TO PROVIDE SIGNIFICANTLY MORE PROTECTION FOR NEIGHBORHOODS FROM THE IMPACTS OF ADJACENT DEVELOPMENT AND TO CONFORM TO THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN.] This section makes available a menu of additional tools to use in discretionary approvals to protect residential neighborhoods from potential adverse impacts of adjacent nonresidential uses, including limitations on hours of operation, noise, and lighting.

Page 358 ANNOTATION

The Assembly Title 21 Committee supports consistent application of the neighborhood protection standards to commercial lots within a reduced, 200-foot distance of the residential properties to be protecte

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B. Discretionary Conditions

A decision-making body through application of this section shall:

1. Make findings regarding the potential adverse impact that is anticipated by the proposed development;

2. Propose conditions that are specifically related and commensurate to the anticipated impacts identified in the findings; and

3. Propose conditions that are the minimum necessary to avoid or mitigate the anticipated impacts identified in the findings.

C. Nonresidential Development Adjacent to Existing Residential Use

As a condition of the approval of any conditional use permit, site plan review, subdivision, or variance of any nonresidential use located [IN OR] within 200 [300] feet of any residential district, the decision-making body shall be authorized to impose conditions that are necessary to reduce or minimize any potential adverse impacts on residential property. Such conditions shall [MUST] be based on findings which support the imposed condition as required by subsection 21.07.070B., and may include but are not limited to the following:

1. Hours of operation and deliveries;

2. Location on a site of activities that generate potential adverse impacts on adjacent uses, such as noise and glare;

3. Placement of trash receptacles, compactors, or recycling;

4. Location and screening of loading and delivery areas, garages, vehicle fleet parking, or vehicle maintenance areas;

5. Lighting location, intensity, and hours of illumination;

6. Placement and illumination of outdoor vending machines, telephones, or similar outdoor services and activities;

7. Additional landscaping and screening to mitigate adverse impacts;

8. Height restrictions to preserve light and privacy;

9. Ventilation and control of odors and fumes;

10. Paving to control dust; and

11. Location and orientation of changeable type or illuminated signs, to protect residential character and privacy and views from residential units.

D. Residential Development Adjacent To Existing Nonresidential Use

When a residential development is proposed adjacent to an existing commercial or industrial use, the decision-making body may impose neighborhood protection standards, including but not limited to increased landscaping, traffic calming measures, and requiring the residential development to be configured and dwelling units located to minimize potential conflicts with or adverse impacts from the existing nonresidential development. Any required mitigation measures shall be installed and maintained by the residential development, not the existing commercial or industrial use.

Page 359 ANNOTATION

This section largely replaces the landscaping section which was in the Title 21 provisionally adopted draft. The Planning and Zoning Commission created a significant rewrite of the section and the Assembly Title 21 Committee directed Planning staff to work with landscape architects from the American Society of Landscape Architects (ASLA) – Alaska Chapter to develop a new landscaping section largely based on a version developed by a licensed landscape architect. This draft is largely a result of the work by the ASLA landscaping committee, review by Planning staff, and direction by the Assembly Title 21 Committee.

Overall, this draft landscaping section has made the following major changes from the provisionally adopted draft: 1) a return to more prescriptive landscaping requirements similar to the current Title and deletion of the landscape units system, but the addition of optional design standards; and, 2) revision of the landscape surety requirements to base the amount of the guarantee on the size of the site.

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21.07.080 LANDSCAPING, SCREENING, AND FENCES

A. Purpose

This section is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development [AND THAT IT CONTRIBUTES ADDED HIGH QUALITY TO DEVELOPMENT, RETAINS AND INCREASES PROPERTY VALUES, AND IMPROVES THE ENVIRONMENTAL AND AESTHETIC CHARACTER OF THE COMMUNITY]. It is also the intent of this section to provide flexible requirements that encourage and allow for creativity in landscape design. More specifically, these provisions are intended [SPECIFIC PURPOSES INCLUDE] to:

1. Visually enhance industrial, commercial, community use, and residential development through retention of existing native or ornamental vegetation or through new landscaping improvements. [IMPROVE THE GENERAL APPEARANCE OF THE MUNICIPALITY, ITS AESTHETIC APPEAL AND IDENTITY, AND THE IMAGE OF ITS STREET CORRIDORS AND URBAN DISTRICTS;]

2. Integrate new or renovated development into the surrounding context of the community including its neighborhoods and street corridors. [ENCOURAGE A PLEASANT VISUAL CHARACTER FOR NEW DEVELOPMENT WHICH RECOGNIZES AESTHETICS AND SAFETY ISSUES;]

3. Separate, screen, and buffer adjacent incompatible land uses through the use of landscape plantings, fencing, and other appropriate landscape architectural features. [UNIFY DEVELOPMENT AND ENHANCE AND DEFINE PUBLIC AND PRIVATE SPACES;]

4. Reduce and treat runoff of storm water to preserve the quality of local streams and water bodies. [IMPROVE COMPATIBILITY BETWEEN LAND USES BY REDUCING THE VISUAL AND OPERATIONAL IMPACTS OF MORE INTENSIVE USES UPON ADJACENT PROPERTIES;]

[PROMOTE THE USE OF EXISTING VEGETATION AND RETENTION OF TREES, WOODLANDS, HABITAT, AND URBAN FOREST;

REDUCE RUNOFF AND EROSION, CONTROL DUST, AND PRESERVE AIR AND WATER QUALITY; AND

ENCOURAGE USE OF NATIVE PLANTS OR PROVIDE LANDSCAPING THAT IS COMPATIBLE WITH THE CLIMATE AND NATURAL SETTING OF THE MUNICIPALITY AND CAN PROVIDE DESIRED EFFECTS EVEN DURING HARSH URBAN AND WINTER CONDITIONS.]

B. Exemption for Temporary Uses

Unless required under section 21.05.080, temporary uses in accordance with section 21.05.080 are exempt from the requirements of this section.

C. Landscape Plan

1. All landscaping and screening required under this section 21.07.080 shall be reflected on a landscape plan for review and approval by the decision-making body.

2. Except for lots where there is a single principal structure containing between one and four dwelling units, all development [ALL DEVELOPMENT, EXCEPT FOR SINGLE-FAMILY, TWO-FAMILY, THREE-FAMILY, AND FOUR-FAMILY HOMES ON INDIVIDUAL LOTS,] shall have a landscape plan prepared by a licensed landscape architect registered by the

Page 360 ANNOTATION

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state of Alaska consistent with AS 08.48 and 12 AAC 36, for review and approval [OR ANOTHER DESIGN PROFESSIONAL AS ALLOWED BY STATE LEGISLATION. THE LANDSCAPE PLAN SHALL BE REVIEWED AND APPROVED] by the decision-making body. [A LANDSCAPE PLAN MAY BE COMBINED WITH ANY LAND CLEARING, VEGETATION PROTECTION, EROSION CONTROL, OR SNOW REMOVAL PLAN REQUIRED FOR COMPLIANCE WITH OTHER SECTIONS OF THIS TITLE. WHERE A LANDSCAPE PLAN IS REQUIRED UNDER THIS TITLE, THE PLAN SHALL INCLUDE THE INFORMATION SPECIFIED IN THE TITLE 21 USER'S GUIDE.] Minimum requirements for the landscape plan are as follows:

a. Plan scale shall be easily readable and not smaller than one inch equals 30 feet.

b. Plans and/or schedules shall call out the common and scientific name for each plant type or ground cover to be used.

c. The plan shall identify plant locations and sizes in accordance with the sizing standards of the American Standard for Nursery Stock (ANSI Z60.1-2004) as published by the American Nursery and Landscape Association.

d. The plan shall identify locations and areas where existing native vegetation is being used to fulfill the requirements of this section.

e. The location of buildings, walkways, vehicular circulation (to include adjacent streets), retaining walls, and fences shall be indicated.

f. Topography, expressed in contours or spot elevations, shall be identified on plans. Additionally, all drainage features to include swales, biofiltration swales, drainage basins, snow storage and disposal areas, and any inlets for storm drains shall be identified on plans. A separate plan, detailing site grading, that includes contours and/or spot elevations is acceptable.

g. The plan shall identify existing and proposed utility elements such as easements, transformers, utility poles, street lights, and curb cuts that affect the landscape plan.

h. Planting details shall be provided.

i. North arrow and scale shall be included.

D. Cross-References to Other Requirements

1. Landscaping

Any use that is required to provide landscaping or screening pursuant to the district-specific standards of chapter 21.04, [OR] the use-specific standards of chapter 21.05, or the standards of other sections of this chapter 21.07, shall provide such landscaping or screening. In the event of a conflict between other [THE] requirements [OF CHAPTER 21.04 OR 21.05] and the requirements of this section 21.07.080, the more restrictive provisions shall govern.

2. Walkways

Refer to subsection 21.07.060E.4.a.

3. Parking and Loading Facilities and Vehicular Overhangs

Refer to subsections 21.07.090H.3. and H.10.

4. Private Open Space

Refer to subsection 21.07.030D.

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5. Snow Storage

Refer to subsection 21.08.040F.4.

E. Types of Landscaping

Four types of landscaping may be required for a development, depending on the use and zoning district of the property and adjacent properties, and the portion of the property involved. These types of landscaping are: (1) site perimeter landscaping; (2) parking lot landscaping—perimeter and interior; (3) site enhancement landscaping applied in site interiors; and (4) tree requirements for new residential development. Minimum requirements for these landscaping types are set forth in subsections 21.07.080E.1. through E.4. below and in table 21.07-1.

Page 362 ANNOTATION

This table replaces tables 21.07-1 and 21.07-3 of the provisionally adopted draft. The landscape units used in the former draft have been replaced by more prescriptive standards and optional design standards which can be applied in certain situations.

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TABLE 21.07-1: LANDSCAPING SPECIFICATIONS

TYPE OF LANDSCAPING	BED WIDTH OR AREA/LOCATION REQUIRED	PLANT MATERIALS REQUIRED	OPTIONAL DESIGN STANDARDS
SITE PERIMETER LANDSCAPING REQUIREMENTS			
Visual Enhancement Landscaping (L1)	Minimum average planting bed width: 8 feet as measured for each leg of the perimeter. Minimum planting bed width: 5 feet. No more than one-half the property line length or 50 feet, whichever is less, may have a planting bed width less than 8 feet in width. The maximum bed width used for the calculation of average bed width may not be greater than 12 feet.	Provide 1 tree and 6 shrubs per 20 linear feet of property requiring visual enhancement landscaping. All area within the planting bed shall be covered with living ground cover, turf, or mulch.	Use of raised planters, pedestrian amenities, and pedestrian scale lighting may be used to offset up to 1/3 of trees and 1/3 of shrubs, through an administrative site plan review. Up to 1/2 of total required shrubs may be substituted with perennial plantings at a ratio of three 1-gallon container perennials for every shrub required. Trees may be substituted with an equal number of shrubs at 6-foot minimum planting height in utility easements with overhead lines.
Buffer Landscaping (L2)	Minimum average planting bed width shall be 15 feet, with minimum width at any point not less than 10 feet, except as modified by the Optional Design Standards, in which case the overall minimum planting bed width shall be 10 feet.	Provide 2 trees and 6 shrubs per 20 linear feet of property line requiring buffer landscaping. At minimum, 1/2 of all trees shall be coniferous. Distribute trees and shrubs evenly along the length of the planting bed. All areas within the planting bed shall be covered with living ground cover, turf, or mulch. If relying on existing vegetation to meet these requirements, use of a site-obscuring or screening fence as an optional design standard is not allowed.	A 6-foot high ornamental sight-obscuring or screening fence may be used in lieu of 5 feet of planting bed width. The fence shall be situated within two feet of the property line, except where utilities or existing conditions create a conflict. Trees may be substituted with an equal number of shrubs at 6 feet minimum planting height in utility easements with overhead lines.
Screening Landscaping (L3)	Minimum planting bed width of 30 feet, except as allowed by the Optional Design Standards.	Provide 3 trees and 10 shrubs per 20 linear feet of property line requiring screening landscaping. At minimum, 75% of all trees shall be coniferous. Trees and shrubs shall be evenly distributed along the frontage. All areas within the planting bed shall be covered with living ground cover, turf, or mulch.	Planting bed width may be reduced by 10 feet with provision of an 8-foot high ornamental screening fence.

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TABLE 21.07-1: LANDSCAPING SPECIFICATIONS

TYPE OF LANDSCAPING	BED WIDTH OR AREA/LOCATION REQUIRED	PLANT MATERIALS REQUIRED	OPTIONAL DESIGN STANDARDS
Freeway Landscaping (L4)	Freeway landscaping requirements shall apply to any lot abutting the right-of-way of: 1. Seward Highway between Tudor Road and Potter Valley Road. 2. Glenn Highway between Boniface Parkway and the northern municipal boundary. 3. Minnesota Drive/O'Mally Road between International Airport Road and the Old Seward Highway. Minimum planting bed width of 30 feet, except as allowed by the optional design standards.	Provide 3 trees and 10 shrubs per 20 linear feet of property line requiring freeway landscaping. At minimum, 1/2 of all trees shall be coniferous. Trees and shrubs may be distributed along frontage at owner's discretion. All areas within the planting bed shall be covered with living ground cover, turf, or mulch.	Planting bed width may be reduced by 10 feet with provision of an 8-foot high ornamental screening fence. If this option is chosen, the fence shall be set back 20 feet from the right-of-way, plant material requirements remain the same, and all required plantings shall be on the freeway side of the fence.
PARKING LOT LANDSCAPING REQUIREMENTS			
Parking Lot Perimeter Landscaping	Same as perimeter landscaping bed width requirements for L1 or L2 landscaping, as applicable. Refer to L1 and L2 perimeter landscaping requirements above in this table.	As required for L1 visual enhancement or L2 buffer landscaping (see subsection E.2.b.ii.) Trees and shrubs may be grouped to best serve the design intentions for the site and promote safe use. Sight-lines for entry and egress shall be considered for placement of landscaping. All areas within the planting bed shall be covered with living ground cover, turf, or mulch.	Where L1 visual enhancement landscaping is required in the same location as site perimeter landscaping, the requirement for parking lot landscaping takes precedence—no use of optional design standards allowed. Where parking lot perimeter landscaping is in the same location as a higher level of site perimeter landscaping, the site perimeter landscaping requirement takes precedence.
Parking Lot Interior Landscaping	Provide total area in accordance with parking lot interior landscaping requirements in subsection F.2.c. Minimum area for individual beds shall be 165 square feet. Minimum bed width: 8 feet.	1 tree and 6 shrubs per 150 square feet of total internal landscaping required. All areas within the planting bed shall be covered with living ground cover, turf, or mulch. Plant materials shall be evenly distributed throughout planting beds in the parking lot.	Individual planting beds that are designed to be used for biofiltration may substitute up to 3/4 of the required trees and 2/3 of the required shrubs with site appropriate herbaceous plant material in planting beds designed as rain gardens according to the municipal Low Impact Development Design Guidance Manual (latest edition), at a ratio of 12 plants per tree and 2 plants per shrub.

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TABLE 21.07-1: LANDSCAPING SPECIFICATIONS

TYPE OF LANDSCAPING	BED WIDTH OR AREA/LOCATION REQUIRED	PLANT MATERIALS REQUIRED	OPTIONAL DESIGN STANDARDS
SITE ENHANCEMENT LANDSCAPING REQUIREMENTS			
Site Enhancement Landscaping	Provide on all areas of the site not occupied by buildings, structures, driveways, walkways, off-street parking, or other authorized uses or installations, and not otherwise devoted to landscaping required by this title.	Areas subject to site enhancement landscaping shall be covered with living ground cover, turf, or planting beds with trees and shrubs, at the discretion of the property owner.	

1. Site Perimeter Landscaping Requirements

a. *Purpose*

Site perimeter landscaping separates land uses of different characteristics or intensities, to minimize the effects of one land use on another. Perimeter landscaping also marks the interface between public streets and individual property. Four basic levels of site perimeter landscaping are provided to accommodate a variety of land uses at a variety of intensities: (1) visual enhancement landscaping; (2) buffer landscaping; (3) screening landscaping; (4) freeway landscaping. Specifications for these landscaping types are found in table 21.07-1.

b. *Applicability*

Site perimeter landscaping shall be provided along the perimeter property line of development sites in accordance with table 21.07-2, except for the following:

i. At approved points of pedestrian or vehicle access;

ii. On individual single-family and two-family lots that are not being developed as part of a subdivision, unless required elsewhere in this title; and

iii. Along alleys.

c. *Exceptions*

i. Development which is eligible to use enhanced "main street" style sidewalk environment standards of subsection 21.07.060F.17. may use those standards in lieu of required visual enhancement or buffer landscaping along public streets.

ii. L4 freeway landscaping may be replaced with L2 buffer landscaping in the following situations:

(A) Any lot whose area, less the 30-foot setback area for the L4 freeway landscaping, is less than the minimum lot area required in the zoning district; or

(B) Any lot whose depth, excluding all setbacks required by this title, is less than 100 feet.

Page 365 ANNOTATION

This table is largely the same as in the provisionally adopted draft but differs in that it has removed the mixed-use district categories due to deletion of these districts in the Assembly Committee's recommended draft, deleted visual enhancement landscaping which was previously required between R-2M, R-3, and R-4 districts, and replaced the footnote language in the table.

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TABLE 21.07-2: MINIMUM SITE PERIMETER LANDSCAPING – BY ABUTTING DISTRICT OR STREET

	Required Level of Site Perimeter Landscaping (Levels 1-4) [1, 2]												
Abutting District or Street / District of Proposed Development	R-6, R-8, R-9, R-10, TA	R-1, R-1A, R-2A, R-2D, R-5, R-7	R-2M	R-3	R-4, R-4A	PLI	B-1A, B-1B, B-3, RO	I-1, I-2, MC, MI	PR	Freeway	Arterial, Expressway	Collector	Local Street
R-6, R-8, R-9, R-10, TA		L2	L2	L2	L2	L2	L2	L2		L4	L2		
R-1, R-1A, R-2A, R-2D, R-5, R-7	L2		L2	L2	L2	L2	L2	L2		L4	L2	L1	
R-2M	L2	L2			L2	L2	L2	L2		L4	L2	L1	
R-3	L2	L2				L2	L2	L2		L4	L2	L1	L1
R-4, R-4A	L2	L2	L2			L2	L1	L2		L4	L1	L1	L1
PLI	L2	L2	L2	L2	L2		L1	L1	L1	L4	L1	L1	L1
B-1A, B-1B, B-3, RO	L2	L2	L2	L1	L1	L1		L1	L2	L4	L1	L1	L1
I-1, I-2, MC, MI, AF	L2	L2	L2	L2	L2	L1	L1		L2	L4	L1	L1	L1
PR						L1	L2	L2		L4	L1	L1	L1

NOTES:

[1] This table lists minimum site perimeter landscaping standards. Other chapters or sections of title 21 may have stricter site perimeter landscaping standards which would be used instead of the standards listed in this table.

[2] L3 screening landscaping is not included in this table as it only occurs as a use-specific standard for certain industrial uses, or through development-specific application in processes such as conditional use approvals.

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Page 366 ANNOTATION

This new landscaping category has modified the landscaping requirements from what was required for screening landscaping in the provisionally adopted draft.

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d. ***Visual Enhancement Landscaping***

Visual enhancement landscaping is intended to integrate new or renovated development into the surrounding community and is required along property perimeters that abut another zoning district or a public right-of-way. Landscaping improvements shall be placed within the area identified as the perimeter landscaping area and may be organized to the best advantage of property development.

e. ***Buffer Landscaping***

Buffer landscaping is intended to help separate one land use from another land use that may be incompatible for reasons such as the intensity of use or the visual character.

f. ***Screening Landscaping***

Screening landscaping provides the highest level of buffering between land uses, and is mostly applied by use-specific standards in chapter 21.05 between residential land uses and abutting industrial uses.

g. ***Freeway Landscaping***

Freeway landscaping is intended to enhance the appearance of the municipality along portions of the Seward Highway, the Glenn Highway, and Minnesota Drive/O'Malley Road. Landscaping improvements in these designated areas may be used to screen adjacent uses, such as residential uses impacted by the adjacent roadways, and to enhance the appearance of major visual and scenic corridors and entrance gateways of the community. Freeway landscaping is limited to specific areas along major highways in Anchorage as identified in table 21.07-1.

2. Parking Lot landscaping Requirements

a. ***Purpose***

Parking lot landscaping softens the view and breaks up the visual impact of extensive paved surfaces associated with multifamily residential and nonresidential development. It also contributes to storm water management, provides orientation to entrances, increases outdoor comfort levels, and mitigates wind and dust in large parking lots. Parking lot landscaping consists of parking lot perimeter landscaping and parking lot interior landscaping.

b. ***Parking Lot Perimeter Landscaping***

i. Parking lot perimeter landscaping is required for all parking lots with 10 or more parking spaces that are associated with any multifamily or nonresidential use, and for parking lots that are a principal use on a site.

ii. Parking lot perimeter landscaping shall be placed on all perimeters of a parking lot, which includes appurtenant driveways, where the parking lot abuts a property line. L2 buffer landscaping shall be used where a nonresidential district abuts a residential district, or is adjacent to a residential district across an alley, and where a multifamily district abuts a single-family residential district. All other sides of the parking lot perimeter shall have L1 visual enhancement landscaping.

iii. Exceptions include:

(A) At approved points of pedestrian and vehicle access; and

Page 367 ANNOTATION

This is a proposed new provision which specifies how much of corner areas of a parking lot may be used toward meeting the parking lot interior landscaping requirements.

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(B) Adjacent to lots being developed under a common development plan, where the director waives the requirement.

c. ***Parking Lot Interior Landscaping***

Parking lot interior landscaping is intended to visually enhance and break up the area of larger parking lots. Parking lot interior landscaping is required for any parking lot with 40 or more parking spaces. The area of the parking lot shall be determined by the total paved area including parking, circulation aisles, and appurtenant driveways.

i. Parking lot interior landscaping requirements are as follows:

(A) 40 to 100 parking spaces: An area equal to at least five percent of the parking lot shall be devoted to landscaping.

(B) 101 to 200 parking spaces: An area equal to at least eight percent of the parking lot shall be devoted to landscaping.

(C) More than 200 parking spaces: An area equal to at least ten percent of the parking lot shall be devoted to landscaping.

ii. Areas eligible to be counted as parking lot interior landscaping in subsection c.i. above shall be surrounded by parking area and/or driveway on at least three sides, except that up to 50 percent of the total parking lot interior landscaping, up to a maximum of 800 square feet, may include landscaping areas with parking area and/or driveway on only two sides (such as corner areas of parking lots).

iii. For parking lots with more than 200 spaces, a linear landscaping break with a minimum width of 8 feet shall be provided parallel to every third drive aisle. This area may count toward the total interior parking lot landscaping requirement.

iv. Parking lots with more than 200 spaces and exceeding the parking requirements by 25 percent or more shall increase the parking lot interior landscaping area by the amount provided in subsection 21.07.090E.4.d.

v. Fifty percent of the area required for parking lot interior landscaping may be accommodated by biofiltration swales. The use of biofiltration swales to partially fulfill some portion of the need for parking lot interior landscaping requires that swales be a minimum of ten feet in width and designed to promote biofiltration.

3. Site Enhancement Landscaping

a. ***Purpose***

Site enhancement landscaping provides plant materials to open areas of a site to enhance the appearance and function of the building and site, to help prevent erosion and dust by covering bare disturbed areas, and to help reduce and clean storm water runoff.

b. ***Applicability and Requirements***

Site enhancement landscaping requirements, including required area and planting materials, are provided in table 21.07-1.

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4. Trees for Residential Development

a. *Purpose*

This section encourages the retention of existing trees and establishes a minimum requirement for trees in new residential development.

b. *Applicability*

This section applies to residential development, except for single-family and two-family lots that were platted before [effective date].

c. *Requirements*

All individual lots in a subdivision shall have a minimum of one tree. A minimum of 20 trees per acre is required in new residential developments. Deciduous tree plantings shall be two-inch caliper or greater, and coniferous tree plantings shall be six feet in height or greater. This section may be fulfilled by the preservation of existing trees as provided in subsection G.1.b. below. Existing cottonwood trees may not be used to fulfill this requirement.

F. General Landscaping Requirements and Standards

1. Plant Materials

Anchorage lies generally within the USDA climactic zone 3. This categorization is intended to help identify plants with suitable hardiness to survive in our climate. There are known microclimates within Anchorage that are less severe in some areas and more severe in others. It is not the intent of this title to dictate the use of individual species; however property owners are encouraged to understand the local climate and to use plant species known to be hardy. It is the property owner's responsibility to replace plant materials which are provided in response to the requirements of this title, but perish due to poor maintenance, lack of hardiness, mechanical damage, or some other reason. In all cases, the plant materials shall be living and free of defects and of normal health, height, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Nursery and Landscape Association. Plants may be nursery grown or native transplants, provided they meet the requirements of ANSI Z60.1.

a. *Minimum Size of Planting Materials*

i. *Trees*

(A) Deciduous trees: 2 inch caliper

(B) Coniferous trees: 6 feet in height

ii. *Shrubs*

(A) Deciduous shrubs: 18 inches in height

(B) Evergreen shrubs: 18 inches in height

(C) Creeping evergreen shrubs: 18 inch spread

b. *Preservation of Existing Plant Material*

This title acknowledges the great benefit of preserving existing mature plan material over the replacement of such material with new immature landscape plantings. The mature landscaping may consist of a mass of native plant materials that include a complete community of trees, shrubs, and ground covers, or it may consist of mature individual tree specimens.

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c. ***Native Plant Material Mass***

A mass of existing native plant material preserved on site may be utilized to fulfill a portion of the landscaping requirements identified in this title. To fulfill this requirement, existing plant materials shall include trees, shrubs, and groundcovers. The quantity of trees within the stand of native plant materials shall be at least equal to the quantity of trees required for the types of landscaping identified above. Cottonwood trees (Populus balsamifera and Populus trichocarpa) may be kept, but shall not be included in the count of trees to meet these requirements. Provided that the stand(s) of existing vegetation meet the requirement for the quantity of trees, the area of the stand of existing vegetation shall be equal to at least 50 percent of the total square foot area for which the existing vegetation is fulfilling the landscaping requirement. Use of existing vegetation may be mixed with planted landscaping improvements to fulfill total requirements.

d. ***Individual Tree Specimens***

Existing individual tree specimens that are preserved on-site may be used towards meeting the landscaping requirements for visual enhancement, buffer, screening, or freeway landscaping, as identified above, if these trees are located in the applicable site perimeter or parking lot landscaping areas. Retained existing trees that meet the above requirements shall be credited as follows:

i. Coniferous trees 10 feet or more in height are equivalent to three new trees.

ii. Deciduous trees 6 inches or greater caliper are equivalent to three new trees.

Cottonwood trees (Populus balsamifera and Populus trichocarpa) may not be used to meet this requirement.

2. Planting Location

a. ***Utility Easements***

Required landscaping areas may overlap with utility easements.

b. ***Visibility Clearance Areas***

All landscaping and screening materials shall comply with the clear vision area requirements of the traffic division.

3. Planting Bed and Vegetation Areas

a. ***Protection of Landscaping***

All required landscaped areas shall be protected from potential damage by adjacent uses, such as parking and storage areas. Concrete barrier curbs or an alternate barrier capable of maintaining separation between vehicles and plantings and at least six inches in height shall be provided between vehicular use areas and landscaped areas. Landscaped areas shall be protected from impacts resulting from snow removal operations.

b. ***Existing Plant Materials***

Where existing plant materials are used to meet the requirements of this section, plant materials shall be protected from construction activities in accordance with the following:

Page 370 ANNOTATION

This subsection replaces the "Surety" subsection of the provisionally adopted draft. This latest version bases the financial amount of the guarantee on site size and exempts single-family and two-family homes on individual lots from the surety requirements. The irrigation system option from the provisionally adopted draft was also deleted.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

i. *Construction Fence*

A construction fence shall be placed around each tree or group of trees and shrubs to be retained at or beyond the edge of the tree protection zone. Construction fencing shall be placed prior to the commencement of construction work and shall be maintained for the duration of the construction period. Construction fencing shall consist of a durable material, such as chain link or wood fencing. Plastic tape is not an acceptable alternate.

ii. *Plant Material Replacement*

In the event that existing plant materials die as a result of construction activity or for any other reason, the owner is responsible for replacement with other landscaping materials in accordance with the requirements of this section.

c. *Ground Covers and Mulches*

i. Planting beds containing trees and shrubs shall use mulches which consist of shredded bark or mineral mulches that do not become compacted.

ii. For areas of the site outside of planting beds and subject to site enhancement landscaping, ground cover plants such as lawn grasses shall be planted to provide continuous ground coverage within three years.

4. Installation of Landscaping

a. *Timing*

All required landscaping and screening shall be installed by the developer. All landscaping shall be installed before a certificate of zoning compliance is issued. If a certificate of zoning compliance is requested between September and May, then the certificate shall be conditioned upon the landscaping being installed before the following August 31.

b. *Guarantee of Landscaping Survival*

i. The owner shall be responsible for landscaping installed to fulfill the requirements of this title and the approved site landscape plan. In order to ensure the preservation or replacement of required and installed landscaping, the owner shall provide to the municipality a warranty guarantee such as a letter of credit, escrow, performance bond, or other surety as approved by the director. Single-family and two-family homes on individual lots are exempt from providing this guarantee. The warranty guarantee shall be in an amount equal to the following schedule, and shall remain in effect for two years, starting on the date the municipality witnesses the installation per the approved landscape plan.

TABLE 21.07-3: WARRANTY GUARANTEE SCHEDULE

Lot Area	Value of Surety
10,000-15,000 sf	$1,200
15,001-20,000 sf	$1,750
20,001-30,000 sf	$5,000
30,001-40,000 sf	$7,500
40,001-50,000 sf	$10,000

Page 371 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

50,001-75,000 sf	$12,500
75,001-100,000 sf	$15,000
100,001 sf and greater	$20,000

ii. At warranty end and prior to the municipality authorizing release of the guarantee, a licensed landscape architect or a certified arborist shall inspect the landscaping. When landscaping is found to be complete and healthy as intended, the inspector shall provide affidavit of the same to the director. At the direction of the above inspector, the owner shall replace failed or failing landscaping with healthy material per the approved landscape plan and to the satisfaction of the inspector.

5. Maintenance and Replacement

a. Trees, shrubs, other vegetation, irrigation systems, fences, and other landscaping, screening, and fencing elements shall be considered as elements of a development in the same manner as other requirements of this title.

b. The property owner shall be responsible for regularly maintaining all landscaping elements in good condition. All landscaping shall, to the extent reasonably feasible, be maintained free from disease, weeds, and litter.

c. Any landscaping element that dies, is removed, or is seriously damaged shall be replaced with the same type and size landscaping element that is shown on the approved landscape plan for the site.

d. All landscaping, screening, and fencing materials and structures shall be repaired and replaced as necessary to maintain them in a structurally sound condition.

6. [GENERAL DESCRIPTION OF MINIMUM LANDSCAPING REQUIREMENTS

FOUR TYPES OF LANDSCAPING MAY BE REQUIRED FOR A DEVELOPMENT, DEPENDING ON THE USE AND ZONING DISTRICT OF THE PROPERTY AND ADJACENT PROPERTIES, AND THE PORTION OF THE PROPERTY INVOLVED. THESE TYPES OF LANDSCAPING ARE: (1) SITE PERIMETER LANDSCAPING, (2) PARKING LOT LANDSCAPING, (3) SITE ENHANCEMENT LANDSCAPING, AND (4) TREE REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENT. MINIMUM REQUIREMENTS FOR THESE LANDSCAPING TYPES ARE SET FORTH IN SUBSECTIONS 21.07.080F.5., 6., 7., AND 8. BELOW.

7. DETERMINING REQUIRED LANDSCAPING

a. BOTH EXISTING AND INSTALLED LANDSCAPING ARE ASSIGNED A UNIT VALUE IN TABLE 21.07-1. TABLE 21.07-3 PROVIDES THE NUMBER OF UNITS PER LINEAR FOOT OF FRONTAGE THAT IS REQUIRED FOR EACH LEVEL OF SITE PERIMETER LANDSCAPING, AS WELL AS THE MINIMUM WIDTH AND MINIMUM AVERAGE WIDTHS OF THE LANDSCAPED AREAS. OTHER TYPES OF LANDSCAPING STATE THE UNITS PER SQUARE FOOT THAT IS REQUIRED TO BE INSTALLED IN A CERTAIN AREA.

b. BY MULTIPLYING THE APPLICABLE FRONTAGE OR AREA BY THE UNITS REQUIRED PER LINEAR OR SQUARE FOOT, THE TOTAL NUMBER OF REQUIRED UNITS IS CALCULATED. IF THE RESULTANT NUMBER CONTAINS A FRACTION, THE NEXT HIGHEST WHOLE NUMBER SHALL BE USED. APPLYING ANY SECONDARY REQUIREMENTS OF THE

LANDSCAPING TYPE (FOR EXAMPLE, A MINIMUM NUMBER OF UNITS REQUIRED TO BE TREES), THE LANDSCAPE DESIGNER MAY CHOOSE THE ALLOCATION OF LANDSCAPE UNITS FROM TABLE 21.07-1 AND ARRANGE THEM IN THE LANDSCAPE AREA.

c. IN SOME INSTANCES, LANDSCAPING OR SCREENING REQUIREMENTS FOR A PARTICULAR AREA, SUCH AS A FENCE REQUIREMENT, MAY RESULT IN EXCEEDING THE MINIMUM PERIMETER UNIT REQUIREMENT LISTED IN TABLE 21.07-3.

8. SHARED CREDIT AMONG LANDSCAPING TYPES

CREDIT FOR ONE TYPE OF LANDSCAPING MAY BE APPLIED TO ANOTHER, WITHIN THE FOLLOWING PARAMETERS:

a. LANDSCAPING PROVIDED TO MEET A SITE PERIMETER LANDSCAPING REQUIREMENT MAY BE USED TO SATISFY A REQUIREMENT FOR PARKING LOT PERIMETER LANDSCAPING, OR VISE VERSA, ALONG THE SAME LOT LINE OR STREET FRONTAGE;

b. TREES RETAINED OR PLANTED AS PART OF A TREE REQUIREMENT UNDER SUBSECTION 21.07.080F.8. MAY COUNT TOWARD OTHER TYPES OF LANDSCAPING REQUIRED UNDER SUBSECTIONS 21.07.080F.5 THROUGH F.7., WHERE THE TREE LOCATION COINCIDES WITH THE REQUIRED LANDSCAPE AREAS;

c. WHERE ONE TYPE OF REQUIRED LANDSCAPING AREA COINCIDES WITH ANOTHER, THE STRICTER PROVISIONS SHALL APPLY UNLESS OTHERWISE SPECIFIED IN THIS SECTION; AND

d. SITE ENHANCEMENT AND INTERIOR PARKING LOT LANDSCAPING MAY NOT BE COUNTED TOWARD SITE PERIMETER OR PARKING LOT PERIMETER LANDSCAPING. INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS MAY NOT BE MET BY ANY OTHER TYPE OF LANDSCAPING.

9. LANDSCAPE UNITS AWARDED

TO PROVIDE FOR FLEXIBILITY, ALLOW DESIGN CREATIVITY, AND ENCOURAGE RETENTION OF EXISTING TREES ON A SITE, THE REQUIRED AMOUNT OF PLANTING MATERIAL FOR SITE ENHANCEMENT, SITE PERIMETER, PARKING LOT, OR TREE RETENTION LANDSCAPING IS BASED ON A "LANDSCAPE UNITS" POINT SYSTEM. THE NUMBER OF UNITS AWARDED TO EACH LANDSCAPING ELEMENT IS LISTED IN TABLE 21.07-1 BELOW.

TABLE 21.07-1: LANDSCAPE UNITS AWARDED

LANDSCAPE MATERIAL[1]	LANDSCAPE UNITS AWARDED	
	NEWLY INSTALLED	EXISTING RETAINED[2]
LANDMARK TREE[3]	N/A	25
EVERGREEN TREE, >10 FT HIGH	12	15
EVERGREEN TREE, >8 – 10 FT HIGH	9	11
EVERGREEN TREE, 6 – 8 FT HIGH	6	8
DECIDUOUS TREE, >4" CALIPER[4]	20	20
DECIDUOUS TREE, >3" TO 4" CALIPER[4]	12	15
DECIDUOUS TREE, 2.5" CALIPER[4]	8	10

TABLE 21.07-1: LANDSCAPE UNITS AWARDED		
DECIDUOUS TREE, 2" CALIPER OR MULTI-STEM (AT LEAST ONE STEM AT 2" CALIPER)[4]	4	5
DECIDUOUS SHRUB, 36" TO 48" HIGH	1	1.2
DECIDUOUS SHRUB, 24" TO 35" HIGH	0.8	1
DECIDUOUS SHRUB, 18" TO 23" HIGH	0.5	0.6
EVERGREEN SHRUB, 10" TO 18" HIGH	1	1.2
PERENNIALS/GROUND COVER (PER #1 CONTAINER)	0.25 PER CONTAINER	
TOPSOIL (4" DEPTH) AND LAWN SEEDING	1.2 PER 100 SQ FT	
EARTHEN BERM (SEEDING OR COVER), MINIMUM 18" HIGH	0.15 PER LINEAR FOOT	
HARDSCAPE MATERIAL	**UNITS AWARDED**	
ORNAMENTAL SCREENING FENCE (BETWEEN 4 FT. AND 6 FT. HIGH)	0.3 PER LINEAR FOOT	
ORNAMENTAL METAL FENCE (3 TO 4 FEET HIGH)	1.7 PER LINEAR FOOT	
ORNAMENTAL WALL (APPROX. 3 FEET HIGH)	1.6 PER LINEAR FOOT	
DECORATIVE SEAT WALLS (APPROX. 18" HIGH)	2 PER LINEAR FOOT	
ORNAMENTAL PAVERS	0.12 PER SQ FT	
LANDSCAPE BOULDERS, WITH AT LEAST 3' X 3' ABOVE GRADE LEVEL	2 PER BOULDER	
LANDSCAPE LIGHTING, SCULPTURE, ART, WATER FEATURE, WINTER CITY FEATURE, AND/OR GAZEBO OR SIMILAR STRUCTURE/LANDMARK	AS DETERMINED BY UDC	
RETAINED EXISTING VEGETATION MASS[5]	**BONUS LANDSCAPING UNITS AWARDED[6]**	
300+ SQUARE FEET WITH A MINIMUM OF 3 TREES INCLUDING DECIDUOUS TREES OF 4" CALIPER OR GREATER AND/OR EVERGREEN TREES OF AT LEAST 6 FEET IN HEIGHT	15 PERCENT	
500+ SQUARE FEET WITH A MINIMUM OF 5 TREES INCLUDING DECIDUOUS TREES OF 4" CALIPER OR GREATER AND/OR EVERGREEN TREES OF AT LEAST 6 FEET IN HEIGHT	20 PERCENT	
800+ SQUARE FEET WITH A MINIMUM OF 8 TREES INCLUDING DECIDUOUS TREES OF 4" CALIPER OR GREATER AND/OR EVERGREEN TREES OF AT LEAST 6 FEET IN HEIGHT	25 PERCENT	

NOTES:

[1] SEE SUBSECTION 21.07.080G.1. FOR INFORMATION ABOUT PLANT MATERIALS.

[2] POINTS AWARDED FOR RETAINED VEGETATION MAY ONLY BE APPLIED TO THE LOT LINE, STREET FRONTAGE, OR INTERIOR AREA WHERE THE VEGETATION IS FOUND. A PRE-INSPECTION AND WRITTEN STATEMENT FROM A MUNICIPAL ARBORIST OR OTHER QUALIFIED INDIVIDUAL DESIGNATED BY THE DIRECTOR IS REQUIRED TO INDICATE IF THE RETAINED TREES ARE HEALTHY AND WILL LIKELY SURVIVE GIVEN THE ACTIVITIES THAT WILL BE OCCURRING AROUND THEM.

[3] REFER TO THE DEFINITION OF A "LANDMARK TREE" IN CHAPTER 21.14. A WRITTEN STATEMENT FROM A MUNICIPAL ARBORIST OR OTHER QUALIFIED INDIVIDUAL DESIGNATED BY THE DIRECTOR IS REQUIRED TO QUALIFY A TREE AS A LANDMARK TREE AND TO INDICATE IF THE TREE IS HEALTHY AND WILL LIKELY SURVIVE GIVEN THE ACTIVITIES THAT WILL BE OCCURRING AROUND IT.

[4] MEASUREMENTS OF CALIPER ARE DESCRIBED IN THE DEFINITION OF "CALIPER" IN CHAPTER 21.14. IF A TREE CALIPER MEASUREMENT IS IN-BETWEEN THE TREE CALIPER CATEGORIES OF THIS TABLE, THE NEXT LOWER TREE CALIPER CATEGORY SHALL BE USED.

[5] IN ORDER TO RECEIVE LANDSCAPING UNITS FOR A RETAINED EXISTING VEGETATION MASS, THE COMPLETE MASS INCLUDING THE NATIVE UNDERGROWTH SHALL BE PRESERVED

TABLE 21.07-1: LANDSCAPE UNITS AWARDED

IN ITS CURRENT CONDITION.

[6] TO CALCULATE BONUS LANDSCAPING UNITS, DETERMINE THE TOTAL LANDSCAPE UNIT VALUE OF ELIGIBLE TREES WITHIN A RETAINED VEGETATION MASS. MULTIPLY THIS TOTAL LANDSCAPE UNIT VALUE TIMES THE PERCENTAGE INDICATED TO OBTAIN THE NUMBER OF BONUS LANDSCAPING UNITS.

10. SITE PERIMETER LANDSCAPING

a. *PURPOSE*

SITE PERIMETER LANDSCAPING SEPARATES LAND USES OF DIFFERENT CHARACTERISTICS OR INTENSITIES, TO MINIMIZE THE EFFECTS OF ONE LAND USE ON ANOTHER. IT REDUCES UNWANTED VIEWS AND OTHER IMPACTS OF A LAND USE ON ADJACENT PROPERTIES. PERIMETER LANDSCAPING CAN ALSO MARK THE INTERFACE BETWEEN PUBLIC STREETS AND INDIVIDUAL PROPERTY, SOFTEN THE VISUAL IMPACTS OF DEVELOPMENT ON PUBLIC STREETS, AND HELP TO FRAME THE MUNICIPALITY'S STREETSCAPES WITH TREES AND VEGETATION. FOUR LEVELS OF SITE PERIMETER LANDSCAPING ARE PROVIDED TO ACCOMMODATE A VARIETY OF LAND USES AT A VARIETY OF INTENSITIES. REFER TO TABLE 21.07-3 FOR SPECIFICATIONS REGARDING EACH LANDSCAPING LEVEL. THE INTENT OF EACH LEVEL IS DESCRIBED BELOW:

i. *L1 EDGE TREATMENT*

EDGE TREATMENT PERIMETER LANDSCAPING IS USED TO DEFINE THE PERIMETER OF SMALL PARKING LOTS LOCATED WITHIN THE DT DISTRICTS. IT IS APPLIED WHERE A MINIMAL VISUAL BREAK OR BUFFER IS ADEQUATE TO SOFTEN THE IMPACTS OF A USE. IT CONSISTS OF GROUND COVERS, PERENNIALS, WILDFLOWERS, SHRUBS, TREES, FENCING, WALLS, AND/OR OTHER HARDSCAPE ELEMENTS.

ii. *L2 VISUAL ENHANCEMENT*

VISUAL ENHANCEMENT PERIMETER LANDSCAPING USES A COMBINATION OF DISTANCE AND LOW LEVEL LANDSCAPING TO SOFTEN THE VISUAL IMPACTS OF A USE OR DEVELOPMENT, OR WHERE VISIBILITY BETWEEN AREAS IS MORE IMPORTANT THAN A VISUALLY OBSCURING SCREEN. IT IS APPLIED BETWEEN CERTAIN LAND USES, ON THE PERIMETER OF PARKING AREAS, AND ALONG STREETS, WHERE IT HELPS TO FRAME THE MUNICIPALITY'S STREETSCAPES WITH CONSISTENT TREATMENTS OF TREES AND VEGETATION.

iii. *L3 BUFFER*

BUFFER PERIMETER LANDSCAPING IS INTENDED TO PROVIDE PHYSICAL AND VISUAL SEPARATION BETWEEN USES OR DEVELOPMENTS. IT PROVIDES ENOUGH WIDTH SO THAT TREES MAY BE CLUSTERED TO PROVIDE GREATER VISUAL BUFFERING.

iv. *L4 SCREENING*

L4 SCREENING PERIMETER LANDSCAPING IS EMPLOYED AS THE HIGHEST LEVEL SEPARATION WHERE THERE ARE INCOMPATIBLE LAND USES OR LAND USES THAT ARE SHARPLY DIFFERENT IN TERMS OF SCALE, TYPE OF USE, OR PATTERN OF USE. IT IS ALSO USED ALONG FREEWAYS WHERE THERE ARE

INCOMPATIBLE USES. L4 SCREENING LANDSCAPING IS INTENDED TO PROVIDE A SUBSTANTIAL VISUAL BARRIER BETWEEN INCOMPATIBLE OR SHARPLY DIFFERENT LAND USES AND TO PROTECT MAJOR VISUAL CORRIDORS AND ENTRANCE GATEWAYS INTO THE COMMUNITY.

b. ***APPLICABILITY OF SITE PERIMETER LANDSCAPING***

SITE PERIMETER LANDSCAPING SHALL BE PROVIDED ALONG THE PERIMETER PROPERTY LINE OF DEVELOPMENT SITES IN ACCORDANCE WITH TABLE 21.07-2, EXCEPT FOR THE FOLLOWING:

i. AT APPROVED POINTS OF PEDESTRIAN OR VEHICLE ACCESS;

ii. ON INDIVIDUAL SINGLE-FAMILY AND TWO-FAMILY LOTS THAT ARE NOT BEING DEVELOPED AS PART OF A SUBDIVISION, UNLESS REQUIRED ELSEWHERE IN THIS TITLE.

TABLE 21.07-2: APPLICABILITY OF SITE PERIMETER LANDSCAPING

REQUIRED LEVEL OF SITE PERIMETER LANDSCAPING (LEVELS 2, 3, OR 4)

ABUTTING DISTRICT OR STREET / DISTRICT OF PROPOSED DEVELOPMENT	R-6, R-8, R-9, R-10, TA	R-1, R-1A, R-2A, R-2D, R-5, R-7	R-2M, R-2F	R-3	R-4, R-4A	PLI	NMU, CMU, B-1A	RMU	B-3, RO	I-1, MC	I-2, MI	PR	FREEWAY[1]	ARTERIAL, EXPRESSWAY	COLLECTOR	LOCAL STREET
R-6, R-8, R-9, R-10, TA		L3	L3	L3	L3	L3	L3	L3	L3	L3	L3		L4	L3		
R-1, R-1A, R-2A, R-2D, R-5, R-7	L3		L3	L3	L3	L3	L3	L3	L3	L3	L3		L4	L3	L2	
R-2M, R-2F	L3	L3		L2	L3	L3	L3	L3	L3	L3	L3		L4	L3	L2	
R-3	L3	L3	L2[4]		L2[4]	L3	L2	L3	L2	L3	L3		L4	L3	L2	L2
R-4, R-4A	L3	L3	L3	L2[4]		L3	L2	L3	L2	L3	L3		L4	L3[6]	L2[6]	L2[6]
PLI	L3	L3	L3	L3	L3		L2	L2	L2	L2	L2	L2[5]	L4	L2	L2	L2
NMU, CMU, B-1A[2]	L3	L3	L3	L2	L2	L2		L2	L2	L2	L2	L3	L4	L2[6]	L2[6]	L2[6]
RMU[2]	L3	L3	L3	L3	L3	L2	L2		L2	L2	L2	L2	L4	L2[6]	L2[6]	L2[6]
B-3, RO[2, 3]	L3	L3	L3	L2	L2	L2	L2	L2		L2	L2	L3	L4	L2	L2	L2
I-1, MC	L3	L3	L3	L3	L3	L2	L2	L2	L2			L3	L4	L2	L2	L2
I-2, MI	L3	L3	L3	L3	L3	L2	L2	L2	L2			L3	L4	L2	L2	L2
PR						L2	L3	L3	L3	L3	L3		L4	L2	L2	L2
AF	L3	L3	L3	L3	L3	L2	L2	L2	L2			L3				

NOTES: [1] REFER TO SUBSECTION 21.07.080E.5.D.

[2] REFER TO SUBSECTION 21.07.080E.5.E.

[3] [APPLICABILITY OF PREDOMINANT ZONING PROVISION – RESERVED]

[4] THE L2 REQUIREMENT ONLY APPLIES ON LOTS GREATER THAN ONE ACRE.

[5] L2 LANDSCAPING SHALL BE REQUIRED ONLY WHEN THE USE ON THE PLI LAND IS A COMMERCIAL USE, AN INDUSTRIAL USE, OR A USE FROM THE PUBLIC SAFETY FACILITY, TRANSPORTATION FACILITY, OR UTILITY FACILITY USE CATEGORIES.

TABLE 21.07-2: APPLICABILITY OF SITE PERIMETER LANDSCAPING

REQUIRED LEVEL OF SITE PERIMETER LANDSCAPING (LEVELS 2, 3, OR 4)																
ABUTTING DISTRICT OR STREET / DISTRICT OF PROPOSED DEVELOPMENT	R-6, R-8, R-9, R-10, TA	R-1, R-1A, R-2A, R-2D, R-5, R-7	R-2M, R-2F	R-3	R-4, R-4A	PLI	NMU, CMU, B-1A	RMU	B-3, RO	I-1, MC	I-2, MI	PR	FREEWAY [1]	ARTERIAL, EXPRESSWAY	COLLECTOR	LOCAL STREET
[6] REFER TO SUBSECTION 21.07.080E.5.F.																

c. ***SPECIFICATIONS FOR SITE PERIMETER LANDSCAPING***

IN ANY AREA WHERE SITE PERIMETER LANDSCAPING IS REQUIRED ACCORDING TO TABLE 21.07-2, THE PLANTING REQUIREMENTS IN TABLE 21.07-3 SHALL APPLY. THE AMOUNT OF LANDSCAPING REQUIRED IN TABLE 21.07-3 IS MEASURED PER LINEAR FOOT OF PROPERTY LINE OR STREET FRONTAGE. VEHICULAR AND PEDESTRIAN ACCESS POINTS SHALL NOT BE SUBTRACTED FROM THE LINEAR FRONTAGE IN CALCULATIONS OF THE AMOUNT OF LANDSCAPING REQUIRED. IF THERE ARE DRIVEWAYS ALONG THE FRONTAGE OR PROPERTY LINE, REQUIRED LANDSCAPING SHALL BE CONDENSED INTO THE REMAINING SITE PERIMETER LANDSCAPING AREA.

d. ***L4 SCREENING LANDSCAPING REQUIREMENTS ALONG FREEWAYS***

i. L4 SCREENING LANDSCAPING REQUIREMENTS ALONG FREEWAYS SHALL APPLY TO ANY LOT ABUTTING THE RIGHT-OF-WAY OF A FREEWAY DESIGNATED IN THE OFFICIAL STREETS AND HIGHWAYS PLAN, ON ROADWAY SECTIONS BUILT TO FREEWAY DESIGN STANDARDS WITH FULL GRADE SEPARATIONS OF INTERSECTING STREETS, OR TO STREETS FUNCTIONING AS FRONTAGE ROADS FOR SUCH FREEWAYS. LOTS ABUTTING THE FOLLOWING FREEWAY SEGMENTS ARE SUBJECT TO L4 SCREENING LANDSCAPING REQUIREMENTS OF THIS SECTION:

(A) SEWARD HIGHWAY BETWEEN TUDOR ROAD AND POTTER VALLEY ROAD;

(B) GLENN HIGHWAY BETWEEN BONIFACE PARKWAY AND THE MUNICIPAL BOUNDARY; AND

(C) MINNESOTA DRIVE/O'MALLEY ROAD BETWEEN INTERNATIONAL AIRPORT ROAD AND THE OLD SEWARD HIGHWAY.

ii. THE L4 SCREENING LANDSCAPING REQUIREMENTS ARE REPLACED WITH THE L3 BUFFER LANDSCAPING REQUIREMENTS IN THE FOLLOWING SITUATIONS:

(A) ANY LOT WHOSE AREA, LESS THE 30 FOOT SETBACK AREA FOR THE L4 SCREENING AREA, IS LESS THAN THE MINIMUM LOT AREA REQUIRED IN THE ZONING DISTRICT; OR

(B) ANY LOT WHOSE DEPTH, EXCLUDING ALL SETBACKS REQUIRED BY THIS TITLE, IS LESS THAN 100 FEET.

TABLE 21.07-3: SPECIFICATIONS FOR SITE PERIMETER LANDSCAPING

REQUIREMENT	L1 EDGE TREATMENT	L2 VISUAL ENHANCEMENT	L3 BUFFER	L4 SCREENING
TOTAL LANDSCAPE UNITS REQUIRED PER LINEAR FOOT OF PROPERTY LINE OR STREET FRONTAGE	0.40 UNITS PER LINEAR FOOT	0.60 UNITS PER LINEAR FOOT	1.1 UNITS PER LINEAR FOOT	2.2 UNITS PER LINEAR FOOT

TABLE 21.07-3: SPECIFICATIONS FOR SITE PERIMETER LANDSCAPING

REQUIREMENT	L1 EDGE TREATMENT	L2 VISUAL ENHANCEMENT	L3 BUFFER	L4 SCREENING
MINIMUM NUMBER OF LANDSCAPE UNITS THAT SHALL BE TREES	0.10 UNITS PER LINEAR FOOT UNLESS WAIVED BY THE DECISION-MAKING BODY[7]	0.30 UNITS PER LINEAR FOOT	0.50 UNITS PER LINEAR FOOT	1.2 UNITS PER LINEAR FOOT
MINIMUM NUMBER OF LANDSCAPE UNITS THAT SHALL BE EVERGREEN TREES	NONE	ALLOWED BUT NOT REQUIRED	0.30 UNITS PER LINEAR FOOT	0.9 UNITS PER LINEAR FOOT
MINIMUM NUMBER OF LANDSCAPE UNITS THAT SHALL BE SHRUBS	0.20 UNITS PER LINEAR FT, UTILIZING A HEDGE, ORNAMENTAL FENCE, AND/OR ORNAMENTAL WALL	0.12 UNITS PER LINEAR FOOT	0.25 UNITS PER LINEAR FOOT	0.6 UNITS PER LINEAR FOOT
PLANTING AREA WIDTH (MINIMUM AVERAGE)	3 FT	8 FT	15 FT	30 FT.
PLANTING AREA WIDTH (MINIMUM AT ANY POINT)	3 FT EXCEPT A MINIMUM 100 SQ FT AREA IS REQUIRED FOR EACH TREE	8 FT	12 FT	25 FT

[7] THE PETITIONER SHALL DEMONSTRATE TO THE APPROVING AUTHORITY THAT THE SPACE ON THE SITE IS TOO CONSTRAINED TO INSTALL TREES. IF TREES ARE NOT REQUIRED BY THE APPROVING AUTHORITY, THE LANDSCAPING UNITS THAT WOULD OTHERWISE BE USED FOR TREES SHALL BE APPLIED TO OTHER ITEMS LISTED IN TABLE 21.07-1.

e. ***RESIDENTIAL USES IN COMMERCIAL AND MIXED-USE DISTRICTS***

HOUSEHOLD LIVING USES IN THE NMU, CMU, RMU, R-O, AND B-3 DISTRICTS SHALL BE SUBJECT TO THE R-4 AND R-4A DISTRICTS' SITE PERIMETER LANDSCAPING REQUIREMENTS IN TABLE 21.07-2, EXCEPT THAT MIXED-USE DWELLINGS MAY ADHERE TO THE SITE PERIMETER LANDSCAPING REQUIREMENTS OF EITHER THE UNDERLYING COMMERCIAL OR MIXED-USE ZONING OR THE R-4 AND R-4A DISTRICTS.

f. ***ALTERNATE STREET FRONTAGE LANDSCAPING***

AS AN ALTERNATIVE TO THE STREET FRONTAGE SITE PERIMETER LANDSCAPING REQUIREMENTS OF TABLE 21.07-2, NONRESIDENTIAL AND MIXED-USE DEVELOPMENT IN THE NMU, CMU, RMU, B-1A, R-4, AND R-4A DISTRICTS MAY INSTEAD COMPLY WITH THE MIXED-USE DISTRICT SIDEWALK STREETSCAPE LANDSCAPING STANDARDS IN SUBSECTION 21.04.050G.

g. ***ADDITIONAL STANDARDS FOR SITE PERIMETER LANDSCAPING***

i. MINIMUM WIDTH OF PLANTING BEDS SHALL BE MEASURED FROM BACK OF CURB TO BACK OF CURB OR LANDSCAPE EDGING.

ii. VEHICLE OVERHANG ALLOWANCE AREA, AS MEASURED IN TABLE 21.07-9, SHALL NOT EXTEND INTO THE MINIMUM REQUIRED PLANTING BED WIDTH.

iii. IN ORDER TO REDUCE SOLAR SHADOWING OF ABUTTING RESIDENTIAL PROPERTIES IN THE SPRING AND FALL MONTHS, THE DIRECTOR MAY WAIVE EVERGREEN TREE REQUIREMENTS ALONG NORTH LOT LINES THAT ABUT RESIDENTIAL OR MIXED-USE DISTRICTS, WHERE THE LOT LINE RUNS WITHIN 30 DEGREES OF EAST-WEST.

iv. IF PERIMETER LANDSCAPING INCLUDES A FENCE OR WALL AND ABUTS A PUBLIC STREET RIGHT-OF-WAY, THE LANDSCAPE BED SHALL BE LOCATED BETWEEN THE FENCE OR WALL AND THE STREET RIGHT-OF-WAY.

v. NO SIGN OF ANY KIND, OTHER THAN ONE REAL ESTATE SIGN PER SITE NO LARGER THAN SIX SQUARE FEET, IS PERMITTED ALONG FREEWAYS WITHIN THE PLANTING AREA OF L4 SCREENING PERIMETER LANDSCAPING.

vi. EXISTING NATURAL VEGETATION IN THE REQUIRED L4 SCREENING PERIMETER LANDSCAPING AREA SHALL NOT BE DISTURBED AND SHALL BE AUGMENTED WITH ADDITIONAL LANDSCAPING IF L4 SCREENING REQUIREMENTS ARE NOT MET. IF EXISTING VEGETATION IS DISTURBED, IT SHALL BE RESTORED, TO THE EXTENT POSSIBLE, TO ITS ORIGINAL CONDITION.

vii. WHEN L3 PERIMETER LANDSCAPING IS BEING APPLIED ALONG A LOT LINE WHICH ABUTS RESIDENTIAL DEVELOPMENT, EVERGREEN TREES SHALL BE PLACED TO VISUALLY BUFFER THE POINTS AT WHICH OBTRUSIVE ELEMENTS SUCH AS ON-SITE STORAGE COULD OTHERWISE BE SEEN FROM THE ABUTTING RESIDENTIAL USE. TREES AND SHRUBS SHALL ALSO PROVIDE CONTINUOUS COVERAGE ALONG THE LENGTH OF THE LANDSCAPE BED.

viii. WHEN L4 SCREENING LANDSCAPING IS BEING APPLIED ALONG A LOT LINE WHICH ABUTS RESIDENTIAL DEVELOPMENT, FREEWAYS, AND ASSOCIATED FRONTAGE ROADS, EVERGREEN TREES SHALL BE USED TO VISUALLY SCREEN THE MOST OBTRUSIVE ELEMENTS SUCH AS STORAGE AREAS FROM VIEW OF THE ABUTTING RESIDENTIAL USE OR FREEWAY. TREES AND

SHRUBS SHALL ALSO PROVIDE CONTINUOUS COVERAGE ALONG THE LENGTH OF THE LANDSCAPE BED.

11. PARKING LOT LANDSCAPING

a. *PURPOSE*

PARKING LOT LANDSCAPING SOFTENS THE VIEW AND BREAKS UP THE VISUAL IMPACT OF EXTENSIVE PAVED SURFACES ASSOCIATED WITH MULTIFAMILY RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT. IT ALSO CONTRIBUTES TO STORM WATER MANAGEMENT, PROVIDES ORIENTATION TO ENTRANCES, INCREASES OUTDOOR COMFORT LEVELS, AND MITIGATES WIND AND DUST IN LARGE PARKING LOTS AREAS. PARKING LOT LANDSCAPING IS INTENDED AS A VISUAL BUFFER THAT SOFTENS VISUAL IMPACTS, NOT A BARRIER THAT ELIMINATES NATURAL SURVEILLANCE. IT CONSISTS OF PERIMETER AND INTERIOR PARKING LOT LANDSCAPING.

b. *APPLICABILITY OF PARKING LOT LANDSCAPING*

PARKING LOT PERIMETER LANDSCAPING REQUIREMENTS SHALL APPLY TO PARKING LOTS WITH SIX OR MORE PARKING SPACES THAT ARE ACCESSORY TO ANY MULTIFAMILY OR NONRESIDENTIAL BUILDING OR USE, AND TO PARKING LOTS THAT ARE THE PRINCIPAL USE ON A SITE. PARKING LOT INTERIOR LANDSCAPING REQUIREMENTS SHALL APPLY TO PARKING LOTS OF 20 OR MORE PARKING SPACES.

c. *PARKING LOT PERIMETER LANDSCAPING*

PARKING LOT PERIMETER LANDSCAPING SHALL BE REQUIRED FOR ALL APPLICABLE PARKING LOTS WHICH ARE ADJACENT TO A LOT LINE AS PROVIDED BELOW. THIS LANDSCAPING SHALL BE PROVIDED ALONG APPLICABLE LOT LINES EXCEPT AT APPROVED POINTS OF VEHICULAR OR PEDESTRIAN ACCESS, ALTHOUGH THE ENTIRE PARKING LOT FRONTAGE, INCLUDING VEHICULAR OR PEDESTRIAN ACCESS POINTS SHALL BE USED TO CALCULATE THE REQUIRED LANDSCAPING.

i. *GENERAL REQUIREMENT*

THE PERIMETER OF A PARKING AREA, WHICH INCLUDES ITS APPURTENANT DRIVEWAYS, SHALL UTILIZE THE FOLLOWING SCHEDULE AT THE LOT LINE INDICATED:

TABLE 21.07-4: PARKING LOT PERIMETER LANDSCAPING REQUIREMENTS

USE OF DEVELOPMENT SITE BASED ON THE USE OF ABUTTING OR ADJACENT SITES	LANDSCAPING REQUIREMENT ALONG THE INDICATED LOT LINE
(A) NONRESIDENTIAL USE ABUTTING A RESIDENTIAL USE OR A NONRESIDENTIAL USE ADJACENT TO A RESIDENTIAL USE DIRECTLY ACROSS AN ALLEY.	L3 BUFFER LANDSCAPING[8]
(B) MULTIFAMILY RESIDENTIAL USE ABUTTING A SINGLE-FAMILY RESIDENTIAL USE	L3 BUFFER LANDSCAPING[9]
(C) ANY SIDE OF A PARKING LOT PERIMETER NOT ADDRESSED IN (A) OR (B) ABOVE.	L2 VISUAL ENHANCEMENT LANDSCAPING[10]
NOTE: [8] FOR THE SIDE OF A PARKING LOT ADJACENT TO A RESIDENTIAL USE ACROSS AN ALLEY, AN ORNAMENTAL SCREENING FENCE AND L2 LANDSCAPING	

MAY BE USED IN THE PLACE OF L3 BUFFER LANDSCAPING.

[9] FOR THE SIDE OF A PARKING LOT ADJACENT TO A SINGLE-FAMILY RESIDENTIAL USE ACROSS AN ALLEY, AN ORNAMENTAL SCREENING FENCE AND L2 LANDSCAPING MAY BE USED IN THE PLACE OF L3 BUFFER LANDSCAPING.

[10] FOR PARKING LOTS WITH LESS THAN 40 SPACES LOCATED IN THE DT DISTRICTS, L1 EDGE TREATMENT LANDSCAPING MAY BE USED TO MEET PARKING LOT PERIMETER LANDSCAPING REQUIREMENTS.

ii. ***CONTINUOUS LOW VISUAL BUFFER AND EDGE***

TO ENSURE A DEFINED PARKING LOT EDGE ALONG COMMUNITY STREETS AND SIDEWALKS, AND A MORE CONSISTENT LOW VISUAL BUFFER AGAINST PARKED VEHICLES, A CONTINUOUS PLANTING OF SHRUBS, A LOW ORNAMENTAL FENCE/WALL AND/OR A LANDSCAPED BERM SHALL BE PROVIDED ALONG THE LENGTH OF THE LANDSCAPE BED WHERE PARKING LOT PERIMETER LANDSCAPING IS APPLIED ALONG A PUBLIC STREET OR ABUTTING A RESIDENTIAL PROPERTY. IN SUCH CASES, A MINIMUM OF 0.25 LANDSCAPE UNITS PER LINEAR FOOT SHALL BE SHRUBS, EARTHEN BERM, OR AN ORNAMENTAL FENCE/WALL FOR PARKING LOT PERIMETER LANDSCAPING ABUTTING A STREET OR RESIDENTIALLY ZONED LOT. SUCH INSTALLATION SHALL BE NO LESS THAN THREE FEET AND NO MORE THAN FOUR FEET IN HEIGHT ALONG STREETS, AND NO LESS THAN FOUR FEET AND NO MORE THAN SIX FEET IN HEIGHT ABUTTING A RESIDENTIALLY ZONED LOT.

iii. ***MULTIPLE LOTS DEVELOPED TOGETHER***

WHERE MULTIPLE LOTS ARE BEING DEVELOPED UNDER A COMMON SITE PLAN OR A JOINT PARKING/CIRCULATION PLAN, THE PARKING LOT PERIMETER LANDSCAPING ALONG AN INTERIOR LOT LINE MAY BE ALLOWED TO BE SHARED BETWEEN THE TWO ABUTTING USES OR WAIVED ALTOGETHER, SUBJECT TO APPROVAL BY THE DIRECTOR.

iv. ***STANDARDS FOR PARKING LOT PERIMETER LANDSCAPING***

PARKING LOT PERIMETER LANDSCAPING SHALL MEET THE SPECIFICATIONS AND STANDARDS OF PERIMETER LANDSCAPING IN 21.07.080F.5.C. AND 5.G.

d. ***PARKING LOT INTERIOR LANDSCAPING***

i. ***AMOUNT REQUIRED***

PARKING LOT INTERIOR LANDSCAPING SHALL BE REQUIRED FOR ALL DEVELOPMENT WITH 40 OR MORE EXTERIOR SURFACE PARKING SPACES, AS FOLLOWS:

(A) *40 TO 70 SPACES*

AN AREA EQUAL TO AT LEAST FIVE PERCENT OF THE SURFACE OF THE PARKING LOT AREA ON THE SITE, INCLUDING APPURTENANT DRIVEWAYS, SHALL BE DEVOTED TO LANDSCAPING.

(B) *71 TO 100 SPACES*

AN AREA EQUAL TO AT LEAST SEVEN AND ONE HALF PERCENT OF THE SURFACE OF THE PARKING LOT AREA

ON THE SITE, INCLUDING APPURTENANT DRIVEWAYS. SHALL BE DEVOTED TO LANDSCAPING.

(C) *MORE THAN 100 SPACES*
AN AREA EQUAL TO AT LEAST 10 PERCENT OF THE SURFACE OF THE PARKING LOT AREA ON THE SITE, INCLUDING APPURTENANT DRIVEWAYS SHALL BE DEVOTED TO LANDSCAPING.

ii. ***MINIMUM LANDSCAPING AREA SIZE***
THE MINIMUM SIZE OF ANY INTERIOR PLANTING AREA SHALL AVERAGE EIGHT FEET WIDE (MINIMUM SEVEN FEET WIDE AT ANY POINT) MEASURED FROM BACK-OF-CURB AND SHALL BE 150 SQUARE FEET IN AREA. VEHICLE OVERHANG ALLOWANCE AREA AS MEASURED IN TABLE 21.07-9 SHALL NOT EXTEND INTO THE MINIMUM REQUIRED PLANTING BED.

iii. ***MORE THAN 25 SPACES IN A SINGLE LINE***
WHERE THERE ARE MORE THAN 25 PARKING SPACES IN A SINGLE LINE, A PARKING LOT INTERIOR LANDSCAPING AREA AVERAGING AT LEAST EIGHT FEET IN WIDTH (MINIMUM SEVEN FEET WIDE AT ANY POINT) AND AT LEAST THE DEPTH OF A PARKING SPACE SHALL BE USED TO BREAK UP THESE LINES OF PARKING INTO COMPONENT PARTS OF NO MORE THAN 25 PARKING SPACES IN A SINGLE LINE.

iv. ***LANDSCAPING BREAK FOR EVERY THREE DRIVE AISLES***
IN PARKING LOTS OVER 100 SPACES, FOR EVERY THREE DRIVE AISLES WITHIN THE LOT, THERE SHALL BE A LANDSCAPING BED AVERAGING AT LEAST EIGHT FEET WIDE (MINIMUM SEVEN FEET WIDE AT ANY POINT), PARALLEL TO THE DRIVE AISLES, AND WHICH EXTENDS THE LENGTH OF THE ABUTTING DRIVE AISLES. LANDSCAPED PENINSULAS OR END ISLANDS SHALL NOT BE INCLUDED IN THE CALCULATION OF THE AVERAGE WIDTH.

v. ***MINIMUM STOCKING REQUIREMENTS***
IN ANY REQUIRED INTERIOR PARKING LOT LANDSCAPING AREA, A MINIMUM OF EIGHT LANDSCAPE UNITS PER 100 SQUARE FEET (0.08 UNITS PER SQUARE FOOT) OF PLANTING AREA SHALL BE PROVIDED, WITH AT LEAST HALF OF THE LANDSCAPE UNITS BEING TREES.

vi. ***NATURAL SURVEILLANCE AND SAFETY***
GOOD VISIBILITY IN PARKING LOTS IS IMPORTANT FOR BOTH SECURITY AND TRAFFIC SAFETY REASONS. PLANTS AND TREES THAT RESTRICT VISIBILITY, SUCH AS TALL SHRUBS AND LOW BRANCHING TREES, SHOULD BE AVOIDED. THEREFORE, PARKING LOT INTERIOR LANDSCAPING SHALL, TO THE EXTENT REASONABLY FEASIBLE, MINIMIZE VEGETATION AND SOLID OR SEMI-OPEN FENCES BETWEEN THREE FEET AND SEVEN FEET ABOVE GRADE. BERMS USED AS PART OF INTERIOR LANDSCAPING AREAS SHALL NOT EXCEED THREE FEET IN HEIGHT.

12. SITE ENHANCEMENT LANDSCAPING

a. ***PURPOSE***

SITE ENHANCEMENT LANDSCAPING INCREASES THE NUMBER OF PLANT MATERIALS AND SEASONAL COLOR ON OPEN AREAS OF A SITE, PREVENTS EROSION AND DUST BY COVERING BARE OR DISTURBED AREAS, AND REDUCES AND CLEANS STORM WATER RUNOFF. IT INCLUDES FOUNDATION PLANTINGS, FRONT, SIDE AND REAR-YARD PLANTINGS, COMMON AREA PLANTINGS, AND ALLOWABLE HARDSCAPE MATERIALS. IT ENHANCES THE APPEARANCE AND FUNCTION OF THE BUILDING AND SITE AND REINFORCES ITS CONTINUITY WITH THE SURROUNDING PROPERTIES.

b. ***APPLICABILITY OF SITE ENHANCEMENT LANDSCAPING***

ALL GROUND SURFACES ON ANY DEVELOPMENT SITE THAT ARE NOT DEVOTED TO BUILDINGS, STRUCTURES, DRIVES, WALKS, OFF-STREET PARKING OR OTHER AUTHORIZED USES OR INSTALLATIONS, AND NOT OTHERWISE DEVOTED TO LANDSCAPING REQUIRED BY THIS CHAPTER, SHALL BE PROVIDED WITH SITE ENHANCEMENT LANDSCAPING.

c. ***SPECIFICATIONS FOR SITE ENHANCEMENT LANDSCAPING***

IN ANY AREA WHERE SITE ENHANCEMENT LANDSCAPING IS REQUIRED, A MINIMUM OF ONE LANDSCAPE UNIT PER 50 SQUARE FEET (0.02 UNITS PER SQUARE FOOT) OF PLANTING AREA SHALL BE PROVIDED. HOWEVER, ALL APPLICABLE AREAS SHALL, AT A MINIMUM, BE COVERED WITH LANDSCAPE OR HARDSCAPE MATERIAL AS PROVIDED IN TABLE 21.07-1.

13. TREES IN RESIDENTIAL DEVELOPMENTS

a. ***PURPOSE***

THIS SECTION IS A TREE REQUIREMENT FOR RESIDENTIAL DEVELOPMENT. IT ENCOURAGES THE RETENTION OF TREES, MINIMIZES THE IMPACT OF TREE LOSS DURING CONSTRUCTION, AND PROMOTES A SUSTAINED PRESENCE OF TREES AND WOODLANDS IN URBANIZED AREAS OF THE MUNICIPALITY. TREES ARE AN IMPORTANT CHARACTERISTIC OF THE MUNICIPALITY, PROVIDING ECONOMIC SUPPORT OF LOCAL PROPERTY VALUES; ENHANCING THE MUNICIPALITY'S NATURAL BEAUTY AND IDENTITY; REINFORCING THE PLEASANT PHYSICAL CHARACTER OF RESIDENTIAL NEIGHBORHOODS; PROTECTING ANADROMOUS FISH AND WILDLIFE HABITAT; AMELIORATING IMPACTS OF DEVELOPMENT ON DRAINAGE, SOIL EROSION, AIR QUALITY, AND WATER QUALITY; SHELTERING FROM INCLEMENT WEATHER; PROVIDING SHADE AND TRANSPIRATION COOLING IN SUMMER; AND PROVIDING VISUAL BUFFERING OF URBAN DEVELOPMENT.

b. ***APPLICABILITY OF TREE REQUIREMENT***

THE TREE REQUIREMENT APPLIES TO RESIDENTIAL DEVELOPMENT EXCEPT FOR SINGLE- AND TWO-FAMILY LOTS THAT WERE PLATTED BEFORE [EFFECTIVE DATE OF THIS TITLE]. IT DOES NOT APPLY TO THE REMOVAL OF DEAD, DISEASED OR NATURALLY FALLEN TREES OR VEGETATION, OR TREES OR VEGETATION THAT ARE A THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

c. ***MINIMUM TREE DENSITY***

AS DEFINED IN TABLE 21.07-1, 165 TREE LANDSCAPE UNITS PER ACRE ARE REQUIRED IN NEW RESIDENTIAL DEVELOPMENTS.

i. UP TO 35 PERCENT OF THE TOTAL NUMBER OF REQUIRED UNITS MAY BE LOCATED WITHIN A SEPARATE TRACT OR TRACTS HELD IN COMMON OWNERSHIP BY A HOMEOWNERS ASSOCIATION OR COMPARABLE ENTITY.

ii. ALL INDIVIDUAL LOTS IN A SUBDIVISION SHALL HAVE AT LEAST THREE TREES, WITH AT LEAST ONE TREE LOCATED IN THE FRONT YARD OF EACH LOT.

d. ***TREE RETENTION AND PLANTING***
TREE DENSITY MAY CONSIST OF RETAINED TREES, INSTALLED TREES, OR A COMBINATION OF RETAINED AND INSTALLED TREES. TREES TO BE RETAINED SHALL BE DEPICTED ON THE LANDSCAPE PLAN. WHERE SITE CHARACTERISTICS OR CONSTRUCTION PREFERENCES DO NOT SUPPORT TREE PRESERVATION, TREE PLANTINGS MAY BE USED TO SATISFY THIS STANDARD.

GENERAL LANDSCAPING REQUIREMENTS AND STANDARDS

ALL REQUIRED LANDSCAPING, SCREENING OR FENCES SHALL COMPLY WITH THE FOLLOWING STANDARDS:

1. **PLANT MATERIALS**

a. ***PLANT CHOICES AND QUALITY***
ALL PLANT MATERIAL UTILIZED IN MEETING LANDSCAPING AND SCREENING REQUIREMENTS SHALL BE HARDY FOR ITS SITE IN TERMS OF WIND, TEMPERATURES, SOILS, LIGHT, AND MOISTURE REQUIREMENTS AS REFERENCED IN THE TITLE 21 USER'S GUIDE. IN ALL CASES THE PLANT MATERIALS SHALL BE LIVING AND FREE OF DEFECTS AND OF NORMAL HEALTH, HEIGHT, AND SPREAD AS DEFINED BY THE *AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1*, LATEST AVAILABLE EDITION, AMERICAN NURSERY AND LANDSCAPING ASSOCIATION. PLANTS MAY BE NURSERY GROWN OR TRANSPLANTED FROM THE WILD OR NATIVE STANDS, PROVIDED THE PLANTS MEET ALL ANSI Z60.1 STANDARDS. NON-NATIVE PLANT SPECIES IDENTIFIED AS INVASIVE BY THE STATE OF ALASKA OR U.S. DEPARTMENT OF AGRICULTURE SHALL NOT BE USED. PLANTS, SEEDS, AND SOILS SHALL BE FROM SOURCES THAT SCREEN FOR INVASIVE SPECIES AND DISEASES.

b. ***TREE PLANTINGS***
PLANTED AND TRANSPLANTED TREES SHALL BE MULCHED WITH SHREDDED BARK MULCH OR ROCK MULCH TWO TO FOUR INCHES IN DEPTH, WITH NO BARK MULCH WITHIN FOUR INCHES OF THE BASE OF THE TRUNK. SPECIES SELECTION AND SPACING OF TREES TO BE PLANTED SHALL BE SUCH THAT IT PROVIDES FOR THE EVENTUAL MATURE SIZE OF THE TREES. SOIL TYPE, SOIL CONDITIONS, AND OTHER SITE CONSTRAINTS SHALL BE CONSIDERED WHEN SELECTING SPECIES FOR PLANTING OR TRANSPLANTING. EVERGREEN TREES INSTALLED SHALL MEET A MINIMUM 5:3 HEIGHT TO SPREAD RATIO.

2. **PLANTING LOCATION**
TREE PLANTING SHALL TAKE INTO CONSIDERATION THE GROWTH HABITS OF EACH SPECIES AND SHALL ALLOW ADEQUATE SPACE FOR HEALTHY GROWING CONDITIONS.

a. ***UTILITY EASEMENTS***

i. REQUIRED LANDSCAPING AREAS MAY OVERLAP WITH UTILITY EASEMENTS IF ALL APPLICABLE LANDSCAPING REQUIREMENTS OF THIS TITLE ARE MET WITHIN THESE AREAS.

ii. THE UTILITY MUST MAKE A GOOD FAITH EFFORT TO PROVIDE WRITTEN NOTICE TO THE AFFECTED RESIDENTS AT LEAST ONE WEEK PRIOR TO DISTURBANCE OF THE LANDSCAPING, EXCEPT FOR POWER RESTORATION OR IN CASE OF EMERGENCIES INVOLVING LIFE OR SAFETY. THE UTILITY IS NOT RESPONSIBLE FOR REPLACEMENT OF DISTURBED LANDSCAPING WITHIN THE UTILITY EASEMENTS, BUT THE UTILITY SHALL STABILIZE THE DISTURBED AREA TO PREVENT EROSION.

b. ***VISIBILITY CLEARANCE AREAS***

ALL LANDSCAPING AND SCREENING MATERIALS SHALL COMPLY WITH THE VISIBILITY CLEARANCE REQUIREMENTS OF AMC TITLE 9.

3. PLANTING BEDS AND VEGETATION AREAS

a. ***PROTECTION OF LANDSCAPING***

ALL REQUIRED LANDSCAPED AREAS, PARTICULARLY TREES AND SHRUBS, SHALL BE PROTECTED FROM POTENTIAL DAMAGE BY ADJACENT USES SUCH AS PARKING AND STORAGE AREAS. CONCRETE BARRIER CURBS OR OTHER APPROVED BARRIERS AT LEAST SIX INCHES HIGH SHALL BE PROVIDED BETWEEN VEHICULAR USE AREAS AND LANDSCAPED AREAS. LANDSCAPED AREAS SHALL BE MARKED OR OTHERWISE MADE TO BE VISIBLE DURING SNOW REMOVAL OPERATIONS.

b. ***TREE RETENTION AREA PROTECTION***

TREE RETENTION AREAS USED TOWARD LANDSCAPING REQUIREMENTS UNDER THIS SECTION 21.07.080 SHALL BE ADEQUATELY PROTECTED FROM DAMAGE THROUGH ADHERENCE TO THE FOLLOWING:

i. ***CONSTRUCTION FENCE***

A CONSTRUCTION FENCE SHALL BE PLACED AROUND EACH TREE OR GROUPING OF TREES TO BE RETAINED AT OR BEYOND THE EDGE OF THE TREE PROTECTION ZONE, DEFINED AS OUTSIDE THE CRITICAL ROOT ZONES OF THE TREES TO BE RETAINED (REFER TO DEFINITION OF *TREE PROTECTION ZONE* IN SECTION 21.14.030). THE FENCE SHALL BE PLACED BEFORE CONSTRUCTION STARTS AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE. THE FENCE SHALL BE A MINIMUM OF FOUR FEET HIGH AND OF MATERIALS SUITABLE TO REMAIN FOR THE DURATION OF CONSTRUCTION.

ii. ***DEVELOPMENT LIMITATIONS IN TREE RETENTION AREAS***

WITHIN THE TREE PROTECTION ZONE OF EACH TREE OR GROUPING OF TREES, THE FOLLOWING DEVELOPMENT IS NOT ALLOWED:

(A) GRADE CHANGE, EXCAVATIONS, OR CUT AND FILL, EITHER DURING OR AFTER CONSTRUCTION;

(B) NEW IMPERVIOUS SURFACES;

(C) UTILITY OR DRAINAGE FIELD PLACEMENT;

(D) ATTACHMENT OF OBJECTS TO A TREE DESIGNATED FOR RETENTION;

(E) STAGING OR STORAGE OF MATERIALS AND EQUIPMENT, VEHICLE MANEUVERING AREAS, OR OTHER ACTIVITIES LIKELY TO CAUSE SOIL COMPACTION OR ABOVE-GROUND DAMAGE;

(F) PLACEMENT, STORAGE, OR DUMPING OF SOLVENTS, SOIL DEPOSITS, EXCAVATED MATERIAL, CONCRETE WASHOUT, OR THE LIKE.

iii. ***SUBSEQUENT LANDSCAPING WORK***
ANY LANDSCAPING DONE IN THE TREE PROTECTION ZONE SUBSEQUENT TO THE REMOVAL OF CONSTRUCTION BARRIERS SHALL BE ACCOMPLISHED WITH LIGHT MACHINERY OR HAND LABOR.

c. ***GROUND COVER AND MULCHES***

i. PLANTING BEDS CONTAINING TREES AND SHRUBS SHALL USE MULCHES. THESE MULCHES MAY CONSIST OF SHREDDED BARK OR MINERAL MULCHES THAT DO NOT BECOME COMPACTED. THE MULCH MUST BE SELECTED TO: MODERATE SOIL TEMPERATURES AND REDUCE FREEZE-THAW CYCLES; KEEP SOIL FROM COMPACTING; CONSERVE SOIL MOISTURE; REDUCE WEED COMPETITION; AND KEEP TRUNKS SAFER FROM MOWERS AND WEED-TRIMMERS. THE MULCHED AREA SHOULD NOT INCORPORATE NON-PERMEABLE SHEETING OR ANY MATERIAL THAT REPELS WATER.

ii. FOR AREAS OF THE SITE OUTSIDE OF PLANTING BEDS AND SUBJECT TO SITE ENHANCEMENT LANDSCAPING, GROUND COVER PLANTS SUCH AS LAWN GRASSES SHALL BE PLANTED TO PROVIDE CONTINUOUS GROUND COVERAGE WITHIN THREE YEARS.

d. ***BERMS***
BERMS MAY BE INCORPORATED INTO ANY REQUIRED LANDSCAPING OR SCREENING AREA. BERMS FOR ON-SITE LANDSCAPING SHALL NOT BE PLACED IN A PUBLIC RIGHT OF WAY, AND SHALL NOT INTERFERE WITH NATURAL DRAINAGE OR CAUSE WATER TO BE DRAINED ONTO STREETS. NO INSTALLED BERM SHALL HAVE A SLOPE OF GREATER THAN 3:1 FOR MOWN AREAS OR GREATER THAN 2:1 FOR PLANTED BERMS.

4. INSTALLATION OF LANDSCAPING

a. ***TIMING***
ALL REQUIRED LANDSCAPING AND SCREENING SHALL BE INSTALLED BY THE DEVELOPERS. ALL LANDSCAPING SHALL BE INSTALLED BEFORE A CERTIFICATE OF ZONING COMPLIANCE IS ISSUED. IF A CERTIFICATE OF ZONING COMPLIANCE IS REQUESTED BETWEEN SEPTEMBER AND MAY, THEN THE CERTIFICATE SHALL BE CONDITIONED UPON THE LANDSCAPING BEING INSTALLED BEFORE THE FOLLOWING AUGUST 31.

b. ***SURETY***

Page 388 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

A LETTER OF CREDIT, ESCROW, PERFORMANCE BOND, OR OTHER SURETY APPROVED BY THE MUNICIPAL ATTORNEY FOR PROPER INSTALLATION OF THE LANDSCAPING AND EQUAL IN VALUE TO 120 PERCENT OF THE VALUE OF THE INSTALLED LANDSCAPING, AS DETERMINED BY A BONDED, LICENSED LANDSCAPE CONTRACTOR, SHALL BE PROVIDED TO THE DIRECTOR PRIOR TO THE INSTALLATION OF THE LANDSCAPING. THIS BOND SHALL REMAIN IN PLACE WITH THE DIRECTOR FOR AT LEAST 24 MONTHS AFTER INSTALLATION TO ENSURE SURVIVAL AND PROPER MAINTENANCE OF THE LANDSCAPING IN ACCORDANCE WITH THIS SECTION. AFTER THE LANDSCAPING HAS BEEN INSTALLED FOR 24 MONTHS, AND AN INSPECTION HAS FOUND THAT THE REQUIRED LANDSCAPING IS IN GOOD HEALTH, THE SURETY SHALL BE RELEASED. THE BONDING REQUIREMENT ESTABLISHED IN THIS SUBSECTION MAY BE WAIVED FOR A LANDSCAPING AREA THAT MEETS THE IRRIGATION STANDARDS OF SUBSECTION G.6.B. BELOW.

c. ***SURVIVAL***

ANY LANDSCAPE ELEMENT THAT DIES, IS REMOVED, OR IS SERIOUSLY DAMAGED SHALL BE REPLACED BASED ON THE REQUIREMENTS OF SUBSECTION 21.07.080G.6.A. BEFORE THE FOLLOWING AUGUST 31.

5. USE OF LANDSCAPED AREAS

EXCEPT AS SPECIFICALLY ALLOWED ELSEWHERE IN THIS TITLE, NO STRUCTURE, MOTOR VEHICLE AREA, SNOW STORAGE, OR PAVED AREA MAY BE LOCATED IN AREAS REQUIRED FOR LANDSCAPING.

6. MAINTENANCE AND REPLACEMENT

a. ***MAINTENANCE***

TREES, SHRUBS, OTHER VEGETATION, IRRIGATION SYSTEMS, FENCES, AND OTHER LANDSCAPING, SCREENING, AND FENCING ELEMENTS SHALL BE CONSIDERED AS ELEMENTS OF A DEVELOPMENT IN THE SAME MANNER AS OTHER REQUIREMENTS OF THIS TITLE. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR REGULARLY MAINTAINING ALL LANDSCAPING ELEMENTS IN GOOD CONDITION. ALL LANDSCAPING SHALL, TO THE EXTENT REASONABLY FEASIBLE, BE MAINTAINED FREE FROM DISEASE, WEEDS, AND LITTER. ANY LANDSCAPE ELEMENT THAT DIES, IS REMOVED, OR IS SERIOUSLY DAMAGED SHALL BE REPLACED WITH THE SAME TYPE AND SIZE LANDSCAPE ELEMENT THAT IS SHOWN ON THE APPROVED LANDSCAPE PLAN FOR THE SITE. IN ADDITION, THE LANDSCAPE UNITS LOST WITH A DEAD OR REMOVED TREE SHALL BE RECOVERED THROUGH A REPLACEMENT TREE AND OTHER PLANTINGS AS NEEDED TO RECAPTURE THE TOTAL LANDSCAPE UNITS THAT WERE LOST. ALL LANDSCAPING, SCREENING, AND FENCING MATERIALS AND STRUCTURES SHALL BE REPAIRED AND REPLACED WHEN NECESSARY TO MAINTAIN THEM IN A STRUCTURALLY SOUND CONDITION.

b. ***IRRIGATION***

TO ENSURE THAT PLANTS WILL SURVIVE, PARTICULARLY DURING THE CRITICAL TWO-YEAR ESTABLISHMENT PERIOD WHEN THEY ARE MOST VULNERABLE TO LACK OF WATERING, THE BONDING REQUIREMENT ESTABLISHED IN SUBSECTION 21.07.080G.4. ABOVE MAY BE WAIVED BY THE DIRECTOR FOR ANY LANDSCAPING AREA THAT WILL BE IRRIGATED BY ONE OF THE FOLLOWING:

Page 389 ANNOTATION

After its review of the 21.07.080G.2., Refuse Collection, the Assembly Title 21 Committee requested there be additional review and comment by the Municipal Solid Waste Services Department (SWS), which had been consulted in the development of the adopted section, but had not seen the proposed revisions being approved by the Committee. SWS provided comments in November, many of which have been incorporated after a review by the Assembly Title 21 Committee Chair. The first paragraph of the refuse collection section is clarified in response to comments from SWS.

The applicability section is edited for improved clarity, brevity and organization, in response to comments and questions by SWS.

The word "abut" in item ii. is changed to "receive service access" from an alley, to ensure that only dumpsters that actually get accessed from the alley are exempted.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

i. A BELOW-GROUND IRRIGATION SYSTEM WITH AUTOMATIC CONTROLLER THAT HAS BEEN INSTALLED IN COMPLIANCE WITH AN APPROVED PERMIT OR BY A CERTIFIED IRRIGATION CONTRACTOR WHO CERTIFIES THAT THE IRRIGATION SYSTEM WAS CONSTRUCTED TO NATIONAL STANDARDS; OR

ii. AN IRRIGATION SYSTEM DESIGNED AND APPROVED BY A LICENSED LANDSCAPE ARCHITECT AS PART OF THE LANDSCAPE PLAN, WHICH PROVIDES SUFFICIENT WATER TO ENSURE THAT THE PLANTS WILL BECOME ESTABLISHED.

G. Screening

1. Purpose

Screening consists of landscaping, the retention of natural vegetation, or the use of physical structures to block views of specific activities or specific parts of a property or structure. [APPLICANTS ARE ENCOURAGED TO LOCATE THE TYPES OF FEATURES LISTED IN THIS SECTION WHERE THEY ARE NOT VISIBLE FROM ABUTTING STREETS AND ABUTTING USES OR LOTS AS SPECIFIED BELOW, SO THAT SCREENING IS UNNECESSARY.]

2. Refuse Collection

In order to improve the appearance [IMAGE] of the municipality's streets and neighborhoods, refuse collection receptacles shall be [ADEQUATELY] screened and set back from abutting streets in a location[. THESE RECEPTACLES SHALL ALSO BE LOCATED] where they can be conveniently and safely accessed by the intended users and by refuse collection vehicles, as provided in this section.

a. ***Applicability***

The [FOLLOWING] standards of this subsection 21.07.080G.2. shall apply to all outdoor refuse collection receptacles [OF ALL DEVELOPMENT], including dumpsters, compactors, garbage cans, debris piles, and grease containers, except for the following:

i. Receptacles in Chugiak-Eagle River which are subject to chapter 21.10. [AREA WHERE THIS SECTION IS RESERVED FOR INCLUSION IN CHAPTER 21.10.]

ii. [REFUSE COLLECTION R]Receptacles that receive refuse collection service only from [ABUT] an alley [ARE EXEMPTED FROM THE SCREENING STANDARDS OF THIS SUBSECTION. FOR PURPOSES OF THIS SECTION, THE TERM "REFUSE COLLECTION RECEPTACLES" INCLUDES DUMPSTERS, GARBAGE CANS, DEBRIS PILES, OR GREASE CONTAINERS, BUT DOES NOT INCLUDE]

iii. [P]Public trash receptacles for pedestrians. [PLACED IN THE RIGHT-OF-WAY,]

iv. [P]P ublic drop-off recycling receptacles, which are subject to the recycling drop-off use-specific standards of subsection 21.05.060E.7.[OR]

v. [W]Waste receptacles for temporary uses such as construction sites.

Page 390 ANNOTATION

A new subsection is provided as information to property owners regarding service provider requirements, outside of Title 21.

Alley exemption is moved from (B) below.

SWS recommends that Subsection (A) be deleted. SWS opposes a provision allowing sharing of dumpsters, and also pointed out some problems with how to administer subsections (1) and (2) of (A).

Subsection (B) is replaced by a more succinct exception added to the end of the main sentence of subsection c. above it.

SWS observed that subsection iii added little value and was confusing. The rest of the section already establishes that if a receptacle is not visible from the street it does not have to be screened.

Administration Addition
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vi. [THIS SECTION ALSO DOES NOT APPLY TO R]Refuse collection receptacles that are stored indoors and brought outdoors on garbage pickup days.

b. ***Service Provider Standards***

Approval under this title does not by itself guarantee that a service provider will service the receptacle. Property in the municipal solid waste service area shall also abide by AMC 26.70.050 which requires approval of enclosure plans by solid waste services prior to construction. Other service providers may have similar requirements.

c. ***Residential Dwellings***

i. In class A districts[:]

[EXCEPT AS ALLOWED BELOW], single-family [(ATTACHED AND DETACHED)], two-family, townhouse, and three-unit multifamily dwellings on lots less than 40,000 square feet shall not have dumpsters, except where serviced from an alley.

(A) [A GROUP OF THREE OR MORE DWELLINGS MAY SHARE A DUMPSTER IF THE FOLLOWING CRITERIA ARE MET:

(1) THE DUMPSTER IS BEAR- PROOF;

(2) THE ALASKA DEPARTMENT OF FISH AND GAME DETERMINES THAT A BEAR-PROOF DUMPSTER WOULD REDUCE THE POTENTIAL FOR PROBLEM BEARS IN THE NEIGHBORHOOD; AND

(3) THE DUMPSTER IS LOCATED AND SCREENED IN ACCORDANCE WITH THE STANDARDS BELOW.

(B) SINGLE-FAMILY, TWO-FAMILY, TOWNHOUSE, OR THREE-UNIT MULTIFAMILY DWELLINGS ON LOTS LESS THAN 40,000 SQUARE FEET MAY HAVE A DUMPSTER IF THE DUMPSTER IS SERVICED FROM AN ALLEY.]

ii. In class B districts, dumpsters are permitted and shall be screened in accordance with the standards below. [RESERVED—PREDOMINANT ZONING PROVISION]

iii. [NOTWITHSTANDING ALL OTHER REQUIREMENTS OF THIS SECTION, GARBAGE CANS AND RECYCLING BINS THAT ARE 96 CUBIC FEET OR SMALLER ARE CONSIDERED SCREENED IF THEY ARE NOT VISIBLE (EXCEPT ON GARBAGE PICKUP DAYS) FROM THE ABUTTING STREET FROM WHICH VEHICULAR ACCESS TO THE RESIDENCE IS TAKEN.]

d. ***Site Plans***

Site plans for applicable development shall include the proposed location and type of refuse receptacle screening that will be used and the access provisions for service trucks. If a screening enclosure is necessary pursuant to G.2.e. below, the site plan shall include the construction details of the enclosure to ensure the dimensions comply with the service provider's standards. Site plans with refuse receptacles in alleys shall identify the location of the refuse

Page 391 ANNOTATION

A reference to the parking lot layout requirements is added to the end of the paragraph, in response to comments by SWS that there should be requirements for parking lot design and dimensions to accommodate commercial trucks. Applicants should be informed that the MOA will review for adequate access and turning radii for refuse collection trucks that must enter the site. This carries forward current review practices by the MOA Traffic Engineer.

The intended meaning of "abutting" is clarified in the first paragraph of the screening requirement, per the direction of the Assembly Title 21 Committee.

At the direction of the Assembly Title 21 Committee, the dumpster screening requirement is proposed to be based on the distance from the street that the dumpster should be screened from. Daytime site observations found that a dumpster is at least 300 feet away before it visually begins to fade into the background. Leaving unscreened dumpsters closer than 300 feet would conflict with the purpose of the section. There is a point beyond 300 feet at which screening is no longer necessary to the policy intent.

A reference to service provider specifications for screening enclosure construction has been added, as information for applicants. Service provider specifications are planned to be collected, summarized, and consolidated in the Title 21 User's Guide for ease of reference.

The Assembly Title 21 Committee recommends allowing the screening enclosure gate to be allowed to be left open the entire day of the trash pick-up.

The requirement to maintain the refuse collection receptacle are proposed to be deleted, as SWS indicates it overlaps partly with AMC 26 and is beyond the scope of Title 21 screening provisions.

The Administration proposes to extend the amortization period from five (5) to seven (7) years. Additional language is added to the paragraph to clarify an administrative variance for existing dumpsters is available.

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receptacle and the methods with which the receptacle shall be contained in its identified location.

e. ***Location***

Outdoor refuse collection receptacles shall not be located in any required front setback and shall, to the extent reasonably feasible and depending on the size, location, and configuration of the site, and need for access by refuse collection vehicles, be set back from the front plane of the principal structure. Refuse collection receptacles shall not be located within any area used to meet the minimum landscaping or parking requirements and loading berth requirements of this chapter, or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes onsite. Refuse collection vehicle access and circulation shall be considered and shown on the site plan, in conformance with the requirements for commercial trucks in subsection 21.07.090H.9.b., *Vehicle Access and Circulation*.

f. ***Screening***

Each refuse collection receptacle shall be screened from view from [ABUTTING] streets and rights-of-way abutting the property, if the receptacle is to be stored within 300 feet of the street or right-of-way. The screening may be achieved by buildings and structures, fences, landscaping, topography, or a refuse collection receptacle screening enclosure.

i. If a screening enclosure is necessary to meet the standards of this subsection, the screening enclosure shall consist of a durable, three-sided[,] screening structure. Screening enclosure construction and dimensions shall comply with service provider industry standards, as provided in the title 21 user's guide and AMC 26.70.050.

ii. If the refuse collection receptacle is visible through the open side of the required screening structure from the abutting street[S] or right-of-way, the opening shall be screened with a sight-obscuring gate. The enclosure and any gate shall be maintained in working order to function as a screening structure. The gate shall remain closed except on refuse collection days and the prior evening [TO ALLOW FOR TRASH PICK-UP].

[MAINTENANCE OF REFUSE COLLECTION RECEPTACLE

THE LIDS OF RECEPTACLES IN SCREENING ENCLOSURES WITHOUT ROOF STRUCTURES SHALL REMAIN CLOSED EXCEPT WHEN BEING ACCESSED BY USERS OR REFUSE SERVICE TRUCKS, AND SHALL BE MAINTAINED IN WORKING ORDER.]

g. ***Amortization of Nonconforming Refuse Collection Receptacles***

Existing dumpsters that are located at residential uses indicated in subsection 21.07.080G.2.c.i. shall be removed within 18 months from the effective date of this title. Sites with refuse collection receptacles that are subject to the location and screening requirements of this subsection 21.07.080G.2. shall meet the requirements of this section within seven [FIVE] years from the effective date of this title, except where an administrative variance is granted in accordance with subsection 2.h. below. {moved from below}

h. ***[PROCEDURE FOR OBTAINING AN] Administrative Variance for Refuse Receptacle Location and Screening***

Page 392 ANNOTATION

The administrative variance provisions for existing dumpsters that cannot meet the screening and location amortization requirements are proposed by the Assembly Title 21 Committee to be made simpler, and more flexible and practical for owners of existing properties.

An introductory paragraph is added to convey the intent of the Assembly Title 21 Committee to clarify what the variance process is, and that the provision does not intend to force something that is impractical on an existing site.

The administrative variance procedure is proposed to be clarified, standardized and elaborated in section 21.03.240 (variance procedures) in Chapter 3.

At the request of the Assembly Title 21 Committee and SWS, the approval criteria for the administrative variance procedure have been moved here and listed out to be clearer and more specific.

A second set of approval criteria, focused on the director's approval, is proposed to be deleted in order to simplify the administrative variance. These criteria complicated the process, and seemed limiting and contradictory to earlier parts of the refuse collection section.

Administration Addition
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The municipality recognizes that full compliance with the refuse receptacle location and screening standards will not be reasonably feasible for some existing developments approved prior to [effective date]. The intent of this subsection is to provide for partial or complete exemption in such cases, through a documented administrative process. The variance should be the minimum action necessary to provide relief, with the intent to encourage existing development to move in the direction of conformity.

i. If a site was developed prior to [effective date] [AND COMPLIANCE WITH THE LOCATION REQUIREMENTS OF SUBSECTION 2.D. ABOVE IS EITHER PHYSICALLY IMPOSSIBLE OR WOULD RESULT IN NONCOMPLIANCE WITH OTHER REQUIREMENTS OF THIS TITLE], the property owner may apply for an administrative variance from the location and/or screening standards of this section, using the administrative variance procedure of subsection 21.03.240J., subject to the following approval criteria: [THIS SECTION.]

(A) Compliance would conflict with other requirements of this title, or other laws, ordinances, or regulations;

(B) Compliance would not be compatible with standards for access and safety of refuse collection operations, as documented in the title 21 user's guide;

(C) A proposed alternative achieves the intent of this section to the same or better degree; or

(D) The applicant demonstrates that compliance would be incompatible with the existing layout, function, or appeal of the development for its users, such as interference with or proximity to primary pedestrian access, required landscaping, side or rear setbacks and minimum separation from buildings, outdoor activity spaces, snow storage areas, proximity to windows to living spaces, or vehicle access and parking.

ii. An applicant for an administrative variance from this section shall submit the information specified in the title 21 user's guide.

[THE DIRECTOR MAY GRANT AN ADMINISTRATIVE VARIANCE FROM THE LOCATION REQUIREMENTS OF SUBSECTION 2.D. ABOVE WITH THE FOLLOWING LIMITATIONS:

(A) THE DIRECTOR MAY ALLOW THE REDUCTION OF NO MORE THAN TWO REQUIRED PARKING SPACES.

(B) THE DIRECTOR SHALL NOT WAIVE ANY REQUIREMENTS OF SUBSECTION 2.E., *SCREENING*.

(C) IF THE VARIANCE ALLOWS A REFUSE RECEPTACLE TO BE PLACED IN REQUIRED LANDSCAPING, THE TOTAL REQUIRED LANDSCAPE UNITS FOR THE AREA SHALL NOT BE REDUCED.

(D) ANY VARIANCE SHALL NOT RESULT IN AN ENCROACHMENT INTO A PUBLIC RIGHT-OF-WAY.]

Page 393 ANNOTATION

SWS recommended that it be included in the site plan review process with respect to dumpster placement, screening, and access. However, while this amendment requires the planning director to at least seek the comment of SWS with regard to administrative variances that could result in site-specific ways to place and screen dumpsters, the proposed amendment does not go so far as to require SWS approval. The assignment of a decision-making role to SWS in the land use regulations would necessitate a discussion about other institutional and regulatory changes beyond the scope of this draft.

The appeals process is now provided with the standardized administrative variance procedures in 21.03.240.

iii. The director shall make written findings and conclusions for each administrative variance request.

[IF THE REQUEST FOR AN ADMINISTRATIVE VARIANCE IS DENIED, THE APPLICANT MAY APPLY FOR A VARIANCE UNDER SECTION 21.03.240.]

[AMORTIZATION OF NONCONFORMING REFUSE COLLECTION RECEPTACLES

EXISTING DUMPSTERS THAT ARE LOCATED AT RESIDENTIAL USES INDICATED IN SUBSECTION 21.07.080G.2.B. SHALL BE REMOVED WITHIN 18 MONTHS FROM THE EFFECTIVE DATE OF THIS TITLE. SITES WITH REFUSE COLLECTION RECEPTACLES THAT ARE SUBJECT TO THE LOCATION AND SCREENING REQUIREMENTS OF SUBSECTIONS 21.07.080G.2.D. AND G.2.E. SHALL MEET THE REQUIREMENTS OF THIS SECTION WITHIN FIVE YEARS FROM THE EFFECTIVE DATE OF THIS TITLE.] {moved to above}

3. Service and Off-Street Loading Areas

a. ***Applicability***

This standard is intended to mitigate visual and noise impacts of service and off-street loading areas on abutting residential uses and neighborhoods, and streets. The standards shall apply to all service and off-street loading areas serving nonresidential uses that are visible from a street or a nonindustrial zoning district.

b. ***Standard***

Applicable non-enclosed service and off-street loading areas shall be screened as follows:

i. A wall or fence at least eight feet high shall be located along at least one exposed edge of the service or loading area that is parallel to vehicles/trailers parked in the service or loading area. The wall or fence shall extend the length of the longest vehicle/trailer anticipated to be parked in the service or loading area.

ii. Additional landscaping shall be provided along the site perimeter at the location of the service or loading area to visually obscure the area from the abutting street or property.

iii. An alternate screening plan may be approved by the director if the proposed plan effectively screens the service or loading area from abutting streets and nonindustrial districts.

H. Fences

1. Applicability

The provisions of this subsection 21.07.080H. shall apply to all construction, substantial reconstruction, or replacement of fences, retaining walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot or to separate lots from each other. The provisions of this subsection do not apply to temporary fencing for construction, emergencies, or special public events or performance areas.

Page 394 ANNOTATION

This amendment allows residential lots a taller fence to obscure neighboring nonresidential uses.

Administration Addition
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2. Location

A fence may be constructed within property boundaries, or at the lot line, subject to the limitations in this section. No fence shall be installed so as to block or divert a natural drainage flow onto or off of any other property.

3. Maximum Height

Unless specifically required elsewhere in this title for screening fences, fences shall not exceed the maximum heights set forth below. Such maximum heights shall be measured from the top of any retaining wall, or if no retaining wall has been constructed, then from natural grade. Unless specifically allowed by this title, no fence shall exceed eight feet in height.

a. In the R-1, R-1A, R-2A, R-2D, [R-2F,] R-2M, R-3, R-4, R-4A, R-5, and R-7 districts, fences in front setbacks shall not exceed four feet in height. Fences in secondary front setbacks that abut a street of arterial or greater classification may be up to eight feet in height. Fences in side or rear setbacks shall not exceed six feet in height, except where across an alley from or abutting a nonresidential district, in which case the fence may be up to eight feet in height.

b. In the R-6, R-8, R-9, and R-10 districts, fences in front setbacks shall not exceed six feet in height if the fence [FENCING MATERIAL] is a screening or sight-obscuring fence. [EXAMPLES OF NON-SIGHT OBSCURING FENCING INCLUDE CHAIN-LINK AND SPLIT RAIL FENCING.]

c. In the B-1A, B-1B, B-3, and R-O[, NMU, CMU, AND RMU] districts, fences in front setbacks shall not exceed four feet in height.

d. In the [B-3 AND] MC district[S], fences in front setbacks shall not exceed six feet in height.

e. Fences in front setbacks in nonresidential districts shall be located interior to any required landscaping.

f. Enclosures provided as a part of a permitted tennis court, ball field, or other recreational facility shall be exempt from the height restrictions of this section.

4. Finished Appearance Outward

Whenever any fence will be visible from adjacent streets, and whenever a fence is installed as part of required site perimeter or parking lot perimeter landscaping and is visible from adjacent properties, it shall be installed so that the more finished side (i.e., the side with fewer or no visible structural framing or bracing elements) faces outward from the lot on which it is installed.

5. Prohibited Materials

Fences made of debris, junk, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and resembling new building materials, unless approved by the director.

21.07.090 OFF-STREET PARKING AND LOADING

A. Purpose

This section establishes off-street parking and loading requirements as a necessary part of the development and use of land, to ensure the safe and adequate flow of traffic in the public street system, and to ensure that parking lots [AREAS] are designed to perform in a safe, efficient manner. It is also the intent of this section to attenuate the adverse visual, environmental, and

economic impacts of parking lots [AREAS], and to achieve a compact and efficient land use pattern. Specific purposes include to:

1. Ensure that off-street parking, loading, and access demands will be met without adversely affecting other nearby land uses and neighborhoods;

2. Provide for safe and orderly circulation and parking in parking and loading facilities, and minimize conflicts between pedestrians and vehicles;

3. Encourage the efficient use of land and avoid the encumbrance of more space than is necessary for parking;

4. Improve the visual appearance of public street corridors by encouraging buildings and other attractive site features to become more prominent relative to parking lots [AREAS];

5. Provide for better pedestrian movement and encourage alternative modes of transportation by reducing the expanses of parking that must be traversed between destinations;

6. Support a balanced transportation system that is consistent with cleaner air and water, greater transportation choices, and efficient infill and redevelopment; and

7. Allow flexibility in addressing vehicle parking, loading, and access, including providing for reductions and alternatives to minimum parking requirements.

B. Applicability

1. Generally

a. The off-street parking and loading standards of this section 21.07.090 shall apply to all development in the municipality, including changes of use.

b. Except for the off-street loading requirements of subsection 21.07.090G., all other requirements of this section shall apply to Girdwood unless specifically preempted in chapter 21.09.

c. Except when specifically exempted, the requirements of this section shall apply to all temporary parking lots and parking lots that are a principal use on a site.

2. Expansions, Relocations, and Enlargements

A site to which a building is relocated shall provide the required parking and loading spaces. An expansion or enlargement that is an increase in the floor area or other measure of off-street parking and loading requirements shall provide spaces as required for the increase.

3. Use of Required Parking Spaces

Required parking spaces shall be available for the parking of passenger automobiles by residents, occupants, customers, visitors, or employees of the use. Required parking spaces may not be assigned, leased, or rented in any way to a use on another site, or to anyone who is not a resident, occupant, customer, guest, or employee, except for shared parking situations. See subsection 21.07.090F.16. Also, required parking spaces shall not be used for the parking of equipment or for storage of goods or inoperable vehicles.

4. Regulation of Parking Space Use

The providers of required off-street parking spaces may reasonably control the users thereof by means that may include, but are not limited to, restricting all parking to the users of the facility; parking lot attendants; control gates; tow-away areas; areas for exclusive use by employees, tenants or staff; areas restricted for use by customers or

visitors; and imposing time limitations on users. Fees may be charged for the use of required parking, subject to approval of the traffic engineer. Prior to approval of the permit the traffic engineer may review all methods of control and may disapprove of any restriction such as fees that adversely affects the purpose of this section. The municipality may enforce any approved parking plan or restrictions through any of the code enforcement provisions set forth in chapter 21.13, *Enforcement.*

5. Parking Nonconformities

When a site is out of compliance as to the number of required or allowed parking spaces, section 21.12.060, *Characteristics of Use*, applies.

C. Computation of Parking and Loading Requirements

1. Fractions

When measurements of the number of required or allowed parking spaces result in a fractional number after subtracting for parking reductions or alternatives, the fraction shall be rounded as provided in section 21.14.020M., *Fractions*.

2. Multiple Uses

The number of parking spaces is computed based on the uses on the site. When there are two or more uses on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual uses. For shared parking, see subsection 21.07.090F.16. below.

3. Area Measurements

Unless otherwise specified in table 21.07-5, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of the use in question. For the purposes of this section, all gross floor area shall be counted in such measurement, except for floor area dedicated for parking spaces; driveways; circulation aisles; loading areas; or enclosed and isolated floor area exclusively for HVAC mechanical equipment serving the building, provided such area is located in a mechanical penthouse or topmost floor of a multistory building. The traffic engineer may also waive the floor area for HVAC mechanical equipment occupying another story in the building, provided the majority of such story (including the mechanical equipment) is non-habitable floor area.

4. Occupancy Load Factors

Where parking requirements for assembly rooms or other uses are based on maximum capacity under provisions of AMC title 23, the occupancy load factors of AMC title 23 shall not be adjusted.

5. Additional Computation Standards

a. *Off-Street Loading Space*

Required off-street loading space shall not be included as off-street parking spaces in computation of required or allowed number of off-street parking spaces, unless approved by the traffic engineer pursuant to subsection G.5. below.

b. *Fleet Vehicle Parking*

For the purpose of calculating parking requirements, fleet vehicle parking shall not count against either the minimum or maximum requirements.

c. *Areas that Count Toward Minimum but Not Maximum Parking Requirements*

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirement:

Page 397 ANNOTATION

Administration Addition
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i. Accessible parking spaces;

ii. Passenger loading zones including taxi cab stands;

iii. Vanpool and carpool parking spaces;

iv. Parking spaces provided as the required parking for a use on another parcel through a municipally approved shared parking or off-site parking agreement; and

v. Parking structures, underground parking, and parking within, above, or beneath the building(s) it serves.

D. Parking Lot Layout and Design Plan

1. Applicability

For all commercial, mixed-use, industrial, institutional, multifamily, and townhouse residential developments, the applicant shall submit a parking facility layout, circulation, and design plan for review and approval by the traffic engineer. The plan shall contain sufficient detail to enable the traffic engineer and the director to verify compliance with this section 21.07.090. Subject to approval of the traffic engineer, the parking layout and design plan may be combined with other plans required under this title, such as the landscaping plan required in 21.07.080, *Landscaping, Screening, and Fences*.

2. Minimum Plan Requirements

a. The parking facility layout, circulation, and design plan shall be prepared by a design professional and stamped by a professional registered with the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors, except that parking lots with fewer than 20 parking spaces shall be exempt.

b. The director and traffic engineer shall establish the minimum submittal requirements for such plans that will enable staff to adequately review and ensure compliance with the standards and requirements of this section 21.07.090. Such submittal requirements, to be included in the user's guide, shall include but not be limited to elements such as placement and dimensions of spaces, landscaping, pedestrian and vehicle circulation, snow storage, lighting, loading and trash collection areas, and drainage.

c. The traffic engineer shall ensure that provisions have been made for minimum interference with street traffic flow and safe interior vehicular and pedestrian circulation, transit, and parking.

E. Off-Street Parking Requirements

1. Minimum Number of Spaces Required

Unless otherwise expressly stated in this title, off-street parking spaces shall be provided in accordance with table 21.07-5, *Off-Street Parking Spaces Required* and subsection E.2. below. Reductions, exemptions, and alternatives to the required minimum number of parking spaces are provided in subsection 21.07.090F. below.

2. Minimum of Three Parking Spaces

Where a use is required to provide off-street parking and the amount specified in table 21.07-5 would result in fewer than three spaces being required for the use, the use shall provide at least three parking spaces including one van-accessible parking space pursuant to subsection 21.07.090J. Where there are multiple uses located on a site, the uses may share the accessible space as long as the requirements of subsection 21.07.090J.1. are met. Parking reductions in subsection 21.07.090F. shall also comply

Page 398 ANNOTATION

A guest space parking requirement is proposed for apartment dwellings in multifamily and mixed-use residential buildings, to be more consistent with the treatment of guest parking for other attached housing types, such as townhouses. The guest space standard is based on Traffic Engineer review, parking demand studies, and public comments.

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with this subsection E.2. The minimum of three parking spaces shall not apply to residential household living uses, community gardens, parks and open space, utility substations, or fueling stations and food and beverage kiosks that are exclusively for drive-through customers.

TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED
("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
RESIDENTIAL USES			
Household Living	Dwelling, mixed-use, multi[PLE-]family, single-family attached, two-family, and townhouse	1 per studio or efficiency or one bedroom du Add 0.5 spaces for each additional bedroom Add 0.25 guest parking spaces for each multifamily du with single-family or two-family style construction Add 0.15 guest parking spaces for each multifamily du with townhouse style construction Add 0.10 guest parking spaces for each multifamily du, with a minimum of 1 guest space Add 0.10 guest parking spaces for each mixed-use du, with a minimum of 1 guest space	**X**
	Dwelling, single-family detached	2 per du up to 2,400 square feet; 3 per du over 2,400 square feet, including any unfinished area which may be converted to living area	
	Accessory dwelling unit (ADU)	See subsection 21.05.070D.	
	All other household living uses	2 per du	
Group Living	Assisted living facility (9+ client capacity)	1 per 4 beds plus 1 per 350 sf of office area plus requirement for dwelling, if located in a dwelling	**X**
	Correctional community residential center	1 per 2,000 sf gfa	**X**
	Habilitative care facility	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of adults, per 800 sf gfa	**X**
	Roominghouse	0.6 per guestroom	
	Transitional living facility	1 per 2 beds plus 1 per 4 persons in principal assembly area based on maximum occupancy provisions of AMC title 23	
COMMUNITY [PUBLIC/INSTITUTIONAL] USES			
Adult Care	Adult care facility, 3-8 persons	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of adults, per 2,000 sf gfa (plus requirement for principal use, if approved as accessory use)	

Page 399 ANNOTATION

Amendment for community center and religious assemblies, based on parking studies.

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TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED
("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
	Adult care facility, 9+ persons	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of adults, per 2,000 sf gfa	X
Child Care	Child care home	No additional requirements beyond those required for the dwelling unit If the establishment is for fewer than 9 children and is not located in a dwelling, then the requirement is as provided in subsection 21.07.090E.2.	
	Child care center, 9-15 children	1 space in addition to what is required for the dwelling	
	Child care center, more than 15 children	1 per 400 sf gfa, and 1 passenger loading space, reserved for pickup and delivery of children, per 800 sf gfa	
Community Service	Cemetery or mausoleum	See subsection 21.07.090E.3.	X
	Community center or religious assembly	1 per 5 [4] persons in principal assembly area based on maximum occupancy provisions of AMC title 23	
	Crematorium	1 per 4 persons in the main chapel based on maximum occupancy provisions of AMC title 23	
	Family self-sufficiency service	1 per 300 sf gfa	
	Government administration and civic buildings	1 per 300 sf gfa	X
	Homeless and transient shelter	1 per 300 sf administrative area, and 1 per 20 pillows	
	Neighborhood recreation center	See subsection 21.07.090E.3.	
Cultural Facility	Aquarium	1 per 500 sf gfa	X
	Botanical gardens	See subsection 21.07.090E.3.	X
	Library	1 per 400 sf gfa	X
	Museum or cultural center	1 per 400 sf gfa	X
	Zoo	1 per 5,000 sf of site area	X
	All other uses	1 per 400 sf gfa or 1 per 10,000 sf of site area for outdoor uses	X
Educational Facility	Boarding school	See subsection 21.07.090E.3.	X
	College and university	See subsection 21.07.090E.3.	X
	Computer-aided learning center	1 per 300 sf of enclosed floor space	X

Page 400 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED
("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
	Elementary school and middle school	1 per 6 students, based on State of Alaska EED capacity provisions	**X**
	High school	6 per classroom Where the traffic engineer has reason to believe that, based on similar or comparable schools, parking study data, or other information, that parking demand for the proposed high school development is likely to exceed the requirement, the traffic engineer may require up to 1 parking space per 3 students, based on State of Alaska EED capacity provisions.	**X**
	Instructional services	6 per classroom, plus 1 per 300 square feet of dance or other training area	**X**
	Vocational or trade school	1 per 2 students based on maximum occupancy provisions of AMC title 23	**X**
Health Care Facility	Health services, including outpatient medical and dental offices, co-located with a hospital/ hospital campus	1 per 250 sf gfa	**X**
	Other health services, including outpatient medical and dental offices	1 per 300 sf gfa	
	Hospital/ health care facility	1 per 2 beds, based on maximum capacity, plus 1 per 350 sf of office and administrative area	**X**
	Nursing facility	1 per 4 beds, based upon maximum capacity.	**X**
Park and Open Area	Community garden	1 per 5,000 sf of lot area	
	Park and open space, public or private	See subsection 21.07.090E.3. Playfields (soccer, baseball, etc.) shall have minimum of 25 spaces per field, unless otherwise approved by the traffic engineer, for up to four fields. Facilities with more than four fields shall be subject to the determination of the traffic engineer.	
Public Safety Facility	All uses	See subsection 21.07.090E.3.	
Transportation Facility	All uses	See subsection 21.07.090E.3.	
	Railroad freight terminal	See subsection 21.07.090E.3.	

Page 401 ANNOTATION

These amendments and the following amendments in the table: Miscellaneous clean-up amendments to commercial and industrial parking requirements, to correct, clarify, or improve the consistency of parking requirements across similar uses, and realign the use listings in the parking table with the use type categories as established in Chapter 5.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Tech Edit Addition
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TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED
("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
	Railroad passenger terminal	See subsection 21.07.090E.3.	
Utility Facility	Utility facility	1 per 1,000 sf gfa	
	Utility substation	See subsection 21.07.090E.3.	
Communica-tion Structures	All uses	None	
COMMERCIAL USES			
Agricultural Uses	Commercial horticulture	See subsection 21.07.090E.3.	
Animal Sales, Service & Care	Animal shelter	1 per 400 sf gfa	
	Animal boarding [KENNEL, COMMERCIAL]	1 per 800 sf gfa	
	Large domestic animal facility, principal use	1 per 4 seats or 1 per stall, whichever is greater	
	Retail and pet services	1 per 350 [300] sf gfa	
	Veterinary clinic	1 per 600 sf gfa	
Assembly	Civic/convention center	1 per 4 persons in assembly areas based on maximum occupancy provisions of AMC title 23	**X**
	Club/lodge/meeting hall	1 per 4 persons in assembly areas based on maximum occupancy provisions of AMC title 23.	**X**
Entertainment and Recreation	Amusement establishment Bowling alley Bingo parlor Indoor shooting range	Indoor entertainment facility: 1 per 300 sf gfa 4 per bowling lane 1 per 4 persons in assembly areas based on maximum occupancy provisions of AMC title 23. 1 per target area, or 1 per 5 seats, whichever is greater	
	Entertainment facility, major	See subsection 21.07.090E.3.	
	Fitness and recreational sports center	1 per 300 sf gfa	
	General outdoor recreation, commercial	See subsection 21.07.090E.3.	**X**
	Golf course	4 per green	
	Golf driving range	0.5 per tee	

TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED
("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
	Motorized sports facility	1 per 2 spectator seats in a structure such as a grandstand, stadium; or 1 per 2,000 sf of site area; whichever is greater	X
	Movie theater	1 per 4 persons based on maximum occupancy provisions of AMC title 23	
	Nightclub	1 per 3 persons based on maximum capacity under provisions of AMC title 23	X
	Shooting range, outdoor	1 per target area, or 1 per 5 seats, whichever is greater	
	Skiing facility, alpine	See subsection 21.07.090E.3.	
	Theater company or dinner theater	1 per 4 persons based on maximum capacity under provisions of AMC title 23	
Food and Beverage Service	Bar	1 per 100 sf gfa	X
	Food and beverage kiosk	0 per establishment, plus vehicle queuing spaces	
	Restaurant	1 per 100 sf gfa and outdoor seating area 1 per 125 sf gfa for drive-through restaurants (plus vehicle queuing spaces)	X
Office	Financial institution	1 per 350 sf gfa (plus vehicle queuing spaces if drive-through is provided)	
	Office, business or professional	1 per 350 sf gfa	X
	Broadcasting facility	1 per 350 sf gfa	
Personal Service, Repair, and Rental	Business service establishment	1 per 500 sf gfa	X
	[PHARMACY/DRUGSTORE AND VIDEO RENTAL STORE]	[1 PER 400 SF GFA (PLUS VEHICLE QUEUING SPACES IF DRIVE-THROUGH IS PROVIDED)]	
	[DRY-CLEANING DROP-OFF SITE/MAIL PACKAGE SERVICE/LOCKSMITH SHOP]	[1 PER 600 SF GFA, (PLUS VEHICLE QUEUING SPACES IF DRIVE-THROUGH IS PROVIDED)]	
	Funeral services	1 per 4 persons in main assembly areas based on maximum occupancy provisions of AMC title 23	X
	Small equipment rental	1 per 400 sf gfa	
	General personal services [ALL OTHER USES]	1 per 400 [300] sf gfa	X
Retail Sales	Auction house	1 per 300 sf gfa	X
	Convenience store	1 per 350 sf gfa	X

TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED
("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
	Farmers market	See subsection 21.07.090E.3. [1 PER 250 SF, WITH A MINIMUM OF 6]	
	Fueling station	1 per attendant for stand-alone fueling stations; also refer to subsection 21.07.090H. for queuing requirement	
	Furniture and home appliance store [RETAIL SALES OF LARGE OR BULKY MERCHANDISE SUCH AS FURNITURE, HOME APPLIANCE, OR FLOORING STORE]	1 per 800 sf gfa	X
	General retail	1 per 350 sf gfa	X
	Grocery or food store	1 per 250 sf gfa	X
	Liquor store[, BICYCLE SHOP]	1 per 400 sf gfa	X
	Building materials store	1 per 600 sf gfa and outdoor display area	X
	Pawnshop	1 per 350 sf gfa	X
Vehicles and Equipment	Aircraft and marine vessel sales	1 per 7,000 sf outdoor display/sales area; 1 per 400 sf indoor floor area	X
	Vehicle parts and supplies	1 per 400 sf gfa; 1 per 7,000 sf outdoor display/sales area	X
	Vehicle – large and small, sales Vehicle – large and small, rental	1 per 7,000 sf outdoor display/sales area; 1 per 400 sf indoor floor area 1 per 400 sf of indoor floor area	X
	Vehicle service and repair, major and minor	0.5 per car wash bay; 4 per other service bay (provided that all vehicles in custody of operator of business for purpose of service, repair or storage shall be stored on premises or on a separate off-street parking lot or building)	
Visitor Accom-modations	Camper park	1 space per 10 recreational vehicle or tent camping spaces	
	Extended-stay lodgings	1 per guestroom or one bedroom unit; 1.25 per two bedroom unit; 1.5 per three bedroom or more unit, plus 1 per 4 persons in meeting rooms based on maximum occupancy provisions of AMC title 23.	X
	Hostel	1 per 600 sf gfa	

TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED
("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
	Hotel, motel and inn	0.9 per guestroom, plus 1 per 4 persons in meeting rooms based on maximum occupancy provisions of AMC title 23.	**X**
	Recreational and vacation camp	See subsection 21.07.090E.3.	
INDUSTRIAL USES[11]			
Industrial Service[11]	Data processing facility	1 per 1,000 sf gfa	**X**
	Dry cleaning establishment	1 per 750 sf dry cleaning plant area plus 1 per 600 sf of customer service area	
	General industrial service	1,000-3,000 sf gfa: 1 per 750 sf gfa; Add 1 space per each 1,000 sf gfa above 3,000 sf gfa, up to 5,000 sf gfa; Add 1 space per each 1,500 sf gfa above 5,000 sf gfa, up to 50,000 sf gfa; Add 1 space per each 2,000 sf gfa above 50,000 sf gfa	
	Governmental service	1 per 600 sf gfa	**X**
	Heavy equipment, sales and rental	1 per 400 sf indoor floor area	**X**
	Research laboratory	1 per 350 [300] sf gfa	
Manufacturing and Production[11]	Commercial food production	1 per 400 sf gfa for catering; 1 per 800 sf gfa for food processing	**X**
	Cottage Crafts	1 per 600 sf gfa	
	Manufacturing (heavy and light)	1,000-3,000 sf gfa: 1 per 750 sf gfa; Add 1 space per each 1,000 sf gfa above 3,000 sf gfa, up to 5,000 sf gfa; Add 1 space per each 1,500 sf gfa above 5,000 sf gfa,	
	Natural resource extraction	See subsection 21.07.090E.3.	
Marine Facility[11]	Aquaculture	See subsection 21.07.090E.3.	
	Facility for combined marine and general construction	See subsection 21.07.090E.3.	
	Marine operations	See subsection 21.07.090E.3.	
	Marine wholesaling	1 per 800 sf gfa	
Warehouse and Freight	Bulk storage of hazardous materials	See subsection 21.07.090E.3.	

TABLE 21.07-5: OFF-STREET PARKING SPACES REQUIRED
("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)

Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.
Movement[11]	Impound yard	1 per 500 sf gfa, plus 1 per 5,000 sf of outdoor storage area	
	Motor freight terminal	see Warehouse	
	Self-storage facility	1 per 75 units, plus vehicle queuing spaces for security gate. Aisles suitable for temporary loading and unloading may be counted as required parking stalls in accordance with table 21.07-5 as determined by the traffic engineer.	**X**
	Storage yard	1 per 2,000 sf of outdoor storage area	
	Warehouse	1,000-10,000 sf gfa: 1 per 1,000 sf gfa; Add 1 space per each 1,250 sf gfa above 10,000 sf gfa, up to 50,000 sf gfa; Add 1 space per each 1,500 sf gfa above 50,000 sf gfa,	
	Wholesale establishment	1 per 800 sf gfa	
Waste and Salvage	All uses	See subsection 21.07.090E.3.	

NOTES:

[11] The off-street parking requirements for industrial uses in this schedule A shall not include space devoted to office or other non-industrial related use. Where a warehousing or industrial facility contains office or other non-industrial related use, off-street parking for such spaces shall be computed using the requirements set forth in this table.

3. Uses Not Listed or that Have No Specific Requirement

In the case of a use or category of uses not listed in table 21.07-5, or that is listed without a specific requirement, the requirements for off-street parking facilities shall be determined by the director and the traffic engineer. Such determination shall be based upon the requirements for the use specified in table 21.07-5 that is most nearly comparable to the unspecified use, traffic engineering principles, and/or parking studies. Any parking study prepared by the applicant shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the traffic engineer, and shall include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

4. Maximum Number of Spaces Permitted

a. *Purpose*

The purpose of this subsection is to establish an upper limit on the number of parking spaces allowed in order to promote efficient use of land, enhanced urban design, a safe and walkable pedestrian environment, alternative modes of transportation, and to protect air and water quality. Exceptions and flexibility procedures are provided where the required limit on the number of parking spaces is problematic for a certain use.

Page 406 ANNOTATION

These amendments realign the increased landscaping requirement for large parking lots, to reflect the Assembly Title 21 Committee's changes to the parking lot interior landscaping requirements in subsection 21.07.080E.2.c. of the Landscaping Section.

The amendments also make this provision simpler, less restrictive, and applicable only to very large parking lots. Table 21.07-6 is deleted and replaced by the new language in the main paragraph.

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b. ***Applicability***

For any use categorized as a community [PUBLIC/INSTITUTIONAL] or commercial use in table 21.05-1 [OR TABLE 21.05-2], *Table[S] of Allowed Uses*, the maximum number of off-street vehicle parking spaces shall be as provided below. Temporary parking, the uses "parking lot, principal use" and "parking structure, principal use", and uses in the Educational Facility, Parks and Open Areas, Transportation Facility, and Utility Facility use categories are exempt.

c. ***Maximum Number of Spaces***

Developments may provide a maximum of one parking space per 250 square feet of gross floor area, or 125 percent of the minimum number of parking spaces required in table 21.07-5, whichever is greater.

d. ***Increased Landscaping in Large Parking Lots***

Development sites with more than 200 [160] parking spaces required in table 21.07-5 and that are proposed by the applicant to have at least 25 percent more than the minimum number of parking spaces required in table 21.07-5 shall increase the overall amount of area devoted to parking lot interior landscaping area to an area equal to at least 12 percent of the parking lot, including parking, internal circulation, and appurtenant driveways. [IN THE PARKING LOT AS PROVIDED IN TABLE 21.07-6 BELOW.] This shall apply to uses which utilize the exceptions offered in subsection 4.e. below.

[TABLE 21.07-6: INCREASE IN PARKING LOT INTERIOR LANDSCAPING

NUMBER OF OFF-STREET PARKING SPACES PROVIDED AS A PERCENTAGE OF THE REQUIRED MINIMUM NUMBER OF SPACES	REQUIRED AMOUNT OF PARKING LOT INTERIOR LANDSCAPING AS A PERCENTAGE OF THE SURFACE OF THE PARKING AREA ON THE SITE INCLUDING APPURTENANT DRIVEWAYS
111 TO 125 PERCENT	10 PERCENT
GREATER THAN 125 PERCENT	13 PERCENT]

e. ***Exceptions***

i. Restaurants without a drive-through, dinner theaters, and bars may provide up to 200 percent of the minimum number of parking spaces required in table 21.07-5.

ii. If application of the maximum parking standard would result in fewer than six parking spaces, the development shall be allowed six parking spaces.

iii. Exceptions to the maximum parking requirement may be allowed by the traffic engineer and the director in situations that meet all of the following criteria:

(A) The applicant provides a parking demand study of similar sites in the municipality that demonstrates that parking demand cannot be accommodated within the maximum number of parking spaces allowed or through any of the available parking reductions and alternatives such as on-street parking, shared parking with nearby uses, or incentives for alternatives to single-occupancy vehicle use; and

Page 407 ANNOTATION

This subsection is no longer necessary, as the mixed-use districts are proposed to be deleted.

Administration Addition
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(B) The request is the minimum necessary variation from the standards[; AND

(C) IF LOCATED IN A MIXED-USE DISTRICT, THE PROPOSED SITE PLAN IS, IN THE JUDGMENT OF THE DIRECTOR, SUPPORTIVE OF HIGH LEVELS OF EXISTING OR PLANNED TRANSIT AND PEDESTRIAN ACTIVITY].

5. Parking Location

Except as provided in subsection 21.07.090F., all required parking shall be on the same lot as the use served. However, required parking may be on an abutting or adjacent lot provided the zoning district in which the lot is located allows for off-street parking as a permitted principal use, site plan review use, or conditional use; in which case there shall be a parking agreement which meets the requirements of subsection F.1. below.

F. Parking Reductions and Alternatives

The traffic engineer and director may approve reductions and alternatives to providing the number of off-street parking spaces required by table 21.07-5, and/or to the circulation and dimensional standards of subsections H.9. and H.10., in accordance with the following standards.

1. Parking Agreements

A parking reduction or alternative shall require a written parking agreement between the property owner(s) and the municipality, except where expressly stated otherwise.

a. ***Recordation***

The municipality shall record the parking agreement at the district recorder's office as a covenant that runs with the land and is binding on the owner and all successors and assigns for as long as the required number of off-street parking spaces is not provided as a result of the parking reduction or alternative. All parties involved in the parking reduction or alternative shall participate in the parking agreement. Recordation of the agreement shall take place before issuance of an entitlement requiring a parking reduction or alternative.

b. ***Content***

The form and content of the parking agreement shall be approved by the director. It shall guarantee installation and maintenance of any required improvements by the owner, and/or the owner's continued participation in any parking management strategy required for a parking reduction. The parking agreement shall assure future implementation of a contingency plan by the owner if so ordered by the traffic engineer. The contingency plan may include strategies such as installation of parking, payment to the municipality for the full cost of providing the required parking, transportation demand management programs, or other parking management strategies identified in the parking reductions or alternatives of this section.

c. ***Termination***

If for any reason the parking agreement terminates, owners and all successors and assigns who are parties to the parking agreement shall comply with all provisions of this title governing the required number of off-street parking spaces.

2. Calculation of Parking Reductions

a. ***Multiple Reductions***

A development may be eligible for multiple reductions from the required number of parking spaces. The total impact of parking reductions shall be calculated as being multiplicative and not additive where a development is eligible for more

Page 408 ANNOTATION

In response to a public comment made in 2010, prerequisite c. for becoming eligible for a parking reduction is proposed to be made more flexible for small infill sites with narrow street frontages.

The Administration proposes to exempt non-residential development from having to provide additional open space in return for a parking reduction. Additional open space in return for less parking is thereby limited to residential, where the benefit of ameliorating increased housing density with a little more open space is likely to be more needed.

In response to concerns raised by the public in 2010, the potential to require a vehicular cross-access is limited to commercial and mixed-use districts, where the benefit of keeping short trips off of arterials is likely to be more needed.

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than one. For example, if one reduction is 20 percent, and a second reduction is an additional 15 percent, their combined reduction shall be calculated as 80 percent times 85 percent equals 68 percent, or a 32 percentage point total reduction, rather than adding 20 percent plus 15 percent equals 35 percent. This is because the 15 percent reduction applies to a base that is already reduced 20 percent.

b. ***Minimum Reduction Credit of One Space***
If the total approved reduction from the required number of parking spaces for a development is calculated to be a reduction of less than one parking space, it shall be credited as a reduction of one parking space.

3. Qualifying Site Development
Uses shall provide the following enhancements to be eligible for any reduction in the number of required parking spaces, except where stated otherwise. The qualifying site criteria shall not be required for the following parking reductions and alternatives: land banking, stacked and tandem parking, or smaller parking spaces for low-turnover uses. Industrial uses, public safety facilities, transportation facilities, and utility facilities are exempt from the qualifying site development criteria.

a. ***Street Oriented Building***
Primary entrances and/or windows providing visual access shall comprise at least 15 percent of the area of any street facing building elevation. For nonresidential uses, windows providing visual access and/or primary entrances shall comprise at least 50 percent of the length and 25 percent of the ground-floor wall area of any street facing building elevation.

b. ***Walkway to the Street***
A walkway meeting the requirements of section 21.07.060 shall connect at least one primary entrance to a street.

c. ***Parking Facility Location***
For buildings constructed after [effective date], parking facilities including driveways shall comprise no more than 50 percent [ONE-THIRD] of the area between the street property line and the street facing building elevation, and garage doors shall comprise no more than 50 percent [ONE-THIRD] of the length of the street facing building elevation. These requirements apply to no more than two street frontages.

d. ***Private Open Space***
For residential developments that are required to provide private open space, an additional 40 square feet of private open space that meets the requirements of subsection 21.07.030 shall be provided for each reduction of one parking space. This shall be common private open space in the case of multifamily and mixed-use dwellings.

e. ***Cross-Access to Adjacent Properties***
The director and the traffic engineer may determine there is potential for driveway or walkway cross-access to abutting properties and may require a cross-access facility and/or easement within the subject property to the site boundary. Vehicular cross-access may only be required in commercial districts.

4. Downtown
Uses located in DT-1, DT-2, and DT-3 districts are exempt from providing off-street parking spaces. However, if parking is provided, all other standards of this section shall

Page 409 ANNOTATION

The mixed-use and MT districts are proposed for deletion.

Small neighborhood commercial sites in the B-1A district are proposed to be eligible for a parking reduction, to reflect that they can serve and be accessed from the immediate surrounding residential area.

The proposed mixed-use development standards for the B-3 and B-1A districts include parking reductions that reference this section. The specific percentage reductions are provided for each district in the Chapter 4 standards.

apply in the DT districts. Notwithstanding the provisions of F.1. and F.2. above, parking agreements and qualifying site criteria shall not be required for this exemption.

5. Residences in Walking Distance to Downtown

Residential household uses located north of 15th Avenue, west of Orca Street, east of L Street, and south of Ship Creek are eligible for a reduction of up to 25 percent of the minimum number of required parking spaces.

6. Districts That Promote a Mix of Uses [MIXED-USE DISTRICTS]

a. Uses located in the [NMU, CMU, RMU, MT-1, MT-2, AND] R-4A district[S] are eligible for a reduction of up to 10 percent of the minimum number of required parking spaces.

b. Uses located in the B-1A district are eligible for a reduction of up to 10 percent of the minimum number of required parking spaces, if the B-1A district abuts residential districts on the majority of its perimeter, and has a contiguous area of no more than one acre, excluding rights-of-way.

c. Certain developments in the B-1B and B-3 districts are eligible for a reduction of the minimum number of required parking spaces, as specified in the mixed-use development standards or overlay district standards of chapter 21.04. Such reductions shall be reviewed and administered under this section 21.07.090F.

7. Residences in Center City Neighborhoods

a. Residential household uses located in center city neighborhoods are eligible for a reduction of up to 10 percent of the minimum number of required parking spaces.

b. For the purposes of this provision, the center city area is bounded to the north by Elmendorf Air Force Base, to the south by Tudor Road, to the east by Ingra Street and the Seward Highway, and to the west by Minnesota Drive. Any part of Fairview, South Addition, Government Hill, or Mountain View community council is also in the eligible area.

c. This reduction recognizes proximity to employment centers, characteristics such as traditional street grids and development patterns, household characteristics, emphasis on walkable northern city environments, and lower parking demand in these areas.

8. Uses Adjacent to Transit Service

A use is eligible for a reduction of up to five percent of the minimum number of required parking spaces if it is located within 800 feet of the street right-of-way centerline of any municipal public transit route, subject to approval by the traffic engineer and the director. The public transportation department may require a public use easement or transit stop and/or transit shelter improvements if the subject property abuts an existing or planned transit stop. If the public transportation department requires such an easement or improvements, then the use is eligible for an additional reduction of two percent or one more parking space, whichever is greater.

9. Rideshare Programs

A nonresidential use is eligible to substitute participation in municipal rideshare programs for up to a maximum of five percent of the minimum number of required parking spaces. The land area that would otherwise be needed in order to provide the required number of parking spaces shall be set aside on the site to provide for the future construction of a parking lot [AREA] in conformance with subsection 21.07.090F.12., *Land Banking*.

a. ***Carpool***

Every designated carpool space may count as 1.8 spaces toward meeting the minimum number of required spaces. The carpool spaces shall be those closest to the primary entrance or elevator, but not closer than accessible spaces or those signed for exclusive customer/visitor use. Signs shall be posted indicating these spaces are reserved for carpool use. The traffic engineer shall consult with the public transportation department in providing carpool spaces and the location of carpool parking.

b. ***Vanpool***

For every vanpool purchased or leased by the applicant for employee use operated through the municipal rideshare program, the number of required parking spaces shall be reduced by up to six spaces. The traffic engineer may require a safe and convenient designated vanpool passenger loading zone.

10. Transit Pass Benefits

A use in which the owner or employer offers transit passes cost-free to all employees or residents is eligible for a parking reduction of up to 10 percent of the minimum number of required parking spaces. The use shall be located within 800 feet of the street right-of-way centerline of any municipal transit route. The public transportation department may require a public use easement or transit stop and/or transit shelter improvements if the subject property abuts an existing or planned transit stop. If the public transportation department requires such an easement or improvements, then the use is eligible for an additional reduction of two percent or one more parking space, whichever is greater.

11. Parking Cash-Outs

A use is eligible for a reduction of up to 10 percent of the minimum number of required parking spaces if it implements a parking cash-out program by which commuters are provided the option to choose between free parking and its equivalent cash value for using an alternative mode of travel.

12. Land Banking

Subject to approval by the traffic engineer and the director, the land area that would otherwise be needed in order to provide up to 25 percent of the minimum number of required parking spaces may be set aside on the site to provide for the future construction of a parking facility. The applicant shall submit a parking demand study prepared in a form and manner prescribed by the traffic engineer that indicates the reduced parking lot [AREA] will accommodate expected parking needs, and an alternate site plan to be approved by the traffic engineer that accommodates the parking that would be required without the land banked parking reduction. The area set aside shall be landscaped with site enhancement landscaping and/or pedestrian amenities approved by the director. The parking agreement shall guarantee that, if the director and the traffic engineer determine at some point in the future that additional parking spaces are needed, the owner shall construct parking on the land banked area in conformance with the alternate site plan.

13. Affordable Housing

Affordable housing units that are deed-restricted for households having an income at the time of initial occupancy of 30 percent or less of median family income are eligible for a reduction of up to 30 percent of the minimum number of required parking spaces. Affordable housing units for low income households having an income at the time of initial occupancy of 60 percent or less of median family income are eligible for a reduction of up to 15 percent of the minimum number of required parking spaces. The affordable housing units shall be consistent with the standards of subsection 21.07.100H., *Standards for Affordable Housing*.

14. Senior Housing

Dwelling units that meet the definition of senior housing are eligible for a reduction of up to 15 percent of the minimum number of required parking spaces. Dwelling units that meet the definition of senior housing that is intended for, and solely occupied by, persons 62 years of age or older are eligible for a reduction of up to 25 percent of the minimum number of required parking spaces. The agreement to provide a dwelling as housing for older persons is an obligation that runs with the land and is binding on subsequent property owners for as long as the required parking is not provided.

15. Housing Density

Residential household uses are eligible for a reduction of one percent of the minimum number of required parking spaces for every four dwellings per acre above a net density of 40 dwellings per acre on the site, up to a maximum reduction of 20 percent of the minimum number of required parking spaces.

16. Shared Parking

Shared use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their peak parking demands occur at different times. The traffic engineer and director may approve shared parking facilities for uses with different peak business periods if the shared parking complies with all of the following standards:

a. ***Shared Parking Study***

The applicant shall submit a shared parking study to the director that demonstrates the feasibility of shared parking. The study shall be provided in a form established by the traffic engineer and shall be made available to the public. The study shall demonstrate that any parking reduction requested will not result in the spillover of parking onto other properties or public streets, by, at a minimum, addressing the following: the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

b. ***Calculation of Parking Spaces Required***

The shared parking study shall follow one of the following procedures:

i. The method under subsection 16.c.;

ii. The most current published procedures of the Urban Land Institute or the Institute of Transportation Engineers; or

iii. Other procedures as specifically approved by the traffic engineer.

c. ***Alternative Calculation Method***

For each use sharing the parking facility, calculate the number of off-street parking spaces required for that use in table 21.07-5. Multiply that number across the row for its land use in table 21.07-7, *Shared Parking Credit*, to determine the typical parking required for that use during the eight time periods. For each time period, add the resulting products for each of the uses sharing the parking. The column total that generates the highest number of parking spaces then becomes the shared parking requirement. This represents the time period with the highest total parking demand.

Page 412 ANNOTATION

In response to public comments, the shared parking and off-site parking provisions allowing for an establishment to have required parking facilities across the street are amended to be clearer, more flexible, and consistent with each other. The Traffic Engineer may approve separation by a collector or larger classification street in certain cases, or where an area-specific comprehensive plan element such as a district plan supports it.

Administration Addition
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TABLE 21.07-7: SHARED PARKING CREDIT								
Land Uses[12]	**Weekday Time Periods**				**Weekend Time Periods**			
	7 am to 6 pm	6 pm to 1 am	1 am to 3 am	3 am to 7 am	7 am to 6 pm	6 pm to 1 am	1 am to 3 am	3 am to 7 am
Residential	65%	100%	100%	100%	75%	90%	10%	100%
Religious Assembly	25%	50%	0%	0%	100%	50%	0%	0%
Health Services	100%	30%	5%	5%	100%	0%	0%	0%
Assembly	100%	50%	5%	5%	100%	50%	5%	5%
Fitness Center	90%	100%	60%	60%	100%	100%	80%	80%
Movie Theater	60%	100%	0%	0%	80%	100%	0%	0%
Bar or Nightclub	40%	100%	90%	0%	50%	100%	90%	0%
Restaurant	80%	100%	50%	50%	85%	100%	25%	25%
Restaurant - Fast Food	100%	90%	15%	15%	100%	80%	15%	15%
Office or Financial	100%	10%	0%	5%	15%	0%	0%	0%
Retail Sales / Services	100%	80%	0%	0%	100%	60%	0%	0%
Visitor Accommodations	75%	100%	100%	100%	75%	100%	100%	100%

NOTES: [12] If one or more of the land uses proposed to make use of shared parking facilities do not conform to the land use classifications in this table, as determined by the director, then the applicant shall submit sufficient data to indicate the periods of peak parking demand for the uses. Based on this information, the traffic engineer shall determine the appropriate shared parking requirement.

d. ***Distance to Parking Spaces***

Shared parking spaces for residential units shall be located within 500 feet of the dwelling unit entrance they serve. Shared spaces for other uses shall be within 800 feet of a primary entrance of the uses served. The traffic engineer and the director may approve a portion of shared parking spaces at a greater distance based on factors such as the pedestrian environment, availability of attendant parking, weather protection, and the type of use served.

e. ***Pedestrian Connection***

Clear and safe pedestrian walkways shall connect the shared parking facility and the primary entrances of the uses it serves. The traffic engineer may require pedestrian street crossing improvements.

f. ***Separation by Streets***

Separation of a use and its shared parking facility by a local street is allowed. Shared parking spaces shall not be separated from the served use by a collector or greater classification street, unless approved by the traffic engineer with consideration of the ease and safety of pedestrian access, or as specifically allowed by a comprehensive plan element specific to an area or district. [SEPARATION BY A COLLECTOR STREET SHALL BE SUBJECT TO APPROVAL BY THE TRAFFIC ENGINEER. SEPARATION BY A STREET DESIGNATED IN THE *OFFICIAL STREETS AND HIGHWAYS PLAN* AS A HIGHER CLASSIFICATION STREET THAN A COLLECTOR IS PROHIBITED.]

g. ***Residential Neighborhoods***

A nonresidential use shall not participate in a shared parking facility that is located in a residential district, if the use itself is not permitted in the residential district.

Page 413 ANNOTATION

In response to public comments, the shared parking and off-site parking provisions allowing an establishment to have parking facilities across the street are amended to be clearer, more flexible, and consistent with each other.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
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h. ***Instructional Signs***
The shared parking facility shall provide instructional signs on the premises indicating the availability of the facility for patrons of the uses it serves.

i. ***Shared Parking Plan***
A shared parking plan shall be submitted for review and approval by the traffic engineer and the director. The shared parking plan may be combined with other parking plans required by this title.

j. ***Changes in Use or Shared Parking Facility***
Any subsequent change to the shared parking facility or in use type shall require a review by the department and the traffic engineer for compliance with this section, including proof that sufficient parking will be available. Any change shall be approved prior to being implemented.

k. ***Expiration***
Notwithstanding F.1.a. above, a shared parking agreement may be recorded for a time certain period, not to be less than ten years. At the end of the life of the agreement, property owners who are parties to the agreement shall comply with all provisions of this code governing the required number of off-street parking spaces.

17. Off-Site Parking
The traffic engineer and the director may approve the location of required parking spaces on a separate lot from the principal use if the off-site parking complies with all of the following standards:

a. ***Accessible Parking Spaces***
Required accessible parking spaces shall not be located off-site.

b. ***Location***
The maximum distance between off-site parking spaces and the use(s) served shall be the same as provided in subsection 21.07.090F.16.d. for sharing parking spaces (measured along the shortest legal pedestrian route). Separation of a use and its off-site parking spaces by a street shall be subject to subsection 21.07.090F.16.f. [OFF-SITE PARKING SPACES SHALL NOT BE SEPARATED FROM THE USE SERVED BY A COLLECTOR OR GREATER CLASS RIGHT-OF-WAY, UNLESS APPROVED BY THE TRAFFIC ENGINEER.]

c. ***Pedestrian Connection***
Clear and safe pedestrian walkways shall connect the off-site parking facility and the primary entrance(s) of the uses served. The traffic engineer may require sidewalk or pedestrian crossing improvements to enhance pedestrian safety or mobility to and from the off-site parking.

d. ***Instructional Signs***
Instructional signs shall be posted on the principal site providing notice of the availability and location of additional parking. The off-site parking facility shall provide instructional signs indicating the availability of the facility for patrons of the uses it serves.

e. ***Residential Neighborhoods***
A nonresidential use shall not participate in an off-site parking facility that is located in a residential district, if the use itself is not permitted in the residential district.

Page 414 ANNOTATION

Clarifies that on-street parking may count toward residential guest parking requirements.

The word “curb” is deleted as a technical amendment, to simplify and avoid potentially a confusing or unfamiliar term.

Administration Addition
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18. District Parking

The traffic engineer may reduce the minimum number of required off-street parking spaces for uses within the boundaries of a municipally recognized public parking district that provides off-site parking facilities to serve an area. To determine eligibility for this reduction or the size of the reduction to be allowed, the traffic engineer shall consider factors such as:

a. Peak hours of use and turnover rate;

b. The ability of the use to meet the parking requirement through other means;

c. The availability of spaces in the nearby district parking facility;

d. The relative distance to the use from the district parking facility; and

e. Measures provided by the applicant to ensure employee and patron use of the district parking facility, and ease and safety of pedestrian access.

19. On-Street [CURB] Parking

If approved by the traffic engineer, on-street [CURB] parking spaces in the street or right-of-way abutting the frontage of the site may be counted toward the minimum required number of off-street parking spaces, including guest parking spaces. In addition, as determined by the traffic engineer, a portion of the remaining on-street [CURB] parking spaces located within the maximum distance provided in subsection 21.07.090F.16.d. for shared parking spaces may be counted toward the minimum required off-street parking spaces, in an amount consistent with a fair apportionment of on-street [CURB] parking spaces among the properties on the street. Upon approval, each on-street [CURB] space may be substituted for one required off-street space. The provisions apply only to street frontages where on-street [CURB] parking is allowed. Determination of the location and dimensions of on-street [CURB] parking spaces to be counted toward the parking requirement shall be the authority of the traffic engineer based on a review of the situation. The street curb next to on-street parking spaces shall be a vertical curb (not a rolled curb), and a sidewalk shall extend the full length of the subject property.

20. Stacked and Tandem Parking

a. ***Nonresidential Uses***

Stacked and tandem parking spaces for nonresidential uses are allowed to count toward the minimum number of required spaces if the owner ensures through the parking agreement that attendant parking is provided for such spaces. An accessible passenger loading zone shall be provided with attendant parking services at or near a primary entrance. Availability of this service shall be conspicuously posted inside and outside the primary entrance. The traffic engineer may waive the parking attendant requirement for automated parking structures.

b. ***Residential Uses***

Two required parking spaces for any residential dwelling may be arranged in tandem or stacked one above the other using a car stacker, so long as parking required for the dwelling unit is arranged independently from parking serving any other dwelling unit, with unobstructed vehicle access for at least one of the spaces required for each dwelling unit, and the owner assigns the two spaces toward the same dwelling and enforces their assigned use.

21. Smaller Parking Spaces for Parking Structures and Low-Turnover Uses

If approved by the traffic engineer, up to 20 percent of the total number of required parking spaces located in a parking structure and/or designated for employee or resident

Page 415 ANNOTATION

Administration Addition
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parking only may be eight feet six inches wide, subject to the requirements of table 21.07-9, *Parking Space and Aisle Dimensions*. Such spaces shall be signed for employee or resident parking only.

22. Bicycle Parking

A use is eligible to permanently or seasonally substitute bicycle parking spaces for required automobile parking spaces. Each automobile parking space shall be replaced by a minimum of six bicycle parking spaces not required by this title. Bicycle parking spaces shall comply with the standards of subsection 21.07.060F.15. and be separated from motor vehicle areas by bollards or other physical buffer approved by the traffic engineer.

23. Other Eligible Reductions or Alternatives

The traffic engineer and the director may approve any parking reduction or other alternative in addition to the choices above, or that increases the percentage reduction in any of the choices above, if the applicant demonstrates to the satisfaction of the traffic engineer and the director that the proposed parking management strategy will protect surrounding neighborhoods, and maintain traffic circulation patterns at least the same extent as would strict compliance with otherwise applicable off-street parking standards. Additional parking management strategies may include, for example, transportation demand programs, car sharing, unbundled parking, or a combination of strategies. The applicant shall provide a parking demand study prepared in a form and manner prescribed by the traffic engineer that demonstrates a reduction is appropriate based on the expected parking needs of the development, availability of transit, and similar factors. It shall be determined that:

a. The use will be adequately served by the proposed parking due to project location, transportation characteristics of the persons residing, working, or visiting the site, or because the applicant has undertaken a program or strategy that will reduce parking demand at the site; and

b. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

G. Off-Street Loading Requirements

No building or structure used for any use specified in the loading column of table 21.07-5 shall be erected, nor shall any such existing building or structure be altered so as to increase its gross floor area by 25 percent or more, without prior provision for off-street loading berth in conformance with the following minimum requirements:

1. Types of Loading Berths

Required off-street loading shall be provided in berths that conform to the following minimum specifications:

a. Type A berths shall be at least 60 feet long by 10 feet wide by 14 feet six inches high, inside dimensions.

b. Type B berths shall be at least 30 feet long by 10 feet wide by 14 feet six inches high, inside dimensions.

c. Type C berths shall be located in the rear of a lot and utilize part of an adjacent alley. The building setback shall be a minimum of five feet from the property line along the alley for the entire width of the lot.

Page 416 ANNOTATION

This change to the multifamily loading requirements clarifies that a loading berth is required only for large apartment buildings. Loading berths are not required for multifamily developments in which the dwelling units are spread out in multiple smaller structures.

Administration Addition
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2. Number of Spaces

The following numbers and types of berths shall be provided for the specified uses in table 21.07-8, *Off-Street Loading Berths*; provided, however, that, in any DT district, or in any mixed-use development [DISTRICT] where an alley is available that is not shared with any adjacent R-1, R-1A, R-2A, R-2D, [R-2F,] R-2M, or R-3 zoned residential lot, one type C berth may be substituted for one type B berth. The uses specified in this subsection shall include all structures designed, intended, or arranged for such use.

TABLE 21.07-8: OFF-STREET LOADING BERTHS

Use	Aggregate Gross Floor Area (square feet) or Number of Dwelling Units	Berths Required	Type
Residential Uses			
Multifamily and mixed-use dwellings	50-149 dwelling units in a structure	1	B
	150-249 dwelling units in a structure	2	B
	Each additional 100 dwelling units or portion thereof	1 additional	B
Community [PUBLIC/INSTITUTIONAL] Uses			
Cultural facilities	24,000--50,000	1	B
	50,001--100,000	2	B
	Over 100,000, each additional 50,000 or fraction thereof	1 additional	B
Educational facilities	Over 25,000	1	B
Health care facilities	25,000--100,000	1	B
	Over 100,000	2	B
Railroad freight terminals and other transportation facilities	12,000--36,000	1	A
	36,001--60,000	2	A
	60,001--100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
Commercial Uses			
Assembly uses	25,000--150,000	1	B
	150,001--400,000	2	B
	Each additional 250,000 or fraction thereof	1 additional	B
All commercial establishments not otherwise specified	10,000 --24,000	1	B
	24,001--50,000	2	B
	50,001--100,000	3	B
	Over 100,000, each additional 50,000 or fraction thereof	1 additional	B
Visitor accommodations, health services, and office uses	25,000--40,000	1	B
	40,001--100,000	2	B
	Each additional 100,000 or fraction thereof	1 additional	B

TABLE 21.07-8: OFF-STREET LOADING BERTHS			
Use	**Aggregate Gross Floor Area (square feet) or Number of Dwelling Units**	**Berths Required**	**Type**
Industrial Uses			
All industrial uses	12,000--36,000	1	A
	36,001--60,000	2	A
	60,001--100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A

3. Uses Not Specifically Mentioned

In the case of a use not specifically mentioned in this section, the requirements for off-street loading berths shall be the same as the use mentioned in this section which, in the opinion of the director, is most similar to the use not specifically mentioned.

4. Concurrent Different Uses

When any proposed structure will be used concurrently for different purposes, the loading requirements shall be the total requirements for each use based upon its aggregate gross floor area, unless otherwise approved by the traffic engineer and the director.

5. Location of Off-Street Loading Facilities

Off-street loading facilities required under this title shall be in all cases on the same lot or parcel of land as the structure they are intended to serve, except as provided in subsection 21.07.090G.1.c. for type C loading berths. Where parking facilities are not allowed between a building and a street, loading berths are also not allowed.

6. Manner of Using Loading Areas

No loading berth shall be so located that a parked vehicle or tractor-trailer using such loading berth projects into any street or across a required pedestrian facility or sidewalk. Loading berths shall be provided with access to an alley, or, if no alley abuts the lot, with access to a street. Any required front, side, or rear setback may be used for loading unless otherwise prohibited by this title. Design and location of entrances and exits for required off-street loading berths shall be subject to the approval of the traffic engineer.

7. Signs

The owners of the property shall provide, locate, and maintain loading signs as specified by the traffic engineer. Such signs shall not be counted against allowed advertising sign area or number.

H. Parking and Loading Facility Design Standards

1. Purpose

The parking and loading facility design standards promote vehicle areas which are safe, efficient, convenient, and attractive for motorists and pedestrians. Parking facility locations within a site are encouraged to be located elsewhere than the front area between the building and its street frontage, in order to enhance the function, character, and walkability of the area. These design standards also enhance the compatibility of parking and loading facilities with their surroundings.

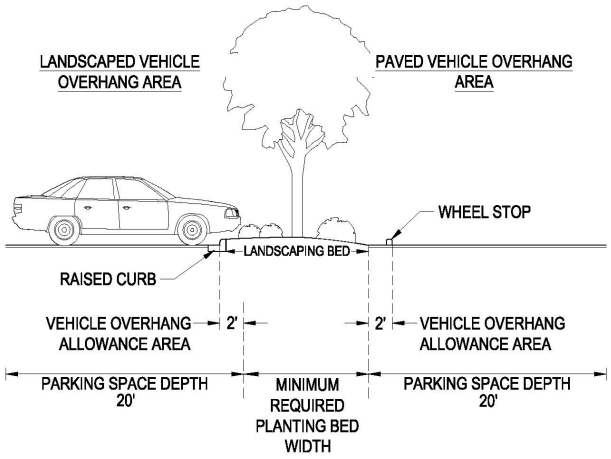
2. Applicability

These standards apply to any parking facility or loading facility including all parking spaces in a development, except where stated otherwise. A temporary parking lot shall

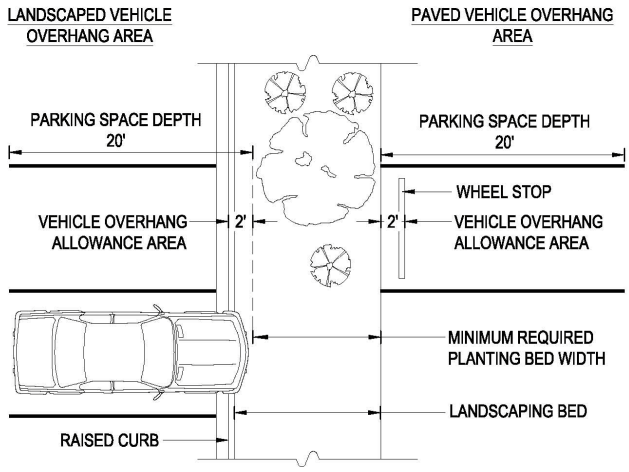
comply with all applicable development requirements of this title for surface parking lots and parking lot landscaping, except when associated with another temporary use permitted pursuant to section 21.05.080.

3. Landscaping and Screening

Parking and loading facilities shall comply with the landscaping provisions of section 21.07.080. If the loading facilities are adjacent to the lot line, a maximum of 35 percent of one side [SODE] of the loading area perimeter landscaping and the site perimeter landscaping may be replaced by a screening fence of a minimum height of six feet. That area for the proposed screening fencing shall only be located where adjacent to a loading area and/or dumpster screening area, and shall not be located adjacent to a residentially zoned parcel or a street. Provisions for location and screening of refuse containers and other elements are in section 21.07.080. No automobile or bicycle parking facility or loading facility shall be permitted in any required landscaping area. No vehicle overhang allowance area, as measured in table 21.07-9, may extend into the minimum required planting bed width of required landscaping. See figures that follow.



VEHICLE OVERHANG AND REQUIRED LANDSCAPING
SECTION VIEW (90° ANGLE PARKING SPACE)



VEHICLE OVERHANG AND REQUIRED LANDSCAPING
PLAN VIEW (90° ANGLE PARKING SPACE)

Page 419 ANNOTATION

This is a non-substantive amendment to relocate the multifamily paragraph to the multifamily design standards section, to improve organization and clarity. The proposed new location is 21.07.110C.4.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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4. Drainage and Storm Water Management

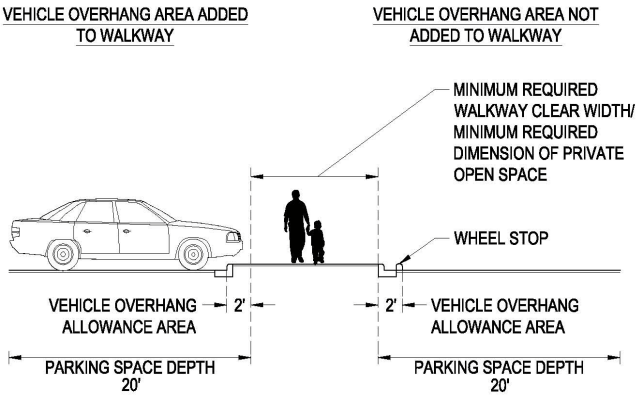
Parking and loading facilities shall comply with the parking and loading related provisions of section 21.07.040, *Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges*.

5. Exterior Lighting

Parking and loading areas shall comply with the exterior lighting provisions of section 21.07.100.

6. Pedestrian Access and Circulation

Parking and loading facilities shall comply with the provisions of subsection 21.07.060E., *Pedestrian Facilities*. No vehicle overhang allowance area, as measured in table 21.07-9, may extend into the minimum required dimension of required walkways, pedestrian areas, or private open space. See figure that follows.



VEHICLE OVERHANG AND REQUIRED PEDESTRIAN FACILITIES

7. Relationship to Buildings

a. *Nonresidential Buildings*

Parking spaces and parking aisles shall be separated from any nonresidential building by a walkway or site enhancement landscaping planting area, or both, of at least four feet in width. Other motor vehicle areas shall also be subject to this requirement only where the traffic engineer determines it necessary for a safe pedestrian walkway route between a building entrance or parking lots [AREAS]. Otherwise, loading berths, rear service areas, motor vehicle entrance and service bays, queuing lanes, and drive-throughs are exempt.

[MULTIFAMILY RESIDENTIAL BUILDINGS

PARKING SPACES, DRIVEWAYS, AND CIRCULATION AISLES SHALL BE SEPARATED FROM ANY MULTIFAMILY RESIDENTIAL BUILDING FAÇADE BY A SITE ENHANCEMENT LANDSCAPING PLANTING AREA OF AT LEAST FIVE FEET IN WIDTH, AND ALLOWING BREAKS FOR GARAGE ENTRANCES. THE AREA SHALL BE PLANTED WITH A MINIMUM OF 0.4 UNITS OF LANDSCAPING MATERIAL PER LINEAR FOOT.]

8. [LOCATION OF PARKING LOTS WITHIN THE SITE

THE LOCATION OF PARKING AND VEHICLE AREAS WITHIN THE PROPOSED DEVELOPMENT SITE SHALL BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS FOR EACH USE SPECIFIED, EXCEPT WHEN AN ALTERNATE

Page 420 ANNOTATION

Rolled curbing is proposed by the Administration to be allowed within parking facilities.

Administration Addition
[ADMINISTRATION DELETION]

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Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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CONFIGURATION IS APPROVED BY THE TRAFFIC ENGINEER AND THE DIRECTOR.

a. ***SINGLE-FAMILY, TWO-FAMILY, AND TOWNHOUSE DWELLINGS***
SINGLE-FAMILY, TWO-FAMILY, TOWNHOUSE, MULTIFAMILY, AND MIXED-USE DWELLINGS SHALL COMPLY WITH PARKING, DRIVEWAY, AND GARAGE RELATED PROVISIONS OF SECTION 21.07.110.

b. ***DEVELOPMENT IN MIXED-USE DISTRICTS***
VEHICLE AREAS ARE NOT ALLOWED BETWEEN THE STREET AND THE PORTION OF THE BUILDING THAT COMPLIES WITH ANY OF THE MAXIMUM STREET SETBACKS ESTABLISHED IN SECTION 21.06.020, *DIMENSIONAL STANDARDS TABLES*.]

9. Vehicular Access and Circulation
Parking lots and structures shall be designed for a safe and orderly flow of traffic throughout the site, as provided in the subsections that follow.

a. ***Key Elements***
The parking facility layout, circulation, and design plan shall address the following elements as they relate to parking lots, including but not limited to: fire lanes, emergency access, drive-throughs, queuing spaces, passenger loading zones, pedestrian circulation, and loading berths.

b. ***Circulation Patterns***
Internal circulation patterns and the location and traffic direction of all circulation aisles, driveways, and queuing lanes shall be designed and maintained in accordance with the municipal driveway standards currently established by the traffic engineer, and with accepted principles of traffic engineering and safety, per the traffic engineer's review based on the current manuals of the Institute of Transportation Engineers and the Urban Land Institute, and the *Manual of Uniform Traffic Control Devices* or the successor documents. Circulation patterns within parking facilities shall be well defined with pavement marking and signage, [VERTICAL] curbs, landscaping, landscaped islands, and/or other similar features. In order to define circulation and provide better sight distance, curbed end islands shall be required at the end of each row of parking spaces. Where loading facilities or on-site refuse collection are provided [REQUIRED], commercial truck circulation shall be considered, and truck turning radii shall be shown on the parking facility layout, circulation, and design plan when required by the traffic engineer.

c. ***Parking Spaces Along Major Site Entrance Drives***
The provision, location, design, and dimensions of parking spaces on a major access driveway that serves as an entry or exit for a large establishment with multiple lots, tracts, or businesses, shall conform to municipal standards for on-street parking and be subject to review and approval by the traffic engineer.

d. ***Parking Lot [AREA]Entries/Driveways***
Entries and driveways providing access to parking lots [AREAS] shall conform to the municipal driveway standards currently established by the traffic engineer. Access to streets [ROADS] owned by the state of Alaska requires compliance with state driveway standards, department of transportation and public facilities approval, and a current valid state of Alaska driveway permit. Ingress and egress to parking facilities shall be designed to maintain adequate sight distance and safety and as prescribed in the municipal driveway standards.

Page 421 ANNOTATION

The amendments to subsection 21.07.090H.9.d. correct an oversight in the provisionally adopted Title 21. They ensure that the current Title 21 driveway regulations for non-residential uses carry over to the new Title 21.

A correction from the traffic engineer, to reflect that all of the parking spaces to be used by the public, not just those spaces counted toward the minimum parking requirement, are reviewed and approved by the traffic engineer for safe and efficient access.

Technical edit to reflect all housing types that will be exempted.

Administration Addition
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PZC Addition
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Tech Edit Addition
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i. *Residential Uses*
Residential driveway entrances shall comply with subsection 21.07.110H.3., *Driveway Width*.

ii. *Nonresidential Uses*
The total width of driveway entrances to a nonresidential lot from a street shall not exceed 40 percent of the frontage of the lot, or 33 percent of the frontage if the platting authority or traffic engineer finds that conditions warrant it, unless the applicant provides for snow storage in a manner approved by the decision-making body.

e. ***Parking and Maneuvering***
All circulation aisles, driveways, and vehicle maneuvering areas required by this section shall be located entirely off-street and on the property unless specifically provided otherwise by this section.

i. *Access to Parking Spaces*
To ensure safe and efficient vehicular access to parking spaces, each [REQUIRED] off-street parking space shall open directly on a parking aisle or driveway of such width and design as provided in table 21.07-9 and the illustrations that follow the table. Adequate ingress and egress to each parking space shall be provided without backing more than 25 feet.

ii. *Maneuvering Area*
Off-street parking facilities shall be designed with sufficient maneuvering room so that all maneuvers associated with the parking shall occur in the off-street parking facility, and that all vehicles enter the abutting street in a forward motion.

iii. *Some [SINGLE- AND TWO-FAMILY] Dwellings Exempted*
Single-family, [AND] two-family, [DWELLINGS AND] townhouse[S], and mobile home dwellings on individual lots shall be exempted from this subsection.

iv. *Loading Berth Maneuvering*
Vehicle maneuvering for loading berths shall be subject to the requirements of subsection 21.07.090G.6., *Manner of Using Loading Areas*.

f. ***Dead-End Parking Aisles***
Dead-end parking aisles may be allowed only with the approval of the traffic engineer.

g. ***Alleys***
Subject to safety approval by the traffic engineer, the usable portion of an alley may be credited as circulation and/or parking aisle space.

h. ***Cross Access and Joint Access with Adjacent Sites***
The plan shall show existing parking and circulation patterns on adjacent properties and potential connections. Required parking lots [AREAS] serving a site, whether located on that same lot or on an adjacent lot, may be connected by means of a common access driveway within or between the interior of such lots. Applicants are encouraged to provide shared vehicle and pedestrian access to adjacent properties for convenience, safety, and efficient circulation. An access easement shall be provided on the plat, or a shared access agreement running

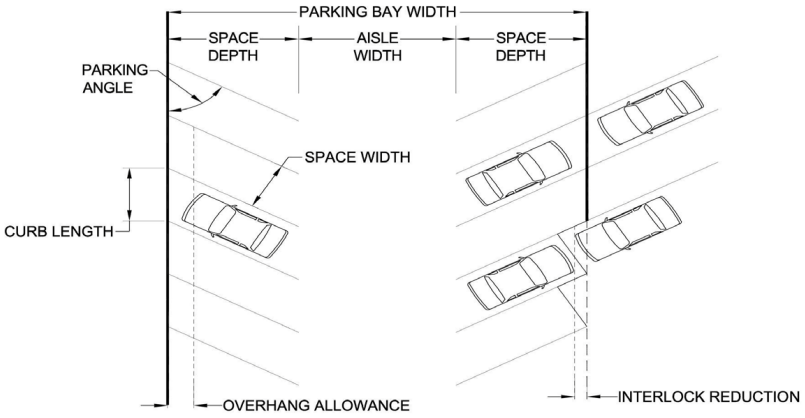
with the land shall be recorded by the municipality, as approved and executed by the director, guaranteeing the continued availability of the shared access between the properties.

10. Dimensions of Parking Spaces and Aisles

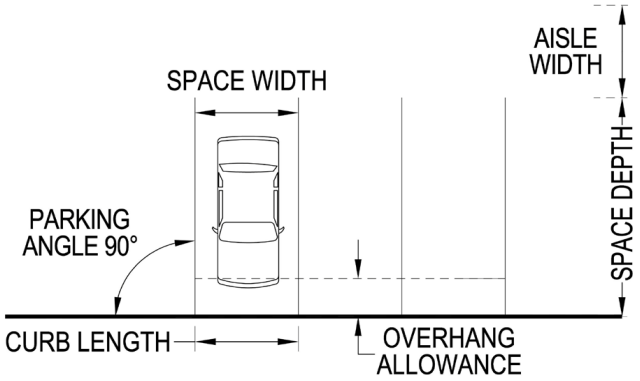
The minimum dimensions for parking spaces and parking aisles shall be as provided in table 21.07-9, and calculated as depicted in the figures that follow the table. The minimum parking space width shall be 9'0" except as provided elsewhere in this section. The parking configuration stated in the following table and figures shall apply to all off-street parking, except as stated elsewhere in this section.

TABLE 21.07-9 PARKING ANGLE, STALL, AND AISLE DIMENSIONS

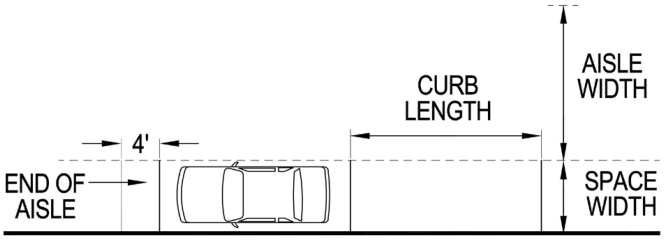
Parking Angle	Space Width	Curb Length (Width Projection)	Space Depth (Vehicle Projection)	Aisle Width 1-way	Aisle Width 2-way	Typical Parking Bay Width (Module)	Interlock Reduction	Over-hang Allowance
0 (parallel)	8' 6"	23' 0"	8' 6"	12' 6"	24	41' 0"	0' 0"	0' 0"
	9' 0"	23' 0"	9' 0"	12' 0"	24	42' 0"	0' 0"	
	9' 6"	23' 0"	9' 6"	12' 0"	24	43' 0"	0' 0"	
	10' 0"	23' 0"	10' 0"	12' 0"	24	44' 0"	0' 0"	
45	8' 6"	12' 0"	18' 9"	12' 6"	24	61' 6"	3' 0"	1' 5"
	9' 0"	12' 9"	20' 6"	12' 0"	24	65' 0"	3' 2"	
	9' 6"	13' 5"	20' 10"	12' 0"	24	65' 9"	3' 4"	
	10' 0"	14' 2"	21' 3"	12' 0"	24	66' 5"	3' 6"	
60	8' 6"	9' 10"	19' 10"	18' 6"	24	63' 8"	2' 2"	1' 8"
	9' 0"	10' 5"	21' 10"	18' 0"	24	67' 8"	2' 3"	
	9' 6"	10' 12"	22' 1"	18' 0"	24	68' 2"	2' 5"	
	10' 0"	11' 7"	22' 4"	18' 0"	24	68' 8"	2' 6"	
75	8' 6"	8' 10"	19' 7"	19' 6"	24	63' 2"	1' 1"	1' 11"
	9' 0"	9' 4"	21' 8"	19' 0"	24	67' 4"	1' 2"	
	9' 6"	9' 10"	21' 9"	18' 6"	24	67' 7"	1' 3"	
	10' 0"	10' 4"	21' 11"	18' 0"	24	67' 10"	1' 5"	
90	8' 6"	8' 6"	18' 0"	23' 6"	24	60' 0"	0' 0"	2' 0"
	9' 0"	9' 0"	20' 0"	23' 0"	24	64' 0"	0' 0"	
	9' 6"	9' 6"	20' 0"	22' 0"	24	64' 0"	0' 0"	
	10' 0"	10' 0"	20' 0"	22' 0"	24	64' 0"	0' 0"	



PARKING DIMENSIONS



90° PARKING SPACES



PARALLEL PARKING SPACES

Page 424 ANNOTATION

Clarifies that the dimensional standards for angled parking spaces do apply to back-in diagonal parking.

Clarifies that the standards for parking aisle width do not apply to roadway travel lanes in on-street parking situations. Street standards for lane width will apply instead.

Administration Addition
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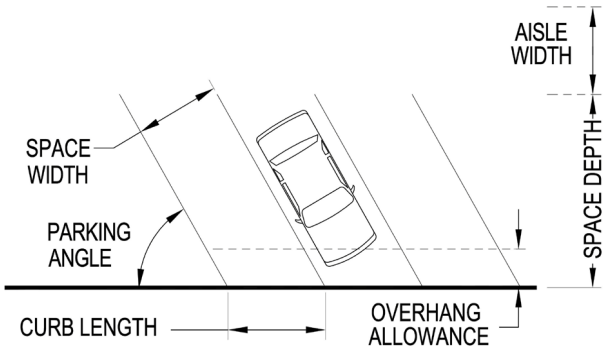

ANGLE PARKING SPACES
(45°, 60° or 75°)

a. ***Parking Angle***

Parking angles between zero and 45 degrees and between 75 and 90 degrees are not permitted, except as approved by the traffic engineer. Angles between 45 and 75 degrees are permitted. The dimensions for such angles shall be calculated by the applicant using a method prescribed by the traffic engineer. The angle parking spaces diagram above, including the elements of a parking space that it depicts relative to the required space dimensions in table 21.07-9, are equally applicable to either front-in or back-in angle parking spaces.

b. ***Parking Aisle Width***

Where the parking angle differs across a one-way parking aisle, the greater required parking aisle width shall be provided. In the case of on-street parking, the parking aisle width is replaced by the street's travel lane, and municipal street standards for street land widths apply.

c. ***Reduction in Parking Space Depth Due to Interlock***

Parking space depth (vehicle projection) may be reduced through the use of interlock between angled parking bays as shown in the parking dimensions figure. The amount of reduction in the parking space depth shall be as provided in the interlock reduction column of table 21.07-9. The parking angle of the abutting parking bays shall be equal in order to use the interlock reduction.

d. ***Overhang Allowance with a Parking Space***

The maximum overhang allowance shall be as shown in table 21.07-9 and the figures that follow it. The distance between the end of the parking space and the face of any raised curb or wheel stop used in the parking space shall be equal to (no greater or less than) the overhang allowance provided in table 21.07-9. The relationship between the overhang allowance and adjacent required landscaping and pedestrian facilities is established in subsections 21.07.090H.3. and H.6. Surfacing options for the overhang allowance area of the parking space are provided in subsection 21.07.090H.14.d., *Paving*.

e. ***Parking Spaces Abutting a Wall, Fence, or Other Obstruction***

Minimum required parking space dimensions shall be clear of all obstructions, other than wheel and curb stops and structural columns that meet the requirements of subsection 10.f. below. When the length of a parking space abuts a wall, fence, or other obstruction, the required width of the parking space shall be increased by one foot for each side with an obstruction. The parking

Page 425 ANNOTATION

Gives discretion to the traffic engineer to approve smaller parking space dimensions where appropriate.

The Assembly Title 21 Committee proposes to add references to the Municipality's Stormwater Permit from the State of Alaska (MS4), to clarify that this section speaks to a regulatory requirements of the MS4 permit. Per the MS4 permit, effective on January 31, 2013, the Municipality must require that all permanent stormwater controls (oil and grit separators and storm water detention and runoff facilities) are maintained for long term operation, and to perform inspections to ensure compliance.

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space angle and dimension requirements shall apply to the inside dimension of a parking space abutting an obstruction.

f. ***Structural Columns***
A structural column may encroach into the width of a parking space by up to one foot if the column is located within four feet of either end of the parking space. Such column shall not be located within one foot of the drive aisle.

g. ***Minimum Vertical Clearance***
A minimum height of 14 feet shall be maintained clear of obstructions from any parking lot surface to any structure or landscape feature above that may interfere with the safe passage of vehicles. The minimum vertical clearance for a structured parking facility, carport, or garage shall be seven feet four inches, except as follows:

i. The minimum vertical clearance for van accessible parking spaces, access aisles serving them, and vehicle routes to the van accessible spaces shall be eight feet two inches.

ii. The minimum vertical clearance for passenger loading zones including vehicular pull-up spaces, access aisles serving them, and a vehicular route between an entrance and exit and the passenger loading zone shall be nine feet six inches.

h. ***Smaller Parking Spaces for Low Turnover Uses***
Reduced parking space dimensions may be approved by the traffic engineer pursuant to subsection F.22. above.

i. ***Recreational Vehicle Spaces***
Parking spaces for recreational vehicles, if provided and delineated, shall be a minimum of 10 feet wide by 40 feet long.

j. ***Stacked, Automated, or Tandem Spaces***
The traffic engineer may approve reduced parking space dimensions for stacked parking spaces, and/or tandem spaces in an attendant parking facility.

11. Parking Facility Maintenance

a. Paved surface parking lots with 20 or more spaces shall be cleaned annually, or as otherwise required by the current MS4 permit, including once following spring melt prior to June 1 or as snowmelt conditions permit, in a manner that meets air quality and water quality standards.

b. On-site storm water detention and runoff facilities serving parking facility runoff shall be cleaned and maintained in a functional manner, or as otherwise required by the current MS4 permit.

c. Grit or oil and water separator devices shall be cleaned and maintained in a functional manner, or as otherwise required by the current MS4 permit.

12. Maximum Grade of Surface Parking Lots
The maximum grade for any parking space or circulation aisle shall be five percent, except that for accessible spaces the maximum grade shall be two percent, as required by the Americans with Disabilities Act. Circulation aisles that are covered or heated may have an increased maximum grade with the approval of the traffic engineer.

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An amendment proposed from traffic engineering, right-of-way enforcement, and th building official to require driveways that connect to a paved public street to be paved for the first 50 feet, in order to reduce the tracking of gravel and sediment onto paved public streets.

Based on concerns expressed in parts of the community in Chugiak-Eagle River and Girdwood, the Assembly Title 21 Committee has approved a change to the proposed new standard, such that the driveways for single-family homes would only need to be paved for the first 15 feet, not 50 feet.

Provides a reference to several use-specific paving exceptions that exist in Chapter 5.

These changes simplify the review and approval authority of the traffic engineer. The changes carry forward existing review and approval responsibilities.

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13. Paving

a. ***Material***

Except as provided below, all parking spaces, loading berths, driveways, and other motor vehicle driving surfaces shall be paved and maintained with dustless, all-weather, hard materials appropriate for the municipality's sub-arctic environment, and equal in strength to two inches municipal Type E asphaltic concrete and a base material suitable for the intended traffic, to standards prescribed by the municipal engineer or as otherwise approved by the traffic [MUNICIPAL] engineer.

b. ***Paving Exceptions and Alternatives*** ***[EXCEPTIONS FOR SMALL PARKING LOTS IN CLASS B DISTRICTS]***

The traffic engineer may approve the following exceptions and alternatives to the paving requirement, provided that the first 50 feet of a driveway, as measured from the edge of the street travelled way, shall be paved if connecting to a paved public street. This length is reduced to 15 feet for single-family and two-family uses. Where a driveway throat is less than 50 feet, the traffic engineer may approve an alternative driveway surface that effectively reduces or eliminates the tracking of sediment onto paved public streets.

i. *Use-Specific Exceptions*

Certain uses may use gravel in lieu of paving, as specified in chapter 21.05.

ii. *Exceptions for Small Parking Lots in Class B Districts*

Parking lots of 10 spaces or fewer in class B districts may instead be surfaced with a layer of crushed rock of no more than one inch in diameter, to a minimum depth of three inches.

iii. *Exceptions for Some Vehicle Storage Areas*

Outdoor vehicle storage areas associated with a self-storage facility use; storage, sales, or rental of heavy equipment; seasonal large vehicle storage; and tractor trailer storage areas not used for loading berths, loading berth maneuvering, access to bay doors, site access, or parking, need not be paved. Such areas are still subject to the drainage requirements of subsection 21.07.040.

iv. *Exceptions for Parks and Open Spaces*

Subject to review and approval by the traffic engineer [AND MUNICIPAL ENGINEER], some required parking spaces for parks facilities that are demonstrated to have a highly variable seasonal demand need not be paved.

v. *Paving Alternatives*

Pervious alternatives to the specified surface may be used, subject to approval by the traffic [MUNICIPAL] engineer. All surfacing shall control dust, treat storm water to municipal standards, and be such that rock and other debris is not tracked off-site. If, after construction, the traffic [MUNICIPAL] engineer determines that the alternative is not adhering to these requirements, the surface shall be replaced.

vi. *Landscaping in Lieu of Paving*

The vehicle overhang allowance portion of the parking space depth as measured in table 21.07-9 and illustrated in the figures following the table, may be landscaped with a low-growth, hardy plant material in lieu

of paving, allowing a bumper overhang while maintaining the required parking dimensions. Landscaped overhang allowance areas may be contiguous with required landscaping but shall not be counted toward the minimum required planting bed width.

vii. *Exception for Temporary Parking Lots*
Temporary parking lots associated with another temporary use pursuant to section 21.05.080, need not be paved, unless required by the traffic [MUNICIPAL] engineer.

I. Passenger Loading Zones

All institutional, entertainment, and commercial uses such as schools/daycare, stadiums, and theaters that have high-volume peak traffic volumes shall provide an area for drop-offs and pick-ups that meets the following requirements:

1. Passenger Loading Zone

In addition to the required minimum number of parking spaces established in subsection 21.07.090E., the traffic engineer may require one or more passenger loading zone spaces, depending on the type, intensity, and traffic patterns of the proposed use. The passenger loading zone for large commercial establishments or other intensive uses may be required by the traffic engineer to include one or more spaces dedicated to taxi cabs and/or other specialized high occupancy vehicles.

2. Passenger Loading Zone Dimensions

Any passenger loading zone that is provided for a development shall consist of one or more passenger drop-off/pick-up spaces parallel to the driveway or circulation aisle adjacent to the building. Each space shall be a minimum of 20 feet in length and eight or more feet in width, with an access aisle at least five feet wide abutting the full length of the space. As an alternative, subject to approval of the traffic engineer, a passenger loading zone may consist of one or more parking spaces that meets the accessible parking space dimensional standards of subsection 21.07.090J.7.

3. Plan

The parking facility layout, circulation, and design plan shall show the location and design of proposed passenger loading zones. For certain intensive uses, the traffic engineer may require the plan to include a traffic control plan addressing projected usage, hours of operation, peak loading/unloading time, plans for directing traffic, safety measures, and other information deemed necessary by the traffic engineer to designing a safe and well-functioning drop-off area.

4. Accessible Route

An accessible pedestrian route to the building or facility entrance shall be provided pursuant to subsection 21.07.090J.8., *Accessible Routes*.

5. Schools

Passenger loading zones shall be required for schools (public or private). Length, location, and design of the passenger loading zones shall be approved by the traffic engineer.

J. Accessible Parking Spaces

1. Required Number of Accessible Parking Spaces

A portion of the total number of parking spaces provided in each parking facility for commercial, industrial, public and institutional, multifamily, and mixed-use residential uses shall be accessible parking spaces. The number of accessible parking spaces shall

be determined based on the total number of parking spaces provided, in accordance with table 21.07-10, *Accessible Parking Spaces*, except where otherwise stated in this section.

TABLE 21.07-10: ACCESSIBLE PARKING SPACES

Total Parking Spaces Provided	Total Accessible Spaces Required	Number of Accessible Spaces that shall be Van-Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1000	2 percent of total	1 for every 6 accessible spaces
1001 and over	20 plus 1 for each 100 over 1000	1 for every 6 accessible spaces

2. Passenger Loading Zones Attendant Parking

If passenger loading zones are provided, then at least one passenger loading zone shall be an accessible passenger loading zone. The requirements of table 21.07-10 do not apply to attendant parking spaces.

3. Multifamily and Mixed-Use Residential

Two percent, but not less than one space, of the parking spaces provided for a multifamily or mixed-use residential development with type A and type B dwelling units as defined in AMC title 23 shall be accessible.

4. Medical Facilities

At least 10 percent of patient and visitor parking spaces provided to serve hospital outpatient facilities shall be accessible. At least 20 percent of patient and visitor parking spaces provided to serve rehabilitation facilities and outpatient physical therapy facilities shall be accessible.

5. Location

Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible primary entrance. The accessible route of travel shall not pass behind parking spaces. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible primary entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

6. Location—Exceptions

In multilevel parking structures, van accessible parking spaces are permitted to be located on one level. Accessible parking spaces shall be permitted to be located in

Page 429 ANNOTATION

A correction by traffic engineering, to align this dimensional provision with federal ADA standards. Also, the second sentence is deleted as it is redundant to subsection 9.b., Accessible Routes, just below.

Administration Addition
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different parking facilities if it is demonstrated to the traffic engineer that substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance(s), parking fee, and user convenience.

7. Dimensions

Car accessible spaces shall be at least eight feet wide with an access aisle at least five feet wide abutting the space. Van accessible spaces shall be at least eight feet [FOUR INCHES] wide with an abutting access aisle at least eight feet in width. [ACCESSIBLE PARKING SPACE ACCESS AISLES SHALL BE PART OF AN ACCESSIBLE WALKWAY ROUTE TO THE BUILDING OR FACILITY ENTRANCE AS SPECIFIED IN SUBSECTION J.8. BELOW, *ACCESSIBLE ROUTES*.] Two accessible parking spaces may share a common access aisle.

8. Maximum Grade

Accessible parking spaces and access aisles shall have surface slopes not exceeding two percent in all directions.

9. Accessible Routes

a. *Location*

At least one accessible route to the building or facility entrance shall be provided from accessible parking and passenger loading zones.

b. *Surface Textures*

Ground surfaces along accessible routes shall be stable, firm, and slip-resistant.

c. *Changes in Levels*

Changes in level up to one-fourth inch may be vertical and without edge treatment. Changes in level between one-fourth inch and one-half inch shall be beveled with a slope no greater than one to two. Changes in level greater than one-half inch shall be accomplished by means of a ramp.

d. *Gratings*

If gratings are located in walking surfaces on an accessible route, then they shall have spaces no greater than one-half inch wide in one direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

e. *Ramps*

ADA ramps cannot protrude into the ADA access aisle. Ramp details shall be included on the plans.

10. Signs and Striping

Each accessible parking space shall be designated as reserved by pavement markings and a sign showing the symbol of accessibility. Van-accessible spaces shall have an additional sign reading "Van-Accessible" mounted below the symbol of accessibility.

a. Signs shall be located so that they do not obstruct the ramps or other pedestrian access.

b. An accessible_[-]parking sign detail shall be included in the plan submittal per M.A.S.S.

c. All accessible spaces and aisles shall be striped with blue paint to color specifications prescribed by the *Manual of Uniform Traffic Control Devices*, including the total length of the curb encompassing the accessible parking space and accessible aisle.

11. Implementation of ADA

Regulations may be promulgated under section 21.03.210, *Title 21–Text Amendments,* to implement the requirements of Americans with Disabilities Act of 1991 as it may be amended or interpreted by federal regulation.

12. Standards for Parking as Principal Use

Where a parking structure or lot is a permitted principal or conditional use and is not providing required parking for another principal use, accessible parking spaces in accordance with this section shall be provided.

K. Bicycle Parking Spaces

All nonresidential, multifamily, and mixed-use dwelling developments with more than 40 parking spaces required in table 21.07-5 shall provide at least four bicycle parking spaces, or a number of bicycle parking spaces equal to three percent of the number of required automobile parking spaces, whichever is greater.

L. Vehicle Queuing Spaces

The vehicle queuing space requirements of this section shall apply unless otherwise expressly approved by the traffic engineer in accordance with L.7. below:

1. General

Uses of land and structures requiring vehicles and customers waiting in vehicles for service at drive-through facilities, pump stations, auto service bays, or similar uses, shall provide sufficient queuing spaces within the site to avoid impeding traffic movement in the public right-of-way. Such uses shall demonstrate to the traffic engineer that sufficient in-line waiting spaces are provided on-site as part of the parking plan to ensure the queue does not extend into the adjacent street, and that queuing minimizes interference with parking facility circulation aisles.

2. Minimum Number of Queuing Spaces Leading to Service Window

In addition to the minimum number of required off-street parking spaces, any use listed in table 21.07-11, *Vehicle Queuing Spaces*, shall provide the number of on-site queuing spaces indicated in the table for each service window. The required number of queuing spaces does not include the vehicle space to be provided at the pick-up window, teller machine, or other station where the service occurs.

TABLE 21.07-11: VEHICLE QUEUING SPACES

Activity Type	Minimum Queuing Spaces
Financial institution teller lane	4 before [IN ADVANCE OF] teller or window
Automated teller machine drive-through	3 before [IN ADVANCE OF] teller machine
Restaurant drive-through	With no ordering board/window, 4 before pick-up window; with ordering board/window, 4 before [IN ADVANCE OF] ordering board plus 4 between ordering board or window and pick-up window
Car wash bay, automatic	5 before [IN ADVANCE OF] entrance to car wash bay
Car wash bay or stall, self-service	2 before [IN ADVANCE OF] entrance to car wash bay or stall
Food and beverage kiosk	3 before [IN ADVANCE OF] pick-up Window
Fueling station pump island	2 at each end of pump island lane

TABLE 21.07-11: VEHICLE QUEUING SPACES	
Activity Type	**Minimum Queuing Spaces**
Security gate entrance for self storage or vehicle storage facility	The queuing lane before [IN ADVANCE OF] the security gate shall measure a minimum of 50 feet in length and 24 feet in width. The width of the self-storage security gate is excluded.
Parking garage or structure	See subsection 21.07.090M., *Structured Parking*
School	See subsection 21.07.090I., *Passenger Loading Zones*
Other use with lane of vehicle queuing spaces	Determined by traffic engineer.

3. Queuing Lanes Leaving the Use

Queuing lanes shall be integrated with the on-site circulation and shall merge with the circulation aisle instead of exiting directly into a public right-of-way, except where the traffic engineer approves otherwise. The queuing lane may merge directly into a driveway, subject to approval by the traffic engineer. A minimum of 30 feet of queuing lane shall be required between the service window, bay, or station, and the point of vehicle egress to the adjacent parking facility circulation aisle, street, or right-of-way, however the traffic engineer may require more. The length and design of the queuing lane leaving a car wash bay or stall shall ensure the water and ice from vehicles do not adversely affect adjacent streets, storm drainage systems, or the safe circulation of vehicles and pedestrians.

4. Queuing Dimensions

Queuing lanes shall have a minimum width of 10 feet along straight portions and 12 feet along curved segments. Queuing spaces shall have a minimum length of 20 feet.

5. Traffic Circulation Conflicts

Queuing spaces shall not interfere with on- or off-site traffic movements or movements into or out of off-street parking and loading areas.

6. Delineation

Queuing spaces shall be delineated from other queuing lanes, driveways, internal circulation and parking aisles, loading areas, and refuse collection areas by striping, curbing, landscaping, alternative paving materials, or raised medians. Walk-in customer crosswalks across queuing lanes shall be avoided to the extent reasonably feasible and permitted upon approval by the traffic engineer. If approved, such crosswalks shall provide mitigation such as warning signage aimed at both the pedestrian and vehicle.

7. Exceptions

The traffic engineer may approve a reduction in the number of required queuing spaces or other departure from the queuing space requirements if documentation prepared by a traffic engineering professional demonstrates to the satisfaction of the traffic engineer that the change is appropriate and consistent with the intent of the requirements. The applicant shall enter into an agreement with the municipality which is recorded, runs with the use of the land, and ensures continuation of the alternative strategy and the future implementation of contingency measures if ordered by the traffic engineer.

M. Structured Parking

1. Purpose and Applicability

Parking structures and structured parking within occupied buildings shall comply with the provisions of this subsection, in order to be compatible with the architectural character and quality of adjacent buildings; avoid adverse impacts to abutting sidewalks or

Page 432 ANNOTATION

Changes on this page reflect the proposed deletion of the mixed-use districts and the proposed replacement of some of their functions by the commercial districts.

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residential properties; use color, massing, and other architectural features to reduce apparent bulk; and screen potential visual impacts from garage lighting or parked vehicles. It is also the intent of this section to ensure safe and convenient vehicle access and parking, and to avoid impeding traffic on adjacent streets and pedestrian facilities. The requirements which follow do not apply to garages for individual dwellings.

2. Ground Floor Use

In the B-3, [CMU, RMU,] R-4[,] and R-4A districts along streets that have been specifically designated in the comprehensive plan as a main street, transit street, mixed-use street, or with a similar street typology, ground-floor structured parking shall be enclosed along that street frontage by a first-story habitable space that:

a. Has a minimum depth of 25 feet;

b. Extends the full length of the building elevation facing the designated street, excluding pedestrian and vehicle entrances and exits, stairwells, elevators, and centralized payment booths;

c. Is designed and used for residential, community [PUBLIC/INSTITUTIONAL], office, retail, or other commercial use; and

d. Includes ground floor windows providing visual access and/or primary entrances that comprise at least 25 percent of the ground level wall area.

3. Façade Treatment

The street-facing façade of a parking structure shall have a repeating pattern that includes no less than three instances of either (1) color change, (2) texture change, (3) material module change, or (4) expression of an architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat at an interval of not more than 30 feet. The director may approve an alternative design to this standard if the applicant can demonstrate an alternative building design that significantly articulates a wall plane.

4. Screening

Ground floor [LEVEL] structured parking within a building shall be screened by a wall or façade or other architectural treatment consistent with the rest of the building in terms of style, detail, and materials. The perimeter of each parking structure floor above the ground floor [LEVEL] shall have an opaque screen or other screening mechanism to shield vehicle headlights from public view. The screen shall be at least three and one half [3.5] feet high measured from the finished floor elevation. An architectural treatment, such as a finished fascia, shall be provided to shield any unfinished structural elements such as electrical elements, exposed metal beams, and mechanical appurtenances. Lights visible from the exterior of the structure shall be covered or screened with a diffusing lens and oriented to minimize the visual impact on adjacent streets and properties.

5. Landscaping

The perimeter of a parking structure shall be planted with L1 visual enhancement [EDGE TREATMENT] landscaping in any [DOWNTOWN OR] commercial [MIXED-USE] district, [OR WITH L2 VISUAL ENHANCEMENT LANDSCAPING IN ANY OTHER DISTRICT,] except at points of vehicular and pedestrian entrance and exit, where the structure abuts an alley right-of-way, where the structure directly abuts another building, or where there is a ground floor use that meets the standards of subsection M.2. above.

Page 433 ANNOTATION

In 2009, the exterior lighting section of the Title 21 Rewrite was put on hold until a model lighting ordinance was approved by the national Illuminating Engineering Society (IES), local site testing was completed, and the draft section was further discussed between Planning staff and the IES Northern Light Chapter.

In 2011, the national EIS approved a model lighting ordinance for use by municipalities, and a local consultant conducted site lighting tests to determine how the model lighting ordinance standards and lighting levels compared to existing site lighting in Anchorage and to help establish a basis for the Title 21 exterior lighting section.

The EIS Northern Lights Chapter is developing standards for a revised Title 21 lighting section based on the model lighting ordinance, Anchorage site testing results, and other recent EIA publications. Once the Chapter develops the draft standards, the Department will hold meetings with the Chapter to finalize a revised draft exterior lighting section for review by the general public, the PZC, and the Municipal Assembly.

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6. Ingress and Egress

a. Non-automated parking structures designed to provide more than 500 parking spaces shall have at least two vehicle entrance driveways and two vehicle exit driveways.

b. Vehicle entrance driveways shall provide a minimum of one queuing space in addition to the vehicle space at the ticket dispenser or access reader, unless a traffic analysis indicates more queuing is needed. Such queuing space(s) shall meet the standards of subsection 21.07.090L., *Queuing Spaces*.

c. Vehicle exit driveways shall provide a minimum of 30 feet of on-site vehicle queuing that does not interfere with any parking stalls, rights-of-way, access easements, pedestrian facilities, or private streets.

7. Maximum Gradients

The maximum gradient of parking aisles shall be six percent. The grade of non-parking ramps shall be no greater than 12 percent, and shall comply with the requirements of Americans with Disabilities Act of 1991 as it may be amended or interpreted by federal regulation. Where special circumstances warrant, the traffic engineer may approve steeper grades according to accepted engineering practices, subject to special conditions of approval such as an ice-free (snow melting [HEATED]) ramp surface.

8. Layout and Internal Circulation

The configuration of parking and dimensions within a non-automated parking structure shall be subject to the requirements of table 21.07-9, except that a modified layout and internal circulation pattern may be approved by the traffic engineer when it can be shown that a structure meets the design guidelines of the latest Urban Land Institute, Parking Institute, or Institute of Transportation Engineers manuals.

9. Automated Parking Structures

a. Automated parking structures shall require a traffic analysis and be subject to review and approval by the traffic engineer.

b. Automated parking structures are exempt from the parking stall and aisle dimensions and vertical clearance requirements of this section.

c. Automated parking structures shall be located wholly within an enclosed building and shall not be visible from outside the building or facility.

d. Automated parking structures shall be operated as attendant parking.

21.07.100 EXTERIOR LIGHTING

[RESERVED]

21.07.110 RESIDENTIAL DESIGN STANDARDS

A. Purpose

The standards of this section 21.07.100 are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote an integrated character for the municipality's neighborhoods. Specifically, the standards:

1. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods;

Page 434 ANNOTATION

The design innovation credits from the multifamily and townhouse subsections C. and D. are moved and consolidated here, to clarify and streamline the section organization, and to make design innovation credits available to all housing types.

The Assembly Title 21 Committee has also approved a recommendation by PZC to increase the number of design innovation credits allowed. This increases the flexibility of the menu-based standards for multifamily, townhouse, and single-family residential development. Applicants can now replace up to four required menu choices with their own alternative methods to meet the section objectives.

Consolidation of Some Multifamily and Townhouse Standards
Some of the provisions of the multifamily section C. and townhouse section D., which were the same or very similar between the two building types, are proposed by the Assembly Title 21 Committee to be consolidated. This is intended to simplify and streamline the residential design standards, while retaining their substance.

Townhouse standards in section D. that were redundant to the multifamily standards, or that had only minor differences in wording now reference the equivalent multifamily standards in C.3., C.4., and C.7. These three multifamily subsections include wording adjustments as needed to incorporate the townhouse building type. (Other subsections remain appropriately unique only to multifamily apartments or to townhouses.)

The consolidation is intended to leave intact the substance of the provisionally adopted standards for both housing types, as approved by PZC and Assembly Title 21 Committee. Annotation is provided to show where the consolidations occur. Any substantive changes to reconcile minor differences are also noted in the multifamily sections.

Administration Addition
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PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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2. Avoid monotony in structure design and site layout by providing variety and visual interest in the exterior design of residential buildings;

3. Enhance the residential streetscape, walkability, and the pedestrian environment by diminishing the prominence of garages and parking lots [AREAS];

4. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences;

5. Locate active living spaces, entrances, and windows to improve the physical and visual connection from residences to the street, and foster opportunities for casual surveillance of the street and outwardly expressed proprietorship of the neighborhood; and

6. Improve the compatibility of residential development with the residential character of surrounding neighborhoods and protect property values of both the subject property and surrounding development.

B. Alternatives and Flexibility

1. Alternative Equivalent Compliance

The alternative equivalent compliance procedure set forth in subsection 21.07.010D. may be used to propose alternative means of complying with the intent of this section. Structures over eight units may apply directly to the urban design commission for alternative compliance with plans at least 30 percent complete, that include exterior elevations and dimensions, floor plans, landscaping, and parking plans.

2. Minor Modifications

Minor modifications may be applied, pursuant to section 21.03.120, *Minor Modifications*.

3. Design Innovation Credit

The decision-making body may approve design innovations not covered by the menu choices, to be used as credit for up to four design features from the menus of this section. The applicant shall demonstrate a specific feature that realizes the intent of the subsection and that:

a. Achieves an equal or better design solution for the development than would result from application of the basic menu choices; and

b. Does not adversely affect adjacent properties or streets.

C. Standards for Multifamily Residential

1. Purpose

The purpose of these standards is to improve the appearance of design and functionality of multifamily development, recognizing the importance of design in the economic success of neighborhood areas, the need for more efficient land use, and the need to ensure the adequate protection of the surrounding area. Specific objectives include:

a. Provide visual interest and architectural variety in multifamily residential developments that avoids featureless design, and reduces the apparent bulk of large building masses;

b. Promote sensitive design and planning of multifamily housing units that preserves or improves the characteristics of surrounding development;

Page 435 ANNOTATION

The design innovation credit provision for multifamily development has been consolidated with other housing types, and moved up to residential subsection B.3., above.

The window requirement is proposed by the Administration to be made simpler and more flexible, by applying to the building façade as a whole instead of to each individual story. The Energy Star exception is moved from the paragraph in subsection a. down to subsection c., Exceptions, to improve the organization of the section. There is also a technical amendment to clarify that windows in a garage door, which do not meet the intent of this section, are not credited toward the window requirements.

These changes make subsection 3.a. identical to the equivalent townhouse provisions for windows. The townhouse section is proposed to simply reference the multifamily window requirements instead of having to repeat the same standards.

The building spacing requirements of multifamily and townhouse were nearly identical and are proposed to be consolidated here. The sentence in subsection b.i. is generalized so it works for townhouse units too. The minimum multifamily building spacing distances are reduced and made consistent with the provisionally adopted spacing requirements for townhouses. Multifamily side walls and end walls are made exempt, as already approved for townhouses.

Administration Addition
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PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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c. Promote building design, placement, and orientation that contributes to public safety, attractive street frontages, pedestrian access, and a sense of neighborhood and community;

d. Promote building design, placement, and orientation that considers Alaska's northern climate in terms of weather protection and access to sunlight;

e. Protect property values of the subject property and surrounding development and promote economic investment in neighborhoods;

f. Improve the quality of life of residents of multifamily residential dwellings; and

g. Provide flexible standards that allow for creativity and innovation.

2. Applicability

These standards apply to any multifamily structure (three or more units) or residential portion of a mixed-use structure. This section does not apply in Girdwood.

[DESIGN INNOVATION CREDIT
THE DECISION-MAKING BODY MAY APPROVE A DESIGN INNOVATION THAT IS NOT COVERED BY THE MENU CHOICES TO BE USED AS CREDIT FOR UP TO ONE DESIGN FEATURE IN THIS SECTION. THE APPLICANT SHALL DEMONSTRATE A SPECIFIC FEATURE THAT REALIZES THE INTENT OF THE SUBSECTION, AND THAT:

a. ACHIEVES AN EQUAL OR BETTER DESIGN SOLUTION FOR THE DEVELOPMENT THAN WOULD RESULT FROM APPLICATION OF THE BASIC MENU CHOICES; AND

b. DOES NOT ADVERSELY AFFECT ADJACENT PROPERTIES OR STREETS.]

3. Daylighting, Views, and Building Spacing

a. ***Windows***

Windows or primary entrance doors shall be provided on any building elevation facing a street, required private common open space, or that has primary entrances to dwellings. At least 15 percent of the wall area of the building elevation [ON EACH STORY] shall be windows or primary entrance doors. [AN OVERALL REDUCTION IN REQUIRED WINDOW AREA MAY BE APPROVED IF DEMONSTRATED BY CALCULATION BY AN ENERGY RATER CERTIFIED BY THE STATE OF ALASKA THAT THE REDUCTION IS NECESSARY TO ACHIEVE AN UPGRADED ENERGY STAR RATING OF FIVE STAR OR FIVE STAR PLUS.] Windows in a garage door do not count towards the minimum area in this section.

b. ***Building Spacing***

i. Except as provided in b.ii., the average distance between any two building walls of two residential [MULTIFAMILY] or mixed-use structures on the same site shall be the greater of the following:

(A) 20 [25] feet.

(B) One foot distance for every one foot of building height, up to a maximum requirement of 30 feet.

Page 436 ANNOTATION

Clarifications to the exceptions are provided. The Energy Star exception is moved to subsection c. from paragraph a., above.

The content of Subsection C.4., Relationship to Parking, is relocated here from the off-street parking section. This is a non-substantive amendment to improve organization and clarity. The former location was in 21.07.090H.7. In addition, the planting requirement for this provision has been translated from landscaping units to a tree and shrub requirement, to reflect changes to the landscaping section approved by the Assembly Title 21 Committee.

This new subsection makes the alternatives that are available to townhouses also available to multifamily developments, making the code fairer and more consistent, as well as more flexible with respect to pedestrian access. More on the "parking courtyard" option is provided in the annotation for the townhouse section in the pages below., and in 21.07.060F.18.

ii. Side or end walls that do not provide the primary daylighting or windows into dwellings are exempt [MAY BE WITHIN 15 FEET OF EACH OTHER].

c. ***Exceptions***

i. Up to one-third of the required window and entrance [TRANSPARENT] wall area and/or required spacing distance [BUILDING SPACE] between buildings may be transferred to another story or side of the structure, subject to an administrative site plan review. Transferred space shall be added to private open space that meets the standards of section 21.07.030. It shall be demonstrated to the director's satisfaction that the transfer responds to a site specific attribute such as solar orientation, a noisy arterial street or objectionable view, and that mitigating features will be provided for the affected wall or area.

ii. An overall reduction in required window area may be approved if demonstrated by calculation by an energy rater certified by the state of Alaska, that the reduction is necessary to achieve an upgraded energy star rating of five star or five star plus.

4. Relationship to Parking

Parking spaces, driveways, and circulation aisles shall be separated from any multifamily residential building façade by a landscaping planting area of at least five feet in width, and allowing breaks for individual garage entrances or (where not facing the street) rows or clusters of garage entrances. The area shall be planted with site enhancement landscaping of at least ten shrubs per 20 linear feet of building length. Trees may be used in lieu of shrubs—one tree replacing five shrubs.

5. Relationship to Pedestrian Access Requirements

Walkway connections from primary entrances to the street are required in accordance with subsection 21.07.060E.4., except that multifamily developments may provide one of the following alternatives instead:

a. Primary entrances for individual dwellings may connect to the street by the dwelling unit's individual driveway if such is provided; or

b. A parking courtyard may be provided in conformance with subsection 21.07.060F.18.

6. Building and Site Orientation

Buildings shall be oriented to surrounding streets, sidewalks, common private open spaces, and the public realm through at least three of the following menu choices:

a. ***Courtyard Housing***

Arrange or configure the building(s) to enclose and frame a housing courtyard as described in subsection 21.07.060F.7.

b. ***Orientation of Living Spaces and Windows***

Provide windows and/or pedestrian entrances comprising [SUCH THAT] at least 20 percent of the ground-floor wall area of any elevation fronting on a street or private common open space or having a primary entrance serving multiple dwellings [IS TRANSPARENT].

Page 437 ANNOTATION

Administration Addition
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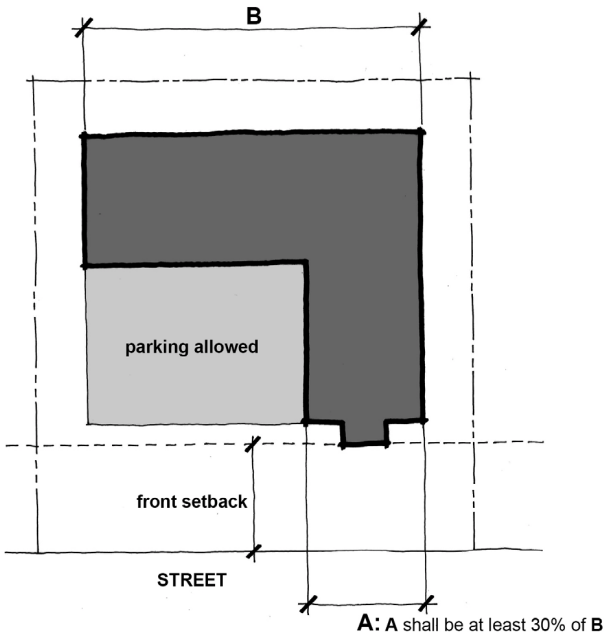
c. ***Street Frontage – Parking Beside or Behind the Building***

No more than 70 percent of a street-facing building elevation shall have parking facilities (including garages) between it and the street.



A: **A** shall be at least 30% of **B**

d. ***Street Frontage – Limited Parking Width***

As an alternative to 5.c. above, limit driveways and parking facilities to no more than 50 percent of the total site area between the building and the street, and garages to no more than 50 percent of the street facing building elevation.

e. ***Street Corner Building***

On a corner lot, provide choices 5.b. and 5.c. on both street frontages, such that the building (including its habitable floor area with windows) is placed nearest the corner, and any parking facilities are located beside or behind the building away from the street corner. [Illustrate]

f. ***Entrance with Separated Walkway to the Street***

Provide a primary entrance on each street-facing building elevation or a private common open space visible from the street, connected to the street by a clear and direct walkway separated from and not routed through a parking facility.

g. ***Site Entry Feature***

Highlight and define a pedestrian and/or vehicle entrance to a development site using three or more of the following elements:

i. Landscape treatment with seasonal color and trees, which clearly distinguishes and highlights the site entry.

ii. Plaza or courtyard as described in subsection 21.07.060F6. or 7.

iii. Identifying building primary entrance form including a covered entry.

iv. Special paving, pedestrian scale lighting, and/or bollards.

v. Ornamental gate and/or fence.

Page 438 ANNOTATION

The number of sides of a multifamily building that would need to comply with the building articulation menu is proposed by the Administration to be reduced, from three to two sides. With fewer sides of the building subject to the requirements, those sides facing the surrounding neighborhood are proposed to be prioritized, in keeping with the emphasis of the residential standards on neighborhood compatibility. While the number of features that applicants must select from the menu is recommended to remain at four, the number of available menu choices and design innovation credits (see subsection B.3.) is proposed to increase.

A proposed minor adjustment to menu choice 7.a.i., that improves the mathematical relationship between the minimum and maximum allowed spacing intervals.

A minor adjustment to menu choice 7.a.iii., approved by the Assembly Title 21 Committee, that achieves the intent of the 2/3 building height language, while being more flexible according to site tests.

The building façade articulation menus of multifamily and townhouse were very similar, and so are proposed by the Assembly Title 21 Committee to be consolidated. The menu choices had mostly minor differences in wording that testing indicated was unnecessary or could complicate reviews. The consolidation will allow the townhouse section to simply refer to the multifamily building articulation menu, instead of repeating nearly identical menus. This reduces the minimum size of wall modulation choice b. to be the same as the townhouse choice (section D.6). It is a part of consolidating with the townhouse menu.

Clarifies minimum expectations for how to meet menu choice c., to assist applicants and administration.

Adds language to menu choice d. from the equivalent townhouse menu choice, which was based on research, comments, and site examples.

Clarifications to menu choice e. from testing and the equivalent townhouse menu choice.

Administration Addition
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7. Building Articulation and Visual Variety

Any building elevation facing a street, required common private open space, or having a primary entrance [COMMON PARKING FACILITY] shall provide at least four features from the menu below. [IF THE BUILDING HAS ONE OR TWO APPLICABLE ELEVATIONS, THEN AT LEAST FOUR FEATURES SHALL BE PROVIDED ON EACH ELEVATION. IF A THIRD ELEVATION IS APPLICABLE, AT LEAST THREE FEATURES SHALL BE PROVIDED ON THAT ELEVATION.] If the building has at least four dwelling units and the applicable building elevation is 40 feet or longer, then[,] wall modulation in 7.[6]a. or 7.[6]b. shall be required as one of the four features. This section shall apply to no more than two building elevations, with priority to [ANY APPLICABLE] elevations facing a street or with the primary entrance [SHALL HAVE FOUR FEATURES PROVIDED].

a. ***Wall Modulation***

Provide wall plane projections, recesses, or reveals at least six feet wide, with a change in plane of at least four feet, spaced at intervals of no more than 32 feet, except:

i. The maximum interval may be increased by two and one half feet for each foot of additional change in wall plane of the projection or recess—up to a maximum interval of 42 [40] feet;

ii. The depth of the modulation may be reduced by two feet where the wall modulation is tied to a change in siding material, balcony, bay window, or roofline modulation, as defined below;

iii. The standard applies on a minimum of 60 percent [TWO-THIRDS] of the height of the building wall.

[illustrate]

b. ***Wall Modulation – Overall Building Massing***

Provide wall plane projections or recesses having a depth of at least 15 percent of the length of the building elevation or 12 [15] feet (whichever is less), extending at least 25 percent of the length of the building elevation, for at least 60 percent of the building height, with no uninterrupted façade exceeding 56 horizontal feet.

[illustrate]

c. ***Upper Story Cantilever or Step-Back***

Provide an upper story cantilever or step-back with a change of wall plane of at least four feet, or two feet if accentuated by a change in siding or the façade is only two stories in height. At least two-thirds of the building elevation length shall have such cantilever or step-back.

d. ***Change in Siding Material***

Use two or more primary wall siding materials, or a change of color only if the color change is delineated with trim or a change in wall plane, not including concrete or block foundation.

e. ***Ornamental Features and Detail Elements***

Use two or more façade [ORNAMENTAL] detail features at intervals, such as medallions, shutters, columns, pilasters, wall modulations that don't meet 7[6].a.

Page 439 ANNOTATION

Adds language to menu choice g. from the equivalent townhouse menu choice.

Site testing indicates that 20 percent is practical given current building practices and achieves the purpose of the menu choice as well as 25 percent. A clarification is also made that windows in a garage door do not meet the intent of this menu choice. This reflects the research, development, and local site testing of the windows standard during the rewrite, and representation of the testing results in public review at PZC and Assembly Title 21 Committee.
Several menu choices are imported from the townhouse menu, as they could also be used by some multifamily structures, as part of consolidating the two menus into one.

The landscape planting requirement in k. is converted into trees and shrubs, to reflect changes in the landscaping section. Since the multifamily menu will now be used by townhouses as well, a new sentence is added to the end of k. to avoid it becoming a giveaway for townhouses with rows of garages in front. Otherwise it could undermine the building articulation requirements for townhouses so they would achieve little in return for the time to comply and review.

A proposed clarification of the roofline modulation standard is provided, and an illustration is under preparation, as approved by the Assembly Title 21 Committee.

Improves the clarity of multifamily menu choice n. and consolidates its standards with the equivalent townhouse menu choice.

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or 7[6].b. above, balconies that don't meet 7[6].f. below, trim that is three and one half inch wide or wider [TRIM], or other similar features approved by the director.

f. ***Balconies***
Incorporate balconies at least 32 square feet in area and eight feet wide, provided at intervals to distinguish between the individual dwellings.

g. ***Bay Windows***
Incorporate bay windows at least six feet wide and high extending at least 18 inches from the wall plane, or another type of large projecting window of at least the same size.

h. ***Additional Window Area***
Provide windows and/or primary entrance doors comprising at least 20 [25] percent of the wall area of the building elevation. Windows in a garage door do not count towards the minimum area in this section.

i. ***Wide Sheltered Entry Porches***
Provide covered entry porches at least 24 square feet in area and six feet wide, provided at intervals to distinguish individual dwellings.

j. ***Building Elevations Free of Garage Doors***
Provide the building elevation without garage bay doors.

k. ***Additional Foundation Landscaping***
Provide a foundation planting bed along the foundation wall (breaks allowed for garage doors and pedestrian entrances) an average of eight feet in depth (minimum six feet at any point), and planted with at least two trees and six shrubs per 20 linear feet of building length. [ONE LANDSCAPING UNIT PER LINEAR FOOT, HALF OF WHICH SHALL BE TREES. REFER TO TABLE 21.07-1, *LANDSCAPING UNITS AWARDED*.] This menu choice does not apply to building elevations having more than one garage bay door.

l. ***Roofline Modulation***
Provide variations in roof form, orientation, or height using features at least six feet wide such as a terracing parapet, multiple peaks, jogged ridge lines, projecting roof forms and dormers, with a maximum of 32 feet of uninterrupted roofline of the main roof form between roof modulation elements. The vertical dimension of the roofline variation shall be the greater of two feet or 10 percent of the wall height.

[illustrate]

m. ***Roof Forms and Attic Living Spaces***
Provide a sloped roof with dormers at intervals and a pitch no greater than 12:12 that incorporates living spaces within the roof form. Such living spaces shall not be considered in determining maximum FAR, pursuant to section 21.06.030E.2.

n. ***Variation in Building Form [TYPE] or Scale***
Provide a minimum of two kinds of variation in architectural form or scale, such as between individual dwellings in a building, or from one building to the next in the development. Variations may include reversed building elevations, a different pattern or arrangement of building modulation or articulation features, a different dwelling unit layout or design that is evident on the exterior, or a change in scale such as varying the number of stories. [COMBINE A MINIMUM OF TWO

Page 440 ANNOTATION

PZC recommends making the multifamily weather protection menu-based requirements more lenient, by allowing certain menu features to count double.

The amendment to menu choice a. reduces the minimum sheltered entry area from the equivalent of a 6x6 to a 4x6 foot area for an individual multifamily dwelling.

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BUILDING TYPES WITHIN EACH DEVELOPMENT PHASE AND/OR TWO BUILDING SCALES (WHICH INCLUDE VARYING THE NUMBER OF STORIES) WITHIN THE SAME BUILDING. LARGER AND SMALLER BUILDINGS OR BUILDINGS THAT VARY IN THE NUMBER OF STORIES SHALL BE MIXED. A MINIMUM OF TWO OUT OF EVERY EIGHT DWELLINGS SHALL BE A DISTINCT OR SEPARATE BUILDING TYPE OR SCALE. IN LARGER DEVELOPMENTS OF 30 DWELLINGS OR MORE, PROVIDE AT LEAST THREE OR MORE DIFFERENT CHANGES IN BUILDING TYPE OR SCALE. CHANGES IN BUILDING TYPE SHOULD INCLUDE SUBSTANTIAL VARIATIONS IN ARCHITECTURAL FORM AND DESIGN SUCH AS A DIFFERENT PATTERN OR ARRANGEMENT OF MODULATION, ARTICULATION FEATURES, OR WINDOW PATTERNS.]

8. Primary Entrance Treatment

Each building shall incorporate at least three of the following massing, façade, or detail features [ELEMENTS] to define and emphasize a primary entrance:

a. Entrance on a porch or landing with a minimum inside dimension of six feet and sheltered by a roof, canopy, portico, marquee, or similar weather protection roof feature;

b. Double doors;

c. Massing features such as architectural bays that define or emphasize entry locations;

d. Side-lights (glazed openings to the side of the door), and/or transom-lights (glazed opening above the door) in the entry design;

e. Outdoor entrance patio, plaza, or courtyard; or

f. Integrated planters or wing walls that incorporate landscaped areas and/or seating areas.

9. Weather Protection and Sunlight

Building and site design shall respond to Alaska's northern climate, including the effects of snow, ice, low temperatures, wind exposure, and low and seasonal sunlight conditions, by providing at least four features from the following menu. The features set forth in menu choices 9.e., *Year-Round Access to Sunlight*; 9.h., *Sun Trap*; 9.i., *Atrium*; and 9.k., *Sunlit and Wind Protected Courtyards*; shall each count as two features.[:]

a. ***Weather Protected Entrance***

Provide outdoor shelter that covers at least 32 [36] square feet for any primary entrance that serves one dwelling, 48 square feet for any primary entrance that serves up to four dwellings, and 64 square feet for any primary entrance that serves more than four dwellings.

b. ***Sheltered Passenger Loading Zone, Bicycle Parking, or Transit Stop***

Provide pedestrian shelter over a passenger loading zone, accessible parking aisle or route, bicycle parking, or a transit shelter.

c. ***Ice-Free Walkway***

Provide an ice-free (snow melting [HEATED]) walkway for a required walkway connection to a primary entrance.

Page 441 ANNOTATION

Administration Addition
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PZC Addition
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d. ***Orientation for Sunlight Access***

Provide windows and/or primary entrances for at least 20 percent of the wall area with a solar orientation and demonstrate each is likely to receive at least six hours of sunlight access on March/September 21. Natural features existing at the time of development, such as trees, shall not be considered as blocking sunlight access, but newly installed landscaping material shall be planted so as to minimize blocking of sunlight access.

e. ***Year-Round Access to Sunlight***

Ensure that one or more windows of every dwelling in the development will receive sunlight access for at least one hour on December 21. Natural features existing at the time of development, such as trees, shall not be considered as blocking sunlight access, but newly installed landscaping material shall be planted so as to minimize blocking of sunlight access.

f. ***Sunlight Access for Neighbors***

Preserve sunlight access at least six hours daily on March/September 21 to any adjacent lot zoned PR, any sidewalk across the street, and neighboring residentially zoned property, through building placement, massing, and height.

g. ***Daylighting***

Provide for apartment daylighting and building spacing as follows: Locate at least one window in the main living area of each dwelling such that an imaginary daylight plane extending from the window and formed by an angle of 60 degrees that is unobstructed for a horizontal distance of 60 feet. The plane angle shall be measured horizontally from the center of the bottom of the window. As an alternative, two angles with a sum of 60 degrees may be used. [Illustrate]

h. ***Sun Trap***

Incorporate a sun trap or "pocket" meeting the requirements of subsection 21.07.060F.12, *Sun Pocket* that captures direct and reflected sunlight as part of a common private open space.

i. ***Atrium***

Provide an atrium interior sunlit common private open space or primary entrance area, meeting the requirements of subsection 21.07.060F.11., which takes advantage of direct and/or reflected sunlight.

j. ***Stepped or Terraced Building Forms***

Provide a stepped or terraced building form above the second story that adheres to a daylight plane with a step-back angle no steeper than one foot of rise per one foot of run, to reduce the potential shadowing and wind turbulence effects of a tall building.

k. ***Sunlit and Wind Protected Courtyards***

Provide a housing courtyard as described in subsection 21.07.060F.7.

10. Accessory Elements

a. ***Storage***

A multifamily project shall provide at least 40 square feet of covered, enclosed, and secure bulk storage area per dwelling unit for bicycles, winter tires, and other belongings that typically cannot be accommodated within individual dwelling units. Storage areas shall not include closets accessed from within the dwelling, but may include garage floor area not required for vehicle maneuvering or parking. Storage and other accessory buildings shall be designed with materials and/or architectural elements that are related to the principal building(s).

Page 442 ANNOTATION

Administration Addition
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b. ***Trash Receptacles/Dumpsters***

Where dumpsters are allowed, they shall comply with the requirements of 21.07.080G[H]. Where dumpsters are not provided, multifamily developments shall provide covered storage for trash receptacles. Such storage shall not be located between any building and the primary adjacent street frontage.

c. ***Garages***

i. *Attached or Detached Garages*

To the maximum extent feasible, garage entries and carports shall not be located between a principal multifamily building and a required street frontage, but shall instead be internalized in building groups so that they are not visible from adjacent streets.

ii. *Size*

Street-facing detached garages and carports shall be limited to six spaces per structure to avoid a continuous row of garages or carports. No more than six garage doors may appear on any multifamily building elevation facing a street, and the plane of each garage door shall be offset at least two feet from the plane of the garage door adjacent to it.

iii. *Design*

Detached garages and carports shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible building and roof forms, scale, materials, color, and details.

d. ***Mechanical and Electrical Equipment***

Mechanical and electrical equipment serving a single building shall be screened from view as provided below. This requirement applies to heating, ventilation, and cooling equipment; pumps; generators; and groups of four or more utility meters. The screening requirement does not apply to telecommunications equipment, chimneys, minor vent pipes, wall vents that are flush/near-flush with the building wall, or solar collectors and reflectors. Screening shall comply with AMC title 23 and the access and safety requirements of utilities.

i. *Rooftop Mechanical and Electrical Equipment*

Rooftop mechanical and electrical equipment shall be screened from view of abutting streets and the ground level of residentially zoned lots using the menu choices provided in subsection d.ii. below. If menu choice ii.(C). is the only choice selected, then the roof mounted equipment shall also be set back from the roof edge (where the roof meets the façade wall) at least three feet for each foot of height of the equipment.

ii. *Mechanical and Electrical Equipment – Other*

All other mechanical and electrical equipment shall be screened from view from abutting streets, except where located more than 40 feet from the street or right-of-way, using one of the following choices:

(A) Sight-obscuring landscaping consisting of shrubs, trees, berms, and/or hardscape materials. Other landscaping required by this title, such as perimeter landscaping, may be used if it meets this standard.

(B) A sight-obscuring fence, wall, or structure that is adequate in height to screen the equipment.

Page 443 ANNOTATION

A proposed clarification and intended improvement to the wording of the purpose statement.

Clarification of the applicability statement, relative to the way Title 21 defines different housing structure types. The townhousee standards apply to dwellings attached side-by-side. To streamline the code, the design innovation credit provision for townhouses has been consolidated with other housing types in subsection B.3., above.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

(C) Wall-mounted utility meter bases finished in a color that is consistent with other areas of the building façade, unless an alternative color or design is approved by the director.

(D) Equipment that is disguised, camouflaged, or hidden so that its function as mechanical or electrical equipment is imperceptible to an uneducated eye.

D. Standards for Townhouse Residential

1. Purpose

The purpose of these standards is to:

a. Provide visual interest and architectural variety to attached dwellings that enhances [ADDS VISUAL INTEREST TO] the neighborhood character;

b. Diminish the impacts of rows of garages and driveways on the pedestrian environment and street;

c. Reduce the apparent bulk and scale of townhouse buildings, and avoid long unbroken facades;

d. Encourage pedestrian access to be convenient, visible, safe, and inviting; and

e. Promote daylighting and views, front yard landscaping, front entries, and windows facing the street.

2. Applicability

These standards shall apply to any townhouse development and any townhouse-style structure, any attached single-family use, and any two-family use that is constructed in townhouse-style. This section does not apply in Girdwood.

[DESIGN INNOVATION CREDIT
THE DECISION-MAKING BODY MAY APPROVE A DESIGN INNOVATION THAT IS NOT COVERED BY THE MENU CHOICES TO BE USED AS CREDIT FOR UP TO ONE DESIGN FEATURE IN THIS SECTION. THE APPLICANT SHALL DEMONSTRATE A SPECIFIC FEATURE THAT REALIZES THE INTENT OF THE SUBSECTION, AND THAT:

a. ACHIEVES AN EQUAL OR BETTER DESIGN SOLUTION FOR THE DEVELOPMENT THAN WOULD RESULT FROM APPLICATION OF THE BASIC MENU CHOICES; AND

b. DOES NOT ADVERSELY AFFECT ADJACENT PROPERTIES OR STREETS.]

3. Building Size

The maximum number of dwellings attached in a single row or building shall be:

a. Two dwellings in the R-2A and R-2D districts.

[FOUR DWELLINGS IN THE R-2F DISTRICT.]

b. Six dwellings in the R-2M district.

c. Ten dwellings in all other districts in which the use is allowed.

Page 444 ANNOTATION

To streamline the residential section, the window and spacing requirements for townhouse structures have been consolidated with the nearly identical requirements for multifamily structures in C.3., to avoid repeating nearly identical regulations with minor inconsistencies. This simplifies the code for users and administrators.

Adjustments have been made to the multifamily section in C.3. such that the window and building spacing requirements applicable to townhouses remain the same as provisionally adopted and approved by PZC and Assembly Title 21 Committee.

In response to public comments, the entryway provision is amended to clarify that front entrances do not have to actually face the street, and the standard for visibility is clarified to mean the door itself should be visible from the street it is accessed.

In response to comments, the provisionally adopted requirement to provide separated walkways in 5.d. is proposed to be made more flexible by allowing for an alternative facility called "parking courtyards". It is based on a practice used in some northern cities to allowing, where appropriate, a shared parking / play courtyard facility in lieu of separated vehicle parking and pedestrian facilities. This can save project costs and space, while achieving the intent of the code for pedestrian access. The design standards for "parking courtyard" are proposed to be located in a generally applicable section (21.07.060F.18), so this option is accessible to more housing types than just townhouses, and to streamline this section.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

4. Daylighting, Views, and Building Spacing

Residential buildings shall comply with subsection 21.07.110C.3., *Daylighting, Views, and Building Spacing*, above.

a. ***[WINDOWS***

WINDOWS AND/OR PRIMARY ENTRANCE DOORS SHALL BE A MINIMUM OF 15 PERCENT OF THE WALL AREA OF ANY BUILDING ELEVATION FACING A STREET, PRIVATE COMMON OPEN SPACE, OR THAT HAS PRIMARY ENTRANCES TO DWELLINGS.

b. ***BUILDING SPACING***

THE AVERAGE DISTANCE BETWEEN ANY FRONT AND/OR REAR BUILDING WALLS OF TWO TOWNHOUSE STRUCTURES (WITH FIVE OR MORE UNITS) ON THE SAME SITE SHALL BE THE GREATER OF THE FOLLOWING:

i. 20 FEET.

ii. ONE FOOT DISTANCE FOR EVERY ONE FOOT OF BUILDING HEIGHT UP TO 30 FEET.

c. ***EXCEPTIONS***

i. UP TO ONE-THIRD OF REQUIRED WINDOW/DOOR AREA AND/OR REQUIRED BUILDING SPACE BETWEEN BUILDINGS MAY BE TRANSFERRED TO ANOTHER WALL ELEVATION OR SIDE OF THE RESIDENTIAL STRUCTURE, SUBJECT TO AN ADMINISTRATIVE SITE PLAN REVIEW. TRANSFERRED SPACE SHALL BE ADDED TO PRIVATE OPEN SPACE THAT MEETS THE STANDARDS OF 21.07.030. IT SHALL BE DEMONSTRATED TO THE DIRECTOR'S SATISFACTION THAT THE TRANSFER RESPONDS TO A SITE-SPECIFIC ATTRIBUTE SUCH AS SOLAR ORIENTATION, A NOISY ARTERIAL STREET, OR OBJECTIONABLE VIEW, AND THAT MITIGATING FEATURES WILL BE PROVIDED FOR THE AFFECTED WALL OR AREA.

ii. AN OVERALL REDUCTION IN REQUIRED WINDOW AREA MAY BE APPROVED IF DEMONSTRATED BY CALCULATION BY AN ENERGY RATER CERTIFIED BY THE STATE OF ALASKA THAT THE REDUCTION IS NECESSARY TO ACHIEVE AN UPGRADED ENERGY STAR RATING OF FIVE STAR OR FIVE STAR PLUS.]

5. Entryway Treatment

Primary entrances shall be given emphasis and physical access by the following:

a. Placement on a street-facing building elevation, or where the entry door is visible from (if not facing) the [AN ABUTTING] street, or facing a common private open space such as an entry courtyard;

b. A porch, landing, or other outdoor transition space with a minimum dimension of four feet, and distinguished from abutting parking surfaces by changes in material or elevation;

c. A sheltering roof structure such as an overhang, recess, portico, or other permanent architectural feature of at least 16 square feet; and

d. Connection to the street by walkways and/or the unit's individual driveway, or a parking courtyard as provided in subsection 21.07.060F.18.

Page 445 ANNOTATION

To streamline the residential section, the building articulation menu for townhouse structures has been consolidated into the multifamily menu, which is similar in its content. This change simplifies the code for users and administrators, by eliminating repeated regulations with minor inconsistencies.

The menu choices from the townhouse menu are either already addressed by the multifamily menu, or have been added to that menu (C.7.). Adjustments have been made to some multifamily menu items such that the standards applicable to townhouses remain, with minor adjustments, the same as what was provisionally adopted and approved by PZC and Assembly Title 21 Committee.

Townhouse building articulation standard in menu item a. is kept distinct from multifamily, to reflect differences in the building types that were approved by PZC and the Assembly Title 21 Committee.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

6. Building Articulation

Principal buildings shall comply with subsection 21.07.110C.7., *Building Articulation and Visual Variety*, above, except that the standard for meeting menu item C.7.a., *Wall Modulation*, shall be as follows:

[ANY TOWNHOUSE BUILDING ELEVATION FACING A STREET, COMMON PRIVATE OPEN SPACE, OR HAVING AT LEAST ONE PRIMARY ENTRANCE SHALL PROVIDE FEATURES FROM THE MENU BELOW. IF THE BUILDING HAS ONE OR TWO APPLICABLE ELEVATIONS, THEN AT LEAST FOUR FEATURES SHALL BE PROVIDED ON EACH ELEVATION. IF A THIRD ELEVATION IS APPLICABLE, AT LEAST THREE FEATURES SHALL BE PROVIDED ON THAT ELEVATION. IF THE BUILDING HAS FOUR OR MORE DWELLINGS, FEATURE 6.A. SHALL BE REQUIRED AS ONE OF THE FEATURES ON EACH APPLICABLE ELEVATION. ANY APPLICABLE ELEVATION WITH THE PRIMARY ENTRANCE SHALL HAVE FOUR FEATURES PROVIDED.

a. Provide p[P]rojections, recesses, or reveals at least four feet wide, with a change in wall plane of at least two feet, provided at intervals of no more than 24 feet apart or at the common wall between units, except:

i. The maximum interval may be increased by two and one half feet for each foot of additional width and change in wall plane of the projection or recess—up to a maximum interval of 48 feet.

ii. The standard applies on a minimum of 60 percent of the height of the building wall [TWO STORIES OF A THREE STORY ELEVATION].

b. UPPER STORY CANTILEVER OR STEP-BACK WITH A CHANGE OF WALL PLANE OF AT LEAST FOUR FEET OR TWO FEET IF ACCENTUATED BY A CHANGE IN SIDING OR THE FAÇADE IS ONLY TWO STORIES IN HEIGHT.

c. USE OF TWO OR MORE WALL SIDING MATERIALS, OR A CHANGE OF COLOR ONLY IF THE COLOR CHANGE IS DELINEATED WITH TRIM.

d. USE OF TWO OR MORE ORNAMENTAL DETAIL FEATURES SUCH AS MEDALLIONS, SHUTTERS, COLUMNS, PILASTERS, WALL MODULATIONS THAT DON'T MEET 6.A. ABOVE, THREE AND ONE HALF INCH WIDE TRIM, BALCONIES THAT DON'T MEET 6.E. BELOW, OR OTHER SIMILAR FEATURES APPROVED BY THE DIRECTOR.

e. BALCONIES AT LEAST 24 SQUARE FEET IN AREA AND SIX FEET WIDE, PROVIDED AT INTERVALS TO DISTINGUISH INDIVIDUAL DWELLINGS.

f. COVERED ENTRY PORCHES OR LANDINGS AT LEAST 24 SQUARE FEET IN AREA AND SIX FEET WIDE, PROVIDED AT INTERVALS TO DISTINGUISH INDIVIDUAL DWELLINGS.

g. BAY WINDOW AT LEAST SIX FEET WIDE AND SIX FEET HIGH EXTENDING AT LEAST 18 INCHES FROM THE WALL PLANE, OR ANOTHER TYPE OF LARGE WINDOW OF AT LEAST THE SAME SIZE, PROVIDED AT INTERVALS TO DISTINGUISH INDIVIDUAL DWELLINGS.

h. VARIATIONS IN ROOF FORM, ORIENTATION, OR HEIGHT AT LEAST SIX FEET WIDE SUCH AS DORMERS, PROJECTING ROOF FORMS, MULTIPLE ROOF PEAKS, OR TERRACING PARAPET, WITH A VERTICAL CHANGE IN ROOF PLANE OF AT LEAST TWO FEET, OR JOGGED RIDGE LINES, WITH A

Page 446 ANNOTATION

Removes a planting requirement that applied to wide front facing garages, in response to changes by the Assembly Title 21 Committee in the landscaping section.

Wording improvements and an illustration are provided as clarification.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

MAXIMUM OF 32 FEET OF UNINTERRUPTED ROOFLINE BETWEEN ROOF VARIATION FEATURES.

i. VARIATIONS IN ARCHITECTURAL FORM OR SCALE BETWEEN INDIVIDUAL DWELLINGS, SUCH AS REVERSED ELEVATIONS, A DIFFERENT PATTERN OR ARRANGEMENT OF ARTICULATION ELEMENTS OR WINDOWS IN THE END UNITS, OR A DIFFERENT DWELLING UNIT DESIGN, OR CHANGE IN DWELLING UNIT SCALE (WIDTH OR HEIGHT).

j. PROVIDE THE BUILDING ELEVATION WITHOUT GARAGE BAYS (I.E., FREE OF GARAGE DOORS).

k. PROVIDE WINDOWS AND/OR PRIMARY ENTRANCES COMPRISING AT LEAST 20 PERCENT OF THE WALL AREA OF THE BUILDING ELEVATION.]

7. Front-Facing Garages

Where the garage or driveway faces the street or is on the same building elevation as the primary entry to the dwelling, the following standards shall be met:

a. The garage door width shall not exceed the greater of 10 feet or 50 percent of the width of the elevation of the dwelling, except as provided below.

b. The garage door width may be up to 67 percent of the width of each dwelling, if the building elevation provides at least one feature more than the minimum number required in subsection C.7. [D.7.], *Building Articulation* [AND THE LANDSCAPE AREAS REQUIRED IN D.9. BELOW ARE PLANTED WITH AN ADDITIONAL 0.1 LANDSCAPE UNITS PER SQUARE FOOT].

8. Landscaping

a. ***Semi-Private Transition Space***

The area between the front entry porch or landing and the abutting street shall be planted as provided in 8[9].d. below. [WITH SITE ENHANCEMENT LANDSCAPING.] Front driveway width and other motor vehicle parking facilities shall not encroach into this area.

b. ***Front Driveway Separations***

Where townhouse units are served by individual garages or driveways fronting onto the street or on the same building elevation as the primary entry to the dwelling, a landscaping planting area with a width of no less than four feet shall be provided between each individual driveway. The planting area shall extend out the full distance to the street, shared driveway, parking bay, or circulation aisle, but in no case extend out less [BE SHORTER] than eight feet from the building garage facade. Driveways may be combined for a maximum of two dwellings, however no driveway or driveway combination shall exceed 32 feet without a landscaped break.

Page 447 ANNOTATION

To simplify and streamline the code, the foundation planting bed requirement for a townhouse building next to its parking lot is made consistent with the equivalent requirement for multifamily buildings. The multifamily planting requirement is similar, but simpler and easier to understand.

The planting requirement is converted from the provisionally adopted landscaping units system, in order to reflect changes in the landscaping section.

The last sentence is proposed by the Administration to be deleted in response to a comment from homebuilders that the requirement for a barrier between landscaping and townhouse driveways is too expensive.

The Administration proposed to delete all of the design standards for single-family dwellings. However, the PZC recommended to retain both sections of standards for single-family, with substantive changes.

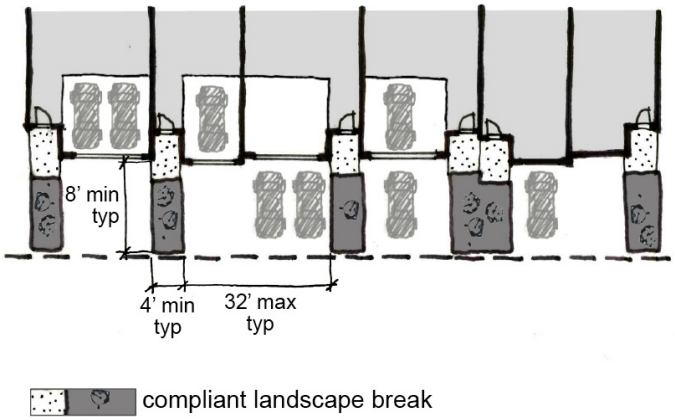
The Assembly Title 21 Committee recommends to delete the first section of single-family standards, which required a certain aspect ratio, roof design, and a permanent foundation in order to address manufactured housing. The Committee recommends to retain Section E., with amendments as shown.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]



c. ***Common Parking Facilities and Driveways***

A foundation planting bed conforming to the requirements of subsection 21.07.110C.4., *Relationship to Parking*, shall be provided along townhouse-style structure elevations that abut common parking and access facilities, including parking bays, circulation aisles, and access driveways shared in common among multiple units. [OF AN AVERAGE OF SIX FEET IN DEPTH (MINIMUM OF FIVE AT ANY POINT) SHALL BE PROVIDED (WITH BREAKS ALLOWED FOR BUILDING ACCESS) ALONG TOWNHOUSE STRUCTURE ELEVATIONS THAT ABUT COMMON PARKING AND ACCESS FACILITIES, INCLUDING PARKING BAYS, CIRCULATION AISLES, OR ACCESS DRIVEWAYS SHARED IN COMMON AMONG MULTIPLE UNITS. AS AN ALTERNATIVE, THE LANDSCAPING AREA REQUIRED BEYOND THE MINIMUM FOUR FOOT DEPT MAY BE PLACED ELSEWHERE ON THE SITE ABUTTING THE COMMON PARKING FACILITY. THE BED SHALL BE PLANTED WITH 0.1 LANDSCAPING UNITS PER SQUARE FOOT.[

d. ***Landscaping Bed and Planting Material Standards***

Landscaping area required by subsections 8.a. and 8.b. above [THIS SECTION] shall be planted with at least one tree and five shrubs in front of each dwelling [0.2 LANDSCAPE UNITS PER SQUARE FOOT OF PLANTING AREA, EXCEPT THAT PLANTING AREAS WITH A MINIMUM INSIDE DIMENSION OF 12 FEET OR MORE MAY BE PLANTED WITH 0.1 LANDSCAPE UNITS PER SQUARE FOOT]. Planting beds shall be separated from parking spaces and driveways by landscape edging. [LANDSCAPING AREAS SHALL BE PROTECTED FROM COMMON PARKING AREAS AND CIRCULATION AISLES BY VERTICAL CURBING OR A PERMANENT HARDSCAPE FEATURE SUCH AS CURB STOPS, BOLLARDS, OR BOULDERS.]

9. Utility Meters, Electrical Conduit, and Other Service Utility Apparatus

Utility meters and rooftop mechanical equipment shall comply with the multifamily utility screening requirements in subsection C.9.d. above.

[STANDARDS FOR ALL SINGLE-FAMILY RESIDENTIAL STRUCTURES

1. APPLICABILITY

THE STANDARDS OF THIS SUBSECTION E. APPLY TO ALL SINGLE-FAMILY RESIDENTIAL STRUCTURES.

2. PERMANENT FOUNDATION

ALL DWELLINGS SHALL BE ON A PERMANENT FOUNDATION.

Page 448 ANNOTATION

Proposed clarifications to the applicability section.

The Assembly Committee supported retaining the number of different housing models required, while clarifying the meaning of “noticeably different” for ease of interpretation.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

3. ASPECT RATIO OR ROOF DESIGN

a. THE DIMENSIONS OF A RECTANGLE, DRAWN TO ENCOMPASS THE WHOLE STRUCTURE MEASURED AT 30 INCHES ABOVE THE GROUND, SHALL BE AS FOLLOWS: THE SHORTER DIMENSION OF THE RECTANGLE SHALL BE MORE THAN 30 PERCENT OF THE LONGER DIMENSION OF THE RECTANGLE; OR

b. IF ALL OF THE DWELLING IS SINGLE-STORIED, IT SHALL HAVE A PITCHED ROOF OF AT LEAST THREE TO 12 (RISE TO RUN).

c. THE DIRECTOR MAY PROVIDE A WAIVER IN WRITING AT A DESIGN CONCEPT PHASE, THAT EXEMPTS A STRUCTURE FROM MEETING EITHER OF THESE REQUIREMENTS.

4. APPEALS

THE URBAN DESIGN COMMISSION SHALL HEAR APPEALS FROM THE DIRECTOR'S DECISION IN THIS SUBSECTION.]

E. Standards for Some Single-Family and Two-Family Residential Structures

1. Applicability

The standards of this subsection E[F]. apply to the developments listed below. [ANY SINGLE-FAMILY USE EXCEPT FOR SINGLE-FAMILY RESIDENTIAL USES ON LOTS OF 20,000 SQUARE FEET OR GREATER, AND APPLY TO ANY MULTIFAMILY USE WITH SINGLE-FAMILY STYLE CONSTRUCTION ON A SINGLE LOT.] This section does not apply to accessory dwelling unit uses or in Girdwood.

a. Any single-family use except for single-family residential uses on lots of 20,000 square feet or greater.

b. Any two-family use that is not constructed in townhouse-style and is on a lot less than 20,000 square feet.

c. Any multifamily use with single-family or two-family style construction.

2. Mix of Housing Models

Any subdivision or development of five or more units shall have a mix of housing models, as determined during the building permit process, according to the following table:

TABLE 21.07-12 MIX OF HOUSING MODELS

Number of units	Number of different models required
5-10	2
11-20	4
21-30	5
31 or more	6

Each housing model shall be noticeably different through at least three of the following variations. For the purposes of this provision, "noticeably different" means a change that is easily apparent when looking at building plans and elevation drawings, without resorting to using measurements and scales/rulers in order to determine a difference in design[:]

Page 449 ANNOTATION

The dimensional standard for a porch is proposed by PZC to be made more flexible.

The Assembly Title 21 Committee supports the recommendation of PZC to allow the garage door to extend up to 67 percent of the front façade of the house, and to delete the limitations on how much of the wall area of the front façade can be a garage.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

a. [NOTICEABLY DIFFERENT W]Window placement and entrance location.

b. [NOTICEABLY DIFFERENT F]Façade detail elements, siding material, or siding colors.

c. [NOTICEABLY DIFFERENT P]Placement of the building footprint on the lot. A four foot setback differential to the closest front corner of the adjacent façade shall be acceptable.

d. [NOTICEABLY DIFFERENT G]Garage placement.

e. [NOTICEABLY DIFFERENT R]Roof design/feature. This includes the main ridgeline being oriented differently, two or more additional roof planes, addition of at least one dormer, or a different roof style.

f. [NOTICEABLY DIFFERENT E]Exterior elevations.

g. [NOTICEABLY DIFFERENT B]Building massing.

The development (of five or more units) shall be arranged to avoid placing identical housing types, including mirror image floor plans, on lots that share side lot lines.

3. Primary Entrance

a. A porch or landing with [A MINIMUM INSIDE DIMENSION OF] at least 16 square [FOUR] feet shall be provided at the primary entrance. The porch or landing shall be covered by a roof of at least 16 square [FOUR] feet [BY FOUR FEET, LOCATED AT THE PRIMARY ENTRANCE].

b. The primary entrance of each residence and the walkway to that entrance shall be clearly visible from the street. The roofed porch/landing of primary entrances on side elevations shall extend at least three feet from the elevation. Primary entrances shall not be located on the rear of the structure.

c. A hard-surfaced pedestrian walkway shall be provided from the street, sidewalk, or driveway to the primary entrance. Roof drainage shall not fall upon the walkway.

4. Garages

a. Where a garage (with no habitable floor area above) extends from the rest of the structure towards the street, the width of the non-garage portion of the front building elevation shall be no less than the length that the garage extends from the rest of the structure.

b. Garage doors facing the street shall comprise no more than 67 [60] percent of the total width of a dwelling's building elevation [AND NO MORE THAN 30 PERCENT OF THE OVERALL SQUARE FOOTAGE (AREA) OF THE DWELLING'S FRONT ELEVATION THAT FACES THE STREET.] [SINGLE-STORY HOMES ARE EXEMPTED FROM THE GARAGE DOOR AREA LIMITATION.]

c. Dwelling units with a street-facing building elevation that is 40 feet wide or narrower and with garage doors that face the street shall feature at least one design element from each of the three lists below.

i. *List A:*

(A) At least one dormer that is oriented toward the street.

Page 450 ANNOTATION

PZC proposes to allow a bay window that receives credit in “List C” menu to also count toward the minimum number of features required under the “List A” menu.

Clarifications are proposed. Also, rather than reducing the setback for this specific situation, which could have had impacts on other things such as outbuildings, the provision is reworded to allow the building to encroach into the setback.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

(B) The front building elevation has two or more facades that are offset by at least 16 inches. Each façade or a combination of offset facades shall be at least one third of the area of the building elevation[, AND FACADES THAT RECEIVE CREDIT FOR A BAY WINDOW SHALL NOT RECEIVE CREDIT FOR THIS CHOICE].

(C) Front-facing balcony, accessible from a habitable room, at least six feet wide, that projects from a façade at least two feet and is enclosed by an open railing.

ii. *List B:*

(A) A primary entrance area with a covered porch or landing at least eight feet wide, incorporating visual enhancements such as gabled roof forms, roof brackets, fascia boards, side lights, and/or ornamental columns divided visually into top, middle, and bottom.

(B) A bay window on the front elevation at least six feet wide that extends a minimum of 12 inches outward from a façade, forming a bay or alcove in the room within.

(C) If the garage is more than one car wide, multiple garage doors are used.

iii. *List C:*

(A) Windows and primary entrance door(s) that occupy a minimum of 25 percent of the wall area of the front elevation. Windows in the garage door do not count towards the 25 percent.

(B) Trim (minimum three and one half inches wide) of a different color from the primary siding color, shall outline all windows, doors, and roof edges on the front building elevation, and may outline corners and projections/recesses on the front building elevation.

(C) A minimum of two different siding materials and/or patterns are used on the front building elevation. Doors and trim do not qualify as a type of siding material.

d. The house may encroach into the primary [MINIMUM] front [BUILDING] setback [MAY BE REDUCED] by up to five feet when there is no garage, or where there is a garage (attached or detached) where the front wall of the garage is located at least 8 [10] feet behind the front façade of the house.

5. Windows

a. Windows and primary entrance door(s) shall occupy a minimum of 15 percent of the wall area of a building elevation facing a street or required private common open space. Windows in the garage door do not count towards the 15 percent requirement.

b. Any building elevation with solar orientation shall have at least one window that is a minimum of six square feet.

c. An overall reduction in required window area may be approved if demonstrated by calculation by an energy rater certified by the state of Alaska that the

Page 451 ANNOTATION

The definition of Quonset Hut has been moved to Chapter 14 terms and definitions section, and is subject to proposed changes there.

Inserts content into the reserved section which is intended to address developments with multiple residential structures on a lot (sometimes referred to as “site condominiums” or “horizontal condominiums”). Content is as approved by PZC. The standards are designed to be administered through a site plan review process. Larger developments are recommended by PZC to be subject to a public hearing site plan review before a board or commission.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

reduction is necessary to achieve an upgraded Energy Star rating of Five Star or Five Star Plus.

F. Prohibited Structures

[RESERVED]

[QUONSET HUT IS DEFINED AS A SELF-SUPPORTING STRUCTURE THAT IS SHAPED LIKE A LONGITUDINAL HALF OF A CYLINDER RESTING ON ITS FLAT SURFACE, WITH OR WITHOUT STRAIGHT SIDES OF SIX FEET OR LESS ON THE CYLINDER (NON-GABLE) SIDES, THAT IS MORE THAN 10 FEET WIDE ACROSS THE GABLE END, OR 15 FEET ALONG THE NON-GABLE SIDE, OR 10 FEET HIGH, AND HAS TWO OF THE FOUR FOLLOWING CHARACTERISTICS:

1. PREFABRICATION.

2. FABRIC OR PLASTIC MATERIAL OR CORRUGATED METAL ROOFING.

3. RIBBED APPEARANCE IN THE ROOFING MATERIAL

4. A ROOF SYSTEM THAT IS IN HEIGHT AS TALL AS OR TALLER THAN THE WALL SYSTEMS ON THE NON-GABLE SIDES.]

G. Site Design

1. Subdivisions
Subdivisions of land shall comply with the standards of chapter 21.08, *Subdivisions*.

2. Multiple Structures on One Lot
[RESERVED]

a. *Intent*
This section regulates the development of multiple residential structures on a single lot. The section is intended to allow flexibility from the subdivision regulations while still achieving neighborhoods that are healthy, safe, and convenient, and meet the goals of the comprehensive plan. The approval processes and standards are intended to result in a development with a cohesive neighborhood identity, an attractive and functional streetscape, a hierarchy of streets and driveways, convenient and safe pedestrian circulation, sufficient parking near each dwelling unit, usable and well-located open space, a positive image of higher density residential development, and well designed and visually pleasing structures and neighborhoods.

b. *Applicability and Review Process*

i. This section applies to the development of two or more principal residential structures on a single lot. It does not apply to the development of an accessory dwelling unit or a caretaker's unit.

ii. Multiple residential structures on a single lot are permitted in the R-2M, R-3, R-4, R-4A, B-3, and RO districts.

iii. Applicable developments with between two and 15 dwelling units shall be approved by administrative site plan review pursuant to subsection 21.03.180B. Applicable developments with 16 or more dwelling units shall be approved by major site plan review pursuant to subsection 21.03.180C.

Page 452 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

iv. All approvals under this section shall use the approval criteria of subsection 2.c. below, in addition to the general site plan review approval criteria. The decision-making body may place conditions on the development as it may deem necessary to meet the approval criteria.

c. ***Approval Criteria***

i. The proposal shall clearly distinguish between streets and driveways. Streets shall allow vehicles to travel into and within the development, and shall be the means for assigning an address to dwelling units. Driveways shall access garages and parking areas. Some small developments may not need a street network.

ii. Dwelling units shall be oriented towards streets (either within the development or along the boundary of the development) or towards a courtyard or similar common open space. Buildings with frontage on both a street and a driveway shall be oriented towards the street. If the development is so small that no internal street network is necessary, then buildings and dwelling units shall be oriented towards the local public streets on the boundaries of the development, or towards common open space.

iii. The area between the front of a unit facing a street and the street shall include landscaping or lawn, so that the streetscape features green space rather than just paved parking areas. Adequate snow storage area shall be provided. On-street parking shall be accommodated (if provided).

iv. Developers should make every effort to design and arrange dwelling units in such a manner as to provide "eyes on the street," take advantage of solar access, and to the extent feasible, provide privacy for neighboring units' yards.

v. In addition to sidewalks required by section 21.07.060, pedestrian pathways shall be provided to large open space areas and in the middle of long blocks. Pedestrian circulation should be convenient both within the development and to appropriate neighboring areas outside the development.

vi. The development is designed to take advantage of any significant natural features on site, and to provide usable open space and recreation areas.

d. ***Development Agreement***

The developer shall enter into a development agreement with the department, using the provisions established in subsection 21.03.100E., *Improvements Associated with Land Use Permits*.

e. ***Minimum Standards***

All development with multiple residential structures on a single lot shall meet the following minimum standards, in addition to the applicable standards of this title.

i. *Open Space*

A minimum of 30 percent of the site shall be reserved as open space which shall meet the standards of section 21.07.030, *Private Open Space*. Any requirement in section 21.07.030 for open space for the individual use of a dwelling shall count towards the total 30 percent requirement. The open space shall not be simply the lot setbacks and

Page 453 ANNOTATION

Changes to the driveway width requirements for residential developments are proposed by the Administration in order to make the section clearer and more flexible, in response to comments from the building community.

The changes include allowing driveways to be up to the same percentage of a lot's street frontage width as allowed by current Title 21.

The provisionally adopted residential driveway provision is kept more flexible than current code with respect to narrow lots in three exceptions in subsection c.

Applicability provisions are consolidated and clarified and provided with subsection headings.

Subsection d. is added give the traffic engineer the authority to approve narrower residential driveways than established by the Municipal Driveway Standards, where appropriate.

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leftover fragments such as corner bits that are unusable for other purposes.

ii. *Buffers for Neighboring Uses*
Common open space with L3 screening landscaping shall be provided along any lot line abutting a residential neighborhood where the density is less than half the density of the development with multiple residential structures on a single lot.

iii. *Building Spacing*
Within a development, no portion of any single-, two-, or three-story building shall be closer than 10 feet from any other single-, two-, or three-story building. All portions of any building taller than three stories shall be separated by no less than 20 feet from any other building.

iv. *Vehicle Plug-In*
Each unit with no garage shall be provided with at least one electrical outlet that is convenient to the required parking space(s).

3. Driveway Width

a. *Purpose*
This section limits the width of a driveway at the property line and at the street curb. The intent of these limitations is to provide adequate space for snow storage within the right-of-way, to have space for on-street parking where appropriate, and to discourage the majority of the front area of a lot from being paved and/or used for vehicle parking.

b. *Applicability*

i. This section applies to driveway throat width at the property line and street curb.

ii. Residential driveways are also subject to the municipal driveway standards currently established by the traffic engineer. Where there is a conflict, this section shall govern. Access to streets owned by the state of Alaska requires compliance with state driveway standards, as provided in subsection 21.07.090H.9.d.

iii. When a driveway serves both residential and nonresidential principal uses, the driveway dimensions shall be as required for the nonresidential use, unless approved otherwise by the traffic engineer.

c. *Percent of Lot Frontage*
[UNLESS OTHERWISE PROVIDED IN THIS TITLE, T]The total width of driveway entrances to a residential lot from a street shall not exceed 40 percent of the frontage of the lot, or 33 percent of the frontage if the platting authority or traffic engineer finds that conditions warrant it [ON THE STREET AT THE PROPERTY LINE AND 30 PERCENT AT THE CURB].

i. A driveway for multifamily dwellings, mixed-use dwellings, or a group living use may always be at least 14 feet wide. [NOTWITHSTANDING THE ABOVE, A DRIVEWAY FOR RESIDENTIAL USES MAY ALWAYS BE A MINIMUM OF 14 FEET WIDE AT THE CURB AND SHALL NOT BE WIDER THAN 20 FEET AT THE CURB.]

ii. A driveway for a single-family, two-family, or townhouse dwelling may always be at least ten feet wide, provided the traffic engineer determines

Page 454 ANNOTATION

Rather than reducing the setback for this specific situation, which could have had impacts on other things such as outbuildings, the provision is reworded to allow the building to encroach into the setback.

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snow storage, traffic flow and safety, and the urban context are addressed, and provided townhouse driveways are attached in pairs to the maximum extent feasible. [FOR TOWNHOUSE USES, THE TOTAL WIDTH OF DRIVEWAY ENTRANCES SHALL NOT EXCEED 50 PERCENT OF THE FRONTAGE OF THE LOT ON THE STREET AT THE PROPERTY LINE AND AT THE CURB.]

iii. Flag lots are exempt from the percentage limitations, but shall have a maximum driveway width [AT THE CURB] of 20 feet. Abutting flag lots may share a driveway up to 24 feet wide (12 feet per lot).

d. ***Exceptions***

The traffic engineer may approve a departure from the standards of this section, such as a narrower driveway, if documentation prepared by a traffic engineering professional demonstrates to the satisfaction of the traffic engineer that the change is appropriate. Traffic engineer approval shall be contingent on factors such as street classification, street typology, urban context, traffic volume and speed, curb return radii, street travel lane offset from face of curb, pedestrian and bicycle facilities, snow storage, driveway configuration and length, site and project characteristics, number of vehicles expected to use the driveway, and comprehensive plan policies. The traffic engineer may also be more restrictive than the standards of this section, provided the traffic engineer documents the rationale.

4. Alleys

a. Access to parking for residential uses shall be from the alley when the site abuts an alley, except that street access is permitted in any of the following situations:

i. Access to a townhouse dwelling on a corner lot may be from the [SECONDARY] street frontage having the secondary front setback or the alley.

ii. Due to the relationship of the alley to the street system and/or the proposed housing density of the development, the traffic engineer determines that use of the alley for parking access would be a significant traffic impact or safety hazard.

iii. The traffic engineer determines that topography or other natural feature or physical barrier makes alley access infeasible.

iv. The alley is not improved and traffic engineer determines that improvement is not feasible.

v. A single-family dwelling, two-family dwelling, or [TWO-UNIT] townhouse dwelling with two units, with alley access may have a garage or driveway that faces the street if the garage door is no wider than 10 feet and the driveway no wider than 12 feet at any point.

b. In situations where a group of lots front[ING] an entire block on one side of a street between two intersections, abut a mid-block alley, and are being developed together, then parking access to the structures shall be from the alley, and building(s) may encroach into the front setback by up to five feet [MAY BE REDUCED TO 10 FEET].

c. If a new development includes alleys, the lot depth requirement is reduced by half the width of the alley and the lot area requirement is reduced by 12 percent

Page 455 ANNOTATION

The Assembly Title 21 Committee increased the flexibility of this section, while supporting keeping its focus limited to three things:

+ Screening of mechanical equipment;

+ Promoting building accessibility and orientation the street, in consideration of pedestrian access, views, safety; and the functioning of the commercial district; and

+ Encouraging 'Northern city' climate related features for weather protection and solar access.

The section does not include building architectural design standards, such as wall articulation or design style. Instead, building design standards appear in a later section (21.07.130), and apply only to large retail stores.

This mixed-use development standards in Chapter 4 (as approved by the Committee) refer to and depend on this section. Floor area bonus menus also use the section. The section is also referenced as an alternative choice for large retail stores in 21.07.130.

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for those lots that abut an alley. Vehicular access to all dwelling units on lots abutting alleys shall be from the alley, and vehicular access to such units from the street is prohibited.

H. Affordable Housing

1. Purpose

This subsection provides the minimum acceptable standards for affordable housing units that are intended to be counted towards a bonus incentive or any other requirement of this title, to ensure that affordable housing will provide a benefit to future residents and the community overall.

2. Standards

Affordable housing units shall meet the following standards in order to be credited towards a requirement, menu choice, or as a special feature bonus incentive of this title.

a. The affordable housing units shall meet the definition of affordable housing in chapter 21.14;

b. At least 50 percent of the habitable floor area of affordable housing units shall be located in a story above grade plane, as defined in chapter 21.14, except that the finished surface of the floor above the affordable housing unit shall be a minimum of four feet above grade;

c. The affordable housing units shall be intermingled with all other dwelling units in the development; and

d. The exterior appearance of the affordable housing units shall be indistinguishable from the other dwelling units in the development, except where the director determines that the exterior is compatible in appearance and consistent in quality with the other dwelling units.

21.07.120 COMMUNITY USE [PUBLIC/ INSTITUTIONAL] AND COMMERCIAL DESIGN STANDARDS

A. Purpose

This section is intended to promote high-quality building design that actively considers the surrounding context in nonresidential [AND MIXED-USE] areas, encourages visual variety in such areas, promotes building layout and design suitable for the municipality's northern climate, fosters a human scale, promotes accessible and attractive street fronts, projects a positive image to encourage economic development in the municipality, and protects property values of both the subject property and surrounding development. It is also the intent of this section to provide flexible standards that allow for creativity and innovation, and to differentiate between different commercial areas.

B. Applicability

Development of any use categorized in table 21.05-1 [OR TABLE 21.05-2], *Table[S] of Allowed Uses*, as a community [PUBLIC/INSTITUTIONAL] or commercial use shall comply with the standards of this section 21.07.120, except as follows:

1. Special-purpose public facilities such as schools, airports, and fire stations with highly unique design and functionality requirements shall be granted specific exemptions from this section, if the director finds substantial public benefit and adequate mitigation of impacts to the immediate neighborhood.

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2. Developments that meet the applicability threshold of section 21.07.130A. are exempt from this section.

3. In the case of a mixed-use residential building, these standards shall apply to the nonresidential portion of the structure and the standards of section 21.07.110, *Residential Design Standards*, shall apply to the residential portion of the structure. In case of overlap and/or conflict, the more stringent standard shall apply.

C. Alternative Equivalent Compliance

The alternative equivalent compliance procedure in subsection 21.07.010D. may be used to propose alternative means of complying with the intent of this section. Applicants for alternative equivalent compliance shall demonstrate design strategies that address each of the core subject areas set forth below in subsection E.

D. Prohibitions and Requirements

1. Fabric Structures

Frame-supported, arch-supported, or inflated tension fabric or membrane structures are prohibited in all commercial [AND MIXED-USE] districts, except that a portion of a structure's roof or wall membrane may consist of non-inflated tension fabric based on a site-specific architectural design, subject to an administrative site plan review.

2. Mechanical and Electrical Equipment

Mechanical and electrical equipment serving a single building shall be screened from view as provided below. This requirement applies to heating, ventilation, and cooling equipment; pumps; generators; and groups of four or more utility meters. The screening requirement does not apply to telecommunications equipment, chimneys, minor vent pipes, wall vents that are flush/near-flush with the building wall, or solar collectors and reflectors. Screening shall comply with AMC title 23 and the access and safety requirements of utilities.

a. ***Rooftop Mechanical and Electrical Equipment***

Rooftop mechanical and electrical equipment shall be screened from view of abutting streets and the ground level of residentially zoned lots using the menu choices provided in subsection 2.b. below. If menu choice b.iii. is the only choice selected, then the roof mounted equipment shall also be set back from the roof edge (where the roof meets the façade wall) at least three feet for each foot of height of the equipment.

b. ***Mechanical and Electrical Equipment – Other***

All other mechanical and electrical equipment shall be screened from view from abutting streets, except where located more than 40 feet from the street or right-of-way, using one of the following choices, as long as the choices do not conflict with the requirements and standards of the utility companies:

i. Sight-obscuring landscaping consisting of shrubs, trees, berms, and/or hardscape materials. Other landscaping required by this title, such as perimeter landscaping, may be used if it meets this standard.

ii. A sight-obscuring fence, wall, or structure that is adequate in height to screen the equipment.

iii. Wall-mounted utility meter bases and CT cabinets finished in a color that is consistent with other areas of the building façade, unless an alternative color or design is approved by the director.

Page 457 ANNOTATION

This change, approved by the Assembly Title 21 Committee, increases the flexibility of the menu-based standards for building orientation and weather protection. Applicants can replace up to three required menu choices in the menus, with their own alternative methods to meet the section objectives.

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iv. Equipment that is disguised, camouflaged, or hidden so that its function as mechanical or electrical equipment is imperceptible to an uneducated eye.

E. Menu of Design Choices

To provide for flexibility, the standards of this section 21.07.120 are arranged into menus of design feature choices. The applicant shall select a minimum number of design features from each menu. The menus are organized into two subject areas that affect the community/public realm: (a) building orientation and (b) wind protection and sunlight.

1. Minimum Number of Design Features

The minimum number of design feature choices required from each menu is provided in Table 21.07-13.

2. Shared Credit Among Menu Choices

Unless otherwise indicated, achievement of a design feature choice in a menu may count toward other design features in the same menu or other menus if the feature also achieves the requirements of the other design feature choice(s).

3. Design Innovation Credit

The decision-making body may approve [A] design innovations [THAT IS] not covered by the menu choices, to be used as credit for up to three [ONE] design features in this section. The applicant shall demonstrate a specific design quality that realizes the intent of the subsection, and

a. Achieves an equal or better design solution for the development than would result from application of a basic menu choice; and

b. Does not adversely affect adjacent properties or streets.

TABLE 21.07-13: BUILDING SIZE AND MINIMUM NUMBER OF DESIGN FEATURES

Design Feature Menus	Less than or equal to 12,000 square feet of gross floor area	Greater than 12,000 square feet of gross floor area
Building Orientation Choices	2	3
Wind Protection And Sunlight Choices	2	2

4. Building Orientation

a. ***Purpose***

The design choices for building orientation address the building's relationship to surrounding streets, walkways, and parking. Building orientation features are to encourage pedestrian accessibility and views to indoor activity, enhance public street safety and natural surveillance opportunities, and promote active uses at or near the ground-level.

b. ***Orientation Design Choices***

i. *Windows and Entrances*

Provide visual access windows and/or primary entrances on street-facing building elevations (up to a maximum of two elevations) [ON THE GROUND FLOOR] for at least 35 percent of the length and 15 percent of the ground floor wall area. An elevation that is more than 150 feet away from the facing street shall be exempt, unless it is the only applicable

Page 458 ANNOTATION

The mixed-use districts are proposed to be deleted. In their place, the Chapter 4 mixed-use development standards for the B-3 and B-1B districts now reference this menu.

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elevation. Qualifying windows shall be no more than four feet above finished grade.

ii. *Building Placement Closer to the Street*
A building that achieves item b.i. above may receive credit for an additional orientation feature if at least 40 percent of the length of at least one ground floor street-facing building elevation complies with the maximum setback standards of subsection 21.06.030C.5. [IN MIXED-USE DISTRICTS, THE PERCENTAGE IS INCREASED TO AT LEAST 60 PERCENT OF THE BUILDING ELEVATION LENGTH.]

iii. *Corner Building*
At a street corner provide items b.i. and b.ii. above on both street-facing building elevations of a corner building.

iv. *Street Oriented Entrances*
Provide at least one primary entrance within 60 feet of a street sidewalk, or 90 feet for buildings over 25,000 square feet of gross floor area, and connected to the street by a clear and direct walkway.

v. *Primary Pedestrian Walkway*
Provide a primary pedestrian walkway that meets the requirements of 21.07.060F.4., *Primary Pedestrian Walkway* (except that when the building is within 50 feet of the street, the walkway may be shorter than 50 feet), between a primary entrance an the abutting street. This choice, while offered in both menus, shall only count as a choice for one menu.

vi. *Upper Floor [LEVEL] Windows*
Provide windows or spandrel glass (fake windows) on each building elevation facing an abutting street or having a primary entrance for customers or visitors. Windows shall comprise an average of 35 percent or more of the length and 15 percent of the area of each upper floor building elevation. Exterior wall areas of building mechanical rooms are exempt.

vii. *Additional Window Area*
Achieve menu choice b.i., *Windows and Entrances*, and increase the coverage to 67 percent of the ground floor wall area. If there is more than one story, also achieve b.vi., *Upper Level Windows*, and increase the coverage to 34 percent of the upper floor wall area.

viii. *Screening Vegetation*
[IN AREAS NOT ZONED FOR MIXED-USE,] L3 [L4] screening landscaping along abutting streets may count as an orientation feature.

ix. *Prominent Entrance Feature*
Provide a prominent and inviting primary entrance that is visible from the street, connected by a direct walkway to the street, and highlighted by two of the following:

(A) Portico, overhang, canopy, or similar permanent feature projecting from the wall;

(B) Recessed and/or projected entrance that covers at least 80 square feet;

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(C) Arches, peaked roof forms, terracing parapets, or other change of building roofline;

(D) Changes in siding material, or detail features such as tilework, to signify the entrance;

(E) Entrance plaza, patio, or similar common private open space.

5. Wind Protection and Sunlight

a. *Purpose*

The design choices for wind protection and sunlight address the combined effects of Alaska's northern climate, including snow, ice, rain, temperature, wind exposure, long and dark winters, and the low and seasonal sunlight conditions. Building design should maximize the use, comfort, convenience, and accessibility of public spaces and walkways; optimize relationships to sunlight and wind; and give consideration to microclimatic impacts on the site and surrounding community.

b. *Weather Protection Design Choices*

i. *Weather Protected Entrance*

Provide either an outdoor pedestrian shelter (entry canopy) or a recessed protected area that covers at least 80 square feet for primary entrances (up to a maximum of two entrances) that serve a building less than or equal to 12,000 gross square feet, and at least 120 square feet for primary entrances (up to a maximum of two) that serve a building greater than 12,000 gross square feet.

ii. *Weather Protected Passenger Loading Zone, Bicycle Parking, or Transit Shelter*

Provide a pedestrian shelter over a taxi stand, valet or passenger loading zone, bicycle parking, or transit stop.

iii. *Sheltered Façade Walkway*

Provide pedestrian shelter meeting the requirements of subsection 21.07.060F.9., *Pedestrian Shelter such as a Canopy, Awning, or Marquee* or a pedestrian arcade meeting the requirements of subsection 21.07.060F.10., *Arcade (or Building Recess)*. The shelter shall extend over a minimum of 35 percent of the length of one ground floor building elevation that contains a primary entrance or abuts a sidewalk or walkway.

iv. *Primary Pedestrian Walkway*

Provide a primary pedestrian walkway that meets the requirements of 21.07.060F.4., *Primary Pedestrian Walkway* (except that when the building is within 50 feet of the street, the walkway may be shorter than 50 feet), between a primary entrance and the abutting street. This choice, while offered in both menus, shall only count as a choice for one menu.

v. *Ice-free Walkway*

Provide an ice-free (snow melting [HEATED]) walkway meeting the requirements of subsection 21.07.060F.5., *Ice-Free (Snow Melting [HEATED]) Walkway*, for a required walkway connection to a primary entrance or for the sidewalk passenger loading zone at the primary entrance, extending at least the full length of the passenger loading zone, but not required to exceed more than three loading spaces.

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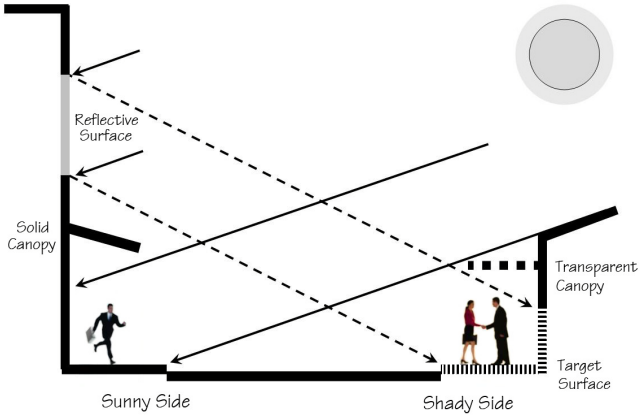
vi. *Weather Protected Transition Space*
Provide an outdoor, publicly accessible sheltered transition space meeting the requirements of subsection 21.07.060F.14., *Sheltered Transition Space*, such as seating along a building façade that faces the street or publicly accessible open space, as a transition between indoor areas and unsheltered outdoor spaces.

vii. *Sunlight Access for Neighbors*
Preserve sunlight access to adjacent public parks, sidewalks across the street, and neighboring properties through building placement, height, and/or massing. The building placement, massing, and height shall be such that at least two-thirds of the neighboring area receives at least four hours of sunlight access on March/September 21.

viii. *Sun Trap*
Preserve or create a publicly accessible sun trap or "sun pocket" meeting the requirements of subsection 21.07.060F.12., *Sun Pocket*, that captures direct and/or reflected sunlight, as part of a public space or common private open space.

ix. *Reflected Sunlight as an Amenity*
Provide reflected sunlight as described in subsection 21.07.060F.13., *Reflected Sunlight*, into publicly accessible pedestrian spaces and walkways, and/or any ground floor wall areas abutting such public spaces, to brighten or increase the microclimatic comfort of those spaces.



x. *Transparent or Translucent Sheltering Roof*
Provide a transparent or translucent roof on one of the design choices from the weather protection menu above if the roof covers more than 60 square feet, has no dimension shorter than 6 feet or clearance height less than 12 feet. The transparent or translucent roof shall allow sunlight to penetrate through to the sheltered pedestrian area.

xi. *Atrium*
Provide a publicly accessible atrium, galleria, or similar kind of sunlit interior space meeting the requirements of subsection 21.07.060F.11., *Atrium, Galleria, or Winter Garden*, which takes advantage of direct and/or reflected sunlight to provide brightness and orientation, and reduce the need for artificial lighting.

Page 461 ANNOTATION

A potential section to address the impacts of multi-story min-storage structures was discussed by the Assembly Title 21 Committee in 2009-2010. The concept has not been further developed.

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xii. *Height Transition*
Provide a building form that is terraced down using a building wall step back above the first, second, or third floor along the full length of at least one of its elevations facing abutting streets, public parks, or shorter buildings on abutting lots. The building mass shall not penetrate a daylight plane that rises inward over the building at an angle of one foot of run for every two feet of rise, and starting at the building wall at the height at which the step back begins. For buildings greater than 60 feet in height, the high rise portion is exempt.

xiii. *Plaza or Courtyard*
Provide a publicly accessible plaza or courtyard of at least 1,200 square feet in area with a minimum dimension of 30 feet. The plaza shall be located along a walkway connection between the street and a primary entrance of use or between the parking lot and a primary entrance.

21.07.130 LARGE ESTABLISHMENTS

A. Large Commercial Establishments

Large commercial establishments often have high visibility from major public streets and a great volume of use by many residents and visitors. As a consequence, their design determines much of the character, function, and image of this community and its streetscapes and commercial areas. The purpose of this section is to encourage major commercial developments to contribute to and respect the municipality as a unique place and to physically integrate with the community in a positive and architectural and site design sensitive manner. The standards of this section augment existing basic standards for development found elsewhere in this chapter with more specific interpretations that apply to large commercial establishments. These standards promote: a basic level of architectural variety and interest; a compatible appearance and scale; pedestrian and parking lot access; orientation of buildings and entrances in relation to surrounding streets; provisions for adaptive reuse of prominent vacant buildings; and mitigation of negative impacts of large scale commercial developments.

1. Applicability

The standards of this section 21.07.130 shall apply to any use in the Retail Sales; Animal Sales, Service, and Care; Food and Beverage Services; or Entertainment and Recreation use categories, or any combination thereof, occupying more than 20,000 gross square feet of floor area, provided the following limitations:

a. The standards of this section shall apply only to buildings which are intended exclusively or principally for the uses listed above, such as a general merchandise retail store, grocery store, or multi-tenant retail building.

b. This section shall not apply to mixed-use buildings with upper stories, or distinct sections designed specifically for residential, office, or other uses not listed above.

c. [RESERVED—POTENTIAL AMENDMENTS TO SELF-STORAGE FACILITIES IN 21.05 TO ADDRESS MULTI-STORY FACILITIES]

2. Relationship to Other Standards

The provisions of this section shall replace the provisions of section 21.07.120, *Community Use* [*PUBLIC/INSTITUTIONAL]* *and Commercial Building Standards*, but shall apply in addition to all other generally applicable standards found elsewhere in this chapter and title. Where there is a conflict with generally applicable standards in this

Page 462 ANNOTATION

The review roles of the UDC and PZC with respect to major site plan reviews are proposed to vary depending on the size of the proposed large commercial establishment. See Chapters 2 and 3.

Clarifies what are the minimum expectations.

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chapter, the standards of this section shall apply. Where there is a conflict with district-specific standards in chapter 21.04 of this title, the district-specific standards shall apply.

3. Alternative Equivalent Compliance

The alternative equivalent compliance procedure in subsection 21.07.010D. may be used to propose alternative means of complying with the intent of this section. Applicants for alternative equivalent compliance shall demonstrate design strategies that address each of the mandatory standards set forth below in subsection E.

4. Major Site Plan Review

All applicable large commercial establishments shall by approved by major site plan review in accordance with section 21.03.180. The applicable [URBAN DESIGN] commission shall ensure that the site plan provides architectural variety, compatible scale, access amenities, mitigation of negative impacts, and convenience and safety of patrons.

5. Mandatory Standards

a. *Vehicular Access*

Primary vehicular access shall be from a street designated collector or greater on the *Official Streets and Highways Plan*. Secondary vehicular access may be from a street designated less than a collector, provided the applicant demonstrates that any traffic and visual impacts on adjacent residential and commercial areas are sufficiently minimized.

b. *Parking*

Aesthetic features, landscaping, and the design of parking lots [AREAS] shall reduce the appearance of large expanses of parking from neighboring streets, and enhance the view of the establishment from its principal point(s) of access.

c. *Weather Protection for Pedestrians*

i. Buildings and roofs shall be designed so that drainage from the roof shall not fall on sidewalks, walkways, or building entrances.

ii. All primary entrances shall have a roof, canopy, arcade, overhang, or similar effective weather protection that meets the standards of subsection 21.07.060F.9., *Pedestrian Shelter*.

iii. Building elevations that face public streets or customer parking lots [AREAS] and that have a walkway along the façade shall provide weather protection meeting the standards of subsection 21.07.060F.9., *Pedestrian Shelter such as a Canopy, Awning, or Marquee*, or subsection 21.07.060F.10., *Arcade (or Building Recess)*, along at least 60 percent of such building elevation. This standard is intended to apply to up to two elevations, but the applicable [URBAN DESIGN] commission may increase or reduce the requirement.

d. *Adjacent Residential Development*

Level 3[4] screening landscaping shall be provided along property lines that are adjacent to a residential district. The landscaping shall allow for any pedestrian connections provided by this section.

e. *Community Space*

The establishment shall provide at least one public space, such as a plaza, patio, courtyard, or atrium, either indoors, outdoors, or a combination of indoors/outdoors, at or near the principal customer building entrance. Each public space shall be no less than 5 percent of the gross building area, up to a

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maximum of 2,000 square feet, and no dimension shall be less than 30 feet. Outdoor community space shall meet the standards for plaza or courtyard in subsection 21.07.060F.6. Indoor community space shall meet the standards for atrium, galleria, or winter garden in subsection 21.07.060F.11. Common spaces are encouraged to provide views of the Chugach mountains or other major landmark(s). Community space fulfills the private open space requirement of section 21.07.030. If any standards of this subsection conflict with subsection 21.07.030, this subsection shall control.

f. ***Wall Modulation***

Each building elevation that faces a street or a customer parking lot [AREA] shall be modulated. The wall and foundation line shall be offset at intervals so that there is at least one offset every 140 feet of wall length that varies the depth of the building wall by a minimum of 12 feet. Offsets shall comprise at least 20 percent of the length of the elevation, for at least 60 percent of the building height.

g. ***Ground Level Expression***

Each building elevation that faces a public street shall provide, along at least 60 percent of the building length, three of the following features:

i. Windows with kickplates or projecting sills;

ii. Architectural bays and mullions dividing windows;

iii. Pedestrian scale ornamental lighting;

iv. Tilework, masonry or stone veneer, glass block, or other similar accent materials;

v. Belt courses or masonry strips of distinct color or texture;

vi. Columns with plinths; or

vii. Other façade detail features [ORNAMENTAL DETAILS] integrated into the façade design.

h. ***Materials and Colors***

The buildings shall have exterior building materials and colors which are aesthetically pleasing and compatible with the overall site plan. Construction material shall provide color, texture, and scale.

i. ***Roofs***

Provide a modulated roof on each building elevation facing a street or residentially zoned lot, using features such as a terracing parapet, multiple peaks, jogged ridge lines and dormers, with a maximum of 140 feet of uninterrupted roofline between roof modulation elements. Each modulation element shall provide a minimum of three feet of vertical change in the roofline. Modulation elements shall equal [FOR] at least 20 percent of the roofline on each applicable building elevation.

j. ***Entryways***

Primary entrances shall incorporate changes in architectural mass, surface, or finish to provide a clearly defined primary entrance that is easily visible from streets and sidewalks. At least two of the following features shall be provided:

Page 464 ANNOTATION

Amendments proposed for consistency and clarity.

Administration Addition
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PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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i. Recessed or projected entrance;

ii. Peaked, arched, or other entrance roof form;

iii. Transom or clerestory windows, along with double entry doors and sidelight windows;

iv. Façade detail [ORNAMENTAL ARCHITECTURAL] features such as tilework, moldings, or lighting, integrated into the building design; or

v. Integrated planters or wing walls that incorporate landscaped and/or seating areas.

k. ***Prohibited Materials***

Exterior building materials shall not include the following as a general field material:

i. Plywood;

ii. Unstained or untreated wood, except for cedar or redwood; and

iii. T-111 siding.

l. ***Mechanical and Electrical Equipment Screening***

Large commercial establishments shall comply with the mechanical and electrical equipment screening provisions of subsection 21.07.120D.2.

m. ***Outdoor Sales, Display, and Storage***

i. *Intent Statement*

To screen storage and display areas of large commercial establishments from adjacent properties, public streets, and customer entrances, and to mitigate visual and noise impacts.

ii. *Permanent Outdoor Display, Sales, and Storage of Merchandise*

(A) Any outdoor storage, display, or sales location shall be permanently defined on a site plan.

(B) The maximum size of permanent outdoor storage, display, and sales areas shall be 10 percent of the footprint of the principal building, or 15,000 square feet, whichever is less.

(C) Permanent outdoor storage, display, and sales areas shall be contiguous to the building and shall not be within 100 feet of residential property.

(D) All outdoor storage, display, and sales areas shall have permanent walls and/or screening fences, no more than 15 feet high, made of materials and colors designed to be complementary to those used as predominant materials and colors on the building. Merchandise shall not be stacked above the height of the screening wall or fence.

(E) Outdoor storage, display, and sales areas shall be counted when calculating required parking.

iii. ***[TEMPORARY OUTDOOR DISPLAY AND SALES***

Page 465 ANNOTATION

PZC recommends that temporary outdoor displays of merchandise should be allowed to be placed in required parking spaces, required plaza areas, and required walkways.

PZC states that “requiring two features is sufficient and not overly burdensome”.

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TEMPORARY OUTDOOR DISPLAY AND SALES OF MERCHANDISE SHALL NOT BE LOCATED IN REQUIRED PARKING AREAS, ON REQUIRED PEDESTRIAN WALKWAYS OR SIDEWALKS, IN THE REQUIRED COMMUNITY SPACE, OR IN REQUIRED LANDSCAPING.]

n. *Master Site Plan and Secondary Buildings*

i. *Intent*

To integrate the location, orientation, and appearance of all structures and improvements within a large commercial establishment as a unified, coherent and accessible site development.

ii. *Master Site Plan*

Large commercial establishments on sites that include more than one building, or that include multiple pad lots or platted lots for separate commercial establishments, shall, at the time of plat review or major site plan review, be required to establish a master site plan for the location, design and orientation of principal and secondary buildings on site.

iii. *Applicability of Large Commercial Establishment Regulations*

Building and site design standards for large commercial establishments in this section, unless stated to apply specifically to principal buildings, apply to both principal and secondary buildings on any commercial tract within a large commercial establishment site or site master plan area.

iv. *Usage of Community Use [PUBLIC/INSTITUTIONAL] and Commercial Design Standards*

As an alternative to meeting the building orientation requirements of subsection o.v. below, and the requirements of *Mandatory Standards* subsections 5.a. through 5.m., and subsection A.6., *Optional Standards Menu*, the design of individual secondary buildings with less than 20,000 square feet of gross floor area may instead be approved through compliance with the standards of subsection 21.07.120, *Community Use [PUBLIC/INSTITUTIONAL] and Commercial Design Standards*.

v. *Secondary Building Orientation to Public Streets*

Peripheral secondary buildings located at the edge of the site next to a public street or street corner shall provide windows on the street-facing elevation as established in subsection 21.07.120E.4.b.i.

6. Optional Standards Menu

In addition to the mandatory standards of subsection E. above, establishments shall choose two [THREE] features from the options below.

a. *Location of Parking Lots*

No more than 50 percent of vehicle parking spaces provided shall be located in the front parking lot [AREA] (defined in chapter 21.14).

b. *Building Placement Close to the Street*

A minimum of 30 percent of the front building elevation of the principal building shall be within 20 feet of a property line abutting a street, and a customer entrance shall be located in the 30 percent.

c. *Pedestrian-Friendly Entrance*

At least one primary [CUSTOMER] entrance of the principal building is located within 90 feet of the property line abutting the street from which the main access to the site is taken, and connected to the street by a direct walkway.

Page 466 ANNOTATION

These changes are to make the requirement simpler, clearer, more practical, and more consistent with the generally applicable design standards for commercial development in section 21.07.120.

These changes to the landscaping requirements reflect changes to the landscape category names and proposed simplification of the planting requirements. The amount of trees and shrubs is an equal conversion from the provisionally adopted points based requirement.

Vehicle overhang is addressed in the parking section.

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d. ***Multiple Entrances***
The principal building(s) shall have customer entrances on at least two sides of the building that face an abutting street from which access to the site is taken, with at least one of the required entrances facing the street to which the building is closest. A corner entrance shall be counted as an entrance on either façade.

e. ***Building [FAÇADE] Walkways***
Walkways a minimum of six feet unobstructed clear width, excluding vehicular overhang, shall be provided along the full length of every building elevation [FAÇADE] that has a customer entrance or abuts a customer parking lot. [VEHICLE OVERHANG SHALL NOT ENCROACH INTO THE MINIMUM REQUIRED WALKWAY WIDTH OR AREA.]

f. ***Street Facing [UPPER LEVEL] Windows***
Provide visual access windows and/or primary entrances on each street-facing building elevation (up to a maximum of two elevations) comprising at least 15 percent of the ground-floor wall area. An elevation that is more than 150 feet away from the facing street right-of-way shall be exempt, unless it is the only applicable elevation. Qualifying windows shall be no more than four feet above finished grade. [ELEVATIONS FACING STREETS AND RESIDENTIALLY ZONED LOTS SHALL PROVIDE WINDOWS ALONG 35 PERCENT OF EACH UPPER FLOOR FAÇADE. FOR THE PURPOSES OF THIS SECTION ONLY, FLOORS SHALL BE CONSIDERED 15 FOOT INCREMENTS IN HEIGHT, AND ROOFTOP MECHANICAL PENTHOUSES ARE EXEMPT.]

g. ***Screening Vegetation***
[IN AREAS NOT ZONED MIXED-USE,] L3 [L4] screening landscaping shall be provided along lot lines that abut public streets, totaling at least 25 percent of the site perimeter.

h. ***Foundation Landscaping***
Planting beds at least eight feet wide with one tree and six shrubs per 20 linear feet [1.0 LANDSCAPING UNITS PER LINEAR FOOT] shall be provided along at least 50 percent of each building elevation that faces public streets and/or parking lots [AREAS].

i. ***Ice-free Walkway***
Provide an ice-free (snow melting [HEATED]) walkway along a minimum of 35 percent of the length of the building elevation that contains a primary entrance. The walkway shall be a minimum of six feet unobstructed clear width, excluding vehicular overhang. [VEHICLE OVERHANG SHALL NOT ENCROACH INTO THE MINIMUM REQUIRED WALKWAY WIDTH OR AREA.] This feature is not applicable for credit where the walkways and entrances are covered.

B. Large Non-Residential Establishments in or Surrounded by Large Lot Residential Districts

Certain non-residential uses that are allowed in large lot residential districts have the potential to create negative impacts on large lot residential neighborhoods when the nonresidential uses are significantly larger and more intensive than the typical development in these areas. This section provides consistent standards for such cases.

1. Applicability

The standards of this section shall apply to any child care center, neighborhood recreation center, religious assembly, educational facility (elementary, middle, or high school, or instructional services), commercial horticulture, commercial kennel, veterinary clinic, cultural facility, or utility facility, or any combination thereof, where the sum of the

Page 467 ANNOTATION

To deal with the potential wind and shadowing effects of high rise towers at Anchorage's latitude, a requirement for tall buildings to consider wind and shadowing was included in every draft of the Title 21 Rewrite, through to the 2007 public hearing draft. During the provisional adoption process the Department, PZC, Assembly Title 21 Committee, and public participants discussed and revised the tall buildings section.

(continued next page)

Administration Addition [ADMINISTRATION DELETION]

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gross floor area of all applicable buildings on the lot is more than 10,000 square feet, and the use is within a class B zoning district or the parcel under development abuts property in a class B zoning district for more than 50 percent of its boundary. Single-family residential dwelling units associated with such a use (e.g., a rectory) shall not be counted toward the gross floor area size threshold, but shall meet the standards below.

2. Relationship to Other Standards

The provisions of this section are in addition to other requirements of this title, and may be more stringent than other requirements of this title. Where there is a conflict with other applicable standards, the more stringent standard shall apply.

3. Setbacks

Structures that are over 35 feet in height shall be setback beyond the underlying side or rear setbacks of the district by one foot per foot of height over 35 feet.

4. Buffers

a. L2 [L3] buffer landscaping shall be provided along all lot lines that abut a residential zoning district or a street.

b. The developer shall retain existing vegetation in buffer areas that are in the side and rear setbacks.

c. The decision-making body may adjust the buffer requirements of subsections 5.a. and 5.b. above if the applicant demonstrates that the requirements are unreasonable for the specific situation.

5. Parking

a. No parking lot, circulation aisle, driveway, loading area, or vehicular storage area shall be within 25 feet of any side or rear lot line.

b. Vehicle storage and fleet vehicle parking are not allowed within setbacks equal to those of the abutting property.

6. Vegetated Open Space

A minimum of 35 percent of the lot area shall remain as planted open area, landscaped area, bio-retention area (and other similar vegetated area designed to retain/detain storm water runoff), or natural vegetation area, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the decision-making body determines that retention of less than 35 percent provides a development character in keeping with the surrounding neighborhood.

7. Long Elevations

Building elevations longer than 100 feet that face residential lots or public streets shall provide façade modulations that meet either subsection 21.07.110C.6.a., or 21.07.110C.6.b., or provide an eight-foot wide foundation planting bed along the foundation of the entire elevation (breaks allowed for garage doors and pedestrian entrances), planted with at least one tree and six shrubs per 20 linear feet.

C. Tall Buildings

[RESERVED]

This section addresses the effects of tall buildings in Alaska's northern climate, including wind downdraft impacts on pedestrian comfort and safety, and shadowing impacts on sunlight access to neighboring properties.

Page 468 ANNOTATION

The Assembly Title 21 Committee reviewed and revised several draft iterations in 2010. The wind study section was revised with the assistance by one of the world's foremost industry experts on wind studies, the consulting firm RWDI. It was demonstrated that the potential climatic impacts of a proposed tower can be predicted and mitigated in advanced using a wind study.

During PZC hearings on Title 21 in 2012, the public made further comments regarding the shadowing and climatic impacts of high rise towers. The section was subsequently returned to the Assembly Title 21 Committee.

The Assembly Committee has approved further revisions to the draft section. The building height at which the section applies is raised to 90-feet. The wind study section is clarified so that the applicant may use ASCE industry standards for pedestrian wind comfort and safety criteria.

Some improvements were also considered for the draft sunlight shadowing criteria. However, the sunlight access provisions are not as well developed as the wind provisions, so the Assembly Title 21 Committee recommends

This inserts a placeholder for a new section, 21.07.140, and indicates that the section will be developed to address skywalks and other structures projecting into public airspace from private property. The section is intended to carry forward, clarify, and update existing Title 21 conditional use and design standards for skywalks, marquees, and other substantial projections, which had not been provided for in the draft rewrite.

Administration Addition [ADMINISTRATION DELETION]

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1. Wind

Buildings that exceed 90 feet in building height (as measured in subsection 21.06.030D.), including additions or modifications to the exterior building envelope, shall be designed so that wind speeds on sidewalks, walkways, and other pedestrian spaces surrounding the building will remain within thresholds for outdoor comfort and safety, or at least not add to existing wind problems, as follows:

a. *Wind Speed Criteria*

Acceptable wind speed thresholds for outdoor comfort and safety shall be as specified in the title 21 user's guide, or as supported by ASCE publications, and based on the types of pedestrian activity anticipated to occur around the proposed building.

b. *Method for Determining Wind Conditions*

A wind study by a wind engineering/building aerodynamics expert shall be used to forecast wind conditions and present wind control measures or design modifications as necessary to demonstrate that wind speeds will remain within the accepted thresholds.

c. *Incentives for Wind Mitigation*

Any development that incorporates a wind tunnel test and the wind speed criteria of this section into the design of a multistory building shall be eligible for a floor area bonus as provided in section 21.04.030H.2.b.

2. Sunlight Access

[RESERVED]

3. Exceptions

The director may allow wind speeds to exceed accepted thresholds for comfort, and/or shadowing beyond the accepted minimum threshold for sunlight access, if:

a. The building avoids worsening pre-existing conditions;

b. The impact will be insubstantial because of the limited location or time period in which the wind speed or sunlight shadowing threshold is exceeded; or

c. It has been demonstrated that the proposed development conforms to the maximum extent feasible.

21.07.140 SKYWAYS AND OTHER PROJECTIONS INTO PUBLIC AIRSPACE

[RESERVED: Updated land use regulations to address overpasses, skywalks, building marquees, and similar substantial projections into the public airspace from private property, will be prepared and adopted separately. These development standards will not apply to bridges that are part of the street and trail network. Instead, these development standards will be specific to updating the pre-existing title 21 regulations in order to provide for skywalks and other structures originating from private property and projecting over or across rights-of-way and other public property.]

21.07.150 OPERATIONAL STANDARDS

A. Purpose

The purpose of these operational standards is to prevent land or buildings within the municipality from being used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on nearby properties.

B. Applicability

The provisions of this section 21.07.150[140] shall apply to all land within the municipality. The director may authorize temporary exemptions from one of more of the standards in this section during construction.

C. Standard

No use may cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat, or glare at or beyond any lot line of the lot on which it is located. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises.

The term “excessive” is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare, or convenience.

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TITLE 21 REWRITE

CHAPTER 21.08

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

Page 469 ANNOTATION

Administration Addition
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CHAPTER 21.08: SUBDIVISION STANDARDS

21.08.010 PURPOSE

A. General

These standards are enacted generally to promote the goals of the comprehensive plan as to the health, safety, convenience, quality of life, and welfare of the present and future inhabitants of the municipality; to secure adequate utilities and public facilities, provide for consideration of school and open space needs, and protect sensitive natural areas such as critical habitat, high-value wetlands, and riparian corridors; to enhance or preserve other significant natural features; to ensure the functional and efficient layout and appropriate use of land so as to achieve property lots of reasonable utility and minimize public costs to construct and maintain infrastructure; and to facilitate orderly growth and harmonious development of the municipality.

B. Specific

Planning, layout, and design of a subdivision are of the utmost concern. The subdivision should provide safe, efficient, and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide appropriate settings for the buildings that are to be constructed, make use of natural contours, and protect residents from adverse noise and vehicular traffic. Important natural features of the area should be preserved. Schools, parks, and other community facilities should be planned as an integral part of the area. New development should reflect and maintain the character of the neighborhood through layout of roads and lots, consideration of connectivity with minimal cut-through traffic, pedestrian access to neighborhood destinations, and buffers or open space where appropriate to maintain privacy and views.

21.08.020 APPLICABILITY

A. Generally

This chapter shall be applicable to all subdivision of land within the municipality that results in the partitioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the state or municipality.

B. Approvals Required

1. General

Before a preliminary plat for a subdivision shall be granted, the owner or his or her authorized agent shall apply for and secure approval under the provisions of section 21.03.200, *Subdivisions and Plats*.

2. Before Certificate of Zoning Compliance

A certificate of zoning compliance shall not be issued, pursuant to section 21.03.060, and a building or structure shall not be occupied, until and unless all dedications and improvements required by this chapter have been installed or agreements/guarantees made in a satisfactory manner and approved by the municipality.

C. *Design Criteria Manual*

Whenever the *Design Criteria Manual* is referenced in this chapter, the reference shall mean the version of the *Design Criteria Manual* in effect at the time of preliminary plat approval.

21.08.030 DESIGN STANDARDS

A. Subdivision Layout and Design Generally

No subdivision shall be approved unless it complies with all of the following standards:

Page 470 ANNOTATION

This technical edit reflects a department name change that occurred during reorganization of municipal departments in 2010.

Administration Addition
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1. Name of Subdivision
The title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the municipality.

2. Compliance with Comprehensive Plan
The design of subdivisions shall further the goals and policies of the comprehensive plans as set forth in this title.

3. Compliance with Other Provisions of this Title
All subdivisions shall comply with all other applicable zoning, design, and development requirements set forth in this title.

B. Phasing Schedule

The platting authority may require that a subdivision conform to a phasing schedule based upon the scheduled availability of infrastructure to serve the subdivision. Submittals for the initial phase of a subdivision shall indicate utility easements and transportation connections to adjacent and undeveloped land/areas that are not part of the initial phase yet are under the same ownership.

C. Maintenance of Existing Natural Drainage

The general lot configuration and layout of proposed rights of way, open space tracts, and development setbacks shall be consistent with naturally occurring drainage features and historical drainage patterns within the subdivision and surrounding areas. The subdivider shall demonstrate to the department of public works [PROJECT MANAGEMENT AND ENGINEERING] that reasonable efforts have been made to avoid and/or mitigate the damming, diversion, and/or contamination of natural and historical drainageways or watercourses. The subdivision design shall ensure that neighboring parcels, adjacent rights of way, water bodies, wetlands, and existing storm drainage facilities are not adversely impacted by new or altered drainage resulting from the development.

D. Drainage Design

All drainage facilities shall comply with the standards of section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges*, as implemented by the *Design Criteria Manual*.

E. Legal and Physical Access

A subdivision shall have legal and physical access.

F. Streets

All streets shall comply with the standards of this chapter and section 21.07.060, *Transportation and Connectivity*, the specifications of the *Design Criteria Manual*, and the following intent and standards:

1. Intent
Streets shall be arranged in relation to topography to provide usable lots, safe streets, safe and convenient pedestrian walkways and crossings, reasonable gradients, and minimum damage to terrain and existing vegetation.

2. Street Grades
a. Except as provided in this section, cul-de-sac turnaround grades shall not exceed five percent, and other street grades shall not exceed ten percent.

Page 471 ANNOTATION

This deletion reflects existing addressing policy.

Administration Addition
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b. Notwithstanding subsection 2.a. above, residential street grades in a subdivision may be up to 15 percent. However, any street grade exceeding ten percent requires municipal engineer approval. [DESIGN OF GRADES IN EXCESS OF TEN PERCENT IS GOVERNED BY THE *DESIGN CRITERIA MANUAL* (DCM).]

c. Applicable streets shall comply with the standards of subsection 21.08.030H., *Subdivisions on Slopes*.

3. Street Alignment

a. Arterial and collector streets shall be aligned to continue those streets from adjoining areas into the proposed subdivision. Local streets shall be aligned to discourage their use by through traffic. This provision is not intended to encourage cul-de-sacs or dead-end streets. Stub streets with temporary turnaround areas shall be extended to the boundaries of the proposed subdivision, where appropriate, to provide future street connections to adjacent unsubdivided areas.

b. Grade or median separations of street lanes may be permitted to preserve natural features, provide space for landscaping, or facilitate access in subdivisions containing hillside lots.

4. Street Intersections

Streets shall intersect at or as near as is feasible to a 90-degree angle and in no event at less than a 75-degree angle. The distance between intersection centerlines shall be at least 150 feet. Corner roundings at intersections shall conform to the standards of the municipal engineer.

5. Cul-de-Sacs

a. Where topography and traffic circulation permit, the length of a cul-de-sac right-of-way shall not exceed 900 feet in the R-6, R-8, R-9, R-10, and TA zoning districts, and 600 feet in all other zoning districts. The platting authority may approve longer cul-de-sacs when necessary to accommodate natural features.

b. The length shall be measured from the centerline of intersecting through streets to the radius point of the cul-de-sac bulb.

c. A cul-de-sac right-of-way shall terminate with a turnaround having a minimum radius of 50 feet and a minimum return radius of 50 feet. Commercial/industrial cul-de-sacs shall have a minimum radius of 65 feet. The platting authority may permit a cul-de-sac street to terminate with a T-shaped or Y-shaped turnaround, or other turnaround approved by the traffic engineer, when such a design is required by extreme environmental or topographical conditions or unusually or irregularly shaped boundaries.

6. Alleys

Dead-end alleys shall be prohibited.

7. Street Names and Addresses

a. The subdivider shall provide names for all new streets in the subdivision, which names shall neither duplicate, nor be subject to confusion with, the spelling or the pronunciation of any existing street name in the municipality. The subdivider's selection of street names shall be subject to review by the director, who may reject any proposed street name that does not conform to this section or to any regulation promulgated pursuant to this section. The municipality shall name all streets that are peripheral to the subdivision and all extensions of existing streets into the subdivision. [WHERE A NEW STREET EXTENDS OR CONTINUES AN

Page 472 ANNOTATION

The Assembly committee amendment clarifies that this section is not applied to individual lots.

Administration Addition
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EXISTING STREET, THE NAME OF THE EXISTING STREET SHALL BE USED FOR THE NEW STREET.]

b. The director may promulgate regulations establishing a uniform street designation terminology. All street names shall conform to the terminology so established.

c. Street names may be modified using the procedure adopted by the director, which shall be approved by the platting board.

8. Street Addresses

a. The director shall assign all official street address numbers within the municipality. A permanent address shall be assigned to occupiable buildings, and to other locations at the discretion of the director. Buildings with more than one unit shall be assigned sub-addresses. Addresses shall be displayed as required in section 21.07.010C.

b. The director may promulgate regulations establishing uniform street address numbering technology and procedures. All street addresses shall conform to the numbering technology and procedures adopted by regulation, unless unusual or exceptional circumstances warrant utilization of alternate technology or procedures.

G. Block Arrangement

1. Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this title, except where lots back onto a collector or greater street, natural feature, or subdivision boundary, or where lots face an approved loop road or cul-de-sac.

2. Residential blocks in class A improvement areas (as defined in 21.08.050B) shall not be less than 300 feet nor more than 500 feet long. Residential blocks in class B improvement areas shall not be less than 300 feet nor more than 1,320 feet long. The platting authority may approve a longer block length when necessary to accommodate natural features such as steep slopes, or when the longer block is divided by an improved pedestrian easement that provides connectivity and traffic circulation is not impaired.

H. Subdivisions on Slopes

1. Applicability

This section applies to parcels to be subdivided that are five acres or more, and

a. Have an average slope of 20 percent or greater over the entire property; or

b. 30 percent [%] of the entire property [AREA] to be subdivided has slopes of 30 percent [%] or greater.

2. Additional Submittal Requirements

In addition to the submittal requirements in section 21.03.200, applications for applicable subdivisions shall include a geotechnical engineering report that contains the following information:

a. Geology of the site: description of the geology of the site, including the nature, strength, and stability of the soils, the character and depth of any imported material; depth to groundwater and to bedrock; any avalanche and mass wasting areas; fractures; and any other significant geologic features.

Page 473 ANNOTATION

This deletion reflects that borehole photography is not a method used in this community and our reviewers are not familiar with the technique.

The Assembly committee supported a PZC amendment to enable pedestrian facilities along roads in steeply sloped areas to be reduced or eliminated, but the committee added some language to address how such a decision should be made.

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b. Slope stability analysis: conclusions concerning the effects of material addition and/or removal, grading, presence of water (both on and offsite), seismic activity, and erosion, on slope stability.

c. Conclusions regarding the adequacy of the site for development, and specific recommendations for procedures for cut and fill slope stability, seepage and drainage control, grading, and all other applicable design criteria to mitigate geologic hazards, slope failure, and soil erosion, and to minimize disturbance to natural ecological and drainage functions.

d. A summary of field exploration methods and tests on which the report is based, such as probings, core drilling, [BOREHOLE PHOTOGRAPHY,] or test pits.

3. Design Standards

a. For phases of subdivisions where all the lots created are 40,000 square feet or greater in area, the subdivider shall show for each lot that has an average slope of 20 percent or greater, to the satisfaction of the platting authority, a site disturbance [BUILDING] envelope that:

i. Meets the requirements of subsection 21.07.020C.3.b.; and

ii. If applicable, accommodates on-site systems meeting the requirements of AMC title 15.

b. Phases of subdivisions that include any lots less than 40,000 square feet in area shall use the conservation subdivision process at section 21.08.070.

4. ROW Reductions

The platting authority may, with the recommendation of the municipal engineer, approve reductions in right-of-way standards in order to keep grading and cut and fill slopes to a minimum.

5. Downslope Lots

Road/driveway access to all lots less than 5 acres with an average slope of 30 percent [%] or greater shall be from the upslope side of the lot.

6. Sidewalks/Pathways [TRAILS]

[ANY R]Requirements for sidewalks or pathways [TRAILS] along local streets [ROADS] may be reduced or eliminated [LIMITED,] by the platting authority[, TO PROVIDING A SIDEWALK/PATHWAY ON ONE SIDE OF THE ROAD ONLY. IN SUCH CASE, THE SIDEWALK/PATHWAY SHALL BE A MINIMUM OF 6 FEET WIDE AND SEPARATED FROM THE ROAD]. In deciding the extent of pedestrian facilities to be required, the platting authority shall consider negative impacts to the terrain, the cost of improvements in relation to the anticipated use, the needs of pedestrians, and the identification of alternate locations for pedestrian facilities.

7. Grading

For phases of subdivisions where all the lots created are 40,000 square feet or greater in area, grading shall be limited to the road right-of-way to the maximum extent feasible. Mass grading of the entire subdivision is prohibited, except that previously disturbed areas, such as former gravel pits, may be graded. Lots shall be individually graded, within their site disturbance [BUILDING] envelope, at the time of building construction, pursuant to section 21.07.020C. For the purposes of this subsection only, “previously disturbed” means alteration of the natural landform. It does not mean simply the removal of vegetation.

Page 474 ANNOTATION

This section was recommended for approval by the 2010 PZC, but recommended for deletion by the 2012 PZC. The Assembly committee recommends approval of this section, with amendments from the 2010 recommendation, in order to address the twin goals of limiting disturbance of steeply sloped areas while allowing access to and development of remote parcels in the city's sloped areas.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

8. Vehicular Routes

[RESERVED]

The intent of this subsection is to minimize disturbance to the natural landscape in the alpine areas of the municipality to the maximum extent feasible. This can be accomplished by a number of design techniques such as following the natural contour lines both horizontally and vertically, attaching required pedestrian paths to the edge of pavement, adjusting cut and fill slopes, or use of retaining structures.

a. Streets, roads, private access roads, and other vehicular routes shall be designed in accordance with the *Design Criteria Manual* and this subsection.

b. Land disturbance, including vegetation clearing and grubbing, grading, etc., shall be curtailed to the smallest area/extent feasible.

i. Initial land disturbance shall be limited to the proposed travel-way (lanes and shoulders) to accommodate land survey, biological investigation of the in situ materials, and "rough" construction.

ii. The ultimate extent of land disturbance is dependent upon the nature of the subsurface materials. The extent of disturbance shall be the minimum necessary and is limited to within 25 feet of the right-of-way, including utility easements. Disturbance outside of the right-of-way and utility easements shall be re-vegetated using similar native trees and shrubs that were removed for the purpose of constructing the road improvements.

iii. The subdivision agreement shall be used to implement this subsection H.8.

c. Disturbed area abutting the right-of-way on both sides shall be contained within a slope reservation easement, for the purpose of providing and maintaining the lateral support of the constructed street. The slope reservation easement shall be in the form of a general dedication note on the plat.

d. Cut and fill slopes and all disturbed areas shall be stabilized and reinforced using appropriate engineering means. Vertical or near vertical constructed slopes shall be no taller than 15 feet without an eight foot horizontal or near horizontal terrace. Vertical or near vertical surfaces that are formed from underlying rock need not be terraced. Vegetation employed as a means of stabilization outside of the right-of-way and utility easements shall replicate original native landscape conditions.

e. The platting authority may require common driveways to be shared by two or more lots, with the concurrence of the traffic engineer and the fire department, to avoid excessive and unnecessary disturbance to slopes by multiple and individual lot driveway cuts, and/or to avoid and/or reduce impacts to other natural features, such as wetlands, creeks, etc.

I. Seismic-Induced Ground Failure Hazard

1. A geotechnical investigation shall be performed to evaluate the potential for seismic-induced ground failures across that portion of the subdivision within seismic zones 4 and 5 of the municipality's seismically-induced ground failure maps [MAPPING]. The requirement for a geotechnical investigation shall apply to all zoning districts, unless otherwise waived by the platting authority.

Page 475 ANNOTATION

PZC recommended adding this language with no reason given. The Assembly Title 21 committee recommended providing for a small-lot housing provision, in order to help address the city's shortfall of affordable housing. See subsection 21.08.070D.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
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2. A report of the findings and recommendations of the geotechnical investigation shall be prepared by a civil engineer licensed in the state of Alaska and submitted to the platting authority[, PREPARED BY A CIVIL ENGINEER LICENSED IN THE STATE OF ALASKA]. The report shall include a discussion of the suitability of the proposed development and recommendations for any needed mitigation.

3. The scope of the geotechnical investigation shall include subsurface explorations (test borings [OR EXCAVATIONS]), laboratory testing, and engineering analysis to evaluate the potential for, and potential magnitude of liquefaction, settlement, and lateral [HORIZONTAL] spreading, [AND FAULTING,] following methods conforming with the state-of-practice; and stability of existing slopes, natural or man-made, following methods defined in AMC chapter 23.15, section 1802.2.6, paragraph D. These evaluations shall be based on probabilistic ground motion parameters corresponding to 475-year or greater return period.

4. The platting authority may reject a proposed subdivision in its entirety if the geotechnical investigation does not demonstrate that the area can be developed in accordance with this title and AMC title 23.

5. The geotechnical investigation submitted with the plat application may supplement the requirements for geotechnical investigations included in AMC title 23.

J. Avalanche Zones

No lot shall be created, unless it is restricted to non-structural uses, that is completely in the "high hazard area", as identified on municipal avalanche maps based on the 1982 *Anchorage Snow Avalanche Zoning Analysis* or on amendments to those maps reviewed and approved by the geotechnical advisory commission.

K. Lot Dimensions

Subject to the lot dimensions and area requirements of chapter 21.06, all lots shall have the minimum dimensions required by this section.

1. The depth of a lot shall be at least 80 feet.

2. The width of a lot, except for a townhouse lot and a small-lot subdivision lot, shall be at least one-third the depth of the lot.

3. If a lot is to be served by an on-site wastewater disposal system, the lot shall [MUST] have the minimum area required for such a lot under AMC chapter 15.65.

4. Notwithstanding any other provision of this section, the width of the flagpole portion of a flag-shaped lot shall be no less than:

a. Thirty feet when both public water and sewer systems are to serve such a residential lot.

b. Forty feet when both public water and sewer systems are to serve such a commercial or industrial lot.

c. Twenty-four feet when only a public water or a public sewer system is to serve such a lot.

d. Twenty-four feet when the lot is located in the R-6, R-8, R-9, R-10 or TA districts and will not be served by either the public water or the public sewer system.

Page 476 ANNOTATION

PZC states: "30 feet is the current standard and there is no reason to change this.

During testing of the standards of the proposed code, it became clear that this provision would add significant costs to land development and require more lot area to be set aside for landscaping than was intended. The removal of this provision maintains current standards which allow required landscaping to be installed in utility easements.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
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Tech Edit Addition
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5. The length of the flag pole portion of the lot shall not exceed 300 feet in the R-6, R-8, R-9, R-10 or TA districts or 120 feet in all other districts, and all other measurements shall be consistent with other sections of this title.

6. To the extent possible, side lot lines shall follow natural terrain and create building sites that integrate into the natural terrain and minimize the need for fill and grading.

7. Lots tracted out for open space, well protection areas, or for undevelopable areas such as wetlands, are exempt from these dimensional requirements and the dimensional standards of chapter 21.06.

L. Lot Frontage and Access

1. Except when platted under subsection 21.03.200E., *Unified Development Plats*, or except for lots tracted out for open space, well protection areas, or for undevelopable areas such as wetlands, all lots shall have frontage on a street.

2. Unless approved by the director, access to a residential use on a residential lot shall not be from a collector or greater street as designated on the *Official Streets and Highways Plan*.

3. Subdivisions shall be designed to minimize lots with access to residential major streets carrying more than 1,000 average daily trips.

4. The frontage of a lot on a cul-de-sac bulb shall be at least 30 [35] feet, except that the frontage on a cul-de-sac bulb of a lot with a side setback abated under subsection 21.06.020A.3., *Construction on Adjoining Lots,* shall be at least 18 feet. This subsection does not apply to flag lots.

5. In class A improvement areas, there shall be no more than one flag lot facing onto each cul-de-sac bulb.

M. Landscaping

The platting authority shall consider and require, where appropriate, landscaping and screening under section 21.07.080, *Landscaping, Screening, and Fences* to separate property from incompatible uses or structures, including but not limited to streets designated for collector or greater capacity on the *Official Streets and Highways Plan*, commercial, or industrial uses. The area containing the landscaping shall be shown as an easement or open space area on the plat. The landscaping shall be installed before final plat approval, or its installation shall be guaranteed under section 21.08.060, *Subdivision Agreements*, or by other performance guarantees acceptable to the platting authority. The landscaping shall be maintained by the property owner or designee.

[IF A LANDSCAPING EASEMENT IS REQUIRED, NO MORE THAN 50 PERCENT OF SUCH EASEMENT SHALL COINCIDE WITH ANY UTILITY EASEMENT, PER THE REQUIREMENTS OF 21.07.080G.2.C., UNLESS THE UTILITIES ARE INSTALLED IN A CONDUIT OR UTILIDOR OF SUFFICIENT SIZE TO REDUCE THE RISK OF LAND DISTURBANCE IF REPAIRING, REPLACING, OR UPGRADING UTILITY LINES, IN WHICH CASE THE LANDSCAPING EASEMENT AND THE UTILITY EASEMENT MAY COINCIDE COMPLETELY.]

N. Reserve Strips

Privately owned strips may not be reserved to control access to public rights-of-way.

Page 477 ANNOTATION

After comprehensive discussion, the Assembly committee recommended that current code provisions--the requirement for a variance to have a private street--be retained along with clarifying language and a definition of "private street", which can be found in chapter 21.14.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Tech Edit Addition
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O. Electrical and Telecommunication Utilities

The width and alignment of transmission easements within subdivisions shall conform to the *Utility Corridor Plan*. The platting authority shall preclude structures or uses of land within or beneath areas of electrical or telecommunications ground or aerial easements that are incompatible with electrical distribution or transmission facilities.

P. General Subdivision Standards Are Minimum Standards

1. The design standards in this chapter are minimum standards. The platting authority may impose more restrictive standards when it finds they are necessary to conform the design of a proposed subdivision to the approval criteria for subdivisions or to meet other requirements set forth in this title.

2. When the platting authority finds that it is not feasible to conform the design of a proposed subdivision to meet the approval criteria for subdivisions or other requirements set forth in this title, the platting authority may reject a proposed subdivision in its entirety.

21.08.040 DEDICATION

A. Streets

1. All street rights-of-way shall be dedicated to the public, unless a variance for private streets is approved by the platting board. Applicants for a variance for private streets shall demonstrate the following:

a. Why a private street is appropriate and preferable to a publicly dedicated street;

b. That a private party is willing and able to maintain a private street to public standards; and

c. That a private street presents no conflict or obstruction to the orderly expansion of the public street system.

2. Street right-of-way widths shall conform to the *Official Streets and Highways Plan* (OSHP). These standards are considered to be minimum standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles. When steep slopes or other terrain features dictate, slope easements that exceed normal right-of-way requirements will also be required. Notwithstanding the above, the maximum dedication width that may be required for an arterial or collector street is 70 feet if the entire width of the street is within the subdivision, or 35 feet if the street is on an exterior boundary of the subdivision.

3. The platting authority may approve the dedication of a half-street only when the other half of the street has been dedicated or when the platting authority reasonably anticipates that the other half of the street will be dedicated. When a subdivision borders a dedicated half street, the platting authority shall require the dedication of the other half of the street, unless it determines that the street would be unnecessary or undesirable.

B. Alleys

The platting authority may require the dedication of alley rights-of-way where it finds that alleys are necessary for service access, off-street loading, or parking. The minimum width of an alley right-of-way shall be 20 feet.

C. Walkways

The platting authority shall require the dedication of pedestrian walkways where it finds that pedestrian walkways are necessary to provide for convenient and safe pedestrian circulation, to

Page 478 ANNOTATION

This provision was carefully reworded to ensure that trail access on adopted municipal plans will be accommodated during the platting process.

Administration Addition
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protect pedestrians from hazardous traffic, or as required in section 21.07.060, *Transportation and Connectivity*. The minimum width of a walkway dedication shall be 10 feet. The platting authority may require a wider dedication for reasons of topography, project use, or construction needs (if the walkway is to be paved).

D. Trails

The platting authority shall require the dedication of access [AN EASEMENT] for [A] trails designated on adopted municipal plans, unless an alternative access point is clearly agreed to be preferable. For pedestrian access, a right-of-way dedication is the preferred method of providing access, but the platting authority may instead approve a public use easement dedication or an access tract where appropriate. If the platting authority approves an alternate location for [A] trail access [EASEMENT] as a substitute for an existing easement or right-of-way, the existing unused easement or right-of-way shall be vacated, unless the property owner agrees otherwise. The platting authority may modify the alignment, width, and scope of trail access routes [EASEMENTS] as necessary to integrate trail and subdivision design.

1. Access to Chugach State Park, Community Use Areas, and Natural Resource Use Areas

a. The platting authority shall require the dedication of [A] public pedestrian access [EASEMENT] for a trail designated on adopted municipal plans, for connectivity with a trail or access point to a large Community Use Area or Natural Resource Use Area (as defined in the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* or the *Chugiak-Eagle River Comprehensive Plan*), and for connectivity with a trail or access point identified in the most current *Chugach [STATE PARK] Access Inventory*. [IF THE PLATTING AUTHORITY APPROVES AN ALTERNATE LOCATION FOR A TRAIL EASEMENT AS A SUBSTITUTE FOR AN EXISTING EASEMENT, THE EXISTING UNUSED EASEMENT SHALL BE VACATED, UNLESS THE PROPERTY OWNER AGREES OTHERWISE.] The platting authority may modify the alignment, width, and scope of trail access routes [EASEMENTS] as necessary to integrate trail and subdivision designs, so long as the resulting trails are of comparable gradient, directness, and utility, and reflect the general locations and patterns of existing or planned public access routes. A[N A]cceptable pedestrian access [EASEMENT] shall be platted in accordance with relevant porivions of this code and be [AT LEAST 20 FEET WIDE,] centered on an existing, recognized, new, or relocated trail.

b. The platting authority shall require the dedication of a vehicular right-of-way for public access to trails, [AND] parks, and other public lands as defined in subsection D.1. above that are identified [ACCESS POINTS AS DEFINED] in an adopted municipal plan or the *Chugach Access Plan*. A[N A]cceptable vehicular right-of-way shall be a public street that is platted and dedicated in accordance with relevant provisions of this code.

E. Riparian Protection and Maintenance Easements

1. The platting authority shall require the dedication of riparian maintenance and protection easements where a stream, water body, or wetland traverses or is adjacent to the subdivision, in accordance with subsection 21.07.020B., *Stream, Water Body, and Wetland Protection*.

2. The easement shall conform substantially to the line of the watercourse. The width of the easement shall be that which the platting authority finds necessary to provide access to widen, deepen, slope, improve, and maintain the stream, and to protect the stream and adjacent property from soil erosion, flooding, water pollution, and destruction of fish and wildlife habitat. At a minimum, the easement shall be the same as the applicable setback

Page 479 ANNOTATION

Administration Addition
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required in the zoning district, as set forth in section 21.07.020B.4., *Buffer/Setback Requirements*.

3. Section 21.07.020B., *Stream, Water Body, and Wetland Protection*, sets forth additional restrictions on development and the use of land and structures within the easement and, in some districts, beyond the easement.

4. In cases where two or more easements coincide, the outer limits of the combined easement shall be measured from the outer edge of the outermost watercourse edge in either direction.

5. Credit towards other open space dedication or private open space set-aside requirements shall be given for the dedication of riparian protection and maintenance easements at a ratio of one-to-one.

F. Reserve Tracts

1. Sites Designated

a. The platting authority may require that an area designated as a park, playground, or open space in an officially adopted plan, as preservation wetland (as designated in the *Anchorage Wetlands Management Plan*), or as a school site pursuant to AMC subsection 25.25.040 be designated as a reserve tract. The designation shall be supported by a report from the municipal agency or department requesting the reservation, containing a statement that the municipality intends to purchase the designated area within the period allowed under subsection F.2 below.

b. Special, natural, or manmade features of historical or community significance in a proposed subdivision which enhance or have unique value to the community may be set aside in a reserve tract for acquisition, or voluntarily dedicated to the public.

2. Time for Acquisition

a. Within 24 months of filing of a final plat, or the period of the school site designation provided by AMC subsection 25.25.040B, whichever is earlier, the municipality or any other public or private agency may acquire any parcel designated as reserve tract on the plat, by purchase or as otherwise authorized by law, for the purpose for which the parcel was reserved under subsection F.1. above.

b. If a reserve tract is not acquired within such time, it shall be released from the reserve tract designation, unless the time for acquisition is extended by the reserve tract's owners, or by another provision of law.

c. In consideration of the reservation, the municipality shall pay the owners of the reserve tract an amount equal to the municipal real property taxes that accrue on the reserve tract, during the period of reservation.

G. Utility Easements

1. Public utilities shall be placed in dedicated rights-of-way unless the utility demonstrates that there is a specific need that warrants a location elsewhere. Pad-mounted facilities may be located in easements abutting rights-of-way. Electric and telecommunication utilities are encouraged to co-locate in trenches.

Page 480 ANNOTATION

PZC states: "Provides clarification as to the priority in the event of a conflict."

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PZC Addition
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2. In situations where utilities may not be placed within rights-of-way, easements shall be provided for utilities, and shall be centered along or adjacent to lot lines to the greatest extent practicable.

3. Where a utility has demonstrated, pursuant to G.1. above, the need to locate outside the right-of-way, utility easements shall be sized as follows, but the platting authority may approve different standards when justified by demonstrable site conditions or utility needs. The platting authority shall size the easements as small as is feasible. After [effective date [DATE OF PASSAGE]] utility easements shall not be placed in tracts set aside to protect environmental features, such as wetlands or steep slopes.

a. Utility easements along rear lot or side lot lines where a primary voltage conductor is placed shall be at least ten feet wide, or a total of 20 feet wide along adjoining rear lots.

b. Utility easements along rear lot or side lot lines where a service voltage conductor is placed shall be five feet wide, or a total of ten feet wide along adjoining side lots.

c. Where a front yard easement is needed to accommodate a transmission utility, which is included in the utility corridor plan, the easement shall generally be ten feet wide.

d. The platting authority may require wider utility easements along the rear lot lines of hillside lots.

4. The platting authority shall require the dedication of utility easements when a utility company demonstrates a specific need for them or an easement is needed to accommodate the routing included in the *Utility Corridor Plan*.

21.08.050 IMPROVEMENTS

A. General Requirements

1. Compliance

The subdivider shall construct and install improvements in accordance with this section, the design standards in section 21.08.030, and the *Design Criteria Manual* and *Municipality of Anchorage Standard Specifications*. In the event of a conflict between the design standards in this chapter, the *Design Criteria Manual*, and the *Municipality of Anchorage Standard Specifications*, the design standards in this chapter shall control.

2. Minimum Standards

The improvement standards in this section are minimum standards. The platting authority may require additional or more extensive improvements when it finds they are necessary to conform a proposed subdivision to the standards of section 21.08.030, or the subdivider may provide such additional or more extensive improvements.

3. Eligibility for Warranty

a. All improvements required under this section shall be constructed under a subdivision agreement as provided in section 21.08.060, *Subdivision Agreements*. Lots in subdivisions shall not be eligible for conditional certificates of zoning compliance or certificates of zoning compliance until the subdivision improvements included in this section have been accepted for warranty by the municipality.

b. Projects may be placed on warranty in the autumn season without landscaping and/or permanent erosion control provided that:

Page 481 ANNOTATION

Edits to the table reflect changes made in chapter 21.04 to delete some provisionally-adopted districts and retain a district that was proposed for deletion.

Administration Addition
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Tech Edit Addition
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i. All other improvements are accepted for warranty;

ii. Temporary erosion control is maintained throughout the winter;

iii. The warranty guarantee plus a performance guarantee for landscaping is provided;

iv. The subdivider/developer meets all of the criteria to go on warranty; and

v. A separate warranty period is provided for the landscaping/permanent erosion control.

4. Engineer Registered in the State of Alaska

a. The subdivider shall have construction plans for the improvements required under this section prepared by an engineer registered in the state of Alaska, in accordance with the requirements of the municipal engineer.

b. The engineer shall maintain in good standing professional liability insurance in the amount of $1,000,000 during the term of the agreement. Policies written on a "claims-made" basis shall [MUST] have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

B. Improvement Areas Defined

For the purpose of this section, the municipality is divided into two distinct improvement areas. The class A improvement area includes areas of more dense population and/or intensive development, and thus requires a more urbanized level of improvements. The class B improvement area includes areas that are less densely populated and/or intensely developed, and thus requires a less urbanized level of improvements. The zoning districts associated with each improvement area are listed in the table below:

TABLE 21.08-1: IMPROVEMENT AREAS DEFINED

District Type	Class A	Class B
Residential Residential (cont.)	R-1 R-1A R-2A R-2D R-2M [R-2F] R-3 R-4 R-4A R-5	R-6 R-7 R-8 R-9 R-10
Commercial	B-1A B-1B B-3 DT-1 DT-2 DT-3 [CBD] R-O MC	
Industrial	I-1 I-2 MI	
[MIXED USE]	[NMU	

Page 482 ANNOTATION

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TABLE 21.08-1: IMPROVEMENT AREAS DEFINED		
District Type	**Class A**	**Class B**
	CMU RMU MMU]	
Other Districts	A[D]	TA WS
AF District DR District PCD District PLI District PR District [RUC DISTRICT]	The platting authority shall place a subdivision within any of these districts in the improvement area that it finds to be most compatible with the proposed use of the parcel and the zoning district classifications of the surrounding area.	

C. Improvement Requirements by Improvement Area

The subdivider or developer shall construct and install the required improvements prescribed by this section for the improvement area where the subdivision is located in accordance with the table below:

TABLE 21.08-2: REQUIRED IMPROVEMENTS BY IMPROVEMENT AREA R = Improvement Required		
Improvement	**Class A**	**Class B**
Paved Interior Streets	R	
Strip-Paved Access and Peripheral Streets	R	R
Strip-Paved Interior Streets		R
Curbs and Gutters	R	
Sidewalks	R	
Walkways	R	R
Street Lighting	R	
Traffic Control Devices	R	R
Monuments	R	R
Drainage	R	R
Telephone & Electrical Facilities	R	R
Water Supply Facilities	R	
Sanitary Sewer Facilities	R	
Landscaping	R	R

D. Interior Streets

1. Residential Interior Streets

a. *Categories*

There are two categories of residential interior streets:

i. *Residential Minor Streets*

Residential minor streets have the sole purpose of providing frontage for service and access to individual lots. These streets carry only traffic having either an origin or a destination on the street itself, and include cul-de-sacs or small loops carrying 500 average daily trips.

ii. *Residential Major Streets*

Residential major streets are access streets that provide frontage for service and access to individual lots and may carry a small amount of through traffic from tributary residential minor streets. Residential major streets carry from 500 to 2,000 average daily trips. Lot frontage on

residential major streets with average daily trips in excess of 1,000 should be restricted.

b. ***Determination of Average Daily Trips***

For the purpose of classifying and designing residential streets, the average daily trips carried by a street shall be determined by applying trip rates from the most current *Institute of Transportation Engineers Trip Generation Manual* or other acceptable estimates approved by the traffic engineer.

c. ***Improvement Design***

Interior residential streets, except as provided in subsection 21.08.050E., shall be improved in accordance with table 21.08-3 and table 21.08-4.

TABLE 21.08-3: PAVED RESIDENTIAL STREETS, MINIMUM STANDARDS

A.D.T. [2]	Street Section [1] (feet)		Number of Lanes		Design Speed[3] (mph) [4]	Right of Way (feet)	Spillover Parking [5]	Application
	Standard	Optional	Moving	Parking				
0--75 Residential minor	31		2	1	20	60	No	Cul-de-sacs, low-volume residential streets
		24	2	0	20	60	Yes	
76--300 Residential minor	31		2	1	25	60	No	Residential minor streets, cul-de-sacs and small loops
		24	2	0	25	60	Yes	
301--600 Residential minor	33		2	2	25	60	No	Residential minor streets, loop streets, high-volume cul-de-sacs
		24	2	0	25	60	Yes	
601--1,000 Residential major	33		2	2	25	60	No	Residential major streets, loop streets and high-volume cul-de-sacs
		28	2	1	25	60	Yes	
1,001--2,000	38	24	2	0	25	60	Yes	Residential limited access
			2	2	30	60	No	Residential subconnector
		38	3 [6]	0	30	60	Yes	No on-street parking permitted

NOTES:
[1] Street dimensions are from back of curb.
[2] See subsection 21.08.050D.1.b., *Determination of Average Daily Trips*.
[3] Horizontal curve design of residential streets requires best judgment of planners and engineers in addition to design analysis.
[4] Design speed (not posted speed) for vertical and horizontal curves.
[5] Spillover parking; homeowners' association required. See subsection 21.08.050E below.
[6] Center turning lane required.

TABLE 21.08-4: STRIP-PAVED STREETS, MINIMUM STANDARDS

A.D.T.	Street Section[7 9] (feet)	Design Speed[8] (mph)	Right-of-Way (feet)	Application
0--500	20	20	50	Residential loop streets, rural peripheral/access roads
501--1,000	24	25	50	Residential loop streets, urban peripheral/access roads

TABLE 21.08-4: STRIP-PAVED STREETS, MINIMUM STANDARDS				
A.D.T.	Street Section[7 9] (feet)	Design Speed[8] (mph)	Right-of-Way (feet)	Application
1,001--2,000	24	25	60	Major residential streets

[7] Dimensions are from edge of pavement.
[8] Design speed (not posted speed) for horizontal and vertical curves.
[9] Street sections require two-foot shoulders with ten- and 12-foot driving lanes, respectively.

2. Commercial and Industrial Interior Streets

Commercial and industrial interior streets shall be improved in accordance with table 21.08-5 below:

TABLE 21.08-5: CLASS A COMMERCIAL AND INDUSTRIAL STREETS, MINIMUM STANDARDS					
Street Section[10] (feet)	**Number of Lanes**		**Design Speed[11] (mph)**	**Right-of-Way (feet)**	**Application**
	Moving	**Parking**			
33	2	0	30	60	No on-street parking
40	2	2[12]	30	60	Commercial/industrial streets
47	3(1TL)	0	35	60	Major commercial/industrial streets; no on-street parking permitted; parking shall [MUST] be provided off-street; turning movements when traffic warrants

[10] Street dimensions are from back of curb.
[11] Design speed (not posted speed) for vertical and horizontal curves.
[12] Parking may be provided off-street when a planter strip is used.

E. Optional Residential Interior Streets

1. Residential interior streets shall provide for on-street parking unless the platting authority finds it is practical to substitute spillover parking for on-street parking in accordance with subsection E.2. below. If the platting authority so finds, residential interior streets may be improved in accordance with this section and table 21.08-3.

2. The platting authority may find that it is practical to substitute spillover parking for on-street parking only in residential subdivisions containing at least five acres or 25 dwelling units with a homeowners' association that is responsible for operating and maintaining spillover parking facilities.

3. Spillover parking substituted for on-street parking shall conform to the design standards in section 21.07.090, *Off-Street Parking and Loading*, shall be a designated common area owned and administered by the homeowners' association, and shall not be located within an individually owned lot or tract. The design of spillover parking lots [AREAS] shall be approved by the traffic engineer. The spillover parking lot [AREA] shall be shown on the plat, and a plat note shall be provided limiting the use of that area to spillover parking. Spillover parking lots [AREAS] shall not be counted toward required open space requirements. Spillover parking spaces in addition to the off-street parking spaces required under section 21.07.090 shall be provided for each lot fronting on a street without on-street parking under the following formula, using the maximum residential density permitted for the lot by its zoning district.

Page 485 ANNOTATION

These amendments coordinate this section with the residential guest parking space requirements in the off-street parking section of chapter 21.07, and update the terms used in this table to be consistent with the rest of the re-write. The changes help avoid a development being required to provide both spillover parking spaces and guest parking spaces. The spillover space requirement is also reduced to a closer nexus with the amount of on-street parking that would have been possible on each lot frontage.

TABLE 21.08-7: ADDITIONAL SPILLOVER PARKING SPACES REQUIRED FOR EACH LOT FRONTING ON A STREET WITHOUT ON-STREET PARKING	
Residential Use [HOUSING TYPE]	Number of Spaces Per Unit
Dwelling, single-family detached	1.0 [1.5]
Dwelling, single-family attached or two-family [(1 TO 4 UNITS)]	0.5 [1.0]
Dwelling, multi[PLE-]family (INCLUDING MULTIFAMILY DEVELOPMENTS WITH SINGLE-FAMILY-, TWO-FAMILY-, OR TOWNHOUSE-STYLE CONSTRUCTION [(EXCEEDING 4 UNITS)]	None (instead subject to guest space requirements of Table 21.07-5) [0.5]

F. Access Streets, Peripheral Streets, and Half Streets

1. Access Streets

The platting authority may require access streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access. The platting authority shall determine the length of the access street that the subdivider shall improve. Access streets shall be improved in accordance with table 21.08-4.

2. Peripheral Streets

a. The platting authority may require the improvement of peripheral streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access.

b. Peripheral streets whose improvement is required under this subsection shall be improved in accordance with table 21.08-4, provided that peripheral streets used for access to individual lots shall be improved in accordance with tables 21.08-3 and 21.08-5.

3. Half Streets

The municipal engineer or the platting authority may require the improvement of a half street in the urban area to one-half of the street width specified in table 21.08-3, if underground utilities will be installed before street construction.

G. Curbs and Gutters

Where required, the subdivider shall construct curbs and gutters in accordance with the *Design Criteria Manual* and *Municipality of Anchorage Standard Specifications* (MASS), or, in the case of a state-maintained road, the current standard specifications of the state department of transportation and public facilities. Curbs shall be of the American Association of State Highway and Transportation Officials (AASHTO) vertical type.

H. Pedestrian Facilities

1. Sidewalks

a. Sidewalks are required as determined by the transportation and connectivity standards in section 21.07.060.

b. Sidewalks shall be improved in accordance with table 21.08-8 below.

c. Sidewalks at bus stops shall comply with the specifications of the *Design Criteria Manual*.

Page 486 ANNOTATION

This amendment reflects the differentation between different types of pedestrian facilities.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

2. Walkways

a. Walkways are required as determined by the transportation and connectivity standards in section 21.07.060.

b. Walkways shall be improved in accordance with table 21.08-8 below, as determined by the platting authority.

c. Walkways in dedicated pedestrian easements may be improved or unimproved, as determined by the platting authority.

3. Pathways

a. Pathways shall be located and constructed as determined by the Anchorage Non-Motorized Transportation Plan: Pedestrian Plan and the Anchorage Non-Motorized Transportation Plan: Bicycle Plan.

b. Where a pathway and a sidewalk are co-located, the facility shall be constructed according to the specifications for a pathway.

4. Trails

Trails shall be located and constructed as determined by the *Areawide Trails Plan* and other adopted municipal plans.

[WHERE A TRAIL AND A SIDEWALK ARE CO-LOCATED, THE FACILITY SHALL BE CONSTRUCTED ACCORDING TO THE SPECIFICATIONS FOR A TRAIL.]

TABLE 21.08-8: MINIMUM SIDEWALK, WALKWAY, AND TRAIL IMPROVEMENTS

Type of material	Minimum width	Separation from curb	Right-of-way	Notes
Sidewalks				
4" PCC	5	0	N/A	As a general rule, sidewalks should only be attached to the curb where on-street parking is allowed.
4" PCC	5	7	N/A	
Pavers	5	0 or 7	N/A	Decorative concrete or brick pavers
Walkways				
4" PCC	5		N/A	Walkways through commercial developments as required by 21.07.060 and 21.07.090 are generally not located in easements
4" PCC	5		10'	Not recommended where peat is surcharged
1 ½" AC	5		10"	Generally used for improved walkways creating through-block connections; between cul-de-sac bulbs; connecting to parks, trails, other open space
Gravel	5		10'	May be used in class B improvement areas
Unimproved			10'	
Pathways				
1 ½" AC	6	7		
Trails				
1 ½" AC	See Trails Plan	7		
Gravel		7		For class B improvement areas or nature trails
Unimproved				Generally for existing historical trails or trails through parks and open space

I. Street Lighting

Street lighting apparatus shall meet municipal standards for materials and design and be provided with underground power. The location of the streetlight poles shall be approved by the traffic engineer and shall comply with standards contained in the *Design Criteria Manual*.

J. Traffic Control Devices

Traffic and street name signs and traffic signals shall be installed in accordance with the requirements of the traffic engineer and the *Alaska Traffic Manual*, per the requirements of AS 28.01.010.

K. Monuments

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set by a professional registered land surveyor licensed by the state of Alaska. Survey monumentation shall conform to such additional standards as the municipal surveyor may establish by regulation under AMC chapter 3.40.

L. Drainage System

A drainage system approved by the municipal engineer, including necessary storm drainage facilities, drain inlets, subdrains, footing drain stub-outs, manholes, culverts, bridges and other appurtenances, shall be installed. The design of the drainage system shall provide for the preservation of designated high-quality wetlands critical to water table levels and wildlife habitat within and surrounding the subdivision, shall protect the water quality and the re-charge of groundwater and surface watercourses, and shall comply with the following standards:

1. No surface water drainage from the subdivision shall empty into a sanitary sewer; or directly, without treatment and energy dissipation, into a creek or stream channel.

2. The size, design, and construction of drainage structures shall conform to the *Design Criteria Manual*.

3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a storm water or drainage easement shall be provided that substantially conforms with the lines of such watercourse, plus additional width that is adequate and necessary to convey expected storm flows and/or storm water drainage facilities. Streets paralleling such easement may be required in connection therewith. Lakes, ponds, creeks, and similar areas will be accepted for maintenance by the municipality only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the storm water drainage control system.

4. The municipality shall accept no responsibility to maintain any storm drainage structures, except for those lying within a municipal right-of-way, traversing municipally owned property, authorized by permit on state or federal land, or constructed in a publicly dedicated drainage easement of sufficient width to allow access.

5. The drainage system shall comply with the standards set forth in section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges.*

6. Unless waived by the municipal engineer, footing drain stub-outs shall be provided for each lot where there is a storm drain system.

M. Telecommunication and Electric Facilities

1. All new telecommunication and electric lines shall be installed in accordance with the specifications of the municipality and the utility providing the service.

2. All new telecommunication and electric utility distribution lines, as defined in chapter 21.14, shall be placed underground:

a. As required by section 21.07.050, *Utility Distribution Facilities*; and

b. As required by the platting authority in areas with patterns of development similar to those where section 21.07.050 requires that utility distribution lines be placed underground.

N. Water Supply Facilities

1. Access to Public Water System

a. If the platting authority requires that a subdivision be served by a public water system, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the most current edition of the *Design Criteria for Sanitary Sewer and Water Improvements* of the municipal water and wastewater utility.

b. Where connection to public water supply systems is required, such systems shall be dedicated to the municipality for operation and maintenance, thus allowing for the orderly expansion of the municipality, its water systems, and fire protection services that protect the health and property of the citizens of the municipality.

2. No Access to Public Water System

a. If the subdivision has no access to a public water system, the platting authority shall require either wells on individual lots or a water system for the common use of the lots in the subdivision, if site conditions require such a system.

b. If wells on individual lots are authorized, the subdivider need not install water supply facilities. A well serving an individual lot shall conform to the requirements of the municipal on-site water and wastewater program. A common water system serving a portion of the subdivision shall not preclude individual wells for the remaining lots.

c. If a common system is required, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the specifications of the municipal water and wastewater utility.

O. Sanitary Sewer Facilities

1. Access to Public Sewer System

a. If the platting authority or provisions of law require that a subdivision be served by a public sewer system, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the most current edition of the Design Criteria for Sanitary Sewer and Water Improvements of the municipal water and wastewater utility.

b. Where connection to public sanitary sewer systems is required, such systems shall be dedicated to the municipality for operation and maintenance, thus allowing for the orderly expansion of the municipality and its sanitary sewer system, which protects the health of the citizens of the municipality.

Page 489 ANNOTATION

These technical edits reflects a department name change that occurred during reorganization of municipal departments in 2010.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

2. No Access to Public Sewer System

a. If the subdivision has no access to a public sewer system, the platting authority shall require either a sewer system for the common use of the lots, or sewage disposal systems serving individual lots, whichever is more suitable.

b. If site conditions require a sewer system for the common use of lots in the subdivision, the subdivider shall install such system in conformance with the requirements of the state department of environmental conservation and the municipal water and wastewater utility.

c. If the platting authority authorizes sewage disposal systems serving individual lots, the subdivider need not install sewer facilities. In such case, the minimum lot size requirements of AMC title 15 shall apply. The systems shall conform to the requirements of the municipal on-site water and wastewater program.

P. Natural Gas Facilities

All new natural gas facilities installed pursuant to this section shall be installed in accordance with the standard specifications of the municipality and the utility providing the service.

Q. Erosion and Sedimentation Control

All grading, excavating, and removal or destruction of natural topsoil, trees, or other natural vegetation shall conform to an erosion and sedimentation control plan prepared by the subdivider and approved by the department of public works [PROJECT MANAGEMENT AND ENGINEERING] before the work may commence. The plan shall conform to the requirements of section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges*, as well as municipal guidelines and policies contained in the *Soil Erosion and Sediment Control Manual*, and any other applicable guidelines and policies approved by the department of public works [PROJECT MANAGEMENT AND ENGINEERING].

R. Landscaping

The subdivider shall be responsible for the provision of landscaping required under section 21.07.080, *Landscaping, Screening, and Fences*, except the tree provisions of subsection 21.07.080F.8., and it shall be installed by the subdivider or guaranteed under the provisions of subsection 21.08.060E.

21.08.060 SUBDIVISION AGREEMENTS

A. Agreement Required; Application; Contents

1. Agreement Required

Before a final plat for a subdivision where improvements are required under section 21.08.050 is approved or filed, the subdivider shall enter into a subdivision agreement with the municipality in accordance with this section.

2. Application

Application for a subdivision agreement shall be made to the department of community development [PROJECT MANAGEMENT AND ENGINEERING]. The application shall include a copy of the platting summary of action, a copy of the preliminary plat, a tentative schedule of all proposed construction of public improvements and utilities, and an engineer's estimate of the cost of each required public improvement. The engineer's estimate shall be based on the schedule of prices for standard items for private development projects, published by the building official [MUNICIPAL ENGINEER]. The municipality may require a showing of the subdivider's financial responsibility.

3. Contents

Except as provided in subsection A.4. below, the subdivision agreement shall include but need not be limited to the following provisions:

a. A designation of the public improvements required to be constructed.

b. The construction and inspection requirements of the municipality or utility for which the improvements are constructed.

c. The time schedule for completing the improvements.

d. The guarantee required by subsection 21.08.060E.

e. A schedule for any payments required under this section.

f. The allocation of costs between the municipality and the subdivider for required public improvements.

g. The warranty required by subsection 21.08.060G.

h. The consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the municipality.

i. A warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement.

j. Where the subdivision is within the flood hazard district, a requirement that the subdivider will submit certification of floodproofing, information on the elevation of the lowest habitable floor, and information on the elevation to which the structure is floodproofed, for each building or structure to be constructed as part of the subdivision agreement.

k. A provision requiring the subdivider to submit plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, a traffic control plan, and any other pertinent data and information necessary for the building official [MUNICIPAL ENGINEER] to evaluate the proposed installation.

l. A provision that all designs conform to the *Design Criteria Manual*, and that all work shall be performed pursuant to the *Municipality of Anchorage Standard Specifications*.

m. A provision that work shall not commence until plans have been approved by the building official [MUNICIPAL ENGINEER] and notice to proceed is given.

4. Exceptions

If the subdivider elects to complete and obtain acceptance of all required public improvements before the approval or filing of a final plat for the subdivision, the subdivision agreement need not include the guarantee provisions specified in items 3.c. and d. above.

B. Approval by Assembly

Approval by the assembly shall be required to enter into those subdivision agreements where municipal participation in the cost of the required public improvements is estimated to be $30,000.00 or more.

C. Time Limit for Completion of Improvements

1. The building official [MUNICIPAL ENGINEER] shall determine the time duration of the subdivision agreement, which shall not be less than two years nor more than three, based on the size, complexity, and possible phasing of the subdivision. The improvements required under the terms of the subdivision agreement shall be fully completed and accepted for warranty within that time period. However, before the expiration of the subdivision agreement, the subdivider may request a time extension from the building official [MUNICIPAL ENGINEER]. The building official [MUNICIPAL ENGINEER] may grant one subdivision agreement time extension, up to two years in length, upon a showing of good cause by the developer and provided such extension does not unreasonably impact adjacent properties or the general public. The building official [MUNICIPAL ENGINEER] does not have the authority to modify conditions placed by the platting board. The building official [MUNICIPAL ENGINEER] may refer any extension application to the platting board if the project is in default or he or she deems further or more extensive analysis and public comment concerning the continuation of the subdivision agreement may be needed. In considering whether an extension should be granted, the following shall be considered: the manner in which safety hazards, drainage problems, sanding, snow removal, grading, and other matters will be handled during the extension period. Performance conditions may be imposed on the extension to ensure that such matters are adequately handled.

2. Requests for subsequent two-year time extensions require platting board approval. All time extensions shall be conditioned to require provision of an adequate performance guarantee when the existing guarantee is inadequate.

D. Payment of Costs of Required Improvements Outside the Anchorage Roads and Drainage Service Area

1. Outside of the Anchorage Roads and Drainage Service Area, the subdivider/developer shall pay 100 percent of all costs associated with construction, including but not limited to design, engineering, project administration and inspection, testing, surveillance, related bank fees and interest payments, fair market value of right-of-way, as well as all work, labor, and materials furnished for the construction of required improvements. The exception shall be those utilities whose tariffs provide cost participation.

2. The subdivider shall retain an independent registered engineer who has no financial interest in the development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of $1,000,000 during the term of the agreement. Policies written on a “claims-made” basis shall [MUST] have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

E. Payment of Costs of Required Improvements Inside the Anchorage Roads and Drainage Service Area

The cost of any public improvement shall be defined to include the cost of design, engineering, contract administration, inspection, testing, and surveillance as well as all work, labor, and materials furnished for the construction of the improvement. The subdivision agreement shall provide for the apportionment of the cost of required public improvements between the municipality and the subdivider as follows:

1. Administrative and Recording Costs Relating to Public Improvement Guaranties
The subdivider shall pay 100 percent of all costs incurred in supplying and administering any method of public improvement guarantee provided for in subsection 21.08.060.

2. Inspection, Surveillance, and Testing

a. The subdivider shall pay 100 percent of all costs relating to any inspection, surveillance, and testing by the municipality, necessary for warranty acceptance of any required public improvement or during the warranty period. Surveillance shall be performed by the municipality during the course of construction and up to the point of final acceptance of the completed project.

b. The subdivider shall retain an independent registered engineer who has no financial interest in the development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of $1,000,000 during the term of the agreement. Policies written on a "claims-made" basis shall [MUST] have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

3. Administration of Agreement

The subdivider shall pay 100 percent of all costs of plan review, agreement administration, and attendant costs.

4. Arterial and Collector Streets

Reasonable costs incurred in the construction of a street designated on the *Official Streets and Highways Plan* (OSHP) as a collector, arterial, or greater shall be apportioned as specified in subsections E.4.a. through d. below. For purposes of this subsection, construction costs means only those costs associated with construction, design engineering, project administration and inspection, related bank fees and interest payments, and fair market value of right-of-way dedicated to the street in excess of 70 feet.

a. ***Interior Collector Streets***

If a collector street lies within the subdivision, the municipality shall reimburse the subdivider a sum equal to the reasonable construction cost of building to the standard specified by the platting authority, less the estimated cost of construction in accordance with the residential standard approved by the platting authority under tables 21.08-3 and 21.08-5, provided that:

i. When the subdivision agreement is executed:

(A) The street is programmed for improvement to the designated standard in the six-year capital improvement program; and

(B) Sufficient funds (bonds, designated state grants, or mil-levy) have been appropriated for reimbursement in the capital improvement budget for the current fiscal year; or

ii. When the preliminary plat of the subdivision is approved:

(A) Construction to the designated standard is required by the platting authority;

(B) Improvement to the designated standard is programmed in the six-year capital improvement program; and

(C) Sufficient funds (bonds, designated state grants, or mil-levy) have been appropriated for reimbursement in the capital improvement budget for the current fiscal year.

If the conditions set forth in subsections 4.a.i. or ii. are not met at the time specified, then the total cost of construction required by the platting authority shall be borne by the subdivider.

b. ***Interior Arterial Streets***

If an interior arterial or greater street is required to be constructed to arterial standards by the platting authority, the municipality shall reimburse the subdivider 100 percent of the reasonable construction cost subject to the availability of bond funds, state grants, or mil-levy funds appropriated for the construction of that street. If the platting authority has not required construction to arterial or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050D. and shall bear 100 percent of the construction cost.

c. ***Peripheral Streets***

If the subdivider is required to construct an abutting collector street, the municipality shall reimburse a sum equal to the reasonable construction cost of the standards specified by the platting authority less the estimated cost of construction in accordance with the residential standards under table 21.08-4, subject to the conditions specified in subsection 4.a. above. If a subdivider is required to construct an abutting arterial or greater street to arterial or greater standards, the municipality shall reimburse in a manner and subject to the conditions set forth in subsection b. above. If the subdivider is not required to construct an abutting street to arterial or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050F. and shall pay 100 percent of the cost of construction.

d. ***Access Streets***

If the platting authority requires the construction of an access street under the authority of subsection 21.08.050D. that is designated as a collector, arterial, or greater, the municipality shall reimburse a sum equal to the reasonable construction cost of the standard specified by the platting authority less the estimated construction cost in accordance with the residential standards under table 21.08-4, subject to the availability of bond funds, state grants, or mil-levy funds appropriated for the construction of that street. If the platting authority has not required construction to collector or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050D. and shall pay 100 percent of the construction costs.

5. Other Streets

Except as provided in subsection E.4., the subdivider shall pay 100 percent of the cost of streets within the boundaries of the subdivision. The subdivider shall additionally pay 100 percent of the cost of all peripheral streets and access roads except as provided in subsection E.4. of this section whose construction may be required by the building official [MUNICIPAL ENGINEER]. The property within subdivisions that is later assessed by the municipality for final improvements to access and peripheral streets shall receive credit for the cost of salvageable improvements to those peripheral and access streets. Nonsalvageable improvements will not receive credit. Credit will be provided only when:

a. The municipality approved the award of the contract which included the work for which the credit is to be issued; and

b. The subdivider provided the municipality with a sworn notarized statement setting forth the distribution of the costs of salvageable improvements, which he utilized

for purposes of establishing lot price, for each lot within his subdivision to which such costs were spread.

The credit will be applied as a reduction of assessment to each applicable lot, except that in no case will the amount of credit given to any lot exceed the amount of the assessment to that lot.

6. Curbs, Sidewalks, and Walkways Adjacent to Streets
The subdivider shall pay the cost of constructing curbs, and sidewalks and walkways adjacent to streets, in the same manner as the cost of constructing the streets to which they are adjacent as provided in subsections E.4.and 5.

7. Sidewalks and Walkways not Adjacent to Streets
The subdivider shall pay 100 percent of the cost of constructing all sidewalks and walkways not adjacent to streets.

8. Storm Drains, Inlets, and Manholes
The subdivider shall pay 100 percent of the cost of storm drains, inlets, and manholes necessary to serve the subdivision, provided that, within areas where the municipality provides drainage maintenance, the municipality shall reimburse the subdivider those costs attributable to oversizing required by the municipality. In those areas where the municipality does not maintain drainage facilities, the subdivider shall pay all costs, including those for any required oversizing.

9. Water Improvements
If the subdivision is to receive water service from a public utility, the subdivider shall provide water facilities, including service connections to all lots, with cost participation as provided in the current approved tariff of the utility. If the subdivision is to receive water service from a community water system, the subdivider shall provide water facilities, including service connections to all lots, and pay 100 percent of the cost of those facilities.

10. Sanitary Sewer Improvements
The subdivider shall provide sanitary sewer facilities, including service connections to all lots, with cost participation as provided in the current approved tariff of the municipal sanitary sewer utility.

11. Electrical and Telecommunication Facilities
The subdivider shall provide electrical and telecommunication facilities with cost participation as provided in the current approved tariffs of the applicable utility companies.

12. Deferred Utilities
When paved street or sidewalk improvements are installed prior to placement of traffic control devices and electrical and telecommunication cable placement, the subdivider shall, at appropriate crossings as directed by the municipality, provide any necessary underground conduit consistent with conduit size, type, and installations standards provided by the utility.

13. Street Lighting
The subdivider shall pay the cost of street lighting apparatus in the same manner as the cost of constructing the streets to which it is adjacent as provided in subsections E.4.and 5.

14. Traffic Control Devices

The subdivider shall pay 100 percent of the cost of traffic control devices. Traffic control devices, except electric-operated traffic signals, shall be installed prior to any structure being occupied in the subdivision.

15. Landscaping

The subdivider is responsible for required landscaping as stated in subsection 21.08.050S. Landscaping shall meet the standards of section 21.07.080, *Landscaping, Screening, and Fences*.

F. Subsequent Development Reimbursement

[RESERVED]

G. Guarantee of Completion of Improvements Required; Amount; Methods

1. Guarantee Required

To ensure the installation of required public improvements that are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all such improvements by one or more of the methods specified in this section. The means of a guarantee may be changed during the guarantee period upon approval by the building official [MUNICIPAL ENGINEER]. The amount of the guarantee shall be determined on the basis of the subdivider's cost estimate. The guarantee shall remain in effect until warranty acceptance of the public improvements and the posting of an acceptable security for the warranty period.

2. Cost Estimate; Overrun Allowance

The engineer's cost estimate shall state the estimated cost of completion for each required public improvement. Cost estimates for each required public improvement shall [MUST] be approved by the department of community development [PROJECT MANAGEMENT AND ENGINEERING]. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage for overrun allowance shall be added to the total estimated cost of public improvements as follows:

TABLE 21.08-9: PERCENT FOR OVERRUN ALLOWANCE

Total Estimated Cost of Improvements	Percent for Overrun Allowance
$0.00--$500,000.00	20
$500,000.00--$1,000,000.00	15
$1,000,000.00 and over	10

3. Methods

The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:

a. *Performance Bond*

The subdivider may elect to provide a surety bond from a company authorized to do such business in the state. The bond shall be in a form acceptable to the municipal attorney and in an amount equal to the estimated cost of all required public improvements, plus an overrun allowance as provided in subsection G.2. above. The bond shall be payable to the municipality if any required public improvements are not finally accepted in accordance with the provisions of this title, and shall be posted by no person other than the subdivider or a contractor obligated by written contract to the subdivider for construction of all the required public improvements. In the event a contractor posts the bond, the subdivider and the municipality may be dual obligees under mutually agreed terms.

Page 496 ANNOTATION

PZC states: "This section makes changes to the revised draft of this section by the municipality. There appears to be a practice by the MOA of repeatedly finding deficiencies which delays the commencement of the warranty. By delaying the commencement of the warranty, there are additional inspection fees and maintenance costs to the developer. There needs to be certainty and finality with respect to the warranty process. The warranty period should begin after the corrections of the deficiencies noted in the initial inspection. Deficiencies found after the initial inspection should not be the cause for delaying the commencement of the warranty.

Lanugage is needed that clearly provides for the last time that additional deficiencies may be noted requiring correction prior to the expiration of the warranty period. Since the warranty period is two years, notice of any deficiencies needing correction should be provided to the developer within the first twenty-two months of the warranty so that all deficiencies can be corrected and the project can be off warranty at the end of the two year warranty period."

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

b. ***Deposit in Escrow***

The subdivider may elect to deposit a cash sum equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection G.2. above, either with the municipality or in escrow with a responsible financial institution authorized to do such business in the state. In the case of an escrow account, the subdivider shall file with the municipality an escrow agreement that includes the following terms:

i. Funds of the escrow account shall be held in trust until released by the municipality and may not be used or pledged by the subdivider as security in any matter during that period other than payment for the improvements.

ii. In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in such account available to the municipality for use in the completion of those improvements.

c. ***Letter of Credit***

The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in the state an irrevocable letter of credit. Such letter shall be filed with the municipality and shall certify the following:

i. That the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection G.2. above, for the completion of all such improvements; and

ii. That in the case of failure on the part of the subdivider to complete any specified improvements within the required time period the creditor shall pay to the municipality immediately and without further action such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

H. Release of Guarantee of Improvements

1. Inspection will be made by the municipality prior to acceptance of the improvements for warranty. The municipality shall have 14 days to complete the inspection and provide a list of deficiencies, except that the building official [MUNICIPAL ENGINEER] may extend the 14 day period for unusual circumstances such as extreme weather. The 14 day period shall begin on the day the municipality receives written notice from the subdivider that the subdivider's own [HIS OR HER] comprehensive inspection has confirmed that construction of all required improvements is complete, all applicable subdivision agreement requirements are fulfilled, and the project is ready for municipal inspection.

2. After the initial municipal inspection provided for in subsection H.1. has been completed and all listed deficiencies noted in the initial municipal inspection and provided in writing to the subdivider have been corrected, [WHEN ALL LISTED DEFICIENCIES HAVE BEEN CORRECTED,] the subdivider shall notify the municipality in writing and the municipality shall perform a final inspection of the listed deficiencies within 7 days of receiving the notification, except that the building official [MUNICIPAL ENGINEER] may extent the 7 day period for unusual circumstances such as extreme weather. [IF THE FINAL INSPECTION REVEALS UNCORRECTED LISTED DEFICIENCIES, THIS PROCEDURE SHALL BE REPEATED.]

Page 497 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
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3. If the final inspection reveals uncorrected listed deficiencies that were identified in the initial inspection that was provided to the subdivider in writing prior to the final inspection, this procedure shall be repeated until all deficiencies noted in the initial inspection have been corrected. The warranty period shall begin after all the deficiencies in the initial inspection have been corrected. [THE MUNICIPALITY SHALL RELEASE THE OBLIGATION FOR PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF THE IMPROVEMENTS FOR WARRANTY, TOGETHER WITH THE POSTING OF ADEQUATE SECURITY FOR WARRANTY.]

4. Excepting any new deficiency or deficiencies resulting from the subdivider's activities correcting the deficiency or deficiencies identified above, any new deficiencies that were not discovered and identified in writing and delivered to the subdivider during the initial inspection, but are found in any final or any continuing inspection, shall be noted and corrected by the subdivider during the warranty period. However, these deficiencies shall not delay the commencement of the warranty period.

5. In addition to correcting deficiencies in the work, and prior to being placed on warranty, the subdivider shall also submit:

a. A complete record of the engineer's daily inspection reports;

b. Copies of test results;

c. Reproducible mylar record drawings of the facilities constructed;

d. Acceptance letters from electric and telephone utilities that all lots have service available;

e. As applicable, acceptance letters from gas and water/wastewater utilities that all lots have service available;

f. Certificate of monumentation;

g. Certificate of compliance that all suppliers and subcontractors have been paid;

h. Payment in full for municipal billings associated with the subdivision agreement; and

i. A deposit as required by AMC 24.20.040D. to cover administrative and inspection costs during the warranty period.

6. When all deficiencies in the work have been corrected and all items listed in subsection H.5. above have been submitted, reviewed, and accepted, the project shall be eligible to be placed on warranty.

7. The municipality shall release the obligation for performance guarantees upon the acceptance of the improvements for warranty, together with the posting of adequate security for warranty.

8. The municipality may refuse to release the obligation for any particular public improvement if the subdivider or contractor is in present or imminent default in whole or in part on the completion of any public improvement or warranty covered by the subdivision agreement.

Page 498 ANNOTATION

This amendment requires the subdivider to notify the municipality if he/she notices a problem, instead of waiting for the municipality to inspect and notice the problem.

Administration Addition
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PZC Addition
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I. Improvement Warranty

1. The subdivider shall warrant and guarantee that required public improvements constructed under the agreement will remain in good condition and meet operating specifications for two years, commencing with warranty acceptance of each public improvement when it is completed. Such warranty includes defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, his or her agents, or others engaged in work to be performed under the subdivision agreement. If the building official [MUNICIPAL ENGINEER] deems appropriate, extensive repairs or modifications made during the warranty period may extend the duration of the warranty period for those repairs or modifications only. The subdivider shall not be responsible for cleaning, snow removal, ditching, grading, dust control, or similar activities during the warranty period. Nothing in this title, however, is intended to waive the requirements of AMC chapter 24.80, pertaining to miscellaneous use provisions.

2. To secure the warranty:

a. The guarantee of performance provided for in subsection G. shall remain in effect until the end of the warranty period. If the guarantee is a performance bond posted by a contractor, the bond cannot secure the warranty unless the subdivider and contractor, by written agreement, elected this option at the time the performance bond was posted; or

b. The subdivider shall furnish the municipality with a corporate surety bond, cash deposit, or letter of credit in an amount equal to a percent of the total construction costs as set forth in this subsection. This security shall guarantee the payment of any reconstruction or repair costs that may be undertaken due to failures occurring during the warranty period. Responsibility for identifying the necessity of repairs or reconstruction of the improvements shall rest with the municipality.

TABLE 21.08-10: PERCENT TO SECURE WARRANTY

Total Construction Cost	Percent to Secure Warranty
$0.00--$500,000.00	10
$500,000,00--$1,000,000.00	7 1/2
$1,000,000.00 and higher	5

J. Correction of Deficiencies Under Warranty

1. Within 30 days, or a reasonable extension at the sole discretion of the building official [MUNICIPAL ENGINEER], of notification by the municipality of the need for repair or reconstruction, the subdivider shall correct the deficiencies, satisfactory to the municipality. Such notification shall be made by certified mail. If the subdivider fails to repair or reconstruct the deficiency within the time specified in this section, the municipality will make the repair at the subdivider's sole expense. The municipality may then bill the subdivider for the cost of the repair and associated administrative costs, or declare the bond or deposit forfeited.

2. Notwithstanding subsection J.1. above, if the subdivider or the subdivider's engineer retained through the warranty period first identifies need for repair or reconstruction, the subdivider shall notify the municipality by certified mail, and the subdivider shall make the repair or reconstruction with authorization (in lieu of the above notification) from the municipality.

Page 499 ANNOTATION

Administration Addition
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K. End of Warranty Period

1. The municipality shall inspect the required improvements and provide a list of deficiencies to the subdivider no later than 30 days before the end of the warranty period, except that the building official [MUNICIPAL ENGINEER] may extend this time due to inappropriate weather or other conditions that impede complete inspection.

2. All deficiencies identified in the warranty period shall be corrected, inspected, and approved within 30 days, except that the building official [MUNICIPAL ENGINEER] may extend the 30 day period for unusual circumstances or inappropriate weather. The municipality is under no obligation to release any remaining security if the subdivider fails to correct any identified deficiencies.

3. Upon final acceptance, the municipality will release the remaining security within 90 days.

4. If the municipality does not timely inspect and provide a report as required in K.1. above, the warranty period ends.

L. Default

If the subdivider defaults on any obligation to construct required public improvements or the obligation to warrant and repair such improvements, the municipality may demand immediate payment on the performance or warranty guarantee. In the case of a performance bond, deposits in escrow, or letter of credit, the municipality may demand immediate payment of a portion of all sums obligated for the performance or warranty of any improvement. All funds received by the municipality shall be used for any construction, repair, or reconstruction necessary to ensure that:

1. All required public improvements are built to specifications necessary to receive warranty acceptance; and

2. The improvements remain in good condition for the completion of the warranty period. The municipality may use guarantee funds for the construction, repair, or maintenance of required public improvements from the date of initial default until three years after the funds have become available to the municipality for such use, except that no use shall be made of the funds later than two years after satisfactory completion and warranty acceptance of the work. Following either: (1) the warranty acceptance of all public improvements and posting of the warranty security, or (2) final acceptance, or (3) the three-year period provided for in this subsection, the municipality shall pay to the subdivider all guarantee funds which were not used or obligated for the completion of the improvements.

M. Agency Coordination

Upon receipt of notification of violation or concern by municipal departments or outside agencies, the building official [MUNICIPAL ENGINEER] may suspend approval on work authorized through the subdivision agreement until such time that the issue is resolved.

N. Standards May Not Be Altered; Enforcement of Chapter

All provisions of this chapter are mandatory and may not be altered by the subdivision agreement. The obligations contained in this chapter shall be enforceable by methods of enforcement of ordinance as well as contract.

21.08.070 ALTERNATIVE RESIDENTIAL [CONSERVATION] SUBDIVISIONS

A. Purpose

This section offers three alternatives from conventional subdivisions for new residential neighborhoods: conservation subdivisions, cluster housing, and narrow lot housing. The intent of

Page 500 ANNOTATION

PZC recommended both retaining the existing code's cluster housing provision, as well as providing a "small-lot" develoment option.

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these options is to give flexibility to developers to respond to environmental conditions or market preferences.

Each alternative shall be considered through the platting process outlined in section 21.03.200, *Subdivisions*.

B. Conservation Subdivisions

1. Purpose

A conservation subdivision is an alternative type of residential development in which the lots are allowed to be smaller in area or narrower than otherwise required in the zoning district, but in which the overall number of lots does not exceed the maximum number of lots allowed in a conventional subdivision by the zoning district. Conservation subdivisions are intended to create a more compact residential development to preserve and maintain open areas, high value natural lands, and lands unsuitable for development, in excess of what would otherwise be required by this title.

2. Applicability

The conservation subdivision option may be used on any parcel with a minimum of at least two acres in any residential district in which [DETACHED] single-family housing is permitted, provided that the proposal is consistent with the requirements in this section 21.08.070.

3. Conservation Design Process

Conservation subdivisions shall be approved through the procedure set forth in section 21.03.200, *Subdivisions and Plats*.

4. Reduction in Minimum Lot Area Allowed

Conservation subdivisions may include one or more lots that do not conform to the minimum lot size or lot width requirements of chapter 21.06, or the dimensional requirements of subsections 21.08.030J.1. and 2., provided that:

a. The amount of any reduction in minimum lot size shall be used for common open space, pursuant to F. below;

b. There shall be no more than one principal single-family structure per lot;

c. Front and rear setbacks interior to the subdivision are not less than half the depth required by the underlying zoning district, but side setbacks are not less than the width required by the underlying zoning district;

d. On any lot that is less than the minimum lot size of the underlying zoning district, the principal structure shall have a maximum floor area ratio of not more than 0.5;

e. In class A improvement areas, street sections shall have vertical curbs;

f. Driveways shall have a maximum width of 14 feet at the curb;

g. Where on-street parking is allowed, a minimum 20 foot separation distance between the curb returns of adjacent driveways shall be provided; and

h. Common open space with level 4 Screening landscaping shall be provided along any lot line abutting a residential neighborhood where any adjoining lot is greater than 150% of the average lot size along that lot line of the conservation

Page 501 ANNOTATION

PZC states: "Cluster housing was not included in the provisionally adopted code. It is being added using the language in existing code. The existing provisions addressing cluster housing will need to be assimilated into the provisionally adopted code."

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subdivision. In class B areas this abutting landscaped open space area shall be one hundred feet wide.

5. Lot Coverage Allowed

The maximum lot coverage requirements for lots in a conservation subdivision, as set forth in chapter 21.06, may be increased by no more than 10 percent.

6. Minimum Open Space

The amount of lot size reduction of each lot shall, in total, be provided as common open space, except that under no circumstances shall the amount of common open space provided be less than 30 percent of the property shown on the subdivision plat. Open space shall be identified using the standards set forth in subsection 21.07.030B.4., *Private Open Space, Standards*, except that no portion of the land preserved as common open space may be located within the boundaries of an individual lot for residential development, or in a road right-of-way, and no portion of the land preserved as common open space may be less than 30 feet in its smallest dimension in class A districts or less than 100 feet in its smallest dimension in class B districts, or have less square footage than one-half of the square footage of the minimum lot size for that district. In order that all residents of a development have access, there should be, provided by the developer, a common pedestrian corridor leading into all common open space. Common open space areas in class B improvement areas shall remain undisturbed.

7. Dedication and Recording

The required common open space shall be preserved from development in perpetuity through the use of a deed restriction or easement, and shall be conveyed to a property owners' association or other organization with responsibility for maintenance of the open space and the ability to collect assessments or dues for such purpose. The applicant shall submit proof that:

a. Such deed restriction or easement has been recorded at the district recorder's office; and

b. The property owners' association or other organization has been established before any building or land use permits for construction in a conservation subdivision shall be issued.

C. Cluster Housing

1. Intent

a. A cluster housing development is a design technique that provides open space and other site amenities in a subdivision by permitting individual lots of less area than otherwise permitted in the underlying use district. The community receives the benefits of open space within subdivisions and land developers may provide subdivisions at a somewhat higher density than permitted by the underlying use district.

b. Cluster housing is intended to provide a development option particularly suited to tracts of land that include marginal areas. Marginal lands may include wetlands, steep slopes, or geophysical hazard areas. By clustering the overall number of units possible on the developable portion, construction and infrastructure costs may be lowered. Correspondingly, open space amenities are provided and environmentally sensitive lands are conserved.

c. It is also intended to provide a design option in transition density areas, where zones of different densities abut. Lower costs in subdivision development should be reflected in housing costs.

Page 502 ANNOTATION

These current code provisions are not clear on whether cluster housing allows a reduction of lot width--this amendment clarifies.

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d. Cluster housing developments may include single-family detached and various types of attached housing.

2. General Standards

a. In addition to a preliminary plat, a cluster housing proposal shall include a site plan, to be approved by the platting authority.

b. No land use permits shall be issued until a final plat for the cluster housing development has been approved and filed in accordance with this title.

3. Maximum Density and Minimum Site Area

a. There shall be no more than one principal structure per lot.

b. The maximum number of dwelling units permitted in the cluster housing development shall be based upon the following schedule. The density shall be calculated using gross acreage.

TABLE 21.08-11: MAXIMUM DENSITY FOR CLUSTER HOUSING SUBDIVISIONS

Zoning District	Dwelling Units Per Acre	Minimum Site Area (acres)[13]
R-1	5.0	2.5
R-1A	5.0	2.5
R-2A	10.0	1.5
R-2D	16.0	1.5
R-2M	19.0	1.5
R-3	20.0	1.0
R-4	24.0	1.0
R-5	5.0	2.5
R-6	0.8	5.0
R-7	2.0	5.0
R-8	0.2	10.0
R-9	0.4	5.0
R-10	See 21.04.020O.2.	10.0
TA	As provided in the Turnagain Arm Comprehensive Plan	5.0
GR districts	See 21.09	5.0

[13] The minimum site area may be reduced by up to 5 percent to account for irregular lots or difficult sites.

4. Review of Housing Type

The pre-application submissions for a cluster housing development in the R-1 or R-1A zoning districts, more than 50 percent of whose dwelling units are attached, are subject to review and approval by the planning and zoning commission for compatibility with surrounding land use patterns.

5. Lot Area and Width

The applicant may propose lot areas and widths that are less than the minimum required by chapter 21.06.

6. Maximum Lot Coverage

Maximum lot coverage for areas other than common areas is as follows:

Page 503 ANNOTATION

Administration Addition
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a. Two common walls per dwelling unit: 70 percent

b. One common wall per dwelling unit: 50 percent

c. All others: 40 percent

7. Minimum Setbacks

a. Minimum setbacks for the R-6, R-8, R-9 and R-10 zoning districts shall be as follows:

i. Front setback: 25 feet

ii. Side setback: 10 feet

iii. Rear setback: 20 feet

b. Minimum setbacks for all other zoning districts shall be the same as the underlying district.

8. Common Area

a. ***General Standards***

i. Development of the common area in accordance with an approved site plan and subdivision plat shall be guaranteed in the subdivision agreement.

ii. All areas of the common area not devoted to buildings, structures, parking areas, courts, walkways, improved areas for sport and game activities, and driveways shall be covered by one or more of the following: lawn grass, shrubbery, trees, or undisturbed indigenous vegetation.

iii. The space between and surrounding clusters is allocated to pedestrian circulation and open space.

b. ***Common Open Space***

i. In a cluster housing development, at least 30 percent of the site area shall be common open space. Environmentally sensitive features such as wetlands, natural drainage ways, steep slopes, ponds, lakes, creeks, streams, and the like may be included in the computation of open space provided towards this requirement. Private spaces, such as patios, decks, balconies, yards within individually owned lots, and the like are no included in the definition of common open space.

ii. Of the required common open space, at least 600 square feet per dwelling unit shall be provided as common usable open space within cluster subdivisions that are created with any lots less than 6,000 square feet in area.

c. ***Common Usable Open Space***

The cluster housing development shall have a common usable open space area with the following characteristics:

i. Shall not be less than 2,500 square feet.

ii. Shall have no dimension that is less than 30 feet.

Page 504 ANNOTATION

Staff researched various types of small-lot housing, but did not have time to develop regulations for multiple types. This proposed amendment allows narrow lot housing in some areas. Over time, staff will develop regulations for additional styles of small-lot housing.

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iii. Shall be within a distance of 1,000 feet from every lot within the cluster subdivision.

iv. Shall not contain roads, parking facilities, driveways, storage, snow storage, service areas, wetlands, or water bodies (unless they provide or substantially contribute to a recreation area).

v. Shall have a slope equal to or less than five percent when the common usable open space area is 10,000 square feet or less. A common usable open space area of greater than 10,000 square feet may have slopes exceeding 15 percent on no more than ten percent of the area, unless the platting authority finds that a greater slope is consistent with the intent of this section.

vi. Except as provided in subsection c.iv. above, shall be drained to carry away storm and seepage water.

vii. May be retained as natural vegetation. Improvements may include seeding with lawn grass or other seed mix approved by the planning division, with an established access to a source of water for maintenance. Improvements may also include pavement or other appropriate surfaces or complementary structures to allow for active outdoor recreation uses.

9. Homeowner's Association

a. A homeowner's association shall be established for all cluster housing developments. All owners of property within the cluster housing development shall automatically become members of the homeowner's association.

b. Any declaration under the Horizontal Property Regimes Act, common wall agreements, declaration of covenants, conditions and restrictions, and homeowner agreements proposed to be recorded to govern the use of land and structures within a cluster housing development shall be reviewed for conformity with this title by the director.

c. The responsibility for the operation and maintenance of the common area facilities shall reside with the homeowner's association.

10. Buffer Landscaping

L2 buffer landscaping shall be planted along each lot line abutting a right-of-way designated for collector or greater capacity on the *Official Streets and Highways Plan*. The landscaping shall be maintained by the property owner or his or her designee.

D. Narrow Lot Housing

1. Purpose

Narrow lot housing is a form of small-lot housing that provides fee simple, single-family home lots that are smaller than such lots created by right in various zoning districts, in order to provide more affordable housing choices. As narrow lot housing will be available and frequently used for infill development, there are increased design standards for narrow lot housing in order to mitigate the impacts of increased density on existing neighborhoods.

Page 505 ANNOTATION

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2. Applicability

Narrow lot housing is permitted in the R-2A, R-2D, R-2M, R-3, R-5, and RO districts. The various applicable standards of title 21 apply, unless specifically addressed and replaced below.

3. Approval Process

Narrow lot housing shall be platted in accordance with 21.03.200C., and shall not be eligible for the abbreviated plat process.

4. Uses

Only detached single-family homes and customary accessory uses/structures may be located on narrow lots.

5. Size of Narrow Lot Developments

The total contiguous area (including streets) developed with narrow lots shall be no greater than one acre.

6. Standards

a. *Lot Area and Width*

Narrow lots shall be at least 30 feet wide, and no less than 80 feet long.

b. *Setbacks*

The setbacks of the underlying zoning district shall apply, as provided in chapter 21.06, except that where an entire block is subdivided with narrow lots in a residential district, the principal structure may encroach into the front setback by up to ten feet.

c. *Height*

Structures are limited to 25 feet and two stories in height.

d. *Lot Coverage*

For one-story structures, the lot coverage is 50 percent. For two-story structures, the lot coverage is 40 percent.

e. *Floor Area Ratio (FAR)*

The principal structure on each narrow lot shall have an FAR of 0.5.

f. *Access*

Homes on narrow lots shall not be accessed from the street abutting the shorter end of the lot. Access shall be from an alley at the rear of the lot, or for corner lots, from a street abutting the longer side of the lot.

g. *Number of Lots Created*

No more than 12 narrow lots may be created abutting one another.

h. *Design*

i. *Mix of Housing Models*

Any subdivision of three or more units shall have a mix of housing models, as determined during the building permit process, according to the following table:

Page 506 ANNOTATION

Administration Addition
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TABLE 21.08-12 MIX OF HOUSING MODELS FOR NARROW LOT HOUSING	
Number of units	Number of different models required
3-6	2
7-12	3
See subsection 21.07.110E.2. for how to determine a mix of housing models.	

Where only two narrow lots are created, if the same design is proposed for both homes, the homes shall be constructed in a "mirror image."

ii. *Primary Entrance*
Homes on narrow lots shall meet the standards of subsection 21.07.110E.3.

iii. *Street-Facing Façade*
Homes on narrow lots shall feature at least one design element from each of the following subsections: 21.07.110E.4.c.i., E.4.c.ii., and E.4.c.iii.

iv. *Garages*
Garages shall not be longer than 30 feet in length and shall be located facing the rear of the lot, or for corner lots, may face the secondary front setback.

v. *Windows*
Windows facing side lot lines are encouraged to be located in such a manner as to not be directly across from windows in neighboring narrow lot homes.

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TITLE 21 REWRITE

CHAPTER 21.09

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

CHAPTER 21.09: GIRDWOOD LAND USE REGULATIONS

21.09.010 PURPOSE

The purposes of this chapter 21.09 are to provide standards and regulations to implement the comprehensive plan elements for Girdwood, preserve and enhance the distinctive mountain-resort character and natural environment of the Girdwood area, and avoid overlap with standards and regulations applicable in other districts of the Municipality.

21.09.020 APPLICATION OF CHAPTER 21.09

A. Applicability

These regulations and standards shall apply only to the Girdwood area of the Municipality as further delineated below.

B. Relationship to Other Title 21 Provisions

1. To the extent any provision in this chapter conflicts with other provisions of title 21, the provisions of this chapter shall govern. If certain provisions overlap but are not in conflict, then the provisions of this chapter shall be considered to supplement title 21 requirements and are additional requirements.

2. When any section of title 21, with the exception of chapter 21.08, references class A and class B districts, any lot in Girdwood that is less than 40,000 square feet shall be considered a class A district, and any lot in Girdwood that is 40,000 square feet or greater shall be considered a class B district.

C. Girdwood Defined

This chapter applies to, and the term Girdwood in this chapter refers to, the land in Girdwood Valley shown on the Girdwood map in section 21.09.020D. and having the following real property description:

Those lands lying within the boundary of the Municipality of Anchorage, within the Anchorage Recording District, Third Judicial District, State of Alaska; including all private, municipal and state land and those lands under state selection in Chugach National Forest; more particularly described as follows:

1. Township 10 North, Range 2 East, Seward Meridian, Alaska

- **a.** All of Sections 1, 2, 3, 4, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21, 28, 29, 30, 32, 33
- **b.** All of Sections 5, 7, 8, 18, excluding Chugach State Park
- **c.** W2 of Section 14; and
- **d.** N2N2 of Section 22

2. Township 10 North, Range 3 East, Seward Meridian, Alaska

- **a.** All of Section 5, excluding the NE4 within Chugach National Forest
- **b.** All of Section 6
- **c.** All of Section 7, excluding the SE4 within Chugach National Forest
- **d.** NW4 of Section 8
- **e.** N2NW4 of Section 18

3. Township 11 North, Range 3 East, Seward Meridian, Alaska

a. All of Sections 29, 31

b. SE4 of Sections 20, 30

c. W2SW4 of Section 21

d. W2W2 of Section 28

e. NE4 of Section 32

f. NW4NW4 of Section 33

4. Township 11 North, Range 2 East, Seward Meridian, Alaska

a. All of Sections 20, 21, 22, 27, 28, 29, 32, 33, 34

b. E2E2 of Sections 19, 30, 31

c. W2W2 of Sections 23, 26

d. All of Section 35, excluding the N2NE4 and NE4NW4 within Chugach National Forest

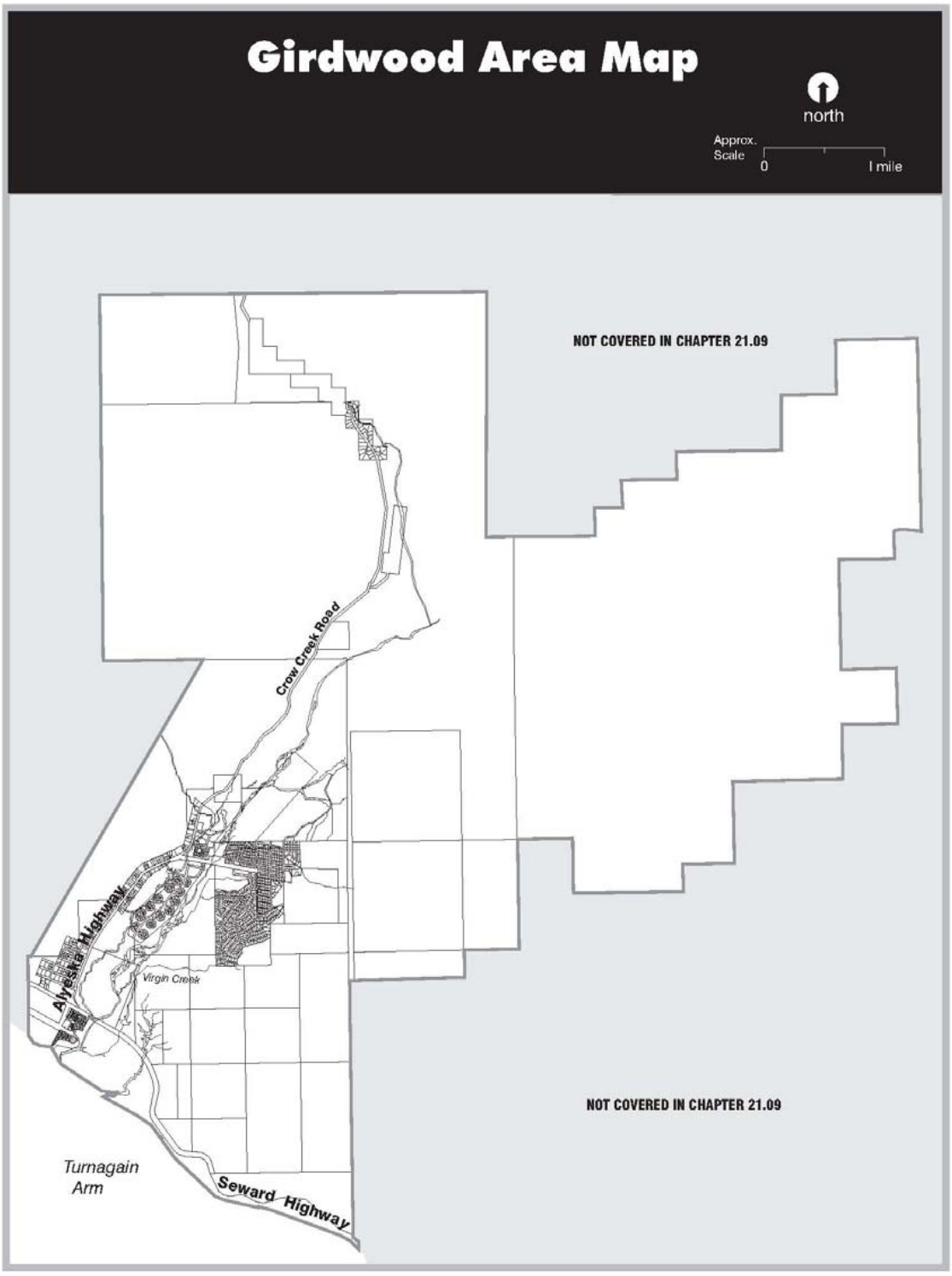
e. All of Section 36, excluding the NW4NW4 within Chugach National Forest

f. Excluding all lands within the boundaries of Chugach State Park and non-state-selected lands with Chugach National Forest

D. Nonconformity Determinations

Nonconformity determination fees relating to property in Girdwood that has become nonconforming with the adoption of this chapter shall be waived for one year after January 1, 2006.

E. Chapter 21.09 Area Map



21.09.030 ADMINISTRATION AND REVIEW PROCEDURES

A. Title 21 Administrative Provisions and Procedures Apply

Except as provided specifically in this chapter, all development in Girdwood shall be subject to and reviewed pursuant to the generally applicable administrative and review procedures set forth in chapters 21.02, *Boards, Commissions, and Municipal Administration*, and 21.03, *Review and Approval Procedures*. [21.10, *BOARDS AND COMMISSIONS; ADMINISTRATIVE OFFICERS;* 21.15, *VARIANCES, CONDITIONAL USES, SUBDIVISION APPROVAL AND OTHER SPECIAL LAND USE PERMITS;* AND 21.20, *ZONING MAP AMENDMENTS*.]

B. Pre-Application Meetings

A pre-application meeting with the director is required for all applications for rezonings, subdivisions, conditional uses, and master plans, unless waived by the director.

C. Use Area and Use District Boundaries to be Established During the Master Planning Process

Where specific boundary lines need to be established between lands in different ownerships, or lands within the same ownership with different land uses as defined by a master plan, the Girdwood Area Plan, or the Table of Allowed Uses in this chapter, and no adequate boundaries exist to serve this purpose, the boundaries shall be defined as outlined below. These steps make explicit the intent of a boundary line (for example, to correspond with a stream setback). By clearly defining the intent of these boundaries, the lines may be correctly located during subsequent field surveys. These steps are particularly important in the delineation of areas to remain in the Open Space district.

1. The master plan process is used to identify the basis for boundaries separating land uses and lands in different ownerships (e.g., boundary between lands to remain in public ownership and lands sold for development). This includes both defining boundaries *within* the overall master plan area, and refining the *external* boundaries of the master plan area, particularly important where external boundaries are based on generalized environmental data associated with the Girdwood Area Plan.

2. Boundaries shall be based on at least one of the references listed below, suitable for final determination of the boundary at such time as subdivision and the associated survey occurs.

a. A surveyed or otherwise readily observed geographic reference point or line (such as a public street, property line or boundary, centerline of a stream channel, etc.);

b. A describable environmental condition (such as change in vegetative cover type or slope); or

c. A land use objective, including those adopted in the Girdwood Area Plan (such as the boundary between an area of low and moderate density residential use, controlled in large part by the total number of residential uses allowed within the master plan area).

3. The master plan process is an appropriate tool to refine the external boundaries of land use districts set by the Girdwood Area Plan. In making these refinements, the total amount of land intended for the Open Space district shall not be less than the Girdwood Area Plan Open Space acreage identified within the particular area covered by a specific, single Master Plan. However the boundaries with the adjoining Open Space may be shifted to create a more efficient and logical land use pattern.

This tool does not preclude requesting a zoning map amendment for a change of use (see section 21.03.160 [CHAPTER 21.20]) over a larger area than may be accommodated through the boundary refinement process.

4. The written and mapped description of boundaries of all applicable land use districts shall be determined by master plan analyses and shall be included in the materials submitted as part of the master plan. These boundaries shall not be modified substantially at the time of subsequent development review without a show of cause by the applicant, and following review and approval by the approving agency.

D. Minor Modifications for Site Constraints

It is the intent of this subsection to allow special consideration to those lots adversely affected by their existing conditions and/or the setbacks set forth in this subsection. The director is authorized to consider and grant the following minor modifications:

1. Physical Features

If, on lots ≤ 15,000 square feet in the residential, commercial, and resort districts, or on lots less than 80 feet wide in residential districts, site constraints, such as stands of mature trees, rock outcroppings, slopes over 30 percent [%], wetlands, highway setbacks, or other permanent obstacles, are present within the building envelope defined by the setbacks, the building envelope may be shifted on the lot by reducing the rear setback to a minimum of 10 feet, and the side setback to a minimum of five feet on one side, but the total area of the building envelope shall remain the same. However, the front setback shall not be reduced.

2. Lot Shape, Residential Districts

For wedge-shaped lots ≤ 15,000 square feet, if the difference in lot width is greater than 20 feet from front to back, the 10 foot side setback in section 21.09.060A.1. shall apply in the wider half of the lot. In the narrower half of the lot, the side setback shall be five feet. For purposes of this subsection, the boundary between the two halves of the lot shall be determined by locating a line midway between the front and rear lot boundaries. The five foot setback in the front half of the lot shall transition into the 10 foot setback in the rear half of the lot as shown in figure 21.09-1. This provision supercedes the side and rear setback flexibility in note 2 of table 21.09.060-1.

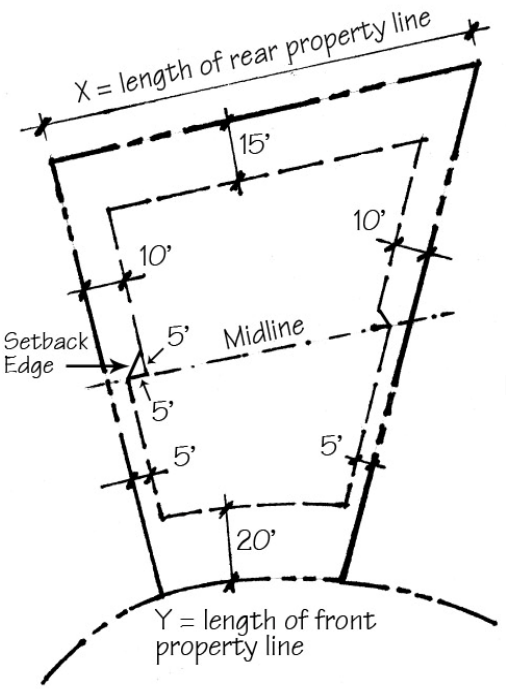


Figure 21.09-1: Wedge-shaped Lots

3. Narrow Lots, Commercial Districts

On narrow lots, where side setbacks result in a building envelope width of less than 25 feet, the building envelope may expanded into one or more side setback(s), as needed to provide a 25 foot wide building envelope, but a side setback(s) shall not be reduced to less than five feet, except as provided in the dimensional standards in table 21.09.060-2, nor shall the adjusted building envelope width be greater than 25 feet.

4. Corner Lots, Commercial Districts

On corner lots where the secondary front setback reduces the building envelope to less than 25 feet in width, the secondary front setback may be reduced to no less than equal to the side yard setback requirement for the district, as needed to increase the building envelope to no more than 25 feet wide.

E. Area Master Planning

1. Purpose

An area master plan is intended to facilitate the planned development of large tracts of land under unified ownership or control, prior to subdivision or development of entire tracts or parcels within large tracts, in order to provide for land use compatibility and development responding to site-specific environmental constraints and opportunities. The area master plan shall establish the general arrangement of land uses, circulation and infrastructure systems for the identified development areas.

2. Applicability

a. *Mandatory: Girdwood*

An area master plan review is required prior to development in any of the following Girdwood zoning districts: gR-3, gC-5, GRST-2, GCR-1, GCR-2, GCR-3, GDR, GRR.

Page 514 ANNOTATION

Amendments to clarify submittal information requirements for area master plans, and to provide for more advance notice to applicants of any additional information needs.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

b. ***Optional***

In addition to the criteria listed above, any other area in joint or single ownership may opt to use the area master plan process on a voluntary basis.

3. Procedures

a. ***Pre-Application Conference***

Before filing an application, an applicant shall request a pre-application conference with the director.

b. ***Community Meeting***

A community meeting may be required.

c. ***Initiation***

An application for approval of an area master plan shall be initiated by the owner of the property.

d. ***Application Filing***

Applications for approval of an area master plan shall be submitted to the director and shall contain all information and supporting materials specified in subsection e., below.

e. ***Submittal Requirements***

Submittal requirements are set out below, and shall be in either narrative or illustrative form. The director may waive submittal requirements not relevant to the proposed area master plan. The planning and zoning commission and/or the director may require the submission of other information as may be necessary for the informed exercise of judgment under the criteria for the review of the plan, as set out in subsection 4., below. Where the director determines, as a result of the pre-application conference, that additional information will be needed to evaluate the proposed area master plan, this shall be indicated in writing to the applicant following the pre-application conference, along with the record of pre-application conference discussion required by subsection 21.03.020B.4.c.

i. The legal description, boundaries, and acreage of the petition area, and an explanation of boundary delineation, pursuant to subsection 21.09.030C., if applicable;

ii. The present land use classification of the petition area and abutting property;

iii. The current use, if any, of the petition area and abutting property, including roads, utilities, drainage systems, trails, parks, parking lots [AREAS], and any structures;

iv. The general topography of the petition area (contours lines shall be shown at intervals of 10 feet or less), including any unique natural or historical features. Mapping shall be at a scale of one inch equals 200 feet, or less;

v. A general description of the existing vegetation, soils, drainage patterns, and habitat in the petition area;

vi. The location of streams, waterbodies, wetlands, drainage courses, riparian areas, critical environmental areas and hazards, and flood plains;

Page 515 ANNOTATION

Clarifies that general information regarding environmental features will be a typical information requirement for area master plans.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

vii. The planning objectives and design considerations used to determine the use and configuration of the proposed development;

viii. A conceptual site plan showing the various existing and proposed types of land uses, depicting the relationship to each other and to surrounding uses, proposed acreage, character, and densities/intensity of development for each type of use, and proposed open spaces. The site plan shall be in the form of a "bubble map" locating these "development areas" and other required elements in an approximate fashion;

ix. A general description of the traffic and pedestrian circulation system proposed for the petition area, showing connections between land uses, neighborhoods, and proposed public schools, parks, open space areas, and trails/bikeways;

x. A traffic study to determine the impacts of the proposed development on the transportation system;

xi. A general description of the utility system layout;

xii. An explanation of any unique features of the proposed development;

xiii. An analysis of offsite impacts to utilities and public services, including schools and fire and police services;

xiv. A detailed discussion of conformance with the Girdwood Area Plan, the Girdwood Commercial Areas and Transportation Master Plan, the Areawide Trails Plan, and other applicable Girdwood area planning documents;

xv. A general development schedule and phasing plan, if any, and approximate date for commencement of construction; and

xvi. If the petition area contains wetlands designated in the *Anchorage Wetlands Management Plan*, the applicant shall submit:

(A) A wetlands delineation study based on the evaluation techniques contained in the *Corp of Engineers Wetlands Delineation Manual*;

(B) Hydrologic information specifying the quality, amount and direction of flow of surface and subsurface water, as well as information on the drainage impacts of the development on adjacent property;

(C) Vegetation information indicating the distribution of wetland, coniferous and deciduous species; and

(D) Habitat information on the type, number, and species of animals, including birds.

xvii. A general study of existing and proposed drainage, and impacts to natural features, habitat, vegetation, and riparian areas.

f. ***Director Review, Report, and Recommendation***
The director shall review the proposed area master plan in light of the approval criteria of subsection 4., below, and shall distribute the application to other reviewers as necessary. Based on the results of the reviews, the director shall provide a report and recommendation to the planning and zoning commission.

g. ***Public Hearing***
Published, written, and posted notice of public hearings on area master plans shall be provided in accordance with section 21.03.020H. [21.15.005.]

h. ***Review and Action by Planning and Zoning Commission***
The planning and zoning commission shall hold a public hearing on the proposed area master plan and, at the close of the hearing, act to approve the plan as submitted, approve the plan subject to conditions or modifications, remand the plan to the applicant for modifications, or deny the plan, based on the approval criteria of subsection 4., below.

4. Approval Criteria
An area master plan may be approved if the planning and zoning commission finds all of the following criteria have been met:

a. The area master plan substantially conforms to the principles and objectives of the Girdwood Area Plan, any approved neighborhood, district, or area plans, and the general purposes of this chapter as stated in section 21.09.010;

b. The streets, roads, and other transportation elements are in conformance with applicable transportation plans;

c. The development has no substantial adverse fiscal impact on the Municipality;

d. The development provides significant community benefits in terms of design, community facilities, open space, and other community amenities;

e. The development is compatible with the character of the surrounding area and minimizes any potential adverse impacts to surrounding areas to the maximum extent feasible; and

f. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in surrounding areas.

5. Effect of Area Master Plan Approval
No development rights are granted by the approval of an area master plan. An approved area master plan allows the applicant to file applications for development within the plan area including, but not limited to, site plans, conditional use permits, or preliminary subdivision plans. An approved area master plan also creates a presumption that design density, uses, and site layout set forth in the plan are acceptable to the municipality, subject to further review and application of relevant regulations in the review of subsequent applications. However, approval of the area master plan shall not guarantee such density and uses are attainable.

6. Modification of Area Master Plan Approval

a. ***Modification without Public Hearing***

By request of the applicant or subsequent landowner, an approved area master plan may be modified by the planning and zoning commission, without a public hearing, if the modification proposes:

i. A change to the development schedule or phasing plan of not more than seven years (applicable only if a development master plan is not also required);

ii. Changes of 10 percent or less to the number of dwelling units or the total combined floor area of commercial and industrial uses;

iii. A shift between development areas of 10 percent or less of the number of dwelling units or the total combined floor area of commercial and industrial uses;

iv. A change to the acreage of any development area of 10 percent or less; or

v. A change the planning and zoning commission determines does not change the impacts on the surrounding neighborhood and public infrastructure and services.

b. ***Modification with Public Hearing***

By request of the applicant or subsequent landowner, an approved area master plan may be modified by the planning and zoning commission, only after a public hearing, if the modification proposes:

i. A change to the development schedule or phasing plan of more than seven years (applicable only if a development master plan is not also required);

ii. A reduction of acreage of open space;

iii. Changes to the number of dwelling units or the total combined floor area of commercial and industrial uses of more than 10 percent but less than 25 percent;

iv. A shift between development areas of more than 10 percent but less than 25 percent of the number of dwelling units or the total combined floor area of commercial and industrial uses;

v. A change to the acreage of any development area of more than 10 percent but less than 25 percent;

vi. A change to any conditions of approval imposed by the planning and zoning commission at the time of area master plan approval; or

vii. A change the planning and zoning commission determines changes the type and/or amount of impact on the surrounding neighborhood and public infrastructure and services.

Page 518 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

c. ***New Application Required***

The planning and zoning commission shall not consider an application for modification of an area master plan, and the applicant shall be directed to file a new application for area master plan approval, if the modification proposes:

i. Changes to the number of dwelling units or the total combined floor area of commercial and industrial uses of 25 percent or more;

ii. A shift between development areas of 25 percent or more of the number of dwelling units or the total combined floor area of commercial and industrial uses;

iii. A change to the acreage of any development area of 25 percent or more; or

iv. A change the planning and zoning commission determines substantially changes the types of uses, the intensity of use, or the area of the area master plan.

7. Abandonment of Area Master Plan

An area master plan approval shall expire if:

a. Implementation of the area master plan schedule is delayed for more than seven years without a request for a schedule modification as outlined in subsections 21.09.030E.6.a. or 21.09.030E.6.b. (applicable only if a development master plan is not also required); or

b. The property owner notifies the planning and zoning commission of the abandonment of the area master plan approval.

F. Development Master Planning

1. Purpose

A development master plan is intended to shape and manage future growth of a site and provide certainty to the community by stating a clearly articulated vision for the character, layout, and design of the development of the site. At a minimum, the development master plan shall establish specific circulation systems; specific land uses; site dimensional, design, and development standards; and building design standards for the identified development areas. The intent of this process is for master planned areas to result in development meeting or exceeding the standards of this chapter, reflecting the character of Girdwood and the purposes of this chapter and title 21.

2. Applicability

a. Mandatory: Girdwood

An approved development master plan is required prior to development in any of the following Girdwood zoning districts: gC-1, GRST-1, GRST-2; GCR-1, GCR-2, GCR-3.

b. Optional

A development master plan may be developed through this process for any multi-building development within the Municipality.

3. Procedures

a. Pre-Application Conference

Before filing and application, an applicant shall request a pre-application conference with the director.

Page 519 ANNOTATION

Clarifies that applicants are expected to provide drainage related submittal information for proposed master development plans.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

b. Community Meeting

A community meeting may be required.

c. Initiation

An application for approval of a development master plan shall be initiated by the owner of the subject property.

d. Application

Applications for approval of a development master plan shall be submitted to the director and shall contain all information and supporting materials specified in subsection e., below.

e. Submittal Requirements

The design standards proposed in the development master plan may differ from the standards of sections 21.09.060, 070, and 080, but shall meet or exceed those standards, as described in subsection 4.g., below.

Submittal requirements are listed below and shall be in either narrative or illustrative form. The director may waive submittal requirements not relevant to the proposed development. The planning and zoning commission and/or the director may require the submission of other information as necessary for the informed exercise of judgment under the criteria for the review of the plan, as set out in subsection 4., below.

i. The legal description, acreage, and boundaries of the proposed petition area, an explanation of boundary delineation, pursuant to subsection 21.09.030C, if applicable, and a depiction of the area surrounding the petition area;

ii. A site plan of any existing development, including buildings, roads, utilities, drainage systems, trails, and a general description of existing vegetation;

iii. The topography of the petition area, with contours lines shown at intervals of four feet or less, including any unique natural or historical features;

iv. The location of existing streams, water bodies, wetlands, drainage courses, and flood plains, and proposed changes to such features;

v. A grading plan and detailed study of existing and proposed drainage;

vi. A proposed site plan, showing roads, trails, building locations and uses, parking lots [AREAS], open space, and any other proposed development. The site plan shall include the total number and type of dwelling units, and the total combined floor area of commercial and industrial uses;

vii. A landscape plan, including vegetation retention areas;

viii. Floor plans, building elevations, and renderings for all buildings;

ix. Road cross-sections;

x. Details of any other development proposed; and

xi. An implementation schedule.

f. Director Review, Report, and Recommendation

The director shall review the proposed development master plan in light of the approval criteria of subsection 4., below, and shall distribute the application to other reviewers as necessary. Based on the results of the reviews, the director shall provide a report and recommendation to the planning and zoning commission.

g. Public Hearing

Published, written, and posted notice of public hearings on development master plans shall be provided in accordance with section 21.03.020H. [21.15.005.]

h. Review and Action by Planning and Zoning Commission

The planning and zoning commission shall hold a public hearing on the proposed development master plan and, at the close of the hearing, act to approve the plan as submitted, approve the plan subject to conditions or modifications, remand the plan to the applicant for modifications, or deny the plan, based on the approval criteria of subsection 4., below.

4. Approval Criteria

A development master plan may be approved if the planning and zoning commission finds all of the following criteria have been met:

a. The development master plan substantially conforms to the principles and objectives of the *Girdwood Area Plan*, any approved neighborhood, district, or area plans, and the general purposes of this chapter, as stated in section 21.09.010;

b. The streets, roads, and other transportation elements are in conformance with applicable transportation plans;

c. The development has no substantial adverse fiscal impact on the municipality.

d. The development provides significant community benefits in terms of design, community facilities, open space, and other community amenities.

e. The development minimizes any potential adverse impacts to surrounding residential areas to the maximum extent feasible.

f. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in the surrounding areas.

g. The design standards are equivalent to or exceed the generally applicable development standards of sections 21.09.060, .070, and .080, and result in high-quality, environmentally sensitive development in keeping with the *Girdwood Area Plan*, the intent of this chapter, and the character of Girdwood.

5. Modification of Development Master Plan

The planning and zoning commission shall determine whether a proposed modification to an approved development master plan may be approved without a public hearing, may be approved with a public hearing, or is significant enough to require a new development master plan.

6. Abandonment of Development Master Plan

A development master plan approval shall expire if:

a. Implementation of the development master plan schedule is delayed for more than seven years without a request for a schedule modification as outlined in section 21.09.030F.5.; or

b. The property owner notifies the planning and zoning commission of the abandonment of the development master plan.

21.09.040 ZONING DISTRICTS

This section establishes the zoning districts and contains basic information pertaining to zoning districts, primarily general descriptions and district-specific regulations. The following sections 21.09.050 through 21.09.080 set forth the uses allowed within the districts and the dimensional, development, and design standards applying to development in the districts.

A. Zoning Districts Established

Girdwood is divided into the following zoning districts:

TABLE 21.09.040-1: GIRDWOOD ZONING DISTRICTS ESTABLISHED

District Type	District Name	District Description
Residential Districts	gR-1	Alyeska Highway Mixed Residential
	gR-2	Single-Family/Two-Family Residential
	gR-2A	Single-Family/Two-Family Residential (Crow Creek Road)
	gR-3	Single-Family/Two-Family Residential
	gR-4	Multiple-Family Residential
	gR-5	Multiple-Family Residential
Commercial Districts	gC-1	Seward Highway/Alyeska Highway Commercial
	gC-2	Girdwood Station/Seward Highway Commercial
	gC-3	Old Townsite Commercial/Residential
	gC-4	Lower Alyeska Highway Commercial
	gC-5	New Townsite South Commercial
	gC-6	Crow Creek Road Commercial/Residential
	gC-7	Townsite Square Commercial
	gC-8	New Townsite North Commercial
	gC-9	East Hightower Commercial/Residential
	gC-10	Upper Alyeska Highway Commercial
Industrial Districts	gI-1	Ruane Road Industrial
	gI-2	Upper Crow Creek Industrial
Resort Use Districts	GRST-1	Original Mountain Base Resort
	GRST-2	New Base Resort
Other Districts	GA	Girdwood Airport
	GOS	Girdwood Open Space
	GIP	Girdwood Institutions and Parks
	GCR-1	Commercial Recreation (Golf Course/Nordic Ski Course)
	GCR-2	Commercial Recreation (Glacier – Winner Creek)
	GCR-3	Commercial Recreation (Crow Creek Historic Mine)
	GDR	Development Reserve

Page 522 ANNOTATION

Changes to the residential district-specific standards are proposed to clarify where multiple principal structures are allowed in the various Girdwood residential districts.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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	GRR	Recreation Reserve
	GW	Girdwood Watershed

B. Residential Districts

1. General Description

There are six residential districts in Girdwood. The residential districts primarily permit the development of residential dwelling units of various intensities, although some also permit the development of overnight lodging, child care, religious assembly, community buildings and uses, noncommercial parks, private academic schools and utility facilities. Girdwood-specific site and building design standards are contained in sections 21.09.070 and 21.09.080.

2. Districts

a. *gR-1 (Alyeska Highway Mixed Residential) District*

i. *Location*

The gR-1 district is located in two sections along Alyeska Highway from just north of the railroad to just past the junction with Crow Creek Road and encompasses already-sewered, established and largely developed residential neighborhoods characterized generally by single-family detached and two-family development.

ii. *Intent*

The intent of this district is to continue the existing pattern of development as dwelling units are constructed on the remaining undeveloped lots, and to permit development of hostels, inns and multiple-family housing.

iii. *District-Specific Standard*

More than one principal structure may be allowed on any lot or tract by administrative site plan review.

b. *gR-2 (Single-Family/Two-Family Residential) District*

i. *Location*

The gR-2 district is located in the following three areas:

(A) The Mine Roads area west of Alyeska Highway, just north of the railroad;

(B) South of Alyeska Highway, west of Timberline Drive; and

(C) Alyeska Basin Subdivision, lying north and south of Alyeska Highway, at the base of Mt. Alyeska.

ii. *Intent*

These are established and largely developed residential neighborhoods characterized by single-family detached and two-family development. The intent is to allow development to continue in a manner consistent and compatible with existing development patterns.

iii. *District-Specific Standards*

(A) Nonresidential uses may be allowed as provided in table 21.09.050-1, but shall be allowed only on central sewer, not septic systems.

(B) Only one principal structure is allowed on any lot or tract.

Page 523 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

c. ***gR-2A (Single-Family/Two-Family Residential—Crow Creek Road) District***

i. *Location*

The gR-2A district is located on both sides of Upper Crow Creek Road in Crow Creek Valley, just south of the Girdwood Mine.

ii. *Intent*

This area consists of an established, sparsely-developed residential neighborhood characterized by single-family detached development. The intent of this district is to allow development to continue in a manner consistent and compatible with existing development patterns.

iii. *Federal Patents to Mineral Estate and Valid State and Federal Mining Claims*

The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

iv. *District-Specific Standards*

(A) In spite of section 3.a. below, commercial vehicles, shipping containers, construction equipment, and the like may be stored outdoors in this district.

(B) Only one principal structure is allowed on any lot or tract.

d. ***gR-3 (Single-Family/Two-Family Residential) District***

i. *Location*

Discrete areas of the gR-3 district are located in the following areas:

(A) West of Alyeska Highway, west of the gR-1 district and west of the Mine Roads portion of the gR-2 district; and

(B) Both east and west of Crow Creek Road.

ii. *Intent*

The gR-3 district is found in a number of areas and consists of undeveloped land designated primarily for single-family detached and two-family development, although other types of residential uses and visitor accommodations may be allowed pursuant to the master planning process and table 21.09.050-1.

iii. *Area Master Planning Required*

(A) Prior to subdivision or development of any portion of this district, area master planning is required pursuant to section 21.09.030E.

(B) Uses allowed in this district are set forth in table 21.09.050-1. Area master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the *Girdwood Area Plan* and this chapter.

(C) Dimensional standards, site development and design standards, and building design standards for this district are set out in sections 21.09.060, 21.09.070, and 21.09.070, respectively. Area master planning shall not change those standards.

Page 524 ANNOTATION

Based on comments from the public, the Assembly Title 21 Committee modified the amendment to the gR-4 District-Specific Standard to allow more than one principal structure on a lot. The change reflects existing development patterns in gR-4.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

iv. *District-Specific Standard*

Unless determined otherwise through an area master plan, only one principal structure is allowed on any lot or tract.

e. ***gR-4 (Multiple-Family Residential) District***

i. *Location*

The district consists of two already-developed areas at the base of Mt. Alyeska, two, small already-developed areas on the west side of Alyeska Highway, and an area south of Alyeska Highway, just east of Glacier Creek.

ii. *Intent*

The intent for the gR-4 district is to continue the existing pattern of multiple-family development on sewers. Single-family and two-family development is allowed on existing lots of less than 20,000 square feet.

iii. *District-Specific Standard*

More than one principal structure may be allowed on any lot or tract by administrative site plan review.

f. ***gR-5 (Multiple-Family Residential) District***

i. *Location*

The gR-5 district consists of two areas which are:

(A) West of Crow Creek Road, just north of California Creek; and

(B) East of Crow Creek Road, west of Glacier Creek.

ii. *Intent*

This district is intended for multiple-family development on sewers.

iii. *District-Specific Standards*

(A) *Minimum Density*

The minimum density for residential development where public sewer is available, shall be five dwelling units per acre.

(B) *Single-Family Development in gR-5*

One single-family structure is allowed on a parcel only where public sewer is not available. Minimum lot size shall be 50,000 square feet. Subdivision is prohibited for the purpose of providing single-family development.

(C) *Multiple Residential Structures*

More than one principal structure may be allowed on any lot or tract by administrative site plan review.

3. District-specific Standards for All Residential Districts

a. ***Prohibited Uses and Structures***

Vehicles, shipping containers, construction trailers, and similar items, shall not be used for habitation or storage. Commercial vehicles, shipping containers, construction equipment, and similar items, shall not be stored outdoors in residential districts.

b. ***Use of Setbacks***

i. Structures, including but not limited to fences, trash dumpsters, and storage sheds, shall not be placed within any setback area, except as otherwise provided in this chapter.

ii. Private vehicles, trailers, boats, snow machines, recreational vehicles, other non-commercial vehicles, and similar items, may be stored in the front setback only in the driveway, but shall not be stored closer than five feet to the side or rear property lines.

iii. Architectural elements, such as roof overhangs, eaves, and awnings, shall not project more than two feet into a required setback area.

iv. Decks, unroofed porches, exterior steps, terraces, and similar items, shall not project into setback areas, except exterior steps necessary for site access may project into setback areas.

v. Walkways may be constructed within setback areas.

vi. Bed and breakfast signs and project identification signs may be placed in the front setback area.

C. Commercial Districts

1. General Description

There are ten commercial districts in Girdwood, labeled gC-1 through gC-10. The commercial districts permit a varied range of commercial uses, and some of the commercial districts also permit the development of residential dwelling units.

In order to provide adequate review of larger projects, to protect the public interest, prohibit the development of structures out of scale with the character of different parts of Girdwood, and provide flexibility and simplicity of development, certain uses have different review and approval requirements, depending on the size of the use. The sizes and approval requirements are delineated in table 21.09.050-1.

Girdwood-specific site and building design standards are contained in sections 21.09.070 and 21.09.080.

2. Districts

a. ***gC-1 (Seward Highway/West Alyeska Highway Commercial) District***

i. *Location*

The gC-1 district consists of land located north of the Seward Highway, west of the Alyeska Highway, and south of the railroad at the entrance to Girdwood Valley, containing approximately 23 acres.

ii. *Intent*

The overall design goal for this district shall be to create a mix of rail, bus, trail, and highway-related commercial uses. This district may be a possible site for a passenger terminal, trailhead for the Iditarod trail and/or a transfer point between private autos and carpools, buses, or other forms of transportation. The district contains intertidal and high value freshwater wetlands, and also has high visibility. Consequently, the master plan for this district needs to carefully consider both environmental and community aesthetics. This district shall become an attractive gateway to Girdwood Valley, with visual character appropriate to the entry to a mountain resort community. Landmark-quality elements

are encouraged in any development visible from the highways, and the design of larger buildings shall make every effort to reduce the perception of building mass and make the building appear to be an aggregation of smaller, simple forms.

iii. *Development Master Planning Required*

(A) Prior to subdivision or development of any portion of this district, development master planning is required pursuant to section 21.09.030F.

(B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

(C) Development proposals that are part of an approved development master plan are exempted from the review and approval requirements of table 21.09.050-1, except when required as a condition of approval.

iv. *District-Specific Standards*

(A) The façade of any retail commercial development or multimodal facility facing the Seward Highway or Alyeska Highway shall avoid a "back-door" appearance.

(B) Building and landscape materials typical of Girdwood, such as natural wood, native trees and flowers, and local stone, shall be emphasized.

b. ***gC-2 (Girdwood Station/Seward Highway Commercial) District***

i. *Location*

The gC-2 district is comprised of land on the east side of Alyeska Highway, west of Dawson Street, at the intersection of the Alyeska Highway with the Seward Highway. The district fronts both highways.

ii. *Intent*

The gC-2 district, along with the gC-1 district, constitutes the entry to Girdwood Valley and shall be developed as part of an attractive gateway to a mountain resort community. Because of the proximity to the Seward Highway, residential uses are not appropriate in this district. Landmark-quality elements are encouraged in any development visible from the highways, and the design of larger buildings shall make every effort to reduce the perception of building mass and make the building appear to be an aggregation of smaller, simple forms.

iii. *District-Specific Standards*

Building and landscape materials, such as natural wood, native trees and flowers, and local stone, shall be emphasized.

c. ***gC-3 (Old Townsite Commercial/Residential) District***

i. *Location*

The gC-3 district is comprised of the land north of the gC-2 district, east of the Alyeska Highway, south of the Alaska Railroad, and west of Glacier Creek at the entrance to Girdwood Valley.

ii. *Intent*

This district reflects the development pattern of early Girdwood, with a mix of houses and small businesses on small lots creating the appearance of a small, historic town. There are still many vacant lots in this district to be developed with either residences or small commercial and craft-oriented businesses to retain the unique scale and visual quality of this district.

iii. *District-Specific Standards*

(A) *Residential Character*

To maintain overall neighborhood integrity, new nonresidential development in the old townsite shall have a residential character, even though the zoning permits commercial uses. Elements of residential character in the old townsite include predominantly pitched roofs, porches and protected entryways, rectangular and vertically oriented windows recessed into the exterior wall or window trim, no blank walls, and special attention to the detailing of windows, doors, porches and protected entries on the ground floor. Siding and trim shall be traditional residential in appearance, and avoid materials associated with industrial uses.

(B) *Parking*

On-street parking may satisfy parking requirements; excessive on-site parking is discouraged. Up to 50 percent of the width of the front setback may be used for parking, provided parking lots [AREAS] allow for sidewalks so pedestrians may comfortably and safely walk by parking stalls.

(C) *Accessory Structures and Outdoor Storage*

Uses shall adhere to residential district standards for outdoor storage and accessory structures.

d. ***gC-4 (Lower Alyeska Highway Commercial) District***

i. *Location*

The gC-4 district consists of three commercially developed lots located on the west side of Alyeska Highway, south of Crow Creek Road, surrounded by residential uses.

ii. *Intent*

This district permits continued commercial use or a variety of residential uses. Use and redevelopment of the lots in this district shall protect the visual quality of the Alyeska Highway corridor by maintaining and enhancing the predominantly natural character of views along the highway.

iii. *District-Specific Standards*

Removal of existing vegetation shall be in accordance with section 21.09.070D.4.b.

e. ***gC-5 (New Townsite South Commercial) District***

i. *Location*

The gC-5 district consists of previously-platted land between Glacier Creek and California Creek, south of Alyeska Highway, owned, at the time this chapter is adopted, by the Municipality. Although this district is

identified as a commercial district, it also includes park, open space, and institutional lands, with boundaries proposed to be modified through a detailed master plan process.

ii. *Intent*

This district is the southern extension of the new townsite. Development in this district is intended to include a blending of commercial, institutional and park uses, with new and modified access routes established. Small commercial lots are anticipated along the extension of south Hightower, where a main street character, similar to the north townsite area, is intended. This may differ from larger lot commercial development at the south end of the commercial district, where a larger structure (grocery store) is anticipated. Although buildings are likely to be larger than in new townsite areas north of the Alyeska Highway, the desired character is expected to be compatible with Girdwood's mining town origins, using elements such as human-scale building massing; varied rooflines; protected entries; traditional window forms; well-detailed retail frontages; and use of natural materials.

iii. *Area Master Planning Required*

(A) Prior to subdivision or development of any portion of this district, area master planning is required pursuant to section 21.09.030E.

(B) Uses allowed in this district are set forth in table 21.09.050-1. Area master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the *Girdwood Area Plan* and this chapter.

(C) Dimensional standards, site development and design standards, and building design standards for this district are set forth in sections 21.09.060, 21.09.070, and 21.09.070, respectively. Area master planning shall not change those standards.

f. ***gC-6 (Crow Creek Road Commercial/Residential) District***

i. *Location*

The gC-6 district is located north of Alyeska Highway, along both sides of lower Crow Creek Road, and along Hightower Road north of the new Townsite.

ii. *Intent*

The intent for this district is to continue the existing pattern of mixed residential and commercial uses, while allowing expansion of the new townsite core.

g. ***gC-7 (Townsite Square Commercial) District***

i. *Location*

The gC-7 district is a square block located north of the Alyeska Highway, bounded by Hightower Road, Lindblad Avenue, Holmgren Place, and Girdwood Place. This district presently consists of small lots developed with commercial uses.

ii. *Intent*

This district is intended to be the commercial core of Girdwood, with commercial uses developed at street level, although residential dwelling units may be constructed over the ground floor commercial uses.

Buildings shall be at human scale and relate strongly to both the street front and to the town square park, in order to support the park as a public amenity. Site development shall provide strong pedestrian connections to neighboring lots.

iii. *District-specific Standards*

(A) *Building Orientation*

Buildings shall be oriented perpendicular to, or parallel with, public streets and to other buildings.

(B) *Double-Loaded or Double-Sided Commercial*

Buildings with frontage on Town Square Park shall be designed and constructed so ground floor commercial, retail and/or restaurant establishments shall have public/customer spaces and a public entrance facing Town Square Park, as well as on the front side.

(C) *Rear Setbacks and Relationship to Town Square Park*

Uses allowed in the rear setback, facing Town Square Park, shall focus on public activity rather than being fully private or service areas. Outdoor spaces and structures, such as terraces, porches, and decks, may encroach into the rear setback. Service areas or mechanical equipment in the rear are discouraged and, if unavoidable, shall be screened from the park.

(D) *Side Setbacks along Public Rights-of-Way Accessing Town Square Park*

Building or structural improvements are allowed within the side setback if related to the public space, under the following standards:

(1) No blank building walls or sight-obstructing fences are allowed.

(2) There shall be at least one building public entry facing the public access right-of-way, with a connecting walkway.

(3) The side of the building facing the public access right-of-way shall meet the design standards for store fronts in subsection 21.09.080F.2.f.

(4) Non sight-obscuring fences, such as picket fences, and garden gates no higher than 42 inches in height are allowed.

(E) *Fences*

Privacy walls or fences, that shall match the materials of the principal building on the lot, are permitted only around private terraces on the ground floor, or to screen service areas. Fences bordering the public rights-of-way into Town Square Park are permitted subject to subsection (D), above.

(F) *Snow Storage Areas*
Snow storage areas in the side and rear setbacks shall be designated to not interfere with or damage public spaces or passageways between buildings.

(G) *Parking*
In addition to the more generally applicable standards for parking, development in the gC-7 district is subject to the new townsite parking provisions of subsection 21.09.070K.3. Driveways are prohibited along side setbacks adjoining the public rights of way accessing Town Square Park.

h. ***gC-8 (New Townsite North Commercial) District***

i. *Location*
The gC-8 district is located north of Lindblad Avenue, on both sides of Hightower Road. This district includes the Girdwood Post Office and neighboring lots to the north, east, and west.

ii. *Intent*
The intent of this district is for northward commercial and residential expansion of the new townsite core. Buildings shall continue the human scale and physical character of the new townsite core, and maintain a strong relationship to the street. Properties along Hightower Road shall express a visible transition from the built-up environment around town square to a more forested landscape along the northern extension of Hightower Road. Residential dwelling units are permitted on upper floors above ground-floor commercial uses.

i. ***gC-9 (East Hightower Commercial/Residential) District***

i. *Location*
The gC-9 district is located north of Alyeska Highway, east of Hightower Road and west of Glacier Creek. This district presently is a mix of commercial and residential uses.

ii. *Intent*
It is intended to provide expansion area for the new townsite core, continuing a mixture of multiple-family residential and commercial uses. Buildings shall be at human scale. Site development shall have strong street orientation and provide pedestrian connections to neighboring lots.

j. ***gC-10 (Upper Alyeska Highway Commercial) District***

i. *Location*
The gC-11 district is an undeveloped portion of a residentially developed subdivision. This district is located on the south side of Alyeska Highway, west of Timberline Drive.

ii. *Intent*
The intent of this district is to permit development of a limited range of non-retail commercial uses along with residential uses in a manner compatible with the surrounding residential land use.

3. District-Specific Standards for Commercial Districts

The following standards shall apply to commercial districts.

a. ***Ground-floor Residential***

In the gC-2, gC-5, gC-7, and gC-8 commercial districts, residential uses are permitted only on an upper story above the ground floor. Commercial and/or other non-residential uses shall occupy the ground floor.

b. ***Arcades and Covered Walkways in the New Girdwood Townsite***

In the gC-5, gC-7, gC-8 and gC-9 districts, arcades or roofed walkways are required along the street face of all new buildings and as part of any application for modification or redevelopment. In the gaps between buildings within these districts, privately maintained walkways are required. Development standards for arcades and walkways on building frontages are established in subsection 21.09.080E.5.d.

c. ***Use of Setbacks in Commercial Districts***

i. Service facilities, such as trash dumpsters, storage sheds, fuel tanks, and similar facilities, shall not be placed within setback areas.

ii. No parking spaces are permitted within required setbacks, except in the gC-3 district with its small lots and existing businesses, where up to 50 percent of the width of the front setback may be used for parking.

iii. Business signs, walkways, snow protection over walkways and landscape plantings may be placed within, and driveways may cross, setback areas.

iv. Except for arcaded or roofed walkways, no architectural elements attached to a building, such as roofed decks or terraces, roof overhangs, attached exterior stairs and upper-story balconies, shall project more than two feet into a setback area. On lots smaller than 5,000 sq. ft., however, where parking access is only from the rear service alley, the garage and its roof overhang may encroach into the setback to within five feet of the property line.

v. Walkways and terraces may use up to 50 percent of the side and rear setback, and may occupy all of the front setback area not required for snow dumping from roofs and for snow storage from paved areas.

D. Industrial Districts

1. General Description

There are two industrial districts in Girdwood, labeled gI-1and gI-2. The gI-1 district, the Ruane Road industrial area, permits a varied range of commercial and industrial uses. The gI-2 district, encompassing the existing industrial mining area along Upper Crow Creek Road, primarily permits continuation of the existing use, along with a limited number of other uses. Girdwood-specific site and building design standards are contained in sections 21.09.070 and 21.09.080.

2. Districts

a. ***gI-1 (Ruane Road Industrial) District***

i. *Location*

The gI-1 district consists of the Ruane industrial area east of lower Alyeska Highway.

ii. *Intent*

This largely undeveloped area is intended to contain the industrial uses necessary for the future development of Girdwood. In addition,

commercial uses requiring large areas for storage, or with potentially more substantial visual and noise impacts than appropriate for the Girdwood commercial districts, are permitted in this district.

b. ***gI-2 (Upper Crow Creek Industrial) District***

i. *Location*

The gI-2 district is an active commercial mine at the upper end of Crow Creek Road.

ii. *Intent*

The intent for this district is to permit continuation of existing mining activities and accessory activities thereto.

iii. *Federal Patents to Mineral Estate and Valid State and Federal Mining Claims*

The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

E. Resort Districts

1. General Description

There are two resort districts in Girdwood, labeled gRST-1 and gRST-2, focused on tourism and alpine skiing. The gRST-1 district consists of the area around the existing day lodge, referred to as the original mountain base resort. The gRST-2 district consists of the Alyeska Resort ski slopes, the Alyeska Prince Hotel area, and undeveloped property for future resort expansion. The resort districts permit a varied range of commercial uses and the development of multi-family residential dwelling units.

In order to provide adequate review of larger projects, to protect the public interest, prohibit the development of structures out of scale with the character of different parts of Girdwood, and provide flexibility and simplicity of development, certain uses have different review and approval requirements, depending on the size of the use. The sizes and approval requirements are delineated in table 21.09.050-1.

2. Districts

a. ***GRST-1 (Original Mountain Base Resort) District***

i. *Location*

The gRST-1 district consists of the original Alyeska Resort base area, currently in multiple ownership, and already largely developed with commercial uses generally related to the alpine ski facility.

ii. *Intent*

The intent of this district is to continue its use as an alpine ski resort base area, particularly for day skiers.

iii. *Development Master Planning Required*

(A) Prior to any development of over 20,000 square feet gross floor area, development master planning is required pursuant to section 21.09.030F.

(B) Uses allowed in this district are set forth in table 21.09.050-1. Development master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.

(C) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

(D) Development proposals that are part of an approved development master plan are exempted from the review and approval requirements of table 21.09.050-1, except when required as a condition of approval.

b. ***GRST-2 (New Base Resort) District***

i. *Location*

The gRST-2 district consists of the Alyeska Resort ski slopes, the Alyeska Prince Hotel and adjoining parking lot [AREA], the undeveloped area between the original mountain base area and the Alyeska Prince Hotel, and an undeveloped area lying north of the Alyeska Prince Hotel, across Moose Meadows Creek. The latter area is suitable for a future resort base development.

ii. *Intent*

The intent of this district is to maintain and expand upon the current development for alpine skiing and tourism.

iii. *Area Master Planning and Development Master Planning Required*

(A) *Area Master Planning*

(1) Prior to any development of over 20,000 square feet gross floor area, area master planning is required pursuant to section 21.09.030E.

(2) Uses allowed in this district are set forth in table 21.09.050-1. Area master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.

(B) *Development Master Planning*

(1) Prior to any development of over 20,000 square feet gross floor area, development master planning is required pursuant to section 21.09.030F.

(2) Uses allowed in this district are set forth in table 21.09.050-1. Development master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the *Girdwood Area Plan* and this chapter.

(3) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

(4) Development proposals that are part of an approved development master plan are exempted from the review

and approval requirements of table 21.09.050-1, except when required as a condition of approval.

F. Other Districts

1. General Description

There are nine miscellaneous districts in this section covering the majority of the land governed by this chapter. Several districts consist of discrete, relatively small areas. For instance, the GA (Girdwood Airport) district consists of State of Alaska property presently used for the Girdwood Airport, and the GCR-3 Commercial Recreation (Crow Creek Historic Mine) district consists of property operated as historic Crow Creek mine commercial/recreational development. On the other hand, some of the districts cover extensive areas of land and/or are located in a variety of areas within Girdwood. For instance, the GIP (Girdwood Institutional and Parks) district includes Girdwood School, U.S. Forest Service ranger station and visitor center, State of Alaska highway maintenance yard, and municipal sewage treatment plant, along with both dedicated and undedicated existing and future parks. Many of the districts are based on intended general uses specified in the Girdwood Area Plan, but require master planning to identify specific uses and development standards, as well as circulation, subdivision and utility requirements. It is anticipated, as required master plans for land in many of the districts in this chapter are completed, the specific district provisions may be refined or the district may be completely redefined.

2. GA (Girdwood Airport) District

a. *Location*

The GA district consists of State of Alaska-owned property where the Girdwood airport is currently located. The airport property is located north of Alyeska Highway and straddles Glacier Creek. The airport facility itself is on the east side of Glacier Creek, but much of the airport property is either wetlands or river floodway

b. *Intent*

The intent of this district is for continuation of uses that are primarily aviation related, but also for wetlands and river floodway to be minimally disturbed by development within this district.

3. GOS (Girdwood Open Space) District

a. *Location*

The GOS district consists of those areas of Girdwood Valley depicted in the Girdwood Area Plan as open space because of generally physically unsuitable or unsafe for development, and/or generally environmentally sensitive with functions or attributes to be protected. The GOS district is located throughout the valley, taking in several types of land area, including wetlands and floodplains, steep slopes and hazardous lands, as well as recommended creek greenbelt areas.

b. *Intent*

The intent of the open space district is to protect lands left predominantly natural.

c. *District-Specific Standards*

Development shall be prohibited, except as related to a recreational use listed in table 21.09.050-1, or if authorized in an approved master plan. Transportation rights of way and utility easements may cross GOS lands.

4. GIP (Girdwood Institutions and Parks) District

a. *Location; Parks Designation*

The GIP (Girdwood Institutions and Parks) district consists of land in public use, or projected to be in public use, during the duration of the Girdwood Area Plan. Among other uses, the Girdwood school, the U.S. Forest Service ranger station and visitor center, State of Alaska highway maintenance yard, and municipal sewage treatment plant, along with both dedicated and undedicated existing and future parks, are located in this district.

Within the GIP district, parks, whether dedicated or undedicated, existing or future, are designated on the district map by "GIP-p."

b. *Intent*

The GIP district is intended to include areas of public and quasi-public institutional uses and activities.

c. *Federal Patents to Mineral Estate and Valid State and Federal Mining Claims*

Some properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

d. *Uses*

i. *Permitted Uses*

The following uses are allowed subject to the stated limitations:

(A) Park facilities and playgrounds.

(B) Community fairs and special events, subject to obtaining any required temporary use permits.

(C) Concession facilities not larger than 500 square feet, primarily serving users of the park or open space where located.

ii. *Conditional Uses*

(A) Gallery/ museum/art studio/information center.

(B) Community buildings and uses.

(C) Tent campgrounds; only in California Creek Park.

(D) Communication structures (as listed in table 21.09.050-1).

(E) Utility facilities and utility substations.

(F) Non-motorized general outdoor recreation, commercial.

(G) Snow disposal site.

e. *District-specific Standards*

i. The provisions of subsection 21.09.030D.1., *Minor Modifications for Site Constraints*, apply to the GIP district.

ii. The provisions of subsection 21.09.040C.3.c., *Use of Setbacks in Commercial Districts*, apply to the GIP district.

5. GCR-1 Commercial Recreation (Golf Course/Nordic Ski Course) District

a. ***Location***

The area encompassed by this district is located in lower Girdwood Valley near Glacier, California, and Virgin Creeks.

b. ***Intent***

The primary use envisioned for the district is an eighteen-hole resort golf course and facilities normally associated with a golf course, including a clubhouse, driving range, pro/retail shop, restaurant/food service, and similar supporting services. A Nordic ski course is also a permitted use. Other uses associated with the course development may include limited related commercial and/or other recreational activities. Residential development may also be allowed as a secondary use, along with other outdoor recreational uses and facilities. While this district provides for commercial recreation development with related residential, the intent is to also maintain the scenic and natural beauty of the area, and to ensure development impacts are minimized. No housing or commercial development shall be constructed until after the golf course is constructed.

c. ***Area Master Planning and Development Master Planning Required***

i. *Area Master Planning*

Except for uses listed in subsection d., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030.E. The plan shall address protection of important environmental features and natural habitat.

ii. *Development Master Planning*

(A) Except for the three privately owned lots in this district and the uses listed in subsection d., below, the uses allowed in the district, as well as the design and character of the development permitted within the district, shall be established through development master planning pursuant to section 21.09.030F.

(B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

d. ***Uses***

i. *Permitted Uses*

The following uses are permitted, prior to area and/or development master plan approval, subject to compliance with all development and design standards and other applicable regulations:

(A) Public recreational trails.

(B) Single family dwelling on Lots 1 and 13, Block 7, and Lot 1, Block 10, First Addition New Girdwood Townsite Alaska Subdivision.

ii. *Conditional Uses:*

The following uses may be permitted as conditional uses, prior to area and/or development master plan approval:

(A) Community buildings and uses.

(B) Utility facilities and utility substations.

6. GCR-2 Commercial Recreation (Glacier – Winner Creek) District

a. ***Location***

The area encompassed by this district is located in the upper portion of Girdwood Valley and includes municipal, as well as state-owned and selected land, in the Glacier and Winner Creek drainages and mountain massif between the two creeks. This undeveloped area is mountainous and heavily forested.

b. ***Intent***

The primary use permitted for this area is outdoor commercial recreational use, including associated resort development. While the intent of this district is to provide for commercial recreation and resort development, the emphasis is to maintain the scenic and natural beauty of the area, and to ensure development impacts are balanced with environmental concerns.

c. ***Area Master Planning and Development Master Planning Required***

i. Area Master Planning

Except for uses listed in subsection d., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030E. The plan shall address protection of important environmental features and natural habitat.

ii. Development Master Planning

(A) Except for the uses listed in subsection d., below, the uses allowed in the district, as well as the design and character of the development permitted within the district shall be established through development master planning pursuant to section 21.09.030F.

(B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

iii. Master Plan Standards

Both area and development master planning standards for resort areas shall take into consideration the following:

(A) Traffic into the Four Corners area shall be minimized, and preferably restricted to some form of mass transit, such as shuttle bus, or ultimately an automated system.

(B) Any road into the Four Corners area shall be curvilinear and aesthetically designed and landscaped.

(C) Removal of trees and vegetation shall be kept to a minimum.

(D) Development shall be hidden and designed to fit in with the area.

(E) As much buffer/open space as possible shall be retained between the development and the creeks.

d. ***Uses***

i. *Additional Development and Design Standards*

Due to the remote location and natural undeveloped features of this district, all permitted and conditional uses may be subject to additional design and development standards to ensure compatibility with the natural environment.

ii. *Permitted Uses*

The following uses are permitted, prior to area and/or development master plan approval, subject to compliance with all development and design standards and other applicable regulations:

(A) Passive and Active Outdoor Recreation.

(B) Sno-cat skiing.

iii. *Conditional Uses*

The following uses may be permitted as conditional uses, prior to area and/or development master plan approval:

(A) Community buildings and uses.

(B) Small scale lodging or shelters, not to exceed an aggregate total of 5,000 square feet gross building area.

(C) Utility facilities and utility substations.

7. GCR-3 Commercial Recreation (Crow Creek Historic Mine) District

a. ***Location***

This district is located along the lower portion of Crow Creek a short distance upstream from its confluence with Glacier Creek, in the upper portion of Girdwood Valley. The area encompassed by this district contains the remains of the historic Crow Creek Mine and surrounding environs.

b. ***Intent***

The intent for this district is to allow the current uses to continue. This district contains several restored historic structures being used in a variety of ways, including historical/cultural exhibit, gift shop, overnight accommodations, social/recreational activities and owners' residences. Residences are allowed customary accessory uses, including the keeping of pets and/or livestock. Along with recreational and small commercial mining and overnight camping, these uses make this district a multi-faceted visitor attraction.

c. ***Federal Patents to Mineral Estate and Valid State and Federal Mining Claims***

The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

d. ***Area Master Planning and Development Master Planning Required***

i. *Area Master Planning*

Except for the uses listed in e. below, subdivision, new development, or major expansions of existing operations are permitted only in accord with area master planning approval pursuant to section 21.09.030E.

ii. *Development Master Planning*

(A) Prior to additional development, development master planning approval, pursuant to section 21.09.030F, is required in order to ensure high-quality, environmentally sensitive development in keeping with the intent of this chapter 21.09 and the character of Girdwood.

(B) Subject to section 21.09.030F, the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district that are set forth in sections 21.09.060, 21.09.070, and 21.09.080 respectively.

e. ***Uses***

i. *Permitted Uses*

The following uses are permitted subject to compliance with all development and design standards and other applicable regulations:

(A) Restoration of existing structures for uses already established on site.

(B) Three additional single-family dwellings constructed after the effective date of this chapter.

(C) Utility substations.

ii. *Conditional Uses*

The following uses may be permitted as conditional uses:

(A) Community buildings and uses.

(B) Utility facilities.

f. ***District-Specific Standards***

i. *Additional Development and Design Standards*

The single-family structures, community buildings and uses, and utility facilities shall comply with the dimensional standards for the gR-2 District (Single-Family/Two-Family Residential). Restoration of existing structures shall be based upon original design. For other new structures, development standards shall be determined through the development master plan process.

8. GDR Development Reserve District

a. ***Location***

This district consists of municipally-owned land located on the eastern side of lower Girdwood Valley, between Virgin Creek and the Seward Highway, municipally-owned land located in the upper Girdwood Valley, between Crow Creek Road and Glacier Creek, and two areas north of Glacier Creek and east of Crow Creek.

b. ***Intent***

The intent of this district is to hold lands in reserve for future development.

c. ***Prerequisites to Development***

Prior to any development in this district, other than the uses permitted in subsection e., below, this district shall be revised on the Girdwood Area Plan

Land Use Plan Map from development reserve to an active classification. In addition, this section shall be amended to either move the land into another district classification, or adopt specific uses and standards for development of the land in this district.

d. ***Area Master Planning and Development Master Planning Required***

i. *Area Master Planning*

Except for the uses permitted in subsection e., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030E.

ii. *Development Master Planning*

(A) Except for the uses listed in subsection e., below, the uses allowed in the district, as well as the design and character of the development permitted within the district, shall be established through development master planning, pursuant to section 21.09.030F.

(B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

e. ***Uses***

i. *Permitted Uses prior to Master Planning Approval*

Public trails, as depicted in an adopted trails or open space master plan.

ii. *Conditional Uses prior to Master Planning Approval*

The following uses may be permitted as conditional uses:

(A) Community buildings and uses.

(B) Utility facilities and utility substations.

9. GRR (Recreation Reserve) District

a. ***Location***

This district consists of municipally-owned land located in upper Girdwood Valley, between Glacier Creek on the west and the lower slope of Mount Alyeska on the east. This district is located south of the Four Corners Park and north of the areas designated for resort development. This district is generally a mixed spruce/hemlock-forested upland interlaced with extended, open, wet meadows. Because of its close proximity to current and proposed resort development areas, this district is well located to provide recreational opportunities for visitors, as well as local residents.

b. ***Intent***

The intent of this district is to hold lands in reserve for future development of recreational opportunities.

c. ***Prerequisites to Development***

Prior to any development in this district, other than the uses permitted in subsection e., below, this district shall be revised on the *Girdwood Area Plan* land use plan map from recreation reserve to an active classification. In addition, this section shall be amended to either move the land into another district

classification, or adopt specific uses and standards for development of the land in this district.

d. ***Area Master Planning and Development Master Planning Required***

i. *Area Master Planning*

Except for the uses permitted in subsection e., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030E.

ii. *Development Master Planning*

(A) Except for the uses listed in subsection e., below, the uses allowed in the district, as well as the design and character of the development permitted within the district, shall be established through development master planning pursuant to section 21.09.030F.

(B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

e. ***Uses***

i. *Permitted Uses prior to Master Planning Approval*

Public trails, as depicted in an adopted trails or open space master plan.

ii. *Conditional Uses prior to Master Planning Approval*

The following uses may be permitted as conditional uses:

(A) Community buildings and uses.

(B) Utility facilities and utility substations.

10. GW (Girdwood Watershed) District

a. ***Location***

The GW district consists of federally owned, state-selected land within the Crow Creek and Winner Creek watersheds.

b. ***Intent***

The intent of the watershed district is to identify remote lands generally to be left natural. The primary use of watershed land is water supply protection and recreation.

c. ***Federal Patents to Mineral Estate and Valid State and Federal Mining Claims***

Some federal patents to mineral estate and/or valid state and federal mining claims exist in this district. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

21.09.050 USE REGULATIONS

A. Table of Allowed Uses

Table 21.09.050-1 below lists the uses allowed within the base zoning districts in Girdwood. When the uses in a district are determined through a master planning process per subsections 21.09.030E. and F., this table shall not apply.

1. Explanation of Table Abbreviations

a. *Permitted Uses*

"P" in a cell indicates the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of title 21.

b. *Administrative Site Plan Review*

"S" in a cell indicates the use requires administrative site plan review in the respective zoning district in accordance with the procedures of subsection 21.03.180B., *Administrative Site Plan Review*. [21.15.030., *APPROVAL OF SITE PLANS AND CONDITIONAL USES*.]

c. *Major Site Plan Review*

"M" in a cell indicates the use requires major site plan review in the respective zoning district. Until the provisions for major site plan review are adopted, an "M" in a cell indicates that the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of subsection 21.03.180C., *Major Site Plan Review*. [21.15.030, *APPROVAL OF SITE PLANS AND CONDITIONAL USES*.]

d. *Conditional Uses*

"C" in a cell indicates, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, Conditional Uses. [21.15.030, *APPROVAL OF SITE PLANS AND CONDITIONAL USES*.] Throughout title 21, the term "conditionally allowed" means approval through the conditional use process is required.

e. O *(with # inside)*

A circle with a number inside references uses with a different review and approval procedure, depending on the gross floor area of the building, or of the largest building in a multi-building development. The explanation of the sizes and associated review and approval procedures is located at the end of the table.

f. *Prohibited Uses*

A blank cell indicates the use is prohibited in the respective zoning district.

g. *Definitions and Use-Specific Standards*

Regardless of whether a use is allowed by right, subject to major or administrative site plan review, or permitted as a conditional use, there may be additional standards applicable to the use. The existence of most use-specific standards is noted through a cross-reference in the last column of the table, but there may be other applicable non-referenced portions of municipal code as well. Cross-references include, but are not limited to, references to chapter 21.05, *Use Regulations*; chapter 21.03, *Review and Approval Procedures*; [SECTIONS 21.45, *SUPPLEMENTARY DISTRICT REGULATIONS*; SECTION 21.50, *STANDARDS FOR CONDITIONAL USES AND SITE PLANS*;] or section 21.09.050B., *Use-Specific Standards* for Girdwood. These standards shall apply in all districts unless otherwise specified.

2. Table Organization

In Table 21.09.050-1, land uses and activities are classified into general "use categories" and specific "use types", based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity

appropriate within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

3. Unlisted Uses

When application is made for a particular use category or use type not specifically listed in table 21.09.050-1, the procedure set forth in section 21.03.220, *Use Classification Requests*, [21.40.015] shall be followed.

4. Use for Other Purposes Prohibited

Approval of a use listed in Table 21.09.050-1, and compliance with the applicable use-specific standards for the use, authorizes the specific use only. Development or use of a property for any other use not specifically allowed in Table 21.09.050-1 and approved under the appropriate process is prohibited.

5. Table of Allowed Uses

TABLE 21.09.050-1: TABLE OF ALLOWED USES

P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; O (with # inside) = see end of table
For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts

		Residential						Commercial										Ind.		Resort		Other			
Use Category	Use Type	gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gI 1	gI 2	gR ST1	gR ST2	G A	G O S	G W	Definitions and Use Specific Standards
RESIDENTIAL																									
Household Living	Dwelling, single-family detached	P	P	P	P	P	P			P	P	P	P												21.09.050B.2.d. 21.09.080C.[B]
	Dwelling, single-family attached	S			S		S																		21.09.050B.2.c 21.09.080D.[C]
	Dwelling, two-family	P	P	P	P	P				P	P		P				P								21.09.050B.2.f. 21.09.080 D.[C]
	Dwelling, townhouse	S			S		S																		21.09.050B.2.e. [C] 21.09.080E.[D]
	Dwelling, multiple-family (<4 dua [/ACRE])	P								P	P		P			P	P			P	P				21.09.050B.2.b. 21.09.080 E.[D]
	Dwelling, multiple-family (4-8 dua [/ACRE])	C				S	S			S	S	S	S			S	S			S	S				21.09.050B.2.b. 21.09.080 E.[D]
	Dwelling, multiple-family (>8-20 dua [/ACRE])					C	C			C		M	C			C	C			C	C				21.09.050B.2.b. 21.09.080 E.[D]
	Dwelling, multiple-family (>20 dua [/ACRE])																			C	C				21.09.050B.2.b. 21.09.080 E.[D]
	Dwelling, mixed-use									P	P	P	P	P	P	P	P			P	P				21.09.080 E.[D] 21.09.080F.[E]

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		Residential						Commercial										Ind.		Resort		Other			
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Group Living	Residential care facility, large	C				S	S			S	S	S	S			S	S								
	Residential care facility, small	P	P	P	P	P	P			P	P		P												
	Roominghouse	C				C	C			M	M	M	M			M	M			M	M				
[PUBLIC/INSTITUTIONAL] COMMUNITY																									
Adult Care	Adult care facility, 1-8 adults	P	P	P	P	P	P			P	P	P	P			P	P			P	P				
	Adult care facility, 9+ adults	C					C			C	C	M	C			C	C			C	C				
Child Care	Child care home [FACILITY], 1-8 children	P	P	P	P	P	P			P	P	P	P			P	P			P	P				
	Child care facility, 9+ children	C					C			C	C	M	C			C	C			C	C				
Community Buildings and Uses	All uses	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	21.09.050B.3.b
Community Service	Religious Assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S				21.05.040C.7. [21.45.235]
	Cemetery	C	C	C	M	C	C	C	C	C	C	M	C	C	C	C	C			C	C		C		
Cultural Facility	Botanical Gardens				S																S		S		

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	Museum or cultural center							④	④	①	②	⑤	③	①	③	②	③			④	④				
	Visitor and information center							④	④	①	②	⑤	③	①	③	②	③			④	④		C		21.09.050B.3.e.
Educational Facility	Boarding school	C			M					C	C	M	C		C	C	C								
	Private school	C			M					C	C	M	C			C	C			C	C				21.09.050B.3.d.
	Vocational or trade school																	C				C			
Government Facility	Governmental Service							C										S	S			C			
	Police/fire station							P	P	P	P	P	P	P	P	P	P			P	P	C			
Health Care Facility	Health services [CARE FACILITY]								④	①	②	⑤	③	①	③	②	③			④	④				
Park and Open Area	Park, public	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S	C	C	
	Passive and active recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	21.09.050B.3.a. and c.
Transportation Facility	Airport																					C			
	[BUS T]Transit center							C				S	S		S	S				S	S				
	Heliport																				P	P			

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	Railroad passenger terminal							C													C				
	Aircraft repair																					P			
	Aircraft storage hangar																					P			
	Aviation services																					P			Must be aviation related
Utility Facility	Utility facility																	P	P						
	Utility substation	C	C	C	M	C	C	C	C	C	C	M	C	C	C	C	C	P	P	C	C	C	C	C	
Communication Structures	Type 1 tower structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		C	C	21.05.040K. [21.45.265 21.50.280]
	Type 2 tower structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		C	C	21.05.040K. [21.45.265 21.50.280]
	Type 3 tower structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		C	C	21.05.040K. [21.45.265 21.50.280]
	Type 4 tower structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		C	C	21.05.040K. [21.45.265 21.50.280]
	Antenna and/or tower on existing structure	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P				21.05.040K. [21.45.265]
COMMERCIAL																									

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		Residential						Commercial										Ind.		Resort		Other			
Use Category	Use Type	gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gI 1	gI 2	gR ST1	gR ST2	G A	G O S	G W	Definitions and Use Specific Standards
Animal Sales, Service & Care	Animal grooming service								④	①	②	⑤	③	①	③	②									
	Animal boarding [KENNEL]																	P	P			P			
	Pet shop									①	②	⑤	③	①	③	②									
	Veterinary clinic								④	①	②	⑤	③	①	③	②	③								
Assembly	Club/lodge/ meeting hall								④	①		⑤	③	①	③	②				④	④				21.09.050B.1.a
Entertainment and Recreation[, INDOOR]	Amusement establishment							④	④	①		⑤	③	①	③	②				④	④				21.09.050B.1.a
	Fitness and recreational sports center							④	④	①		⑤	③	①	③	②	③			④	④				
	Nightclub, licensed							④	④	①		⑤	③	①	③	②				④	④				21.09.050B.1.a
	Theater company or dinner theater							④	④	①		⑤	③	①	③	②				④	④				
[ENTERTAINMENT/ RECREATION, OUTDOOR]	Alpine ski facility																			C	C			C	21.09.050B.4.a.
	Non-motorized general outdoor recreation, commercial											M								C	C				

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		Residential						Commercial										Ind.		Resort		Other			
Use Category	Use Type	gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gI 1	gI 2	gR ST1	gR ST2	GA	GOS	GW	Definitions and Use Specific Standards
	Golf driving range																				S				
[FINANCIAL INSTITUTIONS]	[FINANCIAL INSTITUTION]							④	④	①		⑤	③	①	③	②				④	④				
Food and Beverage Service	Bar or tavern							④	④	①		⑤	③	①	③	②				④	④				21.09.050B.1.a
	Brew pub									①		⑤	③	①	③	②				④	④				21.09.050B.1.a
	Food and beverage kiosk							S	S	S		S	S												
	Restaurant							④	④	①		⑤	③	①	③	②				④	④				21.09.050B.1.a
Office	Office, business or professional							④	④	①	②	⑤	③	①	③	②	③			④	④				
	Broadcasting and recording facility								④	①	②	⑤	③	①	③	②									
	Financial institution							④	④	①		⑤	③	①	③	②				④	④				
Retail (Personal Service)	Dry cleaning, drop-off site								④	①	②	⑤	③	①	③	②		P		④	④				
	General personal services							④	④	①	②	⑤	③	①	③	②				④	④				
	Instructional services								④	①	②	⑤	③	①	③	②									
Retail (Repair and Rental)	Small equipment rental							④	④	①	②	⑤	③	①	③	②		P		④	④				

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For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts

		Residential						Commercial										Ind.		Resort		Other			
Use Category	Use Type	gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gI 1	gI 2	gR ST1	gR ST2	G A	G O S	G W	Definitions and Use Specific Standards
	Repair shop							④	④	①	②	⑤	③	①	③	②				④	④				
Retail (Sales)	Business service establishment							④	④	①	②	⑤	③	①	③	②				④	④				
	Convenience store							④	④	①	②	⑤	③	①	③	②				④	④				
	General retail							④	④	①	②	⑤	③	①	③	②				④	④				
	Fueling station							C	C												S				
	Grocery or food store							④	④	①	②	⑤	③	①	③	②				④	④				
	Liquor store								④			⑤	③	①	③	②				④	④				21.09.050B.1.a
	Lumber yard/ building materials store								④	①		⑤	③	①	③	②		P							
	Meat/seafood processing, storage, and sales																	P							
	Nursery, commercial										②	⑤	③												
[VEHICLE AND EQUIPMENT]	[GASOLINE SERVICE STATION]							[C]	[C]												[S]				[21.45.280 21.50.060]
Vehicle and Equipment	Heavy equipment sales and rental																	P							
	Impound yard																	C							

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		Residential						Commercial										Ind.		Resort		Other			
Use Category	Use Type	gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gI 1	gI 2	gR ST1	gR ST2	G A	G O S	G W	Definitions and Use Specific Standards
	Parking lot or structure, private (10 or fewer spaces)							S	S	S		S	S		S	S				S	S	S			
	Parking lot or structure, private (11+ spaces)							M	M	M		M	M		M	M				M	M				
	Vehicle parts and supplies								④			⑤	③					P							
	Vehicle-large, sales and rental																	P							
	Vehicle-small, sales and rental							P										P		④	④				
	Vehicle service and repair, minor							P	P									P							
	Vehicle storage yard																	P							
Visitor Accommodations	Hostel (small)	M			M	M		M		M	M	M	M		M	M	M			M	M				21.09.050B.4.c.
	Hostel (large)	C				C		C		M	C	M	M		M	M	C			M	M				21.09.050B.4.c.
	Hotel							C	C	C		M	C		C	C	C			C	C				21.09.050B.1.a
	Inn	M			M			M		M	M	M	M	M	M	M	M			M	M				21.09.050B.4.d. 21.09.050B.1.a

TABLE 21.09.050-1: TABLE OF ALLOWED USES

P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; O (with # inside) = see end of table
For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts

		Residential						Commercial										Ind.		Resort		Other			
Use Category	Use Type	gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gI 1	gI 2	gR ST1	gR ST2	GA	GOS	GW	Definitions and Use Specific Standards
	Lodging Reservations/ Auto Rental Check-In							④	④	①	②	⑤	③	①	③	②	③			④	④				21.09.050B.4.e.
	Motel							C	C	C															
INDUSTRIAL																									
Industrial Service	General industrial service																	C							
	Governmental service																	C							
Manufacturing and Production	Cottage crafts							④	④	①	⑤	⑤	③	①	③	②									21.09.050B.5.a
	Land reclamation	C	C	C	M	C	C	C	C	C	C	M	C	C	C	C	C	C	C	C	C	C			21.09.050B.5.b.
	Manufacturing, light																	P							
	Manufacturing, heavy																	C	P						
	Natural resource extraction, inorganic and/or organic				M														C						21.09.050B.5.c.
Marine Facility	Boat storage facility																	C							
	Cold storage and ice processing for marine products																	C							

TABLE 21.09.050-1: TABLE OF ALLOWED USES

P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; O (with # inside) = see end of table
For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts

		Residential						Commercial										Ind.		Resort		Other			
Use Category	Use Type	gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gI 1	gI 2	gR ST1	gR ST2	G A	G O S	G W	Definitions and Use Specific Standards
Warehouse, Storage, and Freight Movement	Bulk storage of hazardous materials																	C							
	Self-storage facility																	S							21.05.060D.4. [21.45.290]
	Storage yard																	P							
	Warehouse																	P							
	Wholesale establishment																	P							
Waste and Salvage	Composting facility																	C							
	Snow disposal site				M													C	C				C		21.05.060E.6. [21.50.270]
	Solid waste transfer facility																	C							

TABLE 21.09.050-1: TABLE OF ALLOWED USES

P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; ○ (with # inside) = see end of table
For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts

		Residential						Commercial										Ind.		Resort		Other			
Use Category	Use Type	gR 1	gR 2	gR 2A	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gI 1	gI 2	gR ST1	gR ST2	G A	G O S	G W	Definitions and Use Specific Standards

① Gross floor area; permit/review required:
Permitted (P): < 2,000 sf
Administrative Site Plan Review (S): 2,000-4,000 sf
Major Site Plan Review (M): 4,001-6,500 sf
Prohibited: > 6,500 sf

② Gross floor area; permit/review required:
Permitted (P): < 2,000 sf
Administrative Site Plan Review (S): 2,000-4,000 sf
Major Site Plan Review (M): 4,001-7,500 sf
Prohibited: > 7,500 sf

③ Gross floor area; permit/review required:
Permitted (P): < 2,000 sf
Administrative Site Plan Review (S): 2,000-4,000 sf
Major Site Plan Review (M): 4,001-10,000 sf
Prohibited: > 10,000 sf

④ Gross floor area; permit/review required:
Permitted (P): < 2,000 sf
Administrative Site Plan Review (S): 2,000-4,000 sf
Major Site Plan Review (M): 4,001-20,000 sf
Prohibited: > 20,000 sf

⑤ Gross floor area; permit/review required:
Permitted (P): <2,000 sf
Administrative Site Plan Review (S): 2,000-4,000 sf
Major Site Plan Review (M): 4,001-30,000 sf
Prohibited: > 30,000 sf

(sf = square feet; dua = dwelling units per acre)

B. Use-Specific Definitions and Standards

The following use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

The use-specific standards of this section apply in place of any use-specific standards established in chapter 21.05 [21.45], unless otherwise specified. If this section does not establish use standards for a certain use, then the use standards, including any generally applicable use standards, established in other sections of title 21 shall apply in Girdwood. Except where stated otherwise in this section 21.09.050, chapter 21.05 [21.45] standards for accessory and temporary uses shall apply.

1. Generally Applicable Use-Specific Standards

a. *Uses Involving the Retail Sale of Alcoholic Beverages*

Any use that involves the retail sale of alcoholic beverages is subject to section 21.03.040, *Special Land Use Permit for Alcohol.* [21.50.160, *CONDITIONAL USE STANDARDS—USES INVOLVING SALE OF ALCOHOLIC BEVERAGES.*] That [THIS] process shall apply to any such use regardless of whether it is listed in table 21.09.050-1 as being permitted as a matter of right or subject to site plan review or the conditional use process. The applicant shall be required to obtain approval through both section 21.03.040, *Special Land Use Permit for Alcohol* [21.50.160, *CONDITIONAL USE STANDARDS—USES INVOLVING SALE OF ALCOHOLIC BEVERAGES*], and the separate process referenced in table 21.09.050-1.

b. *Premises Containing Uses Where Children are Not Allowed*

Any premise containing uses where children are not allowed shall comply with subsection 21.05.020B. [21.45.240.]

2. Residential Uses

a. *Dwelling, Mixed Use*

i. *Definition*

A dwelling that is located on the same lot or in the same building as a non-residential use, in a single environment in which both residential and non-residential amenities are provided.

b. *Dwelling, Multi-Family*

i. *Definition*

A residential building or multiple residential buildings comprising three or more dwelling units on one lot. [DESIGNED FOR OR OCCUPIED BY THREE (3) OR MORE FAMILIES, WITH THE NUMBER OF FAMILIES IN RESIDENCE NOT EXCEEDING THE NUMBER OF DWELLING UNITS PROVIDED.] The definition includes the terms “apartment” or “apartment building.”

ii. *Use-Specific Standards*

Children’s play space: Multiple-family projects of more than ten dwelling units shall provide a play space of at least 1,000 square feet.

c. *Dwelling, Single-Family Attached*

i. *Definition*

One dwelling unit in a building on its own lot, with one wall abutting the wall of another single-family dwelling unit on an adjacent lot.

ii. *Use-Specific Standards (also applies to "Dwelling, Townhouse")*

(A) *Purpose*

The purpose of permitted attached single-family and townhouse dwelling unit projects is to preserve significant areas of natural landscape, or to prevent physical development of hazardous and wetlands areas unsuitable for development, by shifting the density allowed within an application area to a smaller development area within the application area.

(B) *Applicability*

The following standards shall apply to all attached single-family and townhouse development projects in Girdwood gR-1, gR-3, and gR-5 districts.

(C) *Development Standards*

(1) Site size: Two acres minimum.

(2) Site width: 150 feet minimum.

(3) Lot width for individual dwellings: 28 feet minimum.

(4) Residential density within development area: Eight dwelling units per acre maximum.

(5) Slopes within development area: 15 percent maximum.

(6) Building height: 35 feet maximum.

(7) Development area: 40 percent maximum (see subsection (D). below).

(8) Natural open space: 60 percent minimum.

(9) Parking requirements may be met on the lots and/or on common areas within the development area.

(10) Public sewers shall be available or provided for an attached single-family dwelling unit project.

(D) *Development Area*

A maximum of 40 percent of the area included in the proposed project may be developed. The development area includes all private lots, all portions of the common area developed with driveways, parking or other common facilities. The development area shall be located to retain a minimum thirty (30) foot wide section of natural open space around the perimeter, except as needed for public access to the development area.

(E) *Common Area*

A homeowners' association or other governance entity acceptable to the municipality shall be formed for the purpose of establishing covenants or restrictions, and providing joint responsibility for maintenance of the dwelling structures, and for maintenance and construction within common areas. Common area includes natural open space areas and all shared facilities

Page 557 ANNOTATION

PZC recommended changing “public/institutional” to “community” for this category of uses.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

within the development area, such as parking, storage, drives, trails, walks, play areas, and similar areas.

(F) *Natural Open Space Requirement*
A minimum of 60 percent of the area included in the proposed project shall be retained as natural open space, and no part shall have a dimension of less than 30 feet. The retained natural open space shall include a minimum 30 foot wide buffer, exclusive of utilities and utility easements, around the perimeter of the application area. A minimal number of common access driveways to the lots shall be permitted to cross the buffer, but the driveways shall be counted as part of the development area. Natural open space used to meet minimum requirements shall be located only within common areas and shall not be located on private lots.

d. ***Dwelling, Single-Family Detached***

i. *Definition*
One detached building on its own lot, erected on a permanent foundation, designed for long-term human habitation exclusively by one family, having complete living facilities, and constituting one dwelling unit.

e. ***Dwelling, Townhouse***

i. *Definition*
A building containing more than two single-family dwelling units erected in a single row, on adjoining lots, with each unit having its own separate entrance.

ii. *Use-Specific Standards*
"Dwelling, Townhouse" must comply with the use-specific standards of "Dwelling, Single-Family Attached."

f. ***Dwelling, Two-Family***

i. *Definition*
One detached building on one lot designed for or occupied exclusively by two families and constituting two dwelling units. The definition includes the term "duplex."

3. Community [PUBLIC/INSTITUTIONAL] Uses

a. ***Active Outdoor Recreation***

i. *Definition*
Those outdoor activities with minimal environmental impact, no motors, and use of trails. Activities using trails include dog sledding, Nordic skiing, and trail hiking. Horseback riding and/or mountain biking are only allowed on trails suitable for intensive use and designated for those types of activities. For activities using trails, motorized equipment or tools may be used for trail construction and maintenance.

b. ***Community Buildings and Uses***

i. *Definition*
Structures and land uses owned, leased, or operated by a municipal or state agency to serve a public purpose, such as community centers, public schools (elementary, middle, and high), public parking lots, and

offices, but excluding private schools, transportation, maintenance, police and fire stations, and utility facilities or substations.

ii. *Use-Specific Standards*

(A) *Intent*

Community buildings frequently used by the general public, such as a school or library, are community landmarks. It is intended for landmark public buildings to set a high architectural standard for the community.

(B) *Development and Design Standards*

Community buildings shall meet or exceed the site and building development design standards of sections 21.09.070 and 21.09.080 pertaining to commercial buildings.

c. ***Passive Outdoor Recreation***

i. *Definition*

Those outdoor activities with low environmental impact, are not intrusive, do not use motors and may not require trails. Activities not necessarily requiring trails include backcountry skiing, dog sledding, snowshoeing, off trail hiking, paragliding, blueberry picking, birding, and picnicking. This definition does not include activities involving vehicles or games such as paint ball.

d. ***Private School***

i. *Definition*

Any building or group of buildings used for academic education for students between the kindergarten and 12th grade level, without major funding from any government agency.

e. ***Visitor and Information Center***

i. *Definition*

A facility providing information, interpretation, and educational services for visitors.

4. Commercial Uses

a. ***Alpine Ski Facility***

i. *Definition*

A facility and related terrain utilized for alpine skiing and uses and facilities typically associated with the use and operation of such facility including, but not limited to:

i. Ski and snowboard runs and trails;

ii. Ski lifts and tows, including towers and structures, related to skiing and snowboarding patrons;

iii. Snow making equipment/facilities;

iv. Ski patrol facilities;

v. Ski area administrative and ticketing offices;

vi. Special events directly associated with ski areas, such as ski races, snowboard races, snowmachine races, bicycle races, and concerts;

vii. Alpine slide;

viii. Nordic ski trails and facilities;

ix. Tubing hills;

x. Ski and equipment rental facilities and ski instruction facilities;

xi. Ice skating rinks;

xii. Ski bridges; and

xiii. Supporting accessory structures.

Alpine Ski Facility shall not include uses such as lodges, hotels, dwelling units, restaurants, retail shops, outdoor carts and vending areas, clinics, day care centers, offices, or high impact recreational uses such as go carts, golf courses and driving ranges, paint ball games, rifle ranges, waterslides, and stables.

b. ***Camper Park—Girdwood Only***

i. *Definition*

A lot or parcel of land, or portion thereof, temporarily occupied or intended for temporary occupancy by recreational vehicles for travel, recreational, or vacation usage for short periods of stay. These establishments may provide laundry rooms, recreation halls, and playgrounds. These uses shall not include vehicle storage.

ii. *Use-Specific Standards*

(A) *Interior Roads*

One-way roads shall be at least 15 feet wide. Two-way roads shall be at least 20 feet wide. The turning radius in loops and turns shall be at least 30 feet.

(B) *Length of Stay*

The occupants of space shall remain in the camper park a period a maximum of 30 days.

(C) *Amenities*

(1) Toilet facilities shall be provided as follows: A minimum of one restroom/outhouse per 12 campsites. Each restroom/outhouse facility shall contain at least two toilets, separated for each sex.

(2) A water outlet shall be provided in conjunction with each toilet facility. All water taps or outlets serving campsites shall be of a type compatible with garden hose connections.

(3) One trash receptacle shall be provided for every four campsites. The receptacles shall be bear-proof.

(D) *Campsite Specifications*

(1) Each recreational vehicle campsite shall contain a minimum of 2,000 square feet.

(2) No campsite shall have direct vehicular access to a public road.

(3) There shall be a vegetated buffer of at least 15 feet between each campsite.

(4) Each campsite shall contain at least one reinforced surface parking space, level from side to side and with sufficient crown to provide adequate drainage. The dimensions of the parking space shall be at least ten feet wide by 40 feet long.

(5) Each campsite shall have a picnic table.

c. ***Hostel***

i. *Definition*

An overnight lodging facility containing between six and 19 guest rooms or up to 60 pillows. Sleeping accommodations may be dormitory-style and shared kitchen facilities may be available to the guests. A **Small Hostel** contains between six and ten guestrooms and up to 30 pillows. A **Large Hostel** contains between 11 and 19 guestrooms and up to 60 pillows.

d. ***Inn***

i. *Definition*

A building or group of buildings containing between six and 19 guest rooms or up to 60 pillows for overnight lodging for compensation, where at least one meal per day is provided to guests, there is a central meeting room or lounge available to all guests, and there are no shared kitchen facilities.

e. ***Lodging Reservations/Auto Rental Check-In***

i. *Definition*

An office where lodging reservations may be made or where a person may check-in and pay for lodging when the lodging is not on site, or an office where an auto may be rented, when the auto is not stored on site.

f. ***Tent Campground***

i. *Definition*

A lot or parcel of land occupied or intended for temporary occupancy by tents only for travel, recreational, or vacation usage for short periods of stay. A potable water source is not required. No recreational vehicles are allowed.

ii. *Location*

Tent campgrounds are a conditional use only in the GCR-3 and GIP districts.

iii. *Use Specific Standards*

(A) Each tent site shall contain a minimum of 800 square feet, with no dimension less than 20 feet.

(B) To maintain an aesthetic camping atmosphere, density shall not exceed 20 sites per acre.

(C) Each tent site shall contain at least one automobile parking space; the dimensions shall be at least ten feet wide by 20 feet long.

(D) There shall be a vegetated buffer of at least 15 feet between each tent site.

(E) Each tent site shall have a picnic table.

(F) Toilet facilities shall be provided as follows: A minimum of one restroom/outhouse per 12 campsites. Each restroom/outhouse facility shall contain at least two toilets, separated for each sex.

(G) One trash receptacle shall be provided for every six campsites. The receptacles shall be bear-proof.

5. Industrial Uses

a. *Cottage Crafts*

i. *Definition*

An establishment engaged in small-scale assembly and arts-and-crafts production by hand manufacturing, involving the use of hand tools and small-scale equipment. Examples include, but are not limited to, candle making, artisan woodworking, art studio/gallery, artisan pottery and jewelry production, and similar establishments. Cottage crafts are less intensive, and do not have the off-site impacts often associated with general industrial uses.

ii. *Use-Specific Standards*

(A) *Production and Sale of Cottage Crafts*

Cottage crafts shall only be produced within a wholly-enclosed permanent structure. Cottage craft production may occupy up to 1,500 square feet of gross building area, and an additional 150 square feet minimum gross building area on the same lot shall be devoted to the display and retail sale of the crafts produced. The retail/display area shall be located on the ground floor and in the front part of the building facing the primary street on where the lot is located.

(B) *Prohibitions*

The outdoor storage of materials related to the production and sale of cottage crafts is prohibited. The use of equipment, materials, or processes creating hazards, noise, vibration, glare, fumes, or odors detectable to the normal senses off-site is prohibited.

b. *Land Reclamation*

i. *Definition*

An operation engaged primarily in increasing land-use capability by changing the land's character or environment through fill or regrading. Land reclamation shall only include operations of more than one year, at a scale involving 5,000 cubic yards or more of fill material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included in this definition. Reclamation plans that may be required for other activities, such as mining, are not included in this definition.

c. ***Natural Resource Extraction, Inorganic and/or Organic***

i. *Definition*

The development or extraction of organic and/or inorganic material from its natural occurrences on affected land. This use includes placer mining operations where rock byproduct is removed from the premises. This shall also include commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel or rock, or any other mineral and other operations with similar characteristics. This use includes only multi-year operations of a scale involving 50,000 cubic yards or more of fill material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included in this definition. Mining activity under the auspices of federal patents to mineral estate and/or valid state and federal mining claims is not included in this definition.

C. Accessory Uses

1. Table of Allowed Accessory Uses

Table 21.09.050-2 below lists the accessory uses allowed within all base zoning districts.

a. ***Explanation of Table Abbreviations***

i. *Permitted Uses*

"P" in a cell indicates the accessory use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of title 21.

ii. *Administrative Site Plan Review*

"S" in a cell indicates the accessory use requires administrative site plan review in the respective zoning district in accordance with the procedures of subsection 21.03.180B., *Administrative Site Plan Review* [21.15.030, *APPROVAL OF SITE PLANS AND CONDITIONAL USES*].

iii. *Major Site Plan Review*

"M" in a cell indicates the use requires major site plan review in the respective zoning district. Until the provisions for major site plan review are adopted, an "M" in a cell indicates that the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of subsection 21.03.180C., *Major Site Plan Review* [21.15.030, *APPROVAL OF SITE PLANS AND CONDITIONAL USES*].

iv. *Conditional Use*

"C" in a cell indicates, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses* [21.15.030, *APPROVAL OF SITE PLANS AND CONDITIONAL USES*].

v. *Prohibited Uses*

A blank cell indicates the accessory use is prohibited in the respective zoning district.

vi. *Definitions and Use-Specific Standards*

Regardless of whether an accessory use is allowed by right or subject to administrative site plan review, additional standards may be applicable to the use. The existence of use-specific standards is noted through a section reference in the last column of the table.

vii. *Unlisted Accessory Uses or Structures*
An accessory use or structure not listed in Table 21.09.050-2 may be permitted, subject to compliance with all applicable regulations of this title.

b. ***Table of Allowed Accessory Uses***

TABLE 21.09.050-2: TABLE OF ACCESSORY USES

P = Permitted; S = Administrative Site Plan Review; M = Major Site Plan Review; C = Conditional Use
For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts

Accessory Uses	Residential						Commercial										Ind.		Resort		Other			
	gR1	gR2	gR2A	gR3	gR4	gR5	gC1	gC2	gC3	gC4	gC5	gC6	gC7	gC8	gC9	gC10	gI1	gI2	gRST1	gRST2	GA	GOS	GW	Definitions and Use Specific Standards
Accessory dwelling unit (ADU)	P	P	P	P	P				P	P		P												21.05.070D.1 [21.45.035] 21.09.050C.2.a
Bed and breakfast (up to 3 guestrooms)	P	P	P	P	P				S	S		S				S								21.05.070D.2. [21.45.250]
Bed and breakfast (4 or 5 guestrooms)	M	M	M	M	M				S	S		S												21.05.070D.2 [21.45.255]
Beekeeping	P	P	P	P	P																			
Dormitory																		P	C	C				
Drive-through service							C	C			C													21.09.050C.2.b
Garage or carport, private residential	P	P	P	P	P	P			P	P	P	P	P	P	P	P			P	P				
Home- and garden-related use	P	P	P	P	P	P			P	P	P	P	P	P	P	P			P	P				
Home occupation	P	P	P	P	P	P			P	P	P	P	P	P	P	P			P	P				21.05.070D.12. [21.45.150]
Outdoor keeping of household pets	P	P	P	P	P	P			P	P		P												
Paddock, stable or barn			P									P												
Private storage of non-commercial equipment	P	P	P	P	P	P			P	P	P	P												21.09.050C.2.c.
Vehicle repair/rebuilding, outdoor, hobby			P																					

2. Use-Specific Standards for Accessory Uses

a. *Accessory Dwelling Units*

Except as set forth below, the generally applicable Accessory Dwelling Unit regulations contained in subsection 21.05.070D.1. [21.45.035.], *Accessory dwelling units (ADUs)* shall apply. The regulations set forth below shall apply in addition to those contained in subsection 21.05.070D.1. [21.45.035.] except, in case of conflict, the regulations below shall govern.

i. *Maximum Number of Accessory Units*

Except as provided in subsection ii., below, only one accessory dwelling unit or bed and breakfast unit, as defined in section 21.05.070D., [CHAPTER 21.35.020,] shall be allowed on any single-family residential lot. The accessory dwelling unit may be a rental unit.

ii. *Accessory Dwelling Unit as Bed and Breakfast*

The accessory dwelling unit may be used as a bed and breakfast room, but the bed and breakfast facility is then limited to only one guestroom, the accessory dwelling unit.

iii. *Location*

An accessory dwelling unit shall be on the same lot as the primary dwelling unit. An accessory dwelling unit shall be attached to the single-family dwelling unit; if the lot is at least 16,800 sq. ft., the accessory dwelling unit may be detached from the primary dwelling unit.

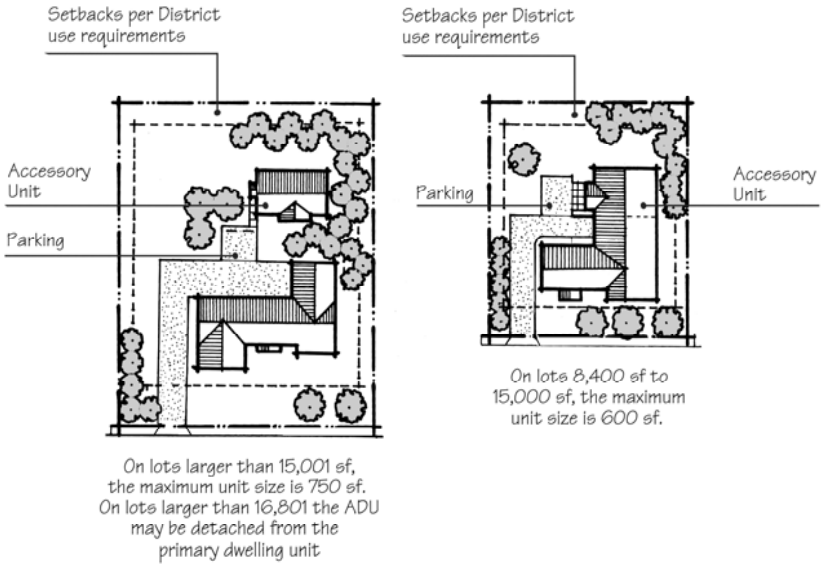


Figure 21.09-2: Accessory Dwelling Unit

iv. *Maximum Square Footage*

The minimum square footage for an accessory dwelling unit is 300 sq. ft. The maximum square footage for an accessory dwelling unit is 600 sq. ft., on a lot up to and including 15,000 sq. ft. and 750 sq. ft., on a lot over 15,000 sq. ft. The accessory dwelling unit shall not, however, exceed 50 percent of the gross floor area of the primary dwelling unit.

v. *Floor Area Ratio; Density*
The floor area of the accessory dwelling unit is included, along with the floor area of the primary dwelling unit, in calculating the floor area ratio on the lot, but the accessory dwelling unit is not included in calculating the average density for a new single-family subdivision.

vi. *Parking*
In addition to the parking requirements for the primary dwelling unit, one off-street parking space shall be provided for each accessory dwelling unit of 600 sq. ft. or less, and two off-street parking spaces shall be provided for an accessory dwelling unit larger than 600 sq. ft.

vii. *Owner Occupancy*
Either the principal dwelling or the accessory unit on any site shall be occupied by the owner of the principal dwelling or owner of the lot where the accessory unit is located.

viii. *Architectural Compatibility*
An accessory dwelling unit, whether attached to or detached from the primary dwelling unit, shall be compatible in style and materials with the primary dwelling unit.

ix. *New Accessory Dwelling Unit Where Single-Family Dwelling Unit Already in Existence*
A new accessory dwelling unit to be constructed on a lot with an existing single-family dwelling unit shall conform to all development and dimensional standards in the applicable zone district regulations.

b. ***Drive-Through Service***

i. *Definition*
The physical facilities of an establishment that encourage or permit customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

ii. *Use-Specific Standards*
Restaurants with drive-through service are only permitted in the gC-2 district.

c. ***Private Outdoor Storage of Non-Commercial Equipment***

i. *Definition*
The private storage of non-commercial equipment, including non-commercial trucks, recreational vehicles, boats, aircraft, off-road vehicles, or travel trailers.

3. Prohibited Accessory Uses and Structures
Connex trailers, railroad box cars, and the like are prohibited in residential districts.

D. Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Building Envelope: The developable space within any lot defined by the setbacks.

2. Channel Sign: A sign consisting of letters, symbols, or other shapes, where only such letters, symbols, or other shapes are illuminated.

3. Commercial Vehicle: A vehicle with a Gross Vehicle Weight Rating (GVWR) of 11,000 pounds or more.

4. Floor Area Ratio (FAR): The maximum gross floor area of all buildings on a lot or parcel, divided by the area of the lot or parcel.

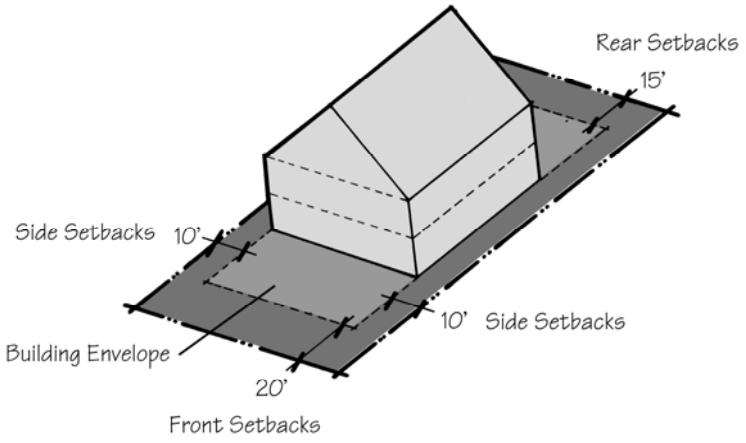


Figure 21.09-3: Floor Area Ratio (FAR) Example

Lot Size: 10,400 square feet

FAR: 0.5

Maximum Gross Building Area: 5,200 square feet

Illustration assumes no useable space under the eaves (in the attic).

5. Permeable Surface: An area of ground, by reason of its physical characteristics and the characteristics of materials covering it, able to absorb rain or surface water at a rate equal or greater than lawn turf. Examples include natural vegetation, lawn turf, landscape beds, gardens, mulch, decorative gravel, and some types of porous pavements.

6. Pillow: A sleeping accommodation for one person.

7. Sight Distance Triangle: The roadway area visible to the driver; the required length is the distance necessary to allow safe vehicular egress from a street, driveway, or alley to a major street. The criteria for determining required sight distance is set forth below.

The sight distance triangle is shown in figure 21.09-4 and described as follows:

- Point A is located on the minor approach 15 feet from the edge of a major road travelway.
- Point B_1 is located in the center of lane 1.
- Point B_2 is located in the center of lane 2.
- Points C_1 and C_2 are located based on the design speed of the major road.
- Point A is connected to points C_1 and C_2 by straight lines.

Table 21.09.050-3

Design Speed	Sight Distance
60 mph	650 ft.
50 mph	515 ft.
40 mph	415 ft.
30 mph	310 ft.
20 mph	210 ft.

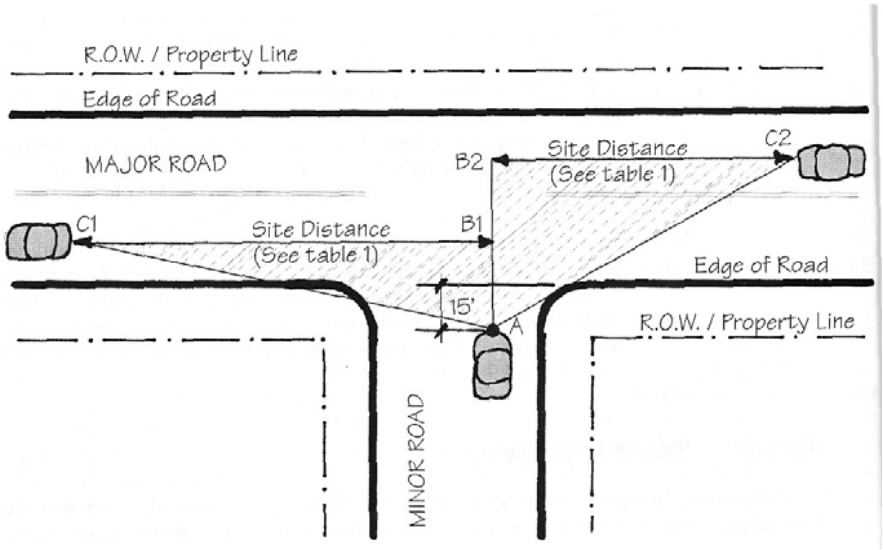


Figure 21.09-4: Sight Distance Triangle

8. Sno-Cat Skiing: Skiing in remote areas where access is provided by sno-cats or similar vehicles.

9. Storage: Items placed in substantially the same location for more than ten days.

10. Tree: A woody perennial plant with a single main stem. In Girdwood, a large tree is 18 inches in diameter or more at breast height (DBH).

11. Tree Canopy: The area, in square feet, of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area covered by the branch spread of a single tree or clump or grove of trees.

21.09.060 DIMENSIONAL STANDARDS

A. Applicability

All structures that legally exist on [effective date [DATE OF PASSAGE]] shall be considered conforming with respect to setbacks. Any additions to the footprint of those structures, including but not limited to cantilevers, decks over 30 inches, and overhangs, shall conform to this title.

B. Dimensional Standards Tables

All primary and accessory structures are subject to the dimensional standards set forth in the following tables. Bracketed numbers refer to additional specific standards at the bottom of each table. These general standards may be further limited or modified by other applicable sections of title 21.

1. Table of Dimensional Standards: Residential Districts

TABLE 21.09.060-1: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD RESIDENTIAL DISTRICTS

Uses	Lot Dimensions		Minimum Setbacks			Building Bulk and Height		
	Min Area (sq ft)	Min. Width	Front	Side	Rear	Max Height	Max Lot Coverage (%)	Max Floor Area Ratio
gR-1: Alyeska Highway mixed residential district								
Dwelling, multi-family	19,800 for 3 units, add 4,000 for each additional unit	70 feet	20 feet [1]	10 feet [2]	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq ft
Dwelling, single-family attached	See 21.09.050B.2.c.							
Dwelling, single-family detached	10,400	70 feet	20 feet [1]	10 feet [2]	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq ft
Dwelling, townhouse	See 21.09.050B.2.c.							
Dwelling, two-family	16,800	70 feet	20 feet [1]	10 feet [2]	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,500 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq ft
Roominghouse	19,800	70 feet	20 feet [1]	10 feet	15 feet; or 20 feet for lots > 1 acre	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq ft
Community buildings and uses	10,400							
Religious assembly	20,800							
Hostel or inn	1.5 acres							
All other allowed uses	10,400							
gR-2: Single-family/two-family residential district gR-2A: Single-family/two-family residential district (Crow Creek Road)								
Dwelling, single-family detached	10,400; or 50,000 without sewer	70 feet; 100 feet without sewer	20 feet [1]	10 feet [2]	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq ft
Dwelling, two-family	16,800; or 50,000 without sewer							
Community buildings and uses	10,400	70 feet; 100	20 feet [1]	10 feet	15 feet; or 20 feet for lots > 1	35 feet	25% for lots larger than 15,000 sq ft;	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft.,

TABLE 21.09.060-1: TABLE OF DIMENSIONAL STANDARDS
GIRDWOOD RESIDENTIAL DISTRICTS

Uses	Lot Dimensions		Minimum Setbacks			Building Bulk and Height		
	Min Area (sq ft)	Min. Width	Front	Side	Rear	Max Height	Max Lot Coverage (%)	Max Floor Area Ratio
Religious assembly	20,800	feet without sewer			acre		30% otherwise	whichever is greater 0.50 for lots ≤ 12,500 sq ft
All other allowed uses	10,400							
gR-3: Single-family/two-family residential district								
Dwelling, single-family attached	See 21.09.050B.2.c.							
Dwelling, single-family detached	8,400; or 50,000 without sewer	70 feet; 100 feet without sewer	(same as "Dwelling, two-family" below)			35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq ft
Dwelling, townhouse	See 21.09.050B.2.c.							
Dwelling, two-family	16,800; or 50,000 without sewer	70 feet; 100 feet without sewer	For lots ≤ 21,780 sq ft: front: 20 feet side: 10 feet rear: 15 feet For lots 21,781-43,560 sq ft: front: 25 feet side: 15 feet rear: 20 feet For lots > 43,560 sq ft: front: 30 feet side: 20 feet rear: 30 feet			35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq ft
Community buildings and uses, except educational facilities	8,400; or 50,000 without sewer							
Religious assembly	20,800							
Private schools	16,800							
Inn	1.5 acres; or 5 acres without sewer							
All other allowed uses	8,400; or 50,000 without sewer							
gR-4: Multi-family residential district								
Dwelling, multi-family	12,500	70 feet	20 feet [1]	10 feet [2]	10 feet [2]	35 feet	40%	n/a
Roominghouse	10,400	70 feet	20 feet [1]	10 feet	10 feet	35 feet	40%	n/a
Community buildings and uses	10,400							
Religious assembly	20,800							
All other allowed uses	10,400							

TABLE 21.09.060-1: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD RESIDENTIAL DISTRICTS								
Uses	**Lot Dimensions**		**Minimum Setbacks**			**Building Bulk and Height**		
	Min Area (sq ft)	**Min. Width**	**Front**	**Side**	**Rear**	**Max Height**	**Max Lot Coverage (%)**	**Max Floor Area Ratio**
gR-5: Multi-family residential district								
Dwelling, multi-family	20,000	100 feet	25 feet	15 feet	20 feet	35 feet	40%	n/a
Dwelling, single-family attached	See 21.09.050B.2.c.							
Dwelling, single-family detached [3]	50,000	100 feet	25 feet	15 feet	20 feet	35 feet	40%	n/a
Dwelling, townhouse	See 21.09.050B.2.c.							
Religious assembly	20,800	80 feet	25 feet	15 feet	20 feet	35 feet	40%	n/a
All other allowed uses	10,400							

ADDITIONAL SPECIFIC STANDARDS:
[1] Alyeska Highway Setbacks: Minimum setback of [TWENTY-FIVE (]25[)] feet is required from any property line abutting the Alyeska Highway, but if the property extends into the road, the [TWENTY-FIVE (]25[)] foot setback shall be measure from the edge of the road easement.
[2] Side and rear setback flexibility: Side setbacks may be reduced by five [5] feet on one side of the lot, but the amount of setback reduction shall be added to the opposite side setback. Rear setbacks may be reduced by five [5] feet, but the amount of reduction shall be added to the front setback.
[3] Single-family dwellings in gR-5: Single-family detached dwellings in the gR-5 are subject to the provisions of 21.09.040B.f.iii.(B).

2. Table of Dimensional Standards: Commercial Districts

TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD COMMERCIAL DISTRICTS								
Uses	**Lot Dimensions**		**Minimum Setbacks (ft)**			**Bulk, Height and Density**		
	Min Area (Sq Ft)	**Min. Width**	**Front**	**Side**	**Rear**	**Max. Height**	**Max. Lot Coverage**	**Max Dwelling Units / Acre**
gC-1: Seward Highway/West Alyeska Highway Commercial District								
All uses	6,000	50 ft	20 [5]	20 [6]	20	2 stories not to exceed 35 ft	70%	n/a
gC-2: Girdwood Station/Seward Highway Commercial District								
All uses	6,000	50 ft	13 [5]	10 [6]	20 [7]	2 stories not to exceed 35 ft	70%	n/a
gC-3: Old Townsite Commercial/Residential District								
All uses	6,000	50 ft	13 [5]	10 [6]	10 [7]	[4]	2,500 square feet or 50%, whichever is greater	n/a

**TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS
GIRDWOOD COMMERCIAL DISTRICTS**

Uses	Lot Dimensions		Minimum Setbacks (ft)			Bulk, Height and Density		
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Max Dwelling Units / Acre
gC-4: Lower Alyeska Highway Commercial District								
All uses, ≤ 21,780 Sq Ft	10,400	80 ft	25 [5]	10 [6]	15 if lot size < 1 acre; 20 if lot size is ≥ 1 acre	35 ft	40%	20
All uses, > 21,781 Sq Ft				10 [6]				
gC-5: New Townsite South Commercial District								
All uses, ≤ 21,780 Sq Ft	8,400	80 ft	16 [5]	10 [6]	20	35 ft	50%	20
All uses, 21,781 Sq Ft – 5 acres			16 [5]	20 [6]	25			
All uses, > 5 acres			16	30 [6]	30			
gC-6: Crow Creek Road Commercial/Residential District								
All uses	8,400; or 50,000 without sewer	70 ft	18	10; or 15 if lot size > 21,781 sq ft [6]	15	35 ft	40%	20
gC-7: Townsite Square Commercial District								
All uses	6,000	50 ft	16 min; 20 max [8]	Zero setback permitted on one side [3] and in accordance with 21.09.040C. 2.g.iii.(D). if applicable; otherwise 10	15	[4]	70%	20
gC-8: New Townsite North Commercial District								
All uses	6,000	50 ft	16 min; 20 max [8]	10 [6]	10	35 ft	60%	20

TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS
GIRDWOOD COMMERCIAL DISTRICTS

Uses	Lot Dimensions		Minimum Setbacks (ft)			Bulk, Height and Density		
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Max Dwelling Units / Acre
gC-9: East Hightower Commercial/Residential District								
All uses	6,000	50 ft	16 min; 20 max [8]	10 [6]	10	35 ft	60%	20
gC-10: Upper Alyeska Highway Commercial District								
All uses, ≤ 21,780 Sq Ft	8,400	60 ft	20 [5]	15 [6]	20	35 ft	70%	20
All uses, 21,781 Sq Ft – 5 acres			20 [5]	20 [6]	20			
All uses, > 5 acres			30 [5]	30 [6]	30			

ADDITIONAL SPECIFIC STANDARDS:

[4] For structures with only commercial uses: Two stories not to exceed 35 feet.
For structures with only residential uses: 35 feet.
For structures with commercial uses on the ground level and residential uses above: second story may include loft space not a separate dwelling unit and maximum height is 35 feet.

[5] Alyeska Highway Setbacks - Minimum setback of 25 feet is required from any property line abutting the Alyeska Highway, but if the property extends into the road, the 25 foot setback shall be measured from the edge of the road easement.

[6] Zero Lot Line Setbacks - Where adjoining property owners agree to connect buildings or cooperate in the design of a public passageway or courtyard between them, a zero lot line side set-back is allowed on one side.

[7] Alley Exemption - Where a platted alley right-of-way abuts a parcel, there shall be no required setback along the property line.

[8] Maximum Front Setback Exception – Limited portions of building frontage may, subject to administrative site plan review, be allowed to step back further than the maximum allowed front setback to create small usable public spaces in the front of a building.

3. Table of Dimensional Standards: Industrial Districts

TABLE 21.09.060-3: TABLE OF DIMENSIONAL STANDARDS
GIRDWOOD INDUSTRIAL DISTRICTS

Use	Lot Dimensions		Minimum Setbacks (ft)			Building Bulk and Height	
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Maximum Lot Coverage	Maximum Height
gI-1: Ruane Road Industrial District [9]							
All uses, ≤ 1 acre	10,400	80 ft	20	10	10	Unrestricted	25 feet
All uses, > 1 acre			25	15	15		

**TABLE 21.09.060-3: TABLE OF DIMENSIONAL STANDARDS
GIRDWOOD INDUSTRIAL DISTRICTS**

Use	Lot Dimensions		Minimum Setbacks (ft)			Building Bulk and Height	
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Maximum Lot Coverage	Maximum Height
gI-2: Upper Crow Creek Industrial District [9]							
All uses	50,000	150 ft	25	15	15	Unrestricted	35 feet

ADDITIONAL SPECIFIC STANDARDS:
[9] Minimum setback along any property line contiguous with the GOS district is 20 feet for lots less than or equal to one acre in gI-1 and 30 feet for all other lots in gI-1 and gI-2 districts.

4. Table of Dimensional Standards: Resort Districts

**TABLE 21.09.060-4: TABLE OF DIMENSIONAL STANDARDS
GIRDWOOD RESORT DISTRICTS**

Use	Lot Dimensions		Minimum Setbacks			Building Bulk and Height		
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Maximum Floor Area Ratio
gRST-1: Original Mountain Base Resort District								
All uses	8,400	60 feet	13 feet [10]	10 feet; or 20 feet if lot size > 0.5 acre [11]	20 feet	40 feet	50%	0.7 [12]
gRST-2: New Base Resort District								
All uses	8,400	80 feet	13 feet [10]	10 feet; or 20 feet if lot size > 0.5 acre [11]	20 feet	75 feet	50%	0.7 [12]

ADDITIONAL SPECIFIC STANDARDS:
[10] Arlberg Road Setbacks - The minimum setback along any property line abutting Arlberg Road is 30 feet.
[11] Zero Lot Line Setbacks - Where adjoining property owners agree to connect buildings or cooperate in the design of a public passageway or courtyard between them, a zero lot line setback is allowed on one side. Buildings connecting on the property line shall appear on the exterior to be two different buildings.
[12] FAR Incentives for Structured Parking - Maximum FAR may be increased from 0.7 to 1.35 for uses in where structured or underground parking is provided.

5. Table of Dimensional Standards: Other Districts

TABLE 21.09.060-5: TABLE OF DIMENSIONAL STANDARDS OTHER GIRDWOOD DISTRICTS

Use	Lot Dimensions		Minimum Setbacks (ft)			Building Bulk and Height	
	Min Area (Sq Ft)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage
GA: Girdwood Airport District							
All uses, ≤ 1 acre	10,400	80 ft	20	10 [13]	10 [13]	25 feet	Unrestricted
All uses, > 1 acre			25	15 [13]	15 [13]		
GOS: Girdwood Open Space District							
All uses	10,400	70 ft	25	25	25	2 stories, not to exceed 35 ft	10%
GIP: Girdwood Institutions and Parks District							
All uses	8,400	70 ft	25	25	25	2 stories, not to exceed 35 ft	30%
GCR-1: Commercial Recreation (Lower Valley Development Reserve) District							
All uses	All dimensions same as gR-2.						
GCR-2: Commercial Recreation (Glacier-Winner Creek) District							
All uses	50,000	100 ft	25	25	25	2 stories, not to exceed 35 ft	10%
GCR-3: Commercial Recreation (Crow Creek Historic Mine) District							
All uses	50,000	100 ft	25	25	25	2 stories, not to exceed 35 ft	10%
GDR: Development Reserve District							
All uses	10,400	70 ft	25	25	25	2 stories, not to exceed 35 ft	10%
GRR: Recreation Reserve District							
All uses	10,400	70	25	25	25	2 stories, not to exceed 35 ft	10%
GW: Girdwood Watershed District							
All uses	50,000	100 ft	25	25	25	2 stories, not to exceed 35 ft	10%

ADDITIONAL SPECIFIC STANDARDS:

[13] In the Girdwood Airport district, the minimum setback along any property line contiguous with the GOS district shall be 20 feet, if the lot is less than or equal to one acre, and shall be 30 feet, if the lot area is greater than one acre.

21.09.070 SITE DEVELOPMENT AND DESIGN STANDARDS

A. Purpose and General Goals

The purpose of the standards is to ensure new development avoids adverse impacts on the environment and natural resources while maintaining and enhancing the appearance and character of the valley. Specific purposes of the standards include:

1. To help maintain high quality living environments, small-town character, and the presence of the natural landscape within Girdwood neighborhoods;

2. To preserve and reinforce the unique natural qualities of the site, to fit the building into the land to leave its natural landforms and features intact; and

3. To treat the building as an integral part of the natural environment and an attractive addition to the Girdwood community.

B. Applicability

Except as specified below, all development in Girdwood shall comply with the following development and design standards. The standards shall apply in addition to any standards contained in chapter 21.05, *Use Regulations*, and the following sections of chapter 21.07: 21.07.020, *Natural Resource Protection*; 21.07.040, *Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges*; 21.07.050, *Utility Distribution Facilities*; 21.07.070, *Neighborhood Protection*; 21.07.090, *Off-Street Parking and Loading*; and 21.07.140, *Operational Standards*. [21.45, *SUPPLEMENTARY DISTRICT REGULATIONS*]. In case of any conflict, the standards in this section shall apply.

Alternative development standards proposed through the master area planning and/or master development planning process shall be equivalent to or exceed the generally applicable development standards and shall result in high-quality, environmentally sensitive development, keeping with the intent of this chapter and the character of Girdwood.

C. Hazard Areas

All development lots, except for lots to be developed with ski slopes, platted after [date of adoption] shall comply with the following standards:

1. No lot shall be located entirely within a high hazard avalanche area or rockfall area, or have an average slope of greater than 35 percent; and

2. A lot located so that portions of the lot are within a high hazard avalanche area or a rockfall area, or where portions of the lot are steeper than 35 percent, shall be designed so that there is an adequate building site which is outside of the above-listed areas.

D. Grading and Drainage

1. Intent
This section is intended to set basic standards for grading and drainage, to reduce the drainage impacts from new development on existing development.

2. Applicability
This section shall apply to all new development in Girdwood.

3. Grading
Grading required for development shall mimic natural forms and blend into the existing landscape on the site. After completion of grading, restoration of slopes to natural-appearing conditions is required.

4. Drainage and Storm-Water Run-off

Run-off from a site shall be controlled and directed to drainage ditches in the road right-of-way or to drainage swales at the property line. Pre-existing drainage patterns onto neighboring lots may be maintained, but additional drainage shall not be directed onto neighboring lots as the result of new development.

E. Landscaping, Vegetation and Tree Retention

1. Intent

An important characteristic of Girdwood is the forested landscape and the continuity of natural habitats. The purpose of this section is to retain trees and natural vegetation by specifying the quantity of vegetation required in a development.

2. Permit Required

Clearing and grubbing of any lot or tract shall not exceed 6,000 square feet without first obtaining a land use permit and, if necessary, any other development approvals required by this chapter and title 21.

3. Applicability

This section establishes the minimum vegetation coverage standards for multifamily residential and non-residential development, and for any residential subdivision of two or more lots. Except for subsections 6.b. and 8, below, these standards shall not apply to existing single-family lots or in the gR-1, gR-2, gR-2A, and gR-4 districts.

4. Minimum Vegetation Coverage

a. *Amount*

The standards given in Table 21.09.070-1 are the minimum percentage of any lot to be maintained as natural vegetation, as defined at 21.09.070E.3.c, and permeable surface, as defined at 21.09.050D.5.

TABLE 21.09.070-1: Minimum Vegetation Coverage, by Use

	Single-family or Two-family Residential	Multifamily Residential	Commercial or Public / Institutional	Industrial
Natural Vegetation	30%	20%	10%	5%
Total Permeable Surface, including Natural Vegetation	50%	40%	20%	10%

b. *Location and Dimensions*

Required vegetated areas may be located anywhere on the site or lot. Individual vegetated areas shall be a minimum of 200 square feet, with no dimension less than 10 feet.

c. *Natural Vegetation*

Natural vegetation means either existing vegetation left in its natural state, or landscaping provided according to the following:

i. Evergreen trees a minimum of five feet high, with a ratio of height to spread no less than five to three, and deciduous trees a minimum of eight feet high, with a caliper no less than one and one-half inches,

planted at average intervals not greater than 15 feet on center. No more than 50 percent of the trees may be deciduous.

ii. Three shrubs per tree, each shrub a minimum of 18 inches in height, and ground cover or mulches, placed so that the ground will be covered within three years.

5. Planting Materials

All new trees planted for required landscaping shall have the following characteristics:

a. ***Evergreen Trees***

Evergreen trees shall be native Alaska species. Sitka spruce and hemlock are encouraged to be used because of their predominance and adaptability for survival in Girdwood. If nursery grown, the trees shall be a minimum of five feet in height, with a ratio of height to spread not less than five to three. Field collected specimens shall be a minimum of 24 inches in height.

b. ***Deciduous trees***

Deciduous trees shall be a minimum of eight feet in height and 1 ½ inches caliper.

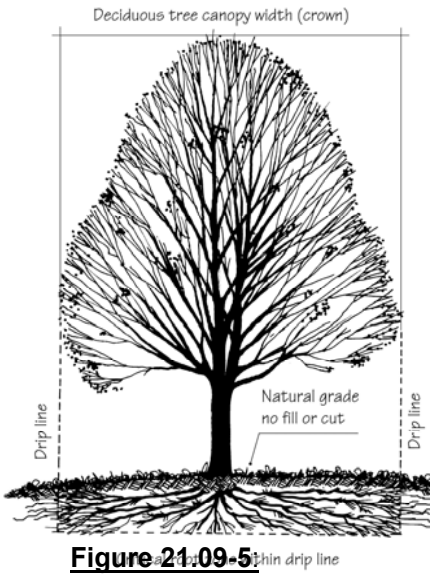


Figure 21.09-5
Critical Root Zone

6. Setback Area Vegetation

a. ***General***

The purpose of this section is to retain vegetation in setbacks and along street frontages. Required vegetation for setbacks may be used to count toward vegetation coverage requirements in subsection 3., above.

b. ***Alyeska Highway Frontage Setback Vegetation***

All vegetation within 25 feet of the Alyeska Highway right-of-way shall be retained, except to accommodate a driveway, a utility easement, or utilities located by permit.

c. ***Buffering Non-Similar Uses***

Setbacks between commercial/ industrial and residential properties, and between multifamily and single/ two-family residential properties, shall be retained as natural vegetation areas.

7. Tree Protection During Construction

a. ***Ski Trail Construction***

Trees designated to be retained to comply with this section shall be delineated through such methods as paint marking or flagging.

b. ***Other Construction***

Trees designated to be retained to comply with this section shall be protected during construction by use of sturdy fencing or other firm barriers placed at the drip line. Grading is not permitted within 10 feet of the trunk, or within the critical root zone (drip line), whichever is greater, of any tree to be retained as part of the natural vegetation requirement.

8. Re-vegetation of Disturbed Areas

All ground surfaces on the site, disturbed during construction and not to be occupied by buildings, structures, storage yards, drives, walks, pedestrian areas, off-street parking or other authorized installations, shall be re-vegetated with plant material of the landowner's choice. However, the plant materials shall not be invasive plants as listed in the Selected Invasive Plants of Alaska booklet produced by the United States Department of Agriculture and the Forest Service, Alaska Region. To promote re-vegetation, biodegradable erosion control netting or mulch blanket shall be used on disturbed slopes steeper than 3:1 (run to rise). Slopes shall be stabilized and re-seeded before September 1. The re-seeding material shall be erosion control vegetation, such as those with aggressive, non-sod-forming, rooting habits. Ski slopes are exempted from this provision.

F. Transportation and Connectivity

1. Street Types

The three street types are arterial, collector, and local, as set forth in the *Official Streets and Highways Plan*.

2. Municipal Street Standards

All collector and local streets shall meet the standards and requirements set forth in the *Design Criteria Manual*, except as specifically provided otherwise in this chapter, to preserve and enhance the unique character and aspirations of Girdwood.

3. Collector Streets – General

Except as provided in section 4. below, a collector street has the following attributes:

a. The street shall be paved over an engineered base; and

b. Paved shoulders shall be provided; and

c. Swales or drainage ditches on each side of the street shall be provided to accommodate surface drainage and snow storage; and

d. Swales and drainage ditches shall be planted with natural grasses and/or hardy perennials; and

e. A paved pedestrian path/bikeway shall be provided on at least one side of the street and detached if possible; and

f. Buffers of native vegetation shall be retained on both sides of the street; and

g. On-street parking shall be prohibited, except where allowed in subsection 4., below; and

h. Driveways, subject to subsection 21.09.070N., are permitted as follows: Swale and drainage ditch crossings shall use culverts.

i. The dimensions of the collector street cross-section shall be as illustrated below:

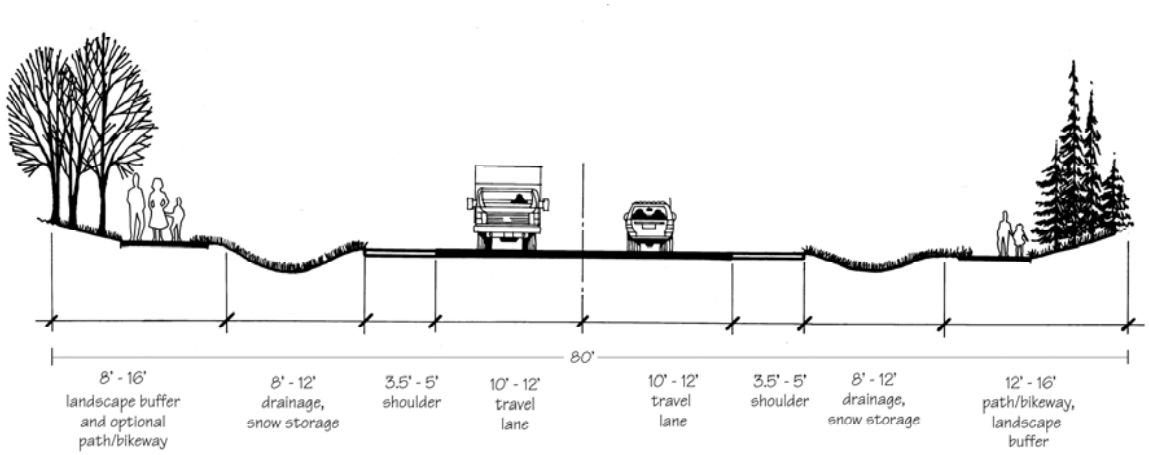


Figure 21.09-6: Collector Street Dimensions

4. Townsite Commercial Area Streets

Streets in commercial townsite areas shall differ in design from the general street standards in order to support the main street commercial and mixed-use environments intended for the old and new townsite areas. Townsite streets have the following attributes:

a. The street shall be paved over an engineered base; and

b. Curb and gutter shall be provided where practicable; and

c. The street shall be designed to accommodate on-street parking to the maximum extent feasible; and

d. A paved sidewalk seven feet or greater in width shall be provided on both sides of the street, and may be back-of-curb; and

e. Individual driveways for each individual lot are discouraged, in order to limit the number of curb cuts, minimize pedestrian-vehicle conflicts, increase the continuity of main street pedestrian networks, and maximize the number of on-street parking spaces.

5. Local Residential Streets

A local residential street has the following attributes:

a. The street shall be paved, or shall be a non-dust-generating non-porous material, such as RAP or chip-seal, over an engineered base; and

b. Swales or drainage ditches on each side of the street shall be provided to accommodate surface drainage and snow storage; and

c. Swales and drainage ditches shall be planted with natural grasses and/or hardy perennials; and

d. A pedestrian path/bikeway of at least five feet in width and either paved, or treated with a non-dust-generating material, shall be provided on at least one side of the street and detached if possible; and

e. Driveways, subject to section 21.09.070N., are permitted.

f. The dimensions of the local street cross-section shall be as illustrated below:

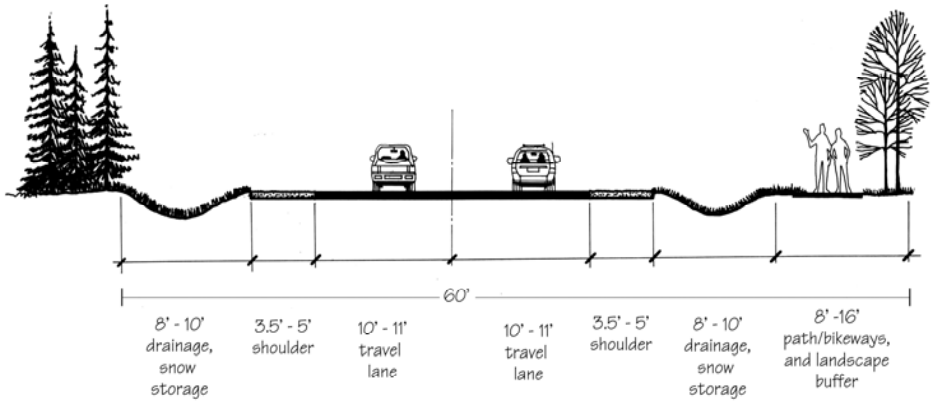


Figure 21.09-7: Local Residential Street Dimensions

6. Neighborhood Connectivity and Distribution of Traffic

a. ***Purpose***

The purpose of the standards is provide a well-connected street grid. The design requirements do not mandate a rectilinear or uniform grid; the requirements shall, however, result in a network distributing traffic evenly and equitably, and ensuring good access for emergency services equipment. Such a street network reduces the daily miles of vehicular travel in the valley by providing direct, non-circuitous routes for drivers and by encouraging walking and bicycling.

b. ***Connectivity Standards***

i. Within contiguous residential and commercial developments, no local street may be developed longer than 450 feet, unless the street is connected to another street at each end.

ii. Within contiguous residential and commercial developments, local streets shall have at least nine intersections per mile.

G. Lighting

1. Street and Trail Lighting Standards

a. ***Applicability***

This section applies to street and trail lighting, and is subject to the provisions of the Design Criteria Manual, except as specifically provided in this section, in order to preserve and enhance the unique character and aspirations of Girdwood. This section does not apply to site lighting, including alpine ski slope lighting. The lighting standards in this section do not apply to state-maintained roads.

b. ***Location***

Street lights shall be installed where required by the Traffic Engineer for vehicle and/or pedestrian visibility and safety. Street lighting on local residential streets should be avoided if possible.

c. ***Lighting Color***

Fixtures for street and trail lighting shall use white light sources with a color rendering index (CRI) of 65 or greater.

d. ***Poles***

i. *Local Streets and Intersections*
Street light poles at intersections of local streets with local streets, and along local streets, shall not exceed 20 feet in height.

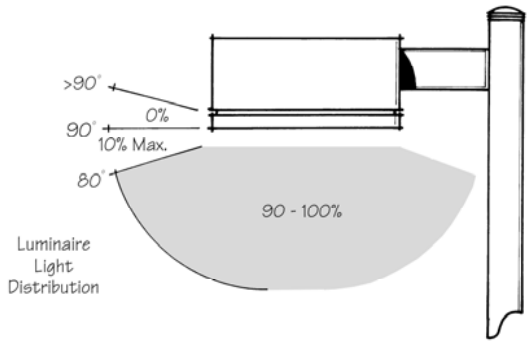
ii. *Collector Streets and Intersections*
Street light poles at intersections of collector streets with collector streets, and of collector streets with local streets, shall not exceed 25 feet in height.

iii. *Arterial Streets*
Street light poles along arterial streets shall not exceed 35 feet in height.

iv. *Trails*
Trail light poles shall not exceed 16 feet in height. Poles shall be of treated wood or painted metal.

e. ***Fixtures***
Street and trail lighting shall be full cut-off, as defined by the Illuminating Engineering Society of America (IESNA).

Figure 21.09-8: Full Cut-off Luminaire



f. ***Trail Lighting***
Pedestrian trails along collectors and arterials shall be lit.

2. Exterior Site Lighting

a. ***Applicability***
This section shall apply to site lighting, building lighting, and parking lot lighting in all developments, except for alpine ski slopes and single- and two-family developments.

b. ***Light Poles***
Light poles shall not exceed 14 feet in mounting height, except light poles for parking lots [AREAS] in the gC-1, gC-2, gI-1, and gI-2 districts may be up to 20 feet in mounting height. Poles shall be non-reflective, neutral and dark in color, blending into the site's nighttime backdrop.

c. ***Shielding, Glare and Light Trespass***
Exterior site and building wall lighting shall be designed and located to direct light toward the ground, to minimize glare or light trespass onto adjacent properties or light pollution in the valley. The light source shall not be visible at the property

line, provided, however, light fixtures for walkways may have a visible light source if diffused by a translucent cover, such as frosted glass. Upward-directed exterior lighting is prohibited, unless the light beam is directed only toward, and is contained within, the mass of the ceiling, wall, tree or other feature to be illuminated.

d. ***Lighting Color***
Fixtures for area lighting shall use white light sources, such as one of the following, without limitation: Color corrected metal halide, induction, compact fluorescent, incandescent (tungsten-halogen), or high-pressure sodium with a color rendering index (CRI) of 65 or greater. Lights at building entrances, steps, stairs, ramps, driveway crossings and entrances to parking structures or garages may be incandescent. Aesthetic landscaping or building facade lighting is exempt from color restrictions.

e. ***Parking Lot and Display Lot Lighting***
Parking lot and display lot lighting fixtures shall be full cut-off fixtures, as defined by the Illumination Engineering Society of North America.

f. ***Athletic Playing Fields***
The standards set forth in this section shall not apply to lighting of public athletic playing fields.

H. Pedestrian Circulation

1. Applicability
All multiple-family residential and non-residential developments shall meet the minimum standards of this section.

2. Walkway System – Residential
In multifamily projects, and in attached single-family and two-family dwelling projects containing more than two residential buildings, paved and lighted walkways shall be provided from individual units or common building entries to parking lots [AREAS] and to paved public trails or sidewalks abutting the property. The maximum grade on pedestrian walkways is five percent without a handrail, or eight percent if a handrail is provided.

3. Walkways System – Community [PUBLIC/INSTITUTIONAL] and Commercial Uses
Walkways shall connect parking lots [AREAS] to sidewalks and building entrances. There shall be a connecting walkway between all buildings in a multiple building development. Walkways and sidewalks shall have an unobstructed width of no less than five feet. When walkways adjoin areas used by vehicles for driving or parking, walkways shall be defined by curbs, plant beds, bollards, or other materials, to create a well-defined physical separation between the uses.

4. Weather Protection
Exterior stairways to habitable upper levels, and any pedestrian walkways exposed to snow shedding from roofs, shall be covered.

I. Fences and Walls

1. Fences in Residential Districts
Fences up to eight feet in height are permitted in side and rear setback areas, where needed for child safety, privacy, security, or animal control. However, in no case shall fences extend into the setbacks for more than 30 percent of the total linear perimeter of the lot. Fences are prohibited in the front setback.

Page 584 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

2. Walls in Nonresidential Sites

Low walls on any nonresidential site shall be of local stone, or stone of comparable appearance, or heavy timber wide enough to allow for comfortable seating when located adjacent to walkways. When connected to a building, the wall shall duplicate the building base material.

3. Fences and Walls in Commercial Districts

Fences less than 42 inches in height may be constructed in front setbacks. Except as otherwise provided in the gC-7 district-specific standards, fences and free-standing walls, up to six feet high, may be constructed within the side and rear setbacks. Fences associated with golf driving ranges are exempt from this section.

4. Fences and Free-Standing Walls in Industrial Districts

Fences and freestanding walls up to eight feet high may be constructed within side and rear setbacks. A fence up to eight feet high may be constructed in the front setback, but it shall not be sight-obscuring.

J. Utilities and Utility Equipment Standards

1. Commercial, Industrial, and Multiple-Family Residential

a. *Undergrounding of Utilities*

New utilities, including electrical distribution lines, shall be placed underground. Utility easements shall be dedicated to allow future access to the underground lines. Existing and proposed utility lines shall be depicted on the site plan.

b. *Location of Underground Utilities in gR-3 and gR-5 Districts*

Underground utility lines in the gR-3 and gR-5 districts shall avoid disturbing natural vegetation, and shall be placed in the right-of-way in front of lots, and not along side or rear lot lines, except where needed to create looped systems. Pad-mounted facilities may be located in easements abutting rights-of-way.

c. *Location of Above-Ground Utilities*

Above-ground utility enclosures, such as transformers, major telephone equipment boxes, and similar facilities, shall be located a minimum of 20 feet from entrances to dwelling units, driveways, or garage entrances. Above-ground utilities shall be located to minimize visibility from entries, and above-ground utilities not mounted on the building shall be screened with vegetation. Electric and gas meters and fire sprinkler risers shall be located within the building service area for structures with a separate service entry or, in the absence of a separate service entry, on side or rear walls.

d. *Design Standards for Above-Ground Utilities*

Except as necessary for safety and maintenance, above-ground utility boxes shall be screened from the road right-of-way with vegetation or with screening constructed of stone, wood, or textured concrete block.

2. Single-Family Residential

a. *Undergrounding of Utilities*

New utilities, including electrical distribution lines, shall be placed underground. Utility easements shall be dedicated to allow future access to the underground lines. Existing and proposed utility lines shall be depicted on the site plan.

b. *Alyeska Highway Utilities*

Utilities to be extended to lots along Alyeska Highway shall be placed under driveways, to the maximum extent practicable.

Page 585 ANNOTATION

Clarifies that single-family and similar residences are exempt from the section.

In response to public comments, the snow storage regulations for Girdwood are proposed to give applicants the choice to use the new Title 21 provisions for snow storage and disposal in Chapter 7, which are more flexible. It ensures that areas required by the Girdwood Chapter to be retained for native trees and shrubs on a site will continue to be protected from plowed or stacked snow piles.

Gives Girdwood applicants access to the title 21 rewrite provisions that allow for other alternative means to dispose of snow, in lieu of the required snow storage area.

K. Snow Management

1. Commercial, Community [PUBLIC/INSTITUTIONAL], Industrial, and [MULTIPLE-FAMILY] Residential Uses

a. *Applicability*

i. Single-family, two-family, and townhouse dwellings on individual lots are exempt from this section.

ii. Applicants in Girdwood may instead comply with the generally applicable snow storage provisions of section 21.07.040F., except that storage of snow is prohibited in natural vegetation areas required by subsection 21.09.070E.4.

b. *Snow Storage Area*

Snow storage space adjacent to surface parking lots and pathways shall be identified on the site plan. To facilitate snowplowing and snow removal, snow storage areas equal to at least 20 percent of the total area of the site used for parking, access drives, walkways, and other surfaces needing to be cleared of snow, shall be designated on the site plan.

c. *Exemptions and Alternatives*

i. Minimum snow storage area requirements may be waived for properties within the boundaries of a public parking, local improvement, or snow management district where district-wide snow removal services is provided.

ii. If snow will be removed off-site to an approved snow disposal site, or another alternative snow management strategy is used, then the minimum snow storage area requirement may be reduced or waived, subject to the standards of subsection 21.07.040F.5., *Alternative Snow Management Strategies*.

iii. Vehicle driveway and parking lots [AREAS] and pedestrian walkways with heated surfaces for melting snow shall be exempt from snow storage area requirements.

d. *Snow Storage and Drainage*

The location of snow storage areas shall be coordinated with drainage plans so the stored snow does not block meltwater from swales and drains.

e. *Snow Storage and Landscaping*

Areas designated for snow storage shall be landscaped only with groundcovers and shall have positive drainage away from structures and pavements. Storage of snow is prohibited in required natural vegetation areas.

L. Off-Street Parking Standards

1. General

Required parking shall be provided in accordance with section 21.07.090 [21.45.080], except as specified in this section. The director may waive an off-street parking requirement if sufficient public parking in the district satisfies off-street parking requirements.

2. gC-5, gC-8, and gC-9 Districts

Required parking for any non-residential use in the gC-5, gC-8 or gC-9 districts may be located off-site within the adjoining right-of-way or within 600 feet of the site in community parking lots [AREAS] under a municipal parking agreement.

3. gC-7 District

In the gC-7 district, on-site parking for new commercial development is prohibited. Parking for new commercial development shall be located within the adjoining right-of-way, or in community parking lots [AREAS] under a municipal parking agreement. Required parking for upstairs dwelling units in the gC-7 district may also be located off-site. Any on-site parking for residential units shall be located on the side or rear of the principal building and enclosed within a garage architecturally compatible with the principal building and no closer to the street than the building's primary front façade. On-site parking in the rear setback is prohibited.

4. Parking Lot Location – Residential

Parking for multifamily dwellings or multiple residential dwelling structure projects is prohibited in any required setback. All surface parking lots [AREAS] shall be screened from adjacent streets, properties, and public trails through the use of retained vegetation and/or landscaping encompassing the front setback, with breaks for driveways and walkway access.

5. Parking Lot Location – Nonresidential

Parking is prohibited in any required setback, except in the gC-3 district as provided in subsection 21.09.040C.2.c.iii.(B).

6. Parking Lot Landscaping

Public and private parking lots shall have a 20 foot landscaped break in any line of parking spaces over 20 cars long and a minimum 15 foot landscaped strip between every other double-loaded bay of cars.

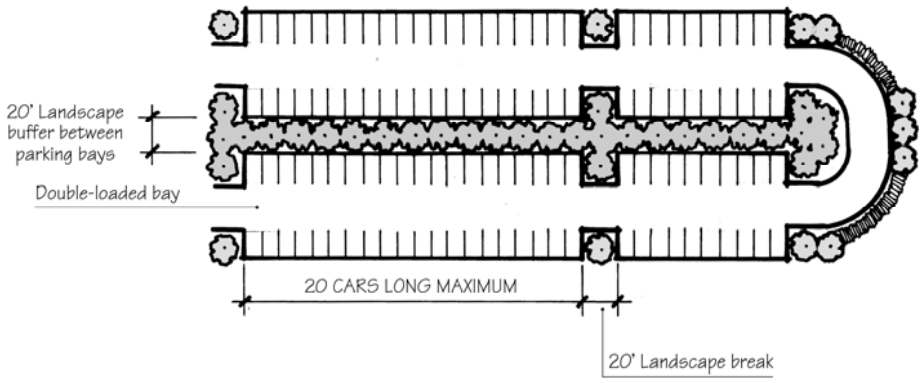


Figure 21.09-9: Parking Lot Landscaping

7. Parking Within Multifamily and Non-Residential Structures

Parking structures for more than two cars within multifamily and nonresidential structures, shall be constructed at least half a level below grade or, if constructed at grade, shall be earth covered using berming at least a half level on all sides. Vegetative and/or architectural screening of multiple level parking structures is required. The mechanical equipment required to vent enclosed parking shall be located away from outdoor play areas or entries, public rights-of-way and pedestrian spaces, and shall be completely screened from view.

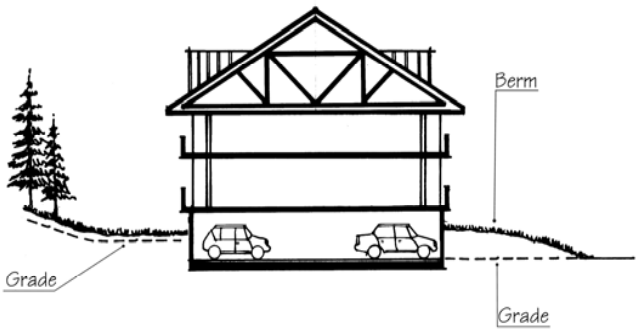


Figure 21.09-10: Parking within Multifamily and Non-Residential Structures

8. Parking Surfacing Materials

Interior roads, driveways, and parking lots [AREAS] shall be paved, except paving of driveways and surface parking lots [AREAS] for single-family and two-family residences is not required.

M. Signage

Except as set forth below, the generally applicable sign standards contained in chapter 21.11 [SECTION 21.47], *Signs [STANDARDS]*, shall apply. The regulations set forth below shall apply in addition to those contained in chapter 21.11 [SECTION 21.47], except in case of conflict, in which case the regulations below shall govern.

1. Commercial and Industrial Signs

The following standards apply to signage for any commercial or industrial use, except for Fueling Stations, as set forth in subsection 4., below. Directional and wayfinding signs are exempt from this section.

a. *Freestanding Signs*

i. *Number*

A single, freestanding sign is allowed, but shall not be placed in the right-of-way, or in the sight distance triangle as defined in subsection 21.09.050D.

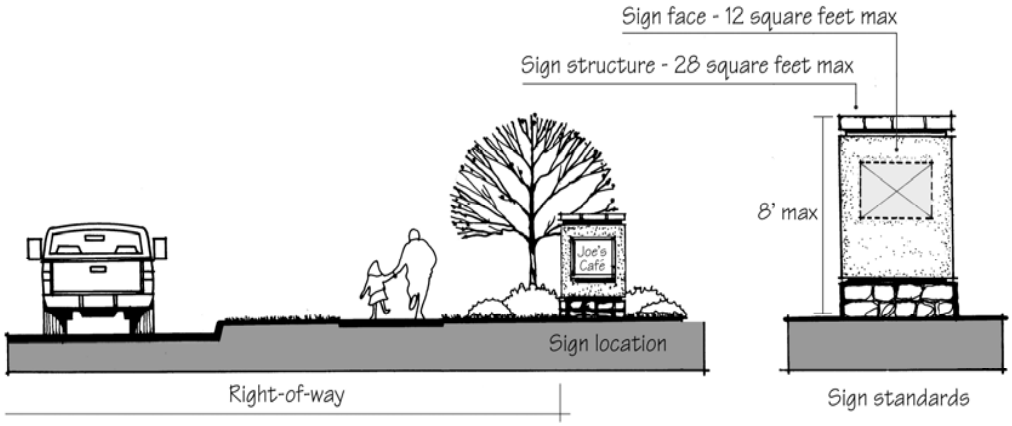


Figure 21.09-11: Freestanding Commercial Sign

ii. *Maximum size and height*

The maximum size shall be 12 square feet per face. The sign shall be monument-style, ground mounted, and shall not exceed a maximum height of eight feet. There may be lettering on both sides. The total area

of each face of the sign, including the structural base, shall not exceed 28 square feet.

iii. *Materials*
Signage materials shall be complementary to the architectural character and materials of the principal building.

iv. *Style and Color*
The letter style and color of freestanding identification signs shall be consistent with those used on other signs close to or attached to the building. If the sign is internally illuminated, the background shall be a translucent darker color, with a lighter contrasting color for the letters and symbols.

v. *Electronic Changeable Copy Signs*
Electronic changeable copy signs or signs with flashing lights or highly reflective elements are prohibited.

vi. *Icon Signs*
Developments subject to a master plan requirement may have one icon sign exceeding the size and height limits specified in this section. An icon sign is a sign using natural materials, such as logs or stone, and is designed to keep with the character of a mountain resort community and emblematic of the primary use on the site (e.g., skiing). The dimensions of the icon sign shall be determined and approved as part of the master planning process.

b. ***Building Signs***

i. *Maximum Area*
In addition to freestanding signs, each commercial building on a lot shall have a total building signage area allowance for each side of the building facing a public right-of-way, based upon the width of the building frontage as follows:

Building Frontage Width (ft.)	Square Feet Allowed
< 20	10
20-30	15
31-40	20
41-50	30
>50	40

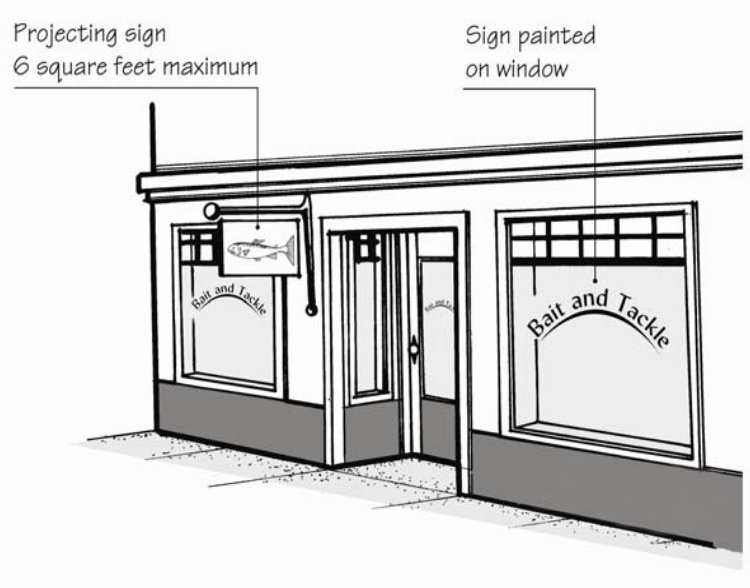


Figure 21.09-12: Commercial Building Signage

ii. *Types of Signs*

The total area of all signs shall not exceed the amount set forth above.

(A) *Projecting Sign*

Each occupant of a commercial building is allowed a single projecting sign. The maximum size of a hanging or projecting sign shall be six square feet. Projecting signs shall be at least 6' 10" above a walkway and may not extend more than five feet from the building façade. The lettering may be on both sides.

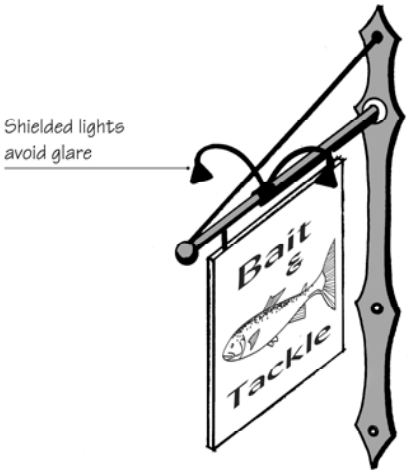


Figure 21.09-13: Lighted Projecting Sign

(B) *Window Signs*

Permanent window signs shall cover no more than 30 percent of the window area, but 50 percent of that sign area must be transparent.

(C) *Other Signs*

Other allowed signs may be flush-mounted, painted on doors or windows, mounted on awnings, canopies and arcades, or

attached to railings. Flush-mounted or painted signs shall be at the ground floor level.

iii. *Materials and Colors*
Permitted sign materials are wood, metal, stone, ceramic, glass, or plastic surface mounted on a wood or metal backing. The surface shall be painted, stained or treated to ensure durability.

iv. *Lighting*
Internally lit signs are not permitted, except logos and channel signs consisting of individual letters may be internally lit. External illumination shall be shielded and be directed downward to shine only on the sign area to be illuminated.

v. *Electronic Changeable Copy Signs*
Building signs with electronic changeable copy are prohibited in Girdwood.

vi. *Operational Information Signs*
If window or door space used to display operational information, such as phone numbers, address, hours of operation, charge cards accepted, or similar information, is less than a rectangle 12 by 18 inches in size, the sign does not count against the maximum area specified above.

vii. *Temporary Sign*
The display of temporary sales signs, advertisements or other signage is prohibited on the outside of buildings.

2. Residential Uses

a. ***Multiple-Family***
The standards for signs for multifamily buildings in residential districts (section 21.11.050 [21.47.040]) shall apply to multiple-family residential.

b. ***Single-Family, Two-family and Townhouse***
The sign standards of section 21.11.050 [21.47.040] shall apply to a single-family dwelling, duplex or townhome, except only one freestanding identification sign shall be allowed for any residential subdivision.

3. Community [PUBLIC/INSTITUTIONAL] Uses
The sign regulations set forth in section 21.09.070M.1. (*Commercial and Industrial Signs*) shall apply to community [PUBLIC/INSTITUTIONAL] uses. Signage for public buildings that are intended as civic landmarks shall be compatible and integrated with the architectural character, proportions, and details of the building.

4. Fueling Station Signage

a. ***Primary Freestanding Signage Height and Area Maximums***
A fueling station may have a primary freestanding sign up to 25 feet in height, not to exceed 30 square feet in area, and one road front entrance sign on each road frontage, each sign not to exceed eight feet in height or 20 square feet in area.

b. ***Fuel Price Signs***
One sign identifying fuel prices is permitted, not to exceed four panels four feet square, to be arranged in a square or vertical format, not to exceed 12 feet in height.

c. ***Instructional Signs***
Up to six instructional signs are permitted, each not to exceed two feet square, to guide traffic movement and parking.

5. Grocery Store Signage
In spite of subsection 1. above, a grocery store with 15,000 or more square feet gross floor area and with multiple points of vehicle site access may have two freestanding signs, each sign shall not to exceed a total of 20 square feet. No more than 25 percent of window area may be used for signage, including signs located inside but readable from four feet away from the building.

6. Bed and Breakfast Signage
A bed and breakfast shall have and maintain the appearance of a single-family detached dwelling unit or a dwelling unit of a two-family dwelling. No more than one non-illuminated sign is permitted to reflect the operation of a bed and breakfast, and the sign may be one of the following:

a. A maximum one square foot sign, mounted flat against the principal building; or

b. A post and sign located on the property, no more than ten feet from the driveway. The sign area is limited to two and one-half square feet, and the framing area is limited to 15 square feet.

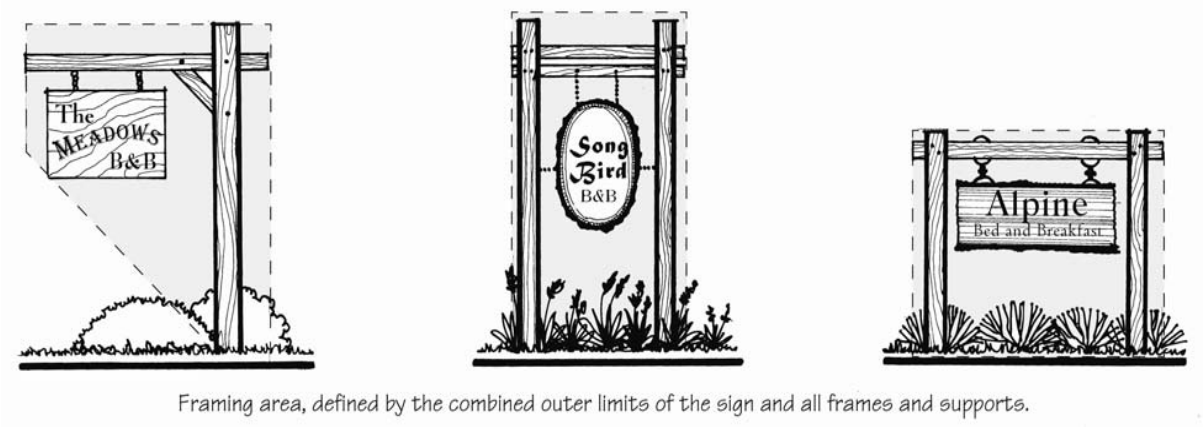


Figure 21.09-14: Bed and Breakfast Signs

N. Driveway Standards

1. Intent
To maintain the natural qualities of the site, driveways shall be of minimum width, follow site contours, and be routed to preserve amenities such as rock outcroppings and stands of mature trees. Driveways shall be designed with safety as a priority, with as little gradient as practicable.

2. Driveway Standards for Residential Uses

TABLE 21.09.070-2: DRIVEWAY STANDARDS FOR RESIDENTIAL USES		
	Single-family/ Two-family Uses	**Multiple-family Residential**
Minimum width	10 feet	12 feet

TABLE 21.09.070-2: DRIVEWAY STANDARDS FOR RESIDENTIAL USES		
	Single-family/ Two-family Uses	**Multiple-family Residential**
Maximum width per driveway This applies to the length of the driveway within a setback and public right-of-way.	20' wide maximum	one-way driveway – 14' max. width two-way driveway – 24' max. width
Two driveways	If two driveways are used for either a single family or a two family lot, they each shall be no more than 10 feet wide.	The total width of both driveways measured within a setback and public right-of-way shall not exceed 40 percent [%] of the frontage of that lot on the street.
More than two driveways	Not allowed.	Allowed if it is shown that they will substantially improve circulation safety both on and off site. All other standards of this subsection apply.
Separation between driveways on a single lot	A minimum 10' wide vegetated separation required where there is more than one driveway to the same street.	
Slope	Slopes of up to 10 percent [%] are allowed on all residential driveways. Driveways with slopes greater than [TEN PERCENT (]10 percent [%)] require prior approval by the municipal traffic engineer.	
Materials	Compactible material suitable for intended use. Surface course or pavement of any type is optional.	Concrete or asphalt compound to the standards prescribed by the traffic engineer.

3. Driveway Standards for Commercial Districts and Nonresidential Uses in Residential Districts

TABLE 21.09.070-3: DRIVEWAY STANDARDS FOR COMMERCIAL DISTRICTS (sf = square feet)							
	gC-1, gC-2		gC-3, gC-4		gC-5 through gC-10~~4~~		
	≤5,000 sf lot	>5,000 sf lot	≤5,000 sf lot	>5,000 sf lot	≤5,000 sf lot	5,000 - 43,560 sf lot	>43,560 sf lot
Minimum width	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet
Maximum width per driveway[14]	24 feet	28 feet	24 feet	24 feet	24 feet	24 feet	24 feet
Maximum width of each driveway for two driveways[14]	Not allowed	28 feet	Not allowed	14 feet	Not allowed	14 feet	24 feet
More than two driveways	Lots are allowed a maximum of two driveways per frontage.		Lots are allowed a maximum of two driveways per lot.		Allowed if it is shown to improve circulation safety, on and off site		
Separation between driveways	Where separate driveways are provided on a lot in a GC district, there shall be a naturally vegetated or landscaped area at least 20 feet wide between the driveways. The separation area may not be used for the parking of vehicles.						
Slope	Slopes of up to 10% are allowed on all commercial driveways. Driveways with slopes of 10-15 percent [%] require prior approval of the municipal traffic engineer.						
Orientation	Within the required front setback on any lot, driveways shall run perpendicular to the street.						
Materials	Concrete or asphalt compound to the standards prescribed by the traffic engineer. Permeable materials are allowed if approved by the municipal traffic engineer.						
[14] Maximum width may be exceeded when approved by the municipal traffic engineer.							

4. Driveway Standards for Industrial Districts

TABLE 21.09.070-4: DRIVEWAY STANDARDS FOR INDUSTRIAL DISTRICTS

	gI-1	gI-2
Maximum width One driveway	30 feet	30 feet
Maximum width Two Driveways	30 feet each	30 feet each
More than two driveways	Not allowed	
Separation between driveways	Where separate driveways are provided on a lot, there shall be a naturally vegetated or landscaped area at least 20 feet wide between the driveways. The separation area may not be used for parking vehicles.	
Slope	Driveways shall not exceed a slope of 10 percent [%].	
Orientation	Within the required front setback on any lot, driveways shall run perpendicular to the street.	
Materials	Concrete or asphalt compound to the standards prescribed by the municipal traffic engineer.	

5. Driveway Standards for Other Districts

a. ***Number and Width***

i. *GA District*

A lot in the GA district may have up to two driveways with a maximum width of 30 feet.

ii. *GOS and GIP Districts*

The maximum width and maximum number of driveways shall be as specified below.

(A) Up to 5,000 square foot lot: One driveway, maximum 24 feet wide; or

(B) Greater than 5,000 square foot lot: One driveway, maximum 24 feet wide; or two driveways, maximum 14 feet wide.

iii. *GDR and GRR Districts*

One driveway, maximum 24 feet wide; or two driveways, maximum 14 feet wide.

b. ***Separation Between Driveways***

i. *GA district*

If two driveways are on the lot, there shall be a minimum 20 foot separation between the two driveways.

ii. *GOS, GIP, GDR and GRR Districts*

Where separate driveways are on a lot, there shall be a vegetated area (either natural or landscaped) at least 20 feet in width between the two driveways. The vegetated area between sections of driveway may not be used for the parking of vehicles.

c. ***Orientation***

i. *GA, GOS, GIP, GDR and GRR Districts*

Within the required front setback on any lot, driveways shall run perpendicular to the street.

d. ***Slope***

i. *GOS, GIP, GDR, and GRR Districts*

Driveways shall not exceed a slope of 10 percent.

O. Trash Management in Multi-Family, Commercial, Industrial, and Resort Districts

1. The placement of refuse containers in the front setback is prohibited.

2. All refuse containers stored outdoors shall be bear-proof.

3. Refuse containers shall be screened from public view within a three-sided structure. Enclosures shall be durably constructed and designed to be consistent with the primary structure(s) on the property.

21.09.080 BUILDING DESIGN STANDARDS

A. Purpose and General Goals

The design standards establish control over certain aspects of the design of multiple-family, commercial, and resort development in order to retain the visual beauty and character of Girdwood Valley's natural landscape and to reduce the visual and physical problems arising from poor site planning. Except as modified by an approved development master plan, these standards apply to new or remodeled development, as noted in the specific applicability statements, and related new accessory structures. Specific purposes include:

1. To preserve and reinforce the unique natural qualities of the site;

2. To fit the building into the land in a way to keep natural landforms and features intact; and

3. To treat the building as an integral part of the natural environment and an attractive addition to the Girdwood community.

No part of chapter 21.09, is meant to preclude, discourage, or inhibit the design, installation, or implementation of ecologically sound methods of harnessing and utilizing wind, solar, hydro, or other sources of renewable energy in Girdwood.

B. Alternative Equivalent Compliance

1. Purpose

Alternative equivalent compliance is a procedure that allows development to meet the intent of the design-related provisions of this chapter through an alternative design. It is not a general waiver or weakening of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this chapter. This procedure is not intended as a substitute for a variance or administrative modification or a vehicle for relief from standards in this chapter.

2. Applicability

The alternative equivalent compliance procedure shall be available only for this section 21.09.080.

3. Procedure

See subsection 21.07.010D. for the alternative equivalent compliance procedure.

4. [PRE-APPLICATION CONFERENCE REQUIRED

AN APPLICANT PROPOSING TO USE ALTERNATIVE EQUIVALENT COMPLIANCE UNDER THIS SECTION SHALL REQUEST AND ATTEND A PRE-APPLICATION CONFERENCE PRIOR TO SUBMITTING THE SITE PLAN FOR DEVELOPMENT, TO DETERMINE THE PRELIMINARY RESPONSE FROM THE DIRECTOR. BASED ON

THAT RESPONSE, THE SITE PLAN APPLICATION SHALL INCLUDE SUFFICIENT EXPLANATION AND JUSTIFICATION, IN BOTH WRITTEN AND GRAPHIC FORM, FOR THE ALTERNATIVE EQUIVALENT COMPLIANCE REQUESTED.

5. DECISION-MAKING RESPONSIBILITY

FINAL APPROVAL OF ALTERNATIVE EQUIVALENT COMPLIANCE UNDER THIS SECTION SHALL BE THE RESPONSIBILITY OF THE DECISION-MAKING BODY RESPONSIBLE FOR DECIDING UPON THE APPLICATION. FOR EXAMPLE, PROPOSED ALTERNATIVE EQUIVALENT COMPLIANCE ON A CONDITIONAL USE APPLICATION SHALL BE CONSIDERED AND DECIDED UPON BY THE PLANNING AND ZONING COMMISSION. BY-RIGHT PROJECTS THAT WOULD NOT ORDINARILY REQUIRE REVIEW UNDER THIS TITLE, YET WHICH ARE PROPOSING ALTERNATIVE EQUIVALENT COMPLIANCE, SHALL RECEIVE WRITTEN APPROVAL OF THE ALTERNATIVE EQUIVALENT COMPLIANCE FROM THE DIRECTOR. ALL APPLICATIONS FOR ALTERNATIVE EQUIVALENT COMPLIANCE SHALL BE PROCESSED AND REVIEWED IN A TIMELY FASHION.

6. CRITERIA

TO GRANT A REQUEST FOR ALTERNATIVE EQUIVALENT COMPLIANCE, THE DECISION-MAKING BODY SHALL FIND THAT THE FOLLOWING CRITERIA ARE MET:

a. THE PROPOSED ALTERNATIVE DESIGN ACHIEVES THE INTENT OF THE SUBJECT DESIGN STANDARD TO THE SAME OR BETTER DEGREE THAN THE SUBJECT STANDARD.

b. THE PROPOSED ALTERNATIVE DESIGN ACHIEVES THE GOALS OF THE GIRDWOOD AREA PLAN TO THE SAME OR BETTER DEGREE THAN THE SUBJECT STANDARD.

c. THE PROPOSED ALTERNATIVE DESIGN RESULTS IN BENEFITS TO THE COMMUNITY THAT ARE EQUIVALENT TO OR BETTER THAN COMPLIANCE WITH THE SUBJECT DESIGN STANDARD.

7. EFFECT OF APPROVAL

ALTERNATIVE EQUIVALENT COMPLIANCE SHALL APPLY ONLY TO THE SPECIFIC SITE FOR WHICH IT IS REQUESTED AND DOES NOT ESTABLISH A PRECEDENT FOR ASSURED APPROVAL OF OTHER REQUESTS.]

C. Single-Family (Detached) Building Design Standards

1. Applicability

The following design standards shall apply in the gR-3 district.

2. Mix of Housing Models

a. Any development of 10 or more units shall have at least three different types of housing models. Each housing model shall have at least two of the following differentiations:

i. Different floor plans;

ii. Different placement of the building footprint on the lot;

iii. Different garage placement; or

iv. Different roof lines.

b. The development shall be arranged in such a way so whenever any four houses are next to each other along a street, at least one of each of the three required models shall be included in the group of four.

D. Two-Family and Attached Single-Family Building Design Standards

1. Applicability

The following design standards shall apply to all two-family and attached single-family development.

2. Roof Forms and Materials

a. ***Height***

Roofs shall vary in height and, with the exception of shed roofs, the majority of roof ends shall be lower than the center of the structure.

b. ***Overhangs***

Roof overhangs shall be sufficient to provide weather protection for building walls. Overhangs on the gable end shall be a minimum of 12 inches. Overhangs on the eave ends shall be a minimum of 24 inches, except the upper eave end of a shed roof is not required to have an overhang. This standard shall not apply to solariums. Flat-roofed structures shall provide an appropriate means of managing runoff to protect exterior walls.

c. ***Snow and Rain Protection***

Roof forms shall be designed to protect the areas where people stand or enter the building from snow and rain. Roof forms shall protect doorways, exterior stairs, balconies, parking lots [AREAS], deck entrances, and garage entrances.

d. ***Roofing Materials***

Roofing materials shall be non-reflective.

3. Two-Family Dwelling Building Style

A two-family structure shall appear to be a single-family dwelling unit in architectural form, style, materials and color. "Mirror image" two-family dwellings are prohibited. There shall be a common front entrance or, if separate entrances are desired, the entrances shall be on different sides of the building.

E. Multiple-Family and Townhouse Building Design Standards

1. Applicability

Development of any multifamily residential structure shall, except as specifically provided herein, comply with the standards of this section. When a structure contains both residential and commercial uses, section 21.09.080D., *Commercial Building Standards*, shall apply.

2. Building Style, Massing, and Size

a. ***Building Style—General***

Although no specific architectural style is required, it is intended the design of buildings take into consideration the Girdwood climate and physical setting. The Girdwood physical environment requires structures to be built for its special circumstances.

b. ***Mass***

The mass of a single building or group of buildings shall be organized so it appears to be an arrangement of smaller-sized connected structures. Large roof forms shall step or be broken by dormers. Upper level residential floors may be

incorporated into the roof form to reduce the apparent height and mass of buildings.

c. ***Scale and Size***

No wall line shall be longer than 40 feet without a change or alteration in alignment of at least four feet in depth from the plane of the façade, extending for at least one third the length of the building. The maximum length of any building side is 120 feet.

d. ***Building Façades***

There shall be trim around openings and windows. Exterior corridors to room entrances are prohibited for buildings with more than eight dwelling units.

3. Roof Form

a. ***Shed or Pitched Roofs***

Sloping roof forms are encouraged.

b. ***Flat Roofs***

Flat-roofed buildings shall be permitted only if the roof areas are divided into separate segments, each no more than 3,000 square feet in area, and separated from adjoining segments by at least four feet in vertical elevation.

c. ***Cornices***

Flat portions of roofs shall have distinctive cornice features.

d. ***Roof Overhangs***

Roof overhangs shall be sufficient to provide weather protection for building walls. Overhangs on the gable end shall be a minimum of 12 inches. Overhangs on the eave ends shall be a minimum of 24 inches, except an upper eave end of a shed roof is not required to have an overhang. Flat-roofed structures shall provide an appropriate means of managing runoff to protect exterior walls. Solariums are exempt from this subsection.

e. ***Snow and Rain Protection***

Roof structures shall be designed to protect doorways, exterior stairs, emergency exits, balconies, vehicle service bays, and garage entrances from snow, ice and rain. Balconies shall be designed to avoid drainage onto other balconies or pedestrian spaces below.

f. ***Roofing Materials***

Roofing materials may be asphalt shingle, metal, slate, or built-up materials on flat sections. Brightly colored enameled, reflective metal, and wood shakes are prohibited roofing materials.

g. ***Projections from Roofs***

i. *Location on the Roof*

Chimneys, flues, vents and antennae shall penetrate the roof near the ridge or only where protected from snow movement off the roof. Vent pipes and flues shall be consolidated into orderly clusters or incorporated into chimney structures.

ii. *Cladding Material*

Chimneys and metal flue pipes shall be clad in wood, stone, or stone veneer.

Page 598 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

4. Porches and Entrances

a. ***Landing Height***

Where landings are used, they shall be a minimum of six inches higher than adjacent walkways or streets.

b. ***Entrances***

Common building entryways shall be a minimum of 12 feet in width or 20 percent of the width of the building wall, whichever is greater. Fire exits are not considered building entrances for the purpose of this section. The entrance shall be weather protected and well lit.

c. ***Porte Cocheres***

Porte cocheres and porticoes may extend outward from the building entrance over driveways or drop-off areas to provide weather protection. Exterior materials and design shall be consistent or compatible with the building.

5. Building Materials

a. ***Durability***

Durable, weatherproof materials shall be used for foundations and the lower sections of building facades subject to the affects of snow accumulations and rain splashback.

b. ***Alternative Façade Materials***

On multistory buildings, façade materials may include pre-cast concrete or plaster surfaces, if such surfaces are heavily ribbed, textured, or brush hammered, and colored to fit the overall building design and mountain setting. No more than 35 percent of any building façade shall consist of textured or treated concrete.

c. ***Remodels***

The architectural design and the materials used in an addition to an existing structure, or accessory structure, shall be compatible with the architectural style and building materials used in the existing structure, unless an entire facade is to be remodeled in a uniform architectural style.

d. ***Restricted Materials***

No more than 20 percent of any given building façade may be composed of aluminum, untextured vinyl or plastic siding, T-111 siding, or brick. Up to 35 percent of any given building façade may be composed of stucco, treated or textured CMU, or simulated stone veneer. No more than five percent of any given building facade may be painted brick.

e. ***Prohibited Materials***

The following exterior materials are prohibited:

i. Shiny, reflective metal surfaces anywhere on the building;

ii. Highly reflective or mirrored glass;

iii. Untreated or untextured concrete or masonry;

iv. Unstained or untreated wood, except for cedar or redwood; all other wood elements shall be treated with oil, stain, or other weathering agent, or painted to resist weathering and discoloration from water;

v. Plywood siding without board and batten; and

Page 599 ANNOTATION

This amendment addresses the design requirements for industrial-type uses that are categorized as community (public/institutional) uses. This issue came up during the approval process of a recent wastewater plant in Gird-wood. See also annotation and companion amendment proposed for Section 21.09.080G.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

vi. White roof gravels.

6. Building Colors

a. ***Principal Colors***

Principal colors on buildings shall generally be natural color tones, such as browns, tans, wood colors, green, rust, barn red and gray. White or cream shades of color are permitted on not more than 35 percent of each facade. Bright, primary colors are permitted on not more than 15 percent of each facade.

b. ***Trim Colors***

Brighter colors than principal building colors are permitted for trim and highlight details, such as cornices, window frames, handrails, and entrance doors.

7. Accessory Elements

a. ***Detached Parking, Garages, and Carports***

Detached garages, carports and parking garages shall be designed with architectural elements and materials related to the principal residential building or buildings, and shall be screened from view from public roads and primary common areas with landscaping and/or berming.

b. ***Resident Storage and Other Accessory Buildings***

A multiple-family project shall provide a minimum of 40 square feet per dwelling unit of covered, enclosed, and secure storage areas for bikes and other belongings typically cannot be accommodated within individual dwelling units. This storage area may be provided as part of a garage. Storage and other accessory buildings shall be designed with materials and/or architectural elements related to the principal buildings.

F. Commercial, Resort and Public/ Institutional Building Design Standards

1. Applicability

a. Development of any structure containing a use categorized in table 21.09.050-1 as a community [PUBLIC/INSTITUTIONAL] or commercial use shall, except as specifically provided herein, comply with the standards of this subsection. Where a structure contains both residential and commercial uses, the standards of this section shall apply.

b. The following community uses shall meet the industrial building design standards in subsection 21.09.080G. below rather than the commercial, resort, and community building design standards of this section: aircraft repair, aircraft storage hangar, aviation services, utility facility, and utility substation.

2. Building Style, Massing and Size

a. ***Mountain Building Style – Intent***

The design of new buildings shall have the appearance of structures appropriate for Girdwood's climate, mountain valley setting, and small western mining town character. Commercial and resort buildings shall utilize a mountain style defined primarily by the materials, roof pitches, use of porches, and street treatment as set forth below and in section 21.09.070F.

b. ***Residential Building Style – Intent***

New buildings in the old and new Girdwood townsite commercial areas shall have a residential character, even though the zoning permits and encourages commercial uses. Building forms and detail elements shall have predominantly pitched roofs, porches, traditional rectangular windows with a vertical orientation (on the ground floor), avoidance of blank walls or materials associated with

industrial uses. Buildings shall consist of relatively small, human-scaled or appear to be an aggregation of smaller, simpler forms. Residential apartments on upper stories are encouraged.

c. ***Mass***

The mass of a single building or group of buildings shall be organized so it appears to be an arrangement of smaller-sized connected structures. Upper level residential floors may be incorporated into the roof form to reduce the apparent height and mass of buildings.

d. ***Scale and Size***

No wall line shall be longer than 40 feet without a change or alteration in alignment of at least four feet in depth from the plane of the façade, extending for at least one third the length of the building. The maximum length of any building side is 120 feet. Large roof forms shall step or be broken by dormers.

e. ***Building Façade Elements***

Windows on the ground floor shall be rectangular and vertically oriented, and recessed into the exterior wall or window trim, rather than appear as continuous areas of glass flush with the wall plane. Balconies shall be recessed or covered. There shall be trim around openings and windows. Exterior corridors to upper floor room entrances are prohibited for buildings with more than eight dwelling units.

f. ***Store Fronts***

i. *Design Elements*

The front facade for all retail/commercial uses shall be organized to display merchandise in visible and attractive ways. This requirement shall be met by providing:

(A) Horizontal and vertical mullions and sashes to subdivide the windows into smaller panes;

(B) Sturdy and weather resistant storefront base materials;

(C) One or more angled windows, such as bay windows, or recessed doorways; and

ii. *Entries*

Entries extending from the main facade, such as arctic entries, are permitted where these areas are designed as an integral part of the structure and do not impede pedestrian movement along the building façade.

iii. *Glass Windows*

Except for the gC-4 district, commercial buildings shall have a high percentage of glass windows with interior views in the facades, as specified below.

(A) Retail/bar/restaurant uses at ground floor: At least 50 percent glass.

(B) Retail/commercial use with a sideyard entrance, the portion of the store facing the street: At least 50 percent glass designed as display windows.

(C) Ground floor offices facing streets or pedestrian areas: At least 30 percent glass.

(D) Ground floor of grocery store facing streets, pedestrian areas or major parking lots [AREAS]: At least 50 percent glass.

3. Roof Form

a. ***Pitch***

Roofs visible from a public way shall be primarily pitched. The pitch for the primary roof structure shall be between 8:12 and 12:12, but may be as shallow as 5:12, as long as the eave overhangs are at least two and one half feet. Segments of the roof may be flatter or steeper slopes, however, to achieve a specific design effect. Wherever a portion of the roof has a shallower pitch than the standard, or if it is flat, provision shall be made to avoid glaciation.

b. ***Flat Roofs***

Flat portions of roofs shall have distinctive cornice features, to create visual interest and provide sufficient overhang to protect walls from the weather. Large visible flat roof forms shall step or be broken by dormers. Design elements may also be used on flat roofs to create the appearance the building has a pitched or shed roof. The canopy sheltering cars at fueling stations may be flat but shall have distinctive cornice detailing. Fueling station canopies shall not be significantly larger and out of proportion to the fueling station building.

c. ***Overhangs***

Roof overhangs shall be sufficient to provide weather protection for building walls. Overhangs on the gable end shall be a minimum of 12 inches. Overhangs on the eave ends shall be a minimum of 24 inches, except the upper eave end of a shed roof is not required to have an overhang. Solariums are exempt from this subsection.

d. ***Snow and Rain Protection***

Roof structures shall be designed to protect doorways, exterior stairs, balconies, vehicle service bays, and garage entrances from snow, ice and rain. Balconies shall be designed to avoid drainage onto other balconies or pedestrian spaces below.

e. ***Roofing Materials***

Roofing materials may be asphaltic shingle, metal, or built-up materials on flat sections. Brightly colored enameled, reflective metal, and wood shakes are prohibited roofing materials.

f. ***Projections from Roofs***

i. *Location on Roof*

Chimneys, flues, vents, and antennae shall penetrate the roof near a ridgeline or only where protected from snow movement off the roof. Vent pipes shall be collected into orderly clusters or incorporated into chimney structures.

ii. *Cladding Material*

Chimneys and metal flue pipes shall be clad in wood, stone, or stone veneer.

4. Porches, Entrances, Arcades, and Roofed Walkways

A key element of Girdwood mountain style for commercial, community [PUBLIC/INSTITUTIONAL] and resort buildings is the use of porches with shed roofs to

define entrances. To the maximum extent feasible, all buildings shall utilize porches constructed in accordance with the following standards:

a. ***Landing Height***
Where landings are used, they shall be a minimum of eight inches higher than adjacent walkways or streets.

b. ***Rails***
Porch rails shall be semi-open and/or transparent. Details shall be consistent with other building detailing.

c. ***Entry Size***
Building entrances shall be at least eight feet in width, weather protected, and well lit.

d. ***Arcades and Roofed Walkways***

i. *Relationship to Buildings*
Arcades or roofed walkways shall be fully attached to the building front and be of uniform design along the street frontage. Arcades may vary and step along the street frontage with the line and style of the buildings to which they belong. Arcade form, width, scale, materials and colors shall be compatible the adjacent building.

ii. *Relationship to Streets*
A landscaped strip for snow storage at least eight feet in width shall be provided parallel to the arcade and shall separate it from the sidewalk edge.

iii. *Upper Floor Buildable Area*
After an administrative review and sign-off by the director, the upper story areas above the arcade may be enclosed as part of the building area. The director will review the proposal for conformity with design goals of this chapter and applicable Girdwood area plans.

iv. *Clear Space*
Arcades and roofed walkways shall have a minimum of eight feet clear space between arcade columns and the building wall. The arcade of a grocery store shall allow a minimum of 10 feet clear space. The arcade shall be continuous between all entrance/exit doors.

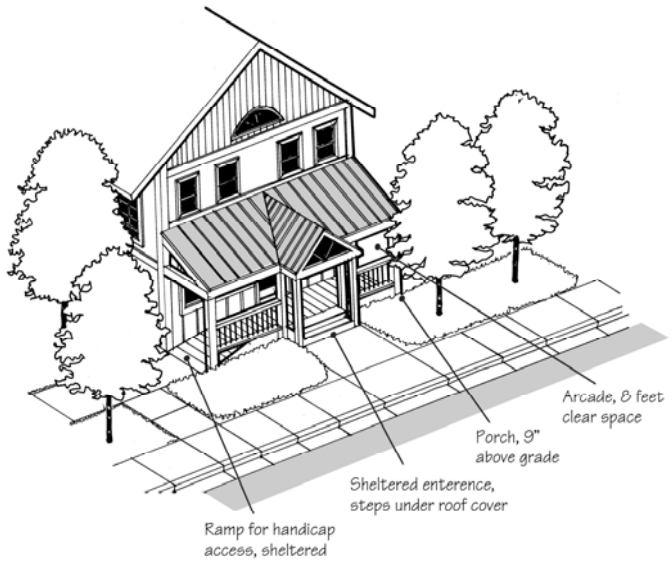


***Figure 21.09-15**: Arcades and Roofed Walkways*

v. *Columns*
Arcade columns shall be in scale with the overall building but shall not obscure ground level storefronts from adjacent pedestrian areas.

vi. *Roofs*
Arcade and walkway roofs may be flat or sloped to complement other roof forms on the building, but the roof form shall be designed to provide adequate drainage and prevent snow dump, icicle build-up, or rainwater dripping over points of entry to the arcade or walkway. Canvas, metal, or acrylic awnings in lieu of structural covered walkways are not acceptable.

vii. *Elevation above Grade*
Arcaded or roofed walkways shall be elevated at least eight inches above grade.

viii. *Pedestrian Scale Lighting*
Arcade and roofed walkway lighting shall be adequate to provide for safety and aesthetic quality. Pedestrian scaled lighting, including but not limited to bollards, ceiling or post-mounted, or attached to the building, shall be required as part of the design of covered walkways. Light sources shall be shielded, recessed, and/or directed so glare is avoided.

5. Building Materials

a. *Primary Building Materials*
It is intended for wood and stone to be the primary exterior building materials. Vertical or horizontal patterns, rough or resawn wood, board and batten, and round or square cut logs are permitted. Stone is also permitted. Materials at the base of buildings shall be resistant to damage from snow or water.

b. *Columns, Posts, and Beams*
Primary exterior materials of columns, posts and beams shall consist of heavy timbers, peeled log poles, steel, concrete, or stone cladding, or a combination of these materials.

Page 604 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

c. ***Alternative Façade Materials***

On multistory buildings, façade materials may include pre-cast concrete or plaster surfaces, if such surfaces are heavily ribbed, textured, architecturally treated to resemble natural materials, or brush hammered, and are colored to fit the overall building design and mountain setting.

d. ***Remodels***

The architectural design and the materials used in an addition to an existing structure, or accessory structure, shall be compatible with the architectural style and building materials used in the existing structure, unless an entire facade is to be remodeled in a uniform architectural style.

e. ***Restricted Materials***

No more than 20 percent of any given building facade may be composed of aluminum, untextured vinyl or plastic siding, T-111 siding, brick or exposed concrete. Stucco, treated or textured CMU, or simulated stone veneer may comprise up to 35 percent of any given building façade. No more than five percent of any given building facade may be painted brick.

f. ***Prohibited Materials***

The following materials are prohibited:

i. Shiny, reflective metal surfaces anywhere on the building;

ii. Mirrored or highly reflective glass;

iii. Untreated concrete or masonry;

iv. Unstained or untreated wood, except for cedar and redwood; all other wood elements shall be treated with oil, stain, or other weathering agent, or painted to resist weathering and discoloration from water;

v. Plywood siding without board and batten; and

vi. White roof gravels.

6. Building Colors

a. ***Principal Colors***

Principal colors on a building shall generally be natural color tones, such as browns, ochre yellows, tans, wood colors, green, rust, barn red and gray. White and cream shades of color are permitted on not more than 35 percent of each facade. Bright, primary colors are permitted on not more than 15 percent of each facade.

b. ***Trim Colors***

Brighter colors than primary building colors are permitted for trim and highlight details, such as cornices, window frames, handrails, and entrance doors. Neon tubing or an equivalent illumination technique is prohibited as a building/roofline outline feature.

7. Accessory Elements

a. ***Parking***

Detached garages, carports, and parking garages shall be designed with architectural elements and materials related to the principal commercial building or buildings, and shall be screened from view from public roads and primary common areas with landscaping and/or berming.

Page 605 ANNOTATION

In response to a public comment, this clarifies the intent of the Girdwood community to ensure that adequate design standards are developed to address the potential impacts of industrial facilities and public utility facilities to Girdwood's character.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

G. Industrial Building Design Standards

Building and roof colors shall be forest shades, such as dark green, dark brown, or dark gray, to blend into Girdwood's forest setting from both the ground and the air.

[RESERVED: Design standards for industrial buildings in Girdwood will be further developed in coordination with the update to the Girdwood Area Plan and adopted as an amendment to this section.]

21.09.090 ZONING MAPS

The following zoning maps are provided:

A. Girdwood Zoning Districts

B. Girdwood Zoning Districts (Lower Valley Enlargement)

C. Single-Family/Two-Family Residential Districts

D. Multiple-Family Residential Districts

E. Commercial Districts

F. Industrial Districts

G. Resort Districts

H. Girdwood Airport, GIP, and GIP-p Districts

I. Girdwood Commercial Recreation Districts 1,2 and 3

J. Girdwood Development Reserve and Recreation Reserve Districts

K. Open Space and Girdwood Watershed Districts

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TITLE 21 REWRITE

CHAPTER 21.10

January 8, 2013

CHAPTER 21.10: CHUGIAK-EAGLE RIVER

21.10.010 PURPOSE

The purposes of chapter 21.10 are to provide standards and regulations to implement the comprehensive plan elements of Chugiak-Eagle River, preserve and enhance the distinctive rural character, abundant natural environment, and unique lifestyle(s) of the community, while planning for growth and development, and to avoid overlap with standards and regulations applicable to other districts of the municipality.

21.10.020 APPLICATION OF CHAPTER 21.10

A. Applicability

These regulations and standards shall apply only to the Chugiak-Eagle River area of the municipality as further delineated below.

B. Relationship to Other Title 21 Provisions

1. To the extent any provisions in this chapter conflict with other provisions of title 21 the provisions of this chapter shall govern. If certain provisions overlap but are not in conflict, then the provisions of this chapter shall be considered to supplement title 21 requirements and are additional requirements. Unless modified by this chapter, the other chapters and provisions of title 21 apply to the Chugiak-Eagle River area.

2. Where provisions of chapters 21.01 through 21.08 and 21.11 through 21.14 apply and reference a specific zoning district, the following table shall be used to apply the applicable provision in Chugiak-Eagle River.

TABLE 21.10-1: APPLICATION OF ZONING DISTRICT PROVISIONS

Zoning District in Chapters 21.01 through 21.08 and 21.11 through 21.14	Zoning District in Chugiak-Eagle River
R-1	CE-R-1
R-1A	CE-R-1A
R-2A	CE-R-2A
R-2D	CE-R-2D
R-2M	CE-R-2M
R-3	CE-R-3
R-4	N/A
R-4A	N/A
R-5	CE-R-5
R-6	CE-R-5A and CE-R-6
R-7	CE-R-7
R-8	CE-R-8
R-9	CE-R-9
R-10	CE-R-10
B-1A	N/A
B-1B	N/A
B-3	CE-B-3
DT-1, DT-2, DT-3	N/A
RO	CE-RO
MC	N/A
I-1	CE-I-1 and CE-RC
I-2	CE-I-2 and CE-I-3
MI	N/A
A	CE-AD
AF	AF

DR	CE-DR
PCD	CE-PCD
PLI	CE-PLI
PR	CE-PR
TA	N/A
TR	CE-TR
WS	WS
AHO	AHO
CCO	N/A
FHO	FHO

C. Chugiak-Eagle River Defined

This chapter applies to, and the term Chugiak-Eagle River in this chapter refers to, the land in Eklutna, Peters Creek, Birchwood, Chugiak, Eagle River, Eagle River Valley, and South Fork as shown on the map in subsection 21.10.020F., and having the following real property description:

Those lands lying within the boundary of the Municipality of Anchorage, within the Anchorage Recording District, Third Judicial District, State of Alaska; including all private, municipal and state land and those lands under state selection in Chugach National Forest; more particularly described as follows:

1. Township 13 North, Range 1 East, Seward Meridian, Alaska: Sections 3 through 6 inclusive, 9, 10 & 15 , excepting those lands covered by the Chugach State Park

2. Township 13 North, Range 1 West, Seward Meridian, Alaska: Sections 1, 3, 4, 9, 10 & 15, excepting those lands covered by the Chugach State Park

3. Township 14 North, Range 1 East, Seward Meridian, Alaska: Sections 30, 31, 32, & 33, excepting those lands covered by the Chugach State Park

4. Township 14 North, Range 1 West, Seward Meridian, Alaska: Sections 5, 6, 7, 8, 9, 14 through 29 inclusive, 33, 34, 35, & 36, excepting those lands covered by the Chugach State Park

5. Township 14 North, Range 2 West, Seward Meridian, Alaska: Sections 1, 2, 11, 12, 13, 14, 22, 23, & 24, excepting those lands covered by the Chugach State Park and Joint Base Elmendorf Richardson

6. Township 15 North, Range 2 East, Seward Meridian, Alaska: Section 6, excepting those lands covered by the Chugach State Park

7. Township 15 North, Range 1 East, Seward Meridian, Alaska: Section 1, excepting those lands covered by the Chugach State Park

8. Township 15 North, Range 1 West, Seward Meridian, Alaska: Sections 2 through 11 inclusive, 14 through 20 inclusive, 29, 30, 31, & 32, excepting those lands covered by the Chugach State Park and the Knik Arm of the Cook Inlet

9. Township 15 North, Range 2 West, Seward Meridian, Alaska: Sections 12, 13, 24, 25, 26, 34, 35, & 36, excepting those lands covered by Joint Base Elmendorf Richardson and the Knik Arm of the Cook Inlet

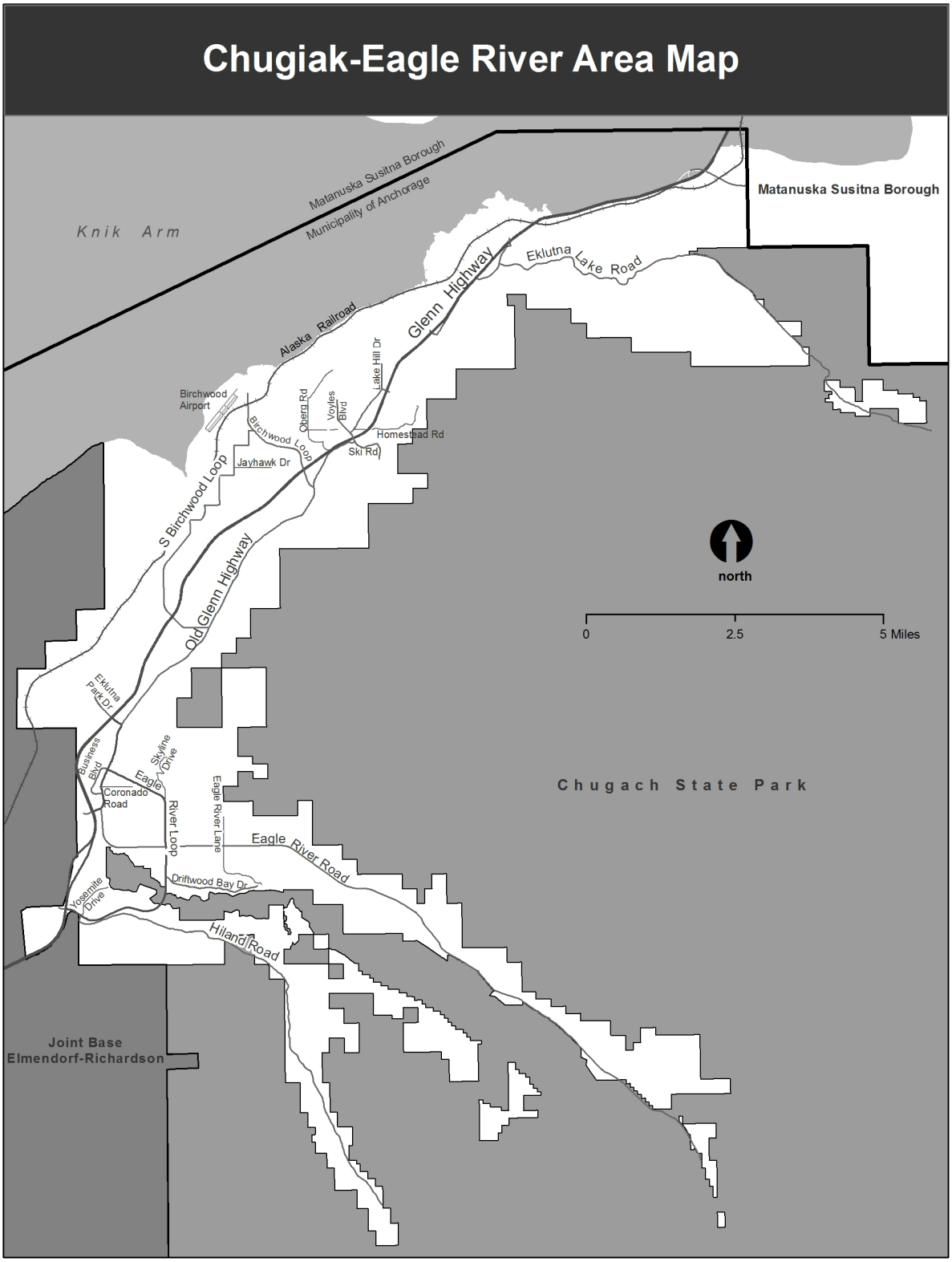
10. Township 16 North, Range 1 East, Seward Meridian, Alaska: Sections 15, 16, 19, 20, 21, 22, 26, 27, 28, 29, 30, 32, 33, 34, & 35, excepting those lands covered by the Chugach State Park and the Knik Arm of the Cook Inlet

11. Township 16 North, Range 1 West, Seward Meridian, Alaska: Sections 23, 24, 25, 26, 27, 32, 33, 34, 35, & 36, excepting those lands covered by the Knik arm of the Cook Inlet.

D. Verification of Nonconforming Status

The fees associated with verification of nonconforming status pursuant to section 21.03.250 relating to structures, uses, and lots in the Chugiak-Eagle River area which have become nonconforming with the adoption of this chapter shall be waived for a period of two years, beginning [effective date]. Those properties that have received non-conforming determinations may continue pursuant to the provisions of chapter 21.12.

E. Chapter 21.10 Area Map



21.10.030 ADMINISTRATION AND REVIEW PROCEDURES

A. Title 21 Administrative Provisions and Procedures Apply

Except as specifically provided in this chapter, all development in the Chugiak-Eagle River area shall be subject to and reviewed pursuant to the generally applicable administrative and review procedures set forth in chapters 21.01, *General Provisions*; 21.02, *Boards, Commissions and Municipal Administration*; and 21.03, *Review and Approval Procedures*.

B. Chugiak-Eagle River Advisory Board

1. An advisory board shall be constituted to review and make recommendations on actions addressed in section 21.02.020 which affect Chugiak-Eagle River. The advisory board shall be constituted from representatives appointed by each of the community councils that represent the Chugiak-Eagle River area described in section 21.10.020. Each community council shall be represented with one seat on the advisory board, with one additional representative from the Native Village of Eklutna.

2. The Chugiak/Eagle River advisory board is voluntary, similar to service boards, which serves as the focus for areawide concerns. Its authority as an advisory body does not amend or abridge the ability of individual community councils to provide input to any other board or commission, or to the administration, on any matters for which it exercises review authority.

3. The advisory board shall provide review and make recommendations to the municipality and its boards and commissions on matters including the following:

a. Changes to the *Chugiak-Eagle River Comprehensive Plan* and changes to the other comprehensive plans and studies which impact the Chugiak-Eagle River area.

b. Actions involving the platting board, planning and zoning commission, zoning board of examiners and appeals, and the urban design commission that require public notice to multiple community councils in the Chugiak-Eagle River area.

c. Code changes, public facility site selection, overlay districts, and large retail establishments in the Chugiak-Eagle River area.

21.10.040 ZONING DISTRICTS

This chapter establishes the zoning districts and contains basic information pertaining to zoning districts, including statements of purpose and district-specific regulations. The following sections 21.10.050 through 21.10.070 set forth the uses allowed within the districts, the dimensional standards, and the design standards, where they differ from chapters 21.05, 21.06, and 21.07, to be applied to development in the districts. Upon approval of chapter 21.10, the director shall amend the Chugiak-Eagle River zoning map to reflect that all zoning districts are now designated with the prefix "CE". If a district is designated as having special limitations, SL, the new designation shall be CE-x-x-SL with the special limitations remaining as authorized by the enacting ordinance.

A. Purpose

The municipality, including the Chugiak-Eagle River area, is divided into zoning districts in order to achieve the purposes of this title established in 21.01. Included in the general provisions of chapter 21.01 are the implementation of the *Chugiak-Eagle River Comprehensive Plan*, and particularly its land use plan map and other relevant elements of this plan. The Chugiak-Eagle River zoning districts are intended to implement the land use plan map of the *Chugiak-Eagle River Comprehensive Plan*.

B. Zoning Districts Established

1. Chugiak-Eagle River is divided into the following zoning districts as shown on table 21.10-2:

**TABLE 21.10-2:
CHUGIAK-EAGLE RIVER ZONING DISTRICTS ESTABLISHED**

District Type	Abbreviation	District Name
Residential Districts	CE-R-1	Single-Family Residential
	CE-R-1A	Single-Family Residential
	CE-R-2A	Single- and Two-Family Residential
	CE-R-2D	Two-Family Residential
	CE-R-2M	Mixed Residential
	CE-R-3	Multifamily Residential
	CE-R-5	Suburban Residential with Mobile Homes
	CE-R-5A	Rural Residential with Mobile Homes
	CE-R-6	Low-Density Residential
	CE-R-7	Medium-Density Single-Family Residential
	CE-R-8	Low-Density Residential
	CE-R-9	Low-Density Residential
	CE-R-10	Low-Density Residential, Alpine/Slope
Commercial Districts	CE-B-3	General Business
	CE-RO	Residential Office
	CE-RC	Rural Commercial
Industrial Districts	CE-I-1	Light Industrial
	CE-I-2	Heavy Industrial
	CE-I-3	Rural Industrial
Other Districts	CE-AD	Airport Development (Birchwood)
	CE-DR	Development Reserve
	CE-PCD	Planned Community Development
	CE-PLI	Public Lands and Institutions
	CE-PR	Parks and Recreation
	CE-TR	Transition
Overlay Zoning Districts	CE-DO	Downtown Eagle River Overlay
	CE-EVO	Eklutna Village Overlay

2. Only Chugiak-Eagle River zoning districts and the AF and WS districts are intended to be applied within the Chugiak-Eagle River area as defined by subsection 21.10.020F. above through any rezoning process.

C. Residential Districts

1. General Purpose

The Chugiak-Eagle River area contains a diverse mix of residential development. The residential districts provide a wide variety of lifestyle choices of varying land use intensity. The purpose of this section is to protect the diverse residential lifestyles of the area and to implement the Chugiak-Eagle River Comprehensive Plan by providing districts which

conform to the residential densities of the plan. The residential zoning districts established in this section are generally intended to:

a. Provide appropriately located areas for residential development this is consistent with the comprehensive plan and standards of public health and safety established by this code;

b. Designate areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;

c. Conserve residential lands for housing by limiting conversion of the residential land base to non-residential uses;

d. Allow for a variety of housing;

e. Protect the scale and character and unique appeal of existing residential neighborhoods and community areas;

f. Provide light, air, privacy, and open space for each residential dwelling, and protect residents from the harmful effects of excessive noise, glare and light pollution, traffic congestion, and other significant adverse effects;

g. Protect residential areas from commercial and industrial hazards such as fires, explosions, and toxic fumes and substances;

h. Where appropriate, minimize the location of residences in high natural hazard areas, and mitigate the risk in those areas where development may be allowed;

i. Facilitate the provision of appropriate public and institutional services and facilities, such as schools, parks and recreation uses, religious assembly, utility substations, and telecommunications and transportation infrastructure, which are needed to accommodate densities recommended in the comprehensive plan, while maintaining the residential character of the district;

j. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of residential development; and

k. Designate areas for residential living that support neighborhood identity and economic vitality and thus give predictability to residential settings and encourage investments and enhancements.

2. CE-R-1: Single-Family Residential District

a. ***Purpose***

The CE-R-1 district is intended primarily to provide for detached single-family residential areas with medium density. These areas generally are intended to have well-developed infrastructure and municipal services.

b. ***District-Specific Standard***

Gross density shall be up to six dwelling units per acre.

3. CE-R-1A: Single-Family Residential District

a. ***Purpose***

The CE-R-1A district is intended primarily for detached single-family residential areas with medium density, and minimum lot size is slightly larger than the CE-R-1 district. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

b. ***District-Specific Standard***

Gross density shall be up to four dwelling units per acre.

4. CR-R-2A: Two-Family Residential District

a. ***Purpose***

The CE-R-2A district is intended primarily for single- and two-family residential areas with moderate density. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

b. ***District-Specific Standards***

i. Multiple detached dwelling units built on the same lot or tract which do not qualify as an ADU, shall be allowed through the planned unit development (PUD) process in accordance with subsection 21.03.080H.

ii. Gross density shall be up to ten dwelling units per acre.

5. CE-R-2D: Two-Family Residential District

a. ***Purpose***

The CE-R-2D district is intended primarily for single- and two-family residential areas with moderate density. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

b. ***District-Specific Standards***

i. Gross density shall be up to 12 dwelling units per acre.

ii. The CE-R-2D district shall conform to the district specific standards of the CE-R-2A district.

6. CE-R-2M: Mixed Residential District

a. ***Purpose***

The CE-R-2M district is intended primarily for residential areas that allow for a variety of single-family, two-family, and multifamily dwellings, with moderate density. The CE-R-2M district provides residential neighborhoods with a greater diversity of housing by allowing a mix of both detached and a variety of attached dwelling types in close proximity to each other, rather than separated into different use districts. The CE-R-2M district is to be located in established or redeveloping residential neighborhoods. The design of new development, such as building scale and setbacks, parking facility size and location, and yard landscaping, should be complementary to the existing neighborhood and mix of dwelling types.

b. ***District-Specific Standards***

i. Multifamily buildings shall contain no more than eight dwelling units per building.

ii. On lots of one acre or more where more than one principal structure is allowed (see table 21.10-7), the development of two to four principal structures on a lot requires an administrative site plan review.

iii. On lots of one acre or more where more than one principal structure is allowed (see table 21.10-7), the development of five or more principal structures on a lot shall be allowed through the planned unit development (PUD) process in accordance with subsection 21.03.080H.

iv. No more than 40 percent of the land area between any street facing building elevation and the street lot line may be paved or used for vehicle driveway or parking.

v. Gross density shall be up to 15 dwelling units per acre.

7. CE-R-3: Multifamily Residential District

a. ***Purpose***

The CE-R-3 district is intended primarily for residential areas that allow for a variety of multifamily, two-family, and single-family dwellings, with moderate to high density. The design of CE-R-3 development, including building appearance, location of parking, setbacks, and landscaping, should be complementary to the existing neighborhood and mix of dwelling types.

b. ***District-Specific Standards***

i. Multiple detached dwelling units built on the same lot or tract, which do not qualify as an ADU, shall be allowed through the planned unit development (PUD) process in accordance with subsection 21.03.080H.

ii. Gross density shall be up to 30 dwelling units per acre.

8. CE-R-5: Suburban Residential District with Mobile Homes

a. ***Purpose***

The CE-R-5 district is intended for single- and two-family residential areas with medium density where public sewer and water are generally available, and to encourage affordable housing. Mobile homes on individual lots are allowed in this district.

b. ***District-Specific Standard***

Gross density shall be up to six dwelling units per acre.

9. CE-R-5A: Rural Residential District with Mobile Homes

a. ***Purpose***

The CE-R-5A district is intended for single- and two-family residential areas with low density where public sewer and water are generally not available, to encourage affordable housing, and to protect the rural setting by maintaining large lots and low population densities in the Chugiak-Eagle River area. Mobile homes on individual lots are allowed in this district.

b. ***District-Specific Standard***

Gross density shall be up to one dwelling unit per acre.

10. CE-R-6: Low-Density Residential District

a. ***Purpose***

The CE-R-6 district is intended for those land areas where large lot development is desirable. The CE-R-6 district is designed to encourage low-density residential development while at the same time protecting and enhancing those physical and environmental features which add to the desirability of rural residential living. Availability of infrastructure and municipal services may vary.

b. ***District-Specific Standard***

Gross density shall be up to one dwelling unit per acre.

11. CE-R-7: Medium-Density Single-Family Residential District

a. ***Purpose***

The CE-R-7 district is intended primarily for single- and two-family residential areas with medium to low density. This district may also be applied to areas between larger lot districts and higher density districts while at the same time

protecting and enhancing those physical and environmental features which add to the desirability of rural residential living.

b. ***District-Specific Standard***
Gross density shall be up to two dwelling units per acre.

12. CE-R-8: Low-Density Residential District

a. ***Purpose***
The CE-R-8 district is intended primarily for single- and two-family residential areas where topographic or other natural conditions are such that higher-density development would be unfeasible. In addition to topography, some of the natural conditions which could exist to render land desirable for the densities proposed in this zone are wind hazards, marginal soils, landslide susceptibility, potential for groundwater pollution, and groundwater availability.

b. ***District-Specific Standard***
Gross density shall be up to one dwelling unit per five acres.

13. CE-R-9: Low-Density Residential District

a. ***Purpose***
The CE-R-9 district is primarily for single- and two-family large lot residential areas where public sewer and water are unlikely to be provided, or where topographic or other natural conditions are such that higher-density development would be unfeasible.

b. ***District-Specific Standard***
Gross density shall be up to one dwelling unit per two and one half acres.

14. CE-R-10: Low-Density Residential, Alpine/Slope District

a. ***Purpose***
The CE-R-10 district is intended for use in those areas where natural physical features and environmental factors such as slopes, alpine and forest vegetation, soils, slope stability, and geologic hazards require unique and creative design for development.

b. ***District-Specific Standards***
District-specific standards are as established in subsection 21.04.020O. 2.

D. Commercial Districts

1. General Purpose
The Chugiak-Eagle River commercial districts established in this section are generally intended to:

a. Provide appropriately located areas consistent with the comprehensive plan that provide a full range of retail and service establishments and convenience and office uses, and protect such uses from the adverse effects of incompatible uses;

b. Provide adequate area to meet the needs of future commercial development;

c. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage further geographic expansion of commercial areas not designated in the comprehensive plan;

d. Promote the location of higher intensity commercial uses and traffic into those area of Chugiak-Eagle River that are best developed for traffic and access;

e. Strengthen the economic base of the Chugiak-Eagle River area and provide employment opportunities;

f. Provide for commercial land uses that meet the needs of local residents, while providing for development of regional services and businesses;

g. Minimize land use impacts of commercial development on adjacent residential districts; and

h. Provide sites for public and semi-public uses such as utilities and telecommunications infrastructure needed to compliment commercial development.

2. CE-B-3: General Business District

a. ***Purpose***

The CE-B-3 district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are intended to be located on collector or greater roads and to be provided with adequate public services and facilities. They are subject to the public view and should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Adjacent residential areas should be protected from potentially negative impacts associated with commercial activity.

b. ***District-Specific Standard***

Outside of the downtown overlay district, maximum height of structures shall be 45 feet.

c. ***District Location Requirements***

i. Establishment of the CE-B-3 district or changes to existing district boundaries shall meet the general rezoning criteria of this code and shall not be expanded along street corridors or into surrounding neighborhoods unless consistent with the comprehensive plan.

ii. Future rezonings to CE-B-3 shall take into consideration the desirability of CE-B-3 being located on collector or greater roads and being served with adequate public services and facilities.

3. CE-RO: Residential Office District

a. ***Purpose***

The CE-RO district is intended to support residential use while extending professional, business, and office uses, or areas with a compatible mix of office and residential uses to the Chugiak-Eagle River area. The district provides for small to medium sized office or residential buildings, often in transition areas. The district allows multifamily residential, group living, and visitor accommodations.

b. ***District-Specific Standards***

i. *Height*

Outside of the downtown overlay district, maximum height of structures shall be 35 feet.

ii. *Landscaping*

Landscape buffering shall not be required between residential uses in the CE-RO district and adjacent residential CE-R-2M or CE-R-3.

c. ***District Location Requirements***

i. New CE-RO districts shall be located in areas where the development buffers residential neighborhoods from heavy volumes of traffic or more intense commercial uses.

ii. The CE-RO district shall not be expanded into areas designated residential in the Chugiak-Eagle River Comprehensive Plan.

4. CE-RC: Rural Commercial District

a. ***Purpose***

The CE-RC District is intended for uses that provide a range of commercial goods and services including some light manufacturing, processing, retail service, and services performed on site for residents of the community. The district is primarily located in areas where concentration of development is prevented by lack of public water and/or sewer. The commercial and light industrial service uses are intended to be of lower density than other commercial use districts. Development within the CE-RC district will be where commercial goods and services are generally focused at intersections or in a linear manner along streets of collector or greater classification. The CE-RC district is not intended for moderate or high density commercial or light industrial developments.

b. ***District-Specific Standards***

i. *Landscaping, Screening, and Fencing*

(A) L3 screening landscaping shall be required along any right-of-way designated as a freeway in the *Official Streets and Highways Plan*.

(B) L2 buffer landscaping shall be required along any lot line abutting residential lots.

ii. *No Commercial Design Standards*

The commercial design standards of section 21.07.120 shall not apply in the CE-RC district.

iii. *Prohibited Uses*

Business-industrial parks (BIP-PUDs) are not permitted in the CE-RC district.

E. Industrial Districts

1. General Purpose

The Chugiak-Eagle River industrial districts are generally intended to:

a. Create suitable environments for various types of industrial uses;

b. Reserve appropriately located areas for industrial purposes and limit non-industrial uses that may erode the supply of industrial lands;

c. Provide adequate space to meet the needs of future industrial development, including off-street parking and loading;

d. Strengthen and diversity the economic industrial base of Chugiak-Eagle River and provide employment opportunities;

e. Minimize land use impacts of industrial development on abutting non-industrial districts; and

f. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of industrial development.

2. CE-I-1: Light Industrial District

a. ***Purpose***

The CE-I-1 district is intended primarily for public and private light manufacturing, processing, service, storage, wholesale, and distribution operations along with limited commercial uses that support and/or are compatible with industrial uses. Business-industrial parks and single-commodity bulk retail sales and building supply stores and services are allowed.

3. CE-I-2: Heavy Industrial District

a. ***Purpose***

The CE-I-2 district is intended primarily as an industrial activity area and reserve for public and private heavy manufacturing, warehousing and distribution, equipment and materials storage, vehicle and equipment repair, major freight terminals, waste and salvage, resource extraction and processing, and other related uses. Non-industrial uses are limited to prevent land use and traffic conflicts and to maintain and protect the supply of industrial lands within the Chugiak-Eagle River area.

b. ***District-Specific Standards***

i. Heavy industrial uses shall be encouraged to locate along the Alaska Railroad corridor adjacent to Knik Arm or the Old Glenn Highway corridor adjacent to existing industrial-zoned property. If an overriding public interest is served by another location, adequate separation or buffering of less intense uses should be provided.

ii. Any use in the CE-I-2 district shall be at least 200 feet away from any residential use.

4. CE-I-3: Rural Industrial District

a. ***Purpose***

The CE-I-3 district is intended for certain rural areas which, because of their topography, soil conditions, or location, or any combination of these factors, are better suited for industrial rather than residential or commercial development.

b. ***District-Specific Standards***

i. L2 buffer landscaping or L1 visual enhancement landscaping and a six-foot sight-obscuring fence shall be planted/placed along each lot line adjacent to a residential district.

ii. All development in the CE-I-3 shall retain a 100-foot vegetated buffer along any lot line abutting a residential district. Where the buffer area does not generally meet the plant material requirements of buffer landscaping in table 21.07-1, such plant material shall be provided, unless the director approves a different buffer where plant material cannot be provided.

F. Other Districts

1. CE-AD: Airport District (Birchwood)

a. ***Purpose***

The CE-AD district is intended to provide for the Birchwood Airport, a transportation facility operated by the state of Alaska, Department of Transportation and Public Facilities.

b. ***District-Specific Standards***

i. All development in the airport district shall be governed by a state of Alaska master plan.

ii. Type(s) of structures(s) shall be determined by the approved master plan.

2. CE-DR: Development Reserve District

a. ***Purpose***

The CE-DR district may be applied to lands intended for future development, undesignated municipal lands, municipal and state tidelands and waters, and military lands.

b. ***District-Specific Standard***

Large lot single-family development may exist by-right; CE-DR areas shall be rezoned to an active zoning classification prior to any other development.

3. CE-PCD: Planned Community Development District

a. ***Purpose***

The CE-PCD district is intended to accommodate large-scale acreage for residential, commercial, industrial, or other land use developments and activities, including combinations of uses. It allows for flexibility under controlled conditions not possible with the other defined districts. The flexibility permitted must demonstrate that the final development will be compatible with the intents and purposes of this title and the goals and policies of the *Chugiak-Eagle River Comprehensive Plan*, and do not compromise public health, safety, and welfare. A CE-PCD district should include design features to ensure that the CE-PCD district is integrated with the surrounding neighborhood through features such as transition densities, external boundary buffering, and pedestrian and street connectivity, where the planning and zoning commission makes the specific finding that street connectivity is necessary to support traffic projections or necessary for emergency responders. The CE-PCD district is limited to unified, comprehensively planned developments which are of substantial public benefit, consistent with the holding capacity of the land, and which conform to and enhance the policies of the *Chugiak-Eagle River Comprehensive Plan*.

b. ***Application***

The CE-PCD district shall be applied as described in subsection 21.03.160I.

c. ***Record-Keeping***

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

4. CE-PLI: Public Lands and Institutions District

a. ***Purpose***

The CE-PLI district is intended to include major public and quasi-public civic, administrative, and institutional uses and activities as well as areas designated as a park use (but not dedicated as park) or natural resource use designated by an adopted local plan, and lands under the management of the Eagle River-Chugiak Parks and Recreation Service District. This district also is intended for municipal lands of high natural value or that are environmentally sensitive.

5. CE-PR: Parks and Recreation District

a. ***Purpose***

The CE-PR district is intended to include municipal lands dedicated by the Assembly as parks in accordance with AMC 25.10.080.

6. CE-TR: Transition District

a. *Purpose*

The CE-TR district is intended to include suburban and rural areas that, because of location in relationship to other development, topography or soil conditions, are not developing and are not expected to develop in the immediate future along definitive land use lines. The permitted uses in these districts are intended to be as flexible as possible consistent with protection from noxious, injurious, hazardous, or incompatible uses.

b. *District-Specific Standard*

Parcels zoned transition (T) as of [effective date] shall continue under the transition zoning provisions of the title 21 land use regulations that existed prior to the implementation of the Title 21 Rewrite Project (2002-2012) and were current as of [day before effective date], until such time as they are rezoned to a more appropriate classification in accordance with the Chugiak-Eagle River Comprehensive Plan. Where the transition-zoned areas are identified in the comprehensive plan as "Development Reserve" or some similar holding classification, the intent of this code is that such areas be rezoned into the development reserve district (CE-DR).

G. Overlay Zoning Districts

1. General Purpose

The Chugiak-Eagle River overlay districts are intended to support specific uses and services within the Chugiak-Eagle River area. The requirements of an overlay district are intended to augment the district regulations and standards. Whenever there is a conflict between the district regulations and those of the overlay district, the requirements of the overlay district shall apply.

2. Creation, Alteration, or Elimination of Overlay Districts

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

3. CE-DO: Downtown Eagle River Overlay District

a. *Scope*

The underlying area encompassed by the downtown Eagle River overlay district is within either the CE-RO residential office district or the CE-B-3 general business district. This chapter superimposes a unique set of supplemental land use restrictions, and implements certain site and architectural design requirements, in support of the community goals established for the downtown Eagle River overlay district. Developments within the area designated by this chapter as the downtown Eagle River overlay district are required to conform to the requirements of the underlying district and the modifications imposed by the overlay district requirements, as set out in this section.

b. *Community Goals for the CE-DO District*

i. Create a cohesive town center.

ii. Foster a sense of place as a unique, vibrant business district and community center.

iii. Maintain a small-town character consistent with community values expressed through community meetings.

iv. Promote incremental improvements in a manner that encourages business development and investment without creating additional costs or undue hardship to existing uses and businesses.

v. Promote residential and commercial development that is distinctive, compatible with the town center of Eagle River, and provides a transition between single-family residential neighborhoods and the commercial core of the town center.

vi. Provide variety and visual interest in the exterior design of residential buildings.

vii. Promote a more pedestrian oriented town center.

viii. Promote commercial and public buildings that reflect a human scale of limited height.

ix. Promote a commercial design vocabulary compatible with our Alaskan setting that can serve as a unifying theme.

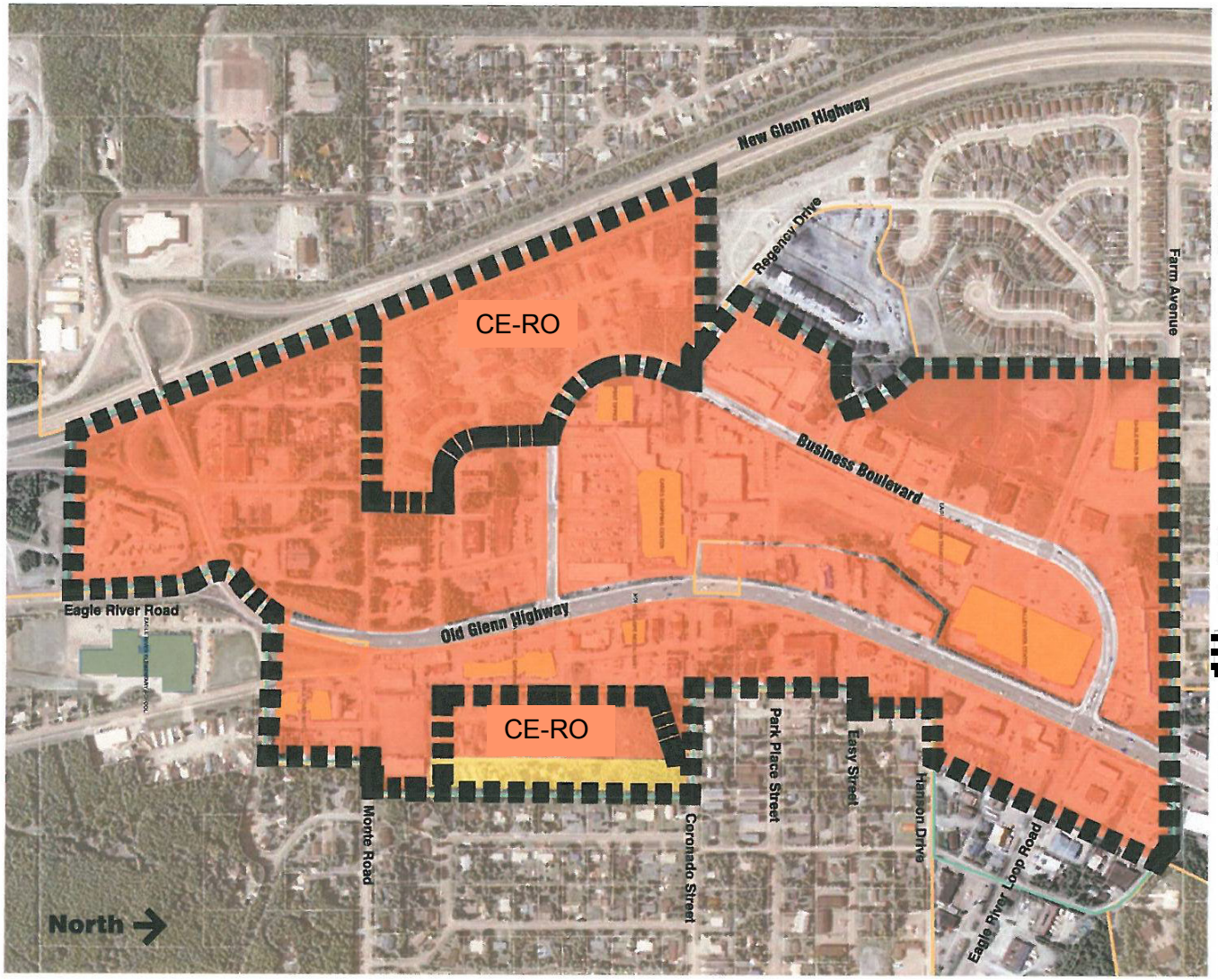
x. Establish alternative local business resources to the Anchorage business community and encourage the development of a local economic base.

c. ***Boundary Description of the District***

The Eagle River overlay district shall encompass the area described within the following bounds, as identified in figure 21.10-1: Map of the Downtown Eagle River overlay district.

From a point of beginning at the northwest corner of Tract S-1-B of Timber Ridge Units Subdivision, as found on Grid NW0251, proceeding east on the south side of Farm Avenue, crossing the Old Glenn Highway and continuing east along the north property line of lot 1-B, Block 12, Walter G Pippel Subdivision, Addition 2, to the northeast corner of lot 1-B, then proceeding southwest along the eastern boundaries of lots 1-B and 1-A to the intersection with North Eagle River Loop Road, then crossing North Eagle River Loop Road to the northeast corner of lot 7C1 of Block 11, then proceeding southwest along the eastern boundaries of lots 7C1 and 7B2 to the intersection with Hanson Drive, then crossing Hanson Drive to the northeast corner of lot 10 of Block 7, then west along the south side of Hanson Drive to the intersection with the northeast corner of Tract A of the Martin Business Park, then south along the eastern boundary of Tract A to the intersection with Easy Street, then crossing Easy Street to the northwest corner of Lot 12 of Block 5 and then south along the western boundary of lots 12 and 1 of Block 5, crossing Park Place Street and proceeding south along the western boundaries of 1 and 12 of Block 6 to the intersection with Coronado Road, then proceeding east on the south side of Coronado Road to the northwest corner of Lot 5 of the Sunny Slopes Subdivision, then south along the western boundaries of lots 5, 6, 15, 16, 25, 26, 35, 36, 47, 48, 49, and 65 to the intersection with Monte Road, then crossing Monte Road to the south side, then proceeding west on Monte Road to the northwest corner of lot 17 of Ashley Park Subdivision, then proceeding south along the western boundaries of lots 17, 16, 15, 14, 13, and 12 to the intersection with Lynne Drive, then west on Lynne Drive to the Old Glenn Highway, then proceeding south on the west side of Eagle River Elementary School and continuing south along the east side of Eagle River Road to the southwest corner of the Eagle River Elementary School property, then proceeding west across Eagle River Road to the eastern edge of the New Glenn Highway Right-of-Way, then north northwest along the eastern edge of the New Glenn Highway to the intersection with the southwest corner of Tract B-5 of Eagle Glenn South Subdivision, then east to the intersection with Regency Road,

then north across Regency Road and continuing northwest along the west side of Regency Road to the northwest corner of Tract B-9, then following the northern boundary of Tract B-9 to the intersection with the southwest corner of tract A-1, then continuing north and west along the boundary of Tract A-1 to the intersection with Regency Drive, then crossing Regency Drive to the north and proceeding north along the western boundary of Tract S-1-B to the point of beginning at the northwest corner of Tract S-1-B.



Eagle River Overlay District

Overlay District Boundary and Height Restriction Map

LEGEND

- **Eagle River Overlay District Boundary**
- CE-RO — **Underlying zoning designation of CE-RO, as identified in AMC 21.10.040.**
- **Height Restricted to 4 Stories within 66 feet**
- **Height Restricted to 3 Stories within 40 feet**

Note: All underlying zoning within the overlay district bears the designation of CE-B-3, as identified in AMC 21.10.040, except for those areas specifically identified as CE-RO.

Where building hight restriction is identified by stories, basements are excluded

d. ***Overlay District Uses and Standards***

i. *Purpose and Intent*

(A) *Overlay Over CE-RO District Areas*

The downtown Eagle River overlay CE-RO district is intended to include urban and suburban residential and professional office uses that are needed and appropriate in areas undergoing a transition, or in areas where commercial uses might be damaging to established residential neighborhoods. The downtown Eagle River overlay CE-RO district is further intended to provide a mix of low to medium density residential uses with certain specified business, personal and professional services. The regulations and restrictions in the downtown Eagle River overlay CE-RO district are intended to protect, preserve and enhance the residential uses while permitting uses characterized principally by consultative services or executive, administrative or clerical procedures.

(B) *Overlay Over CE-B-3 District Areas*

The downtown Eagle River overlay CE-B-3 district is intended for general commercial uses in areas exposed to heavy automobile traffic. The district specifically is intended for areas at or surrounding major arterial intersections where personal and administrative services, convenience stores and retail shops, and automobile-related services are desirable and appropriate land uses. The extension of the downtown Eagle River overlay CE-B-3 district commercial uses along arterials, except as identified in the comprehensive development plan, is to be discouraged.

ii. *Permitted Uses and Structures*

See tables 21.10-4 and 21.10-5 for permitted uses and structures.

iii. *Dimensional Standards*

See table 21.10-8 for dimensional standards.

iv. *Landscaping*

In the area overlaying the CE-B-3 district,

(A) L2 buffer landscaping shall be planted along each lot line adjacent to a residential district.

(B) Except adjacent to collector or arterial streets, visual enhancement landscaping shall be planted along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.

(C) L1 visual enhancement landscaping shall be planted along all collector or arterial streets.

v. *Rules for Measuring Height*

(A) Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface, as shown in figure 21.10-3, following this section.

(B) Structures that are not buildings shall be measured as the vertical distance from grade plane to the highest point of the structure.

(C) Where maximum height is measured in terms of stories, any story below grade plane shall be excluded from calculation of the number of stories for determining building height.

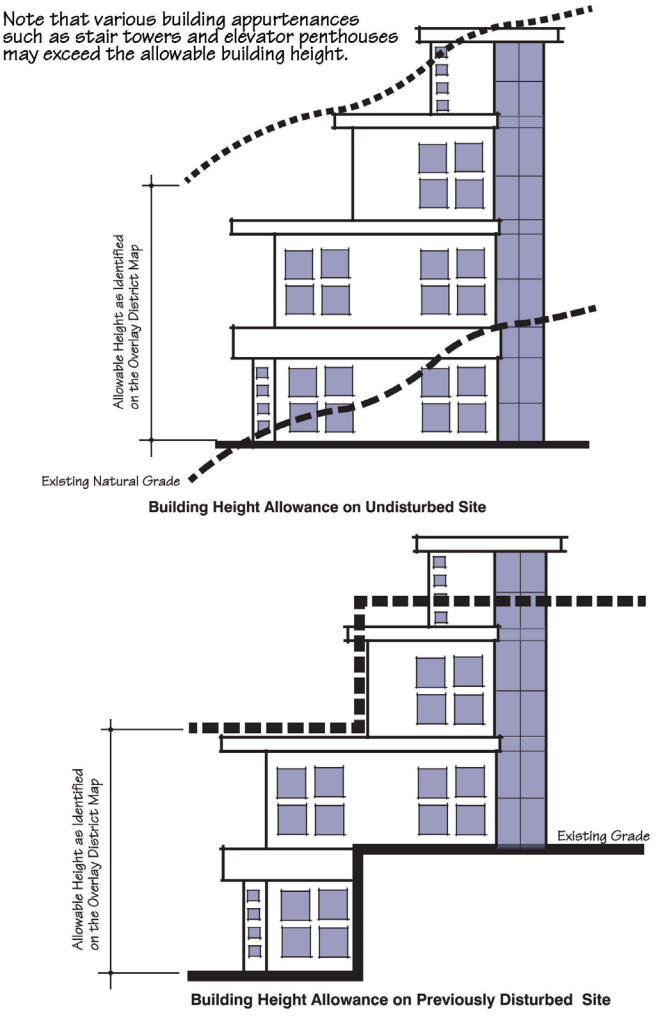


Figure 21.10-2: Building Height Allowance

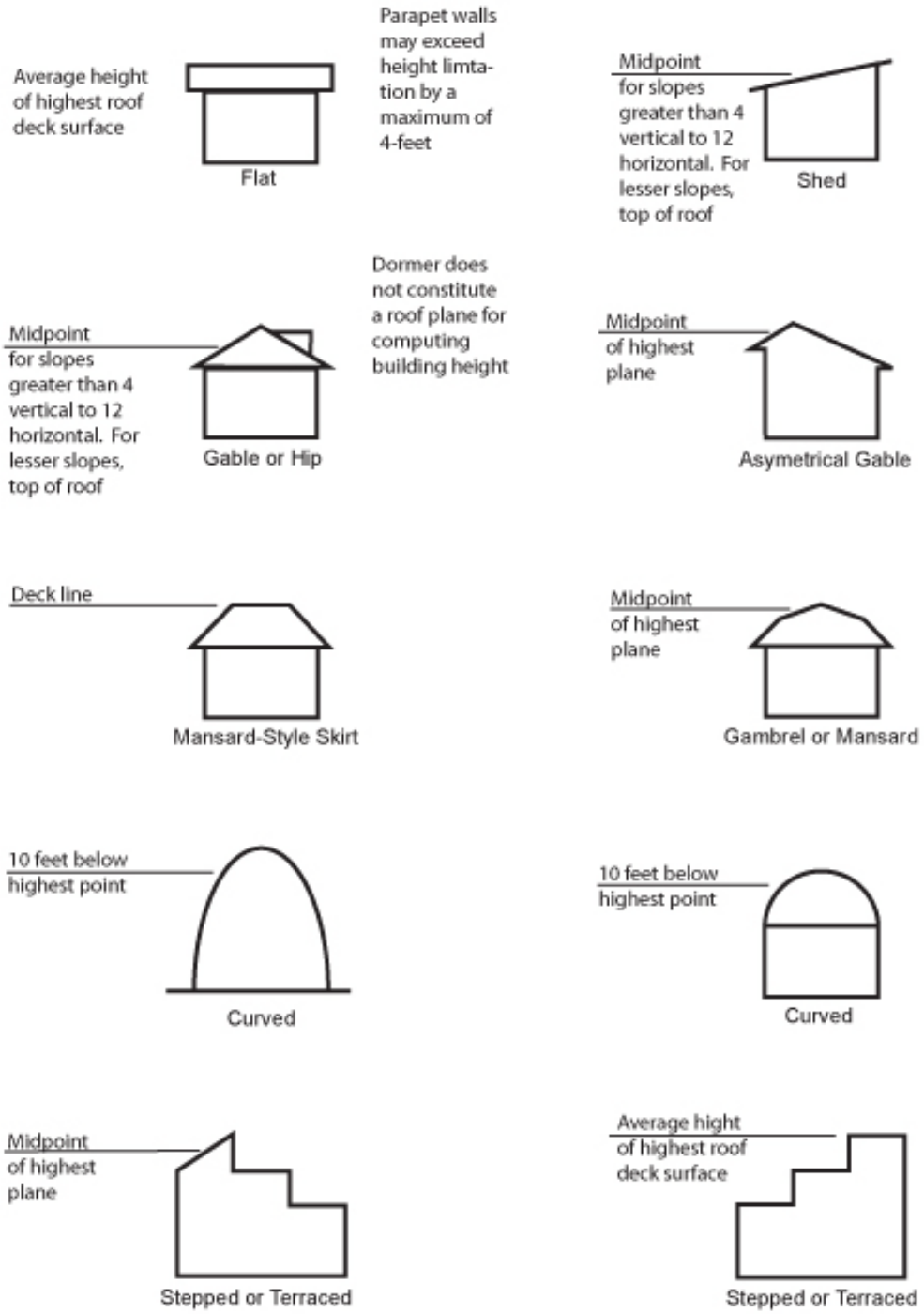


Figure 21.10-3: Building Height Measurement

vi. *Grade Plane*

The grade plane for determination of structure height shall be the average of existing or finished grade, whichever is lower, abutting the structure at exterior walls. Where the grade slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line

is more than six feet from the building, between the building and a point six feet from the building.

vii. *Establishment of Grade*

(A) The grade plane shall be calculated using the more restrictive of either the existing grade or the finished grade.

(B) In no case shall the existing grade be altered by grading, such as an artificial embankment or where the ground has been built up to increase the grade around the building, to obtain a higher structure than is otherwise permitted in the district.

(C) In a case where existing grade or finished grade is, in the judgment of the director, inappropriate or unworkable for the purpose of measuring height, the director shall establish grade in such a way as to be consistent with this section. The proposed grade being requested by the applicant shall not, in the judgment of the director, be detrimental to the general health, safety, and welfare; result in the loss of any public views and shall be reasonable and comparable with the grades of surrounding properties and streets; consistent with the character of the surrounding neighborhood; and necessary for the preservation and enjoyment of substantial property rights of the applicant.

e. ***Repairs and Maintenance***

i. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done within any three-year period that does not exceed 50 percent of the value of the existing structure, as determined by the municipality. Improvements that include repositioning the building or reconfiguring the site are not allowed under this standard, unless the change brings the site closer to or into conformity with the standards of this chapter. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ii. The standards herein do not apply to remodels that do not change the exterior appearance of the building. Improvements that include interior and exterior work shall be valued as the sum of all of the work.

iii. Preexisting tower structures shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower structure of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower structure shall comply with the requirements of this ordinance.

iv. Notwithstanding abandoned community interest and local interest towers and/or antennas, bona fide nonconforming tower structures or antennas that are damaged or destroyed may be rebuilt without having to meet the separation requirements. The type, height, and location of the tower structure on-site shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the community interest or local interest tower or antenna shall be deemed abandoned.

f. ***Design Modifications***

i. Design modifications shall not undermine the intent of the design standards and guidelines.

ii. The director shall have the authority to:

(A) Require changes in project design to meet these standards,

(B) Allow deviation from certain standards of this chapter, pursuant to "alternative equivalent compliance" and if necessary to allow for the reasonable development of the site, and

(C) Modify the design standards and guidelines as they apply to individual properties, pursuant to "alternative equivalent compliance" and if necessary to allow for the reasonable development of the site.

g. ***Alternative Equivalent Compliance for Permitted Uses***

i. This alternative process is to promote creative design approaches resulting in development equal or superior to development that fully meets all requirements.

ii. A proposal to modify development standards or requirements shall not undermine the intent of the core design standards.

iii. This alternative process differs from the variance procedure because approval is based upon meeting or exceeding the intent of the standard by an alternate method, instead of allowing non-compliance based on unusual circumstances.

iv. An applicant proposing alternative equivalent compliance shall request and attend a pre-application conference before submitting the site plan for the development. Based on the director's preliminary response, an applicant shall include in the site plan application explanation and justification, written and graphic, sufficient to support the alternative equivalent compliance requested by the applicant.

v. An applicant may propose to deviate from the design standards if the proposal satisfies the evaluation criteria of this section.

(A) Aspects of property development which can be modified, including the core design standards and building setbacks.

(B) No other standards can be modified, including building height, uses permitted by the zone in which the property is located, and regulations for nonconforming uses.

vi. The director shall have the authority to approve or disapprove designs that seek alternative compliance.

(A) The director shall not approve a request for modification unless it provides architectural and urban design elements equivalent or superior to what would likely result from compliance with the core design standards and guidelines.

(B) The director shall consider the following criteria in evaluating proposals:

(1) The unique characteristics of the subject property, its surroundings and how they will be protected or enhanced by modifying the design standards.

(2) The positive characteristics of the proposed development and whether such characteristics could be provided by compliance with the design standards proposed to be modified.

(3) The arrangement of buildings and open spaces as they relate to other buildings and/or uses on the subject property and on surrounding properties.

(4) Visual impact to surrounding properties caused by parking facilities in the proposed development and whether such impacts are less than would result from compliance with the design standards to be modified.

(5) Whether the proposed design mitigates the impacts that could be caused by the proposed modification of the standards.

vii. An applicant may appeal the director's decision to the planning and zoning commission. An applicant shall file an appeal within 30 days of the director's decision.

h. ***Residential Design Standards***

i. *Pedestrian Access Intent*

(A) Orient development to the pedestrian by making pedestrian access convenient, safe, and inviting.

(B) Encourage walking and bicycling within the core of Eagle River.

(C) Enhance the character of development within the downtown Eagle River overlay district.

(D) Minimize impact of development on residential privacy.

ii. *Pedestrian Access Requirements*

An on-site pedestrian circulation system meeting the following standards shall be provided for all multifamily developments:

(A) Pathways between dwelling units and the street are required to meet the material standards in subsection h.iv. below. Pathways between the street and dwelling units fronting on the street shall be a direct route. The director may allow exceptions where steep slopes prevent a direct connection, or where an indirect route would enhance the design or use of a common open space.

(B) The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multifamily developments, pedestrian connections to other areas of the site such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities are required.

(C) Elevated external walkways and external stairways which provide primary pedestrian access to dwelling units located above the bottom occupied floor are prohibited. (See figure 21.10-4.) The director may allow external stairways and walkways located within or facing interior courtyard areas if they do not compromise visual access from the units into the courtyard.

Figure 21.10-4: Example of Prohibited External Walkway and External Access Stairway

(D) Appropriate screening or buffering shall provide a physical separation between pedestrians, vehicle access areas, and the windows of residential units. Acceptable treatments include landscaped beds that separate the pathway from a building facade by a minimum distance of six feet where the facade has windows; placement of windows to maximize privacy without obstructing surveillance capability from within the dwelling unit; raising the ground floor units above the level of the walkway; and equivalent treatments which limit pedestrian view into dwelling unit windows.

iii. *Pedestrian Circulation Standards for Multiple Detached Dwellings on One Development Site*

Clear pedestrian access shall be provided between all dwelling units and the street to meet the material standards pathways included in this section.

iv. *Pedestrian Access: Material Standards for Pathways*

(A) The pedestrian circulation system shall be hard-surfaced and at least five feet wide (clear width).

(B) The pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways and parking or loading areas. At least two of the following design features shall be used to accomplish this:

(1) Raised curbs;

(2) Elevation changes;

(3) Bollards;

(4) Landscaping;

(5) Decorative fencing;

(6) Use of paving material other than asphaltic concrete; and

(7) Other methods, as approved by the director.

(C) Striping does not meet the separation requirement for pedestrian circulation. If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that will allow snow removal. Bollard spacing shall be no farther apart than ten feet on center.

(D) No portion of the building may shed snow or meltwater onto the pedestrian circulation system.

v. *Open Space Intent*

(A) Provide accessible, safe, convenient, and usable on-site open space for the enjoyment of residents of the development;

(B) Create open space that enhances the residential setting; and

(C) Maintain some (not unlimited) views for adjacent residential neighborhoods.

vi. *Open Space Requirements for Detached Single-Family Uses*

Detached single-family uses shall provide at least 300 square feet of private yard space adjacent to each unit. Areas with any dimension less than 15 feet in width shall not be counted in this total.

vii. *Open Space Requirements for Attached Single-Family Units (Townhouses Or Site Condominiums) and Duplexes*

Attached single-family uses and duplexes shall meet the on-site open space requirements for multifamily buildings, except that private patios and private landscaped areas directly adjacent and accessible to the single-family unit may be used to meet 100 percent of the on-site open space requirements.

viii. *Open Space Required For Multifamily Buildings*

Multifamily buildings shall provide 100 square feet of on-site open space per dwelling unit. Areas with any dimension less than 15 feet in width shall not be counted in this total. Acceptable types of open space include common open space, and private open space in combination with common open space as described in these standards. Except for spaces meeting the dimensional and design requirements of these standards, setbacks and parking areas shall not count towards meeting open space requirements.

ix. *Common Open Space*

Where accessible to all residents, common open space may count for up to 100 percent of the required open space. This includes landscaped courtyards or public decks, gardens with pathways, children's play areas, or other multi-purpose recreation and green spaces meeting these standards:

(A) Common open space shall be large enough to provide functional leisure or recreational activity. Except for porches and balconies, no dimension shall be less than 15 feet in width. Alternative configurations may be considered by the director where the applicant can successfully demonstrate that the common open space meets the intent of these standards.

(B) Common open space shall include pedestrian amenities, with at least two of the following:

(1) Paths.

(2) Lighting.

(3) Seating.

(C) The requirement for pedestrian amenities is fully met by the installation of play equipment in common open space, without installation of other amenities.

(D) Common open space shall be separated from ground floor windows, streets, service areas, and parking lots with landscaping, low-level fencing, or other treatments to enhance safety and privacy as may be approved by the director.

x. *Design Standards for Single- and Two-Family Residential Structures*

Intent

(A) Reduce the dominance of garages and blank facades in residential design on Eagle River streetscapes.

Figure 21.10-5: Example of Garage and Blank Façade to be Avoided

(B) Encourage the incorporation of pedestrian scale design details into building facades.

(C) Promote architectural variety that adds visual interest to Eagle River core neighborhoods.

xi. *Design Standards For Single- and Two-Family Residential Structures*

Requirements

(A) Housing mix by model: Any development of five or more units shall have a mix of housing models.

TABLE 21.10-3: CE-DO MIX OF HOUSING MODELS FOR RESIDENTIAL DESIGN STANDARDS	
Number of units	**Number of different models required**
5-10	2
11-20	4
21-30	5
31 or more	6

(B) Variation for adjacent lots: The development shall be arranged to avoid placing identical housing types, including mirror-image floor plans, on adjacent lots. Each housing model shall have at least two of the following variations:

(1) Noticeably different exterior elevations and massing.

(2) Noticeably different placement of the building footprint on the lot. A four-foot setback different between the two longest planes of adjacent homes on the side of the homes facing the street will be acceptable.

(3) Noticeably different garage placement.

(4) Noticeably different rooflines.

(C) Garages: Garage doors facing the street shall comprise no more than 65 percent of the total length of the dwelling facade and, except for single story residences, garage doors shall not comprise more than 30 percent of the overall square footage of the dwelling facade facing the street. Garage doors that face the street and comprise more than 50 percent of the width of the dwelling facade shall be articulated forward or back from other portions of the front facade by at least four feet.

(D) Windows: Transparent windows or doors facing the street are required. Buildings shall have a minimum of 15 percent of the facade facing the street composed of transparent windows.

(E) Detail to enhance the primary facade: All residential buildings shall be enhanced with at least three of the following details on the primary facade:

(1) For double garages, provide two individual garage doors rather than a single double-wide door.

(2) Prominent front entrance distinguished by a separate roof, double doors, focal stairs or deck, fenestration, decorative porch design, or other means as approved by the director.

(3) Decorative roof line to include multiple dormers, hip roofs and multiple rooflets.

(4) Decorative use of building material, textural variation, and color to include shingles, tile, stone, wood siding, or other materials as approved by the director.

(5) Decorative molding and framing details to include exposed decorative trusses, special moldings for attic

and roof peak vents, balconies, and decorative or unique moldings for windows and doors.

(6) Use of trellises, decorative retaining walls, or other elements as approved by the director that help to integrate the building to the site.

(7) Other elements that meet the intent of the standards, as approved by the director.

Figure 21.10-6: Details that Enhance the Primary Façade

xii. *Design Standards For Zero-Lot-Line, Townhouse Residential Development, And Multifamily Development*

(A) No more than six townhouse units may be attached in a single row or cluster.

(B) The building shall be given architectural and visual interest through at least three of the following methods:

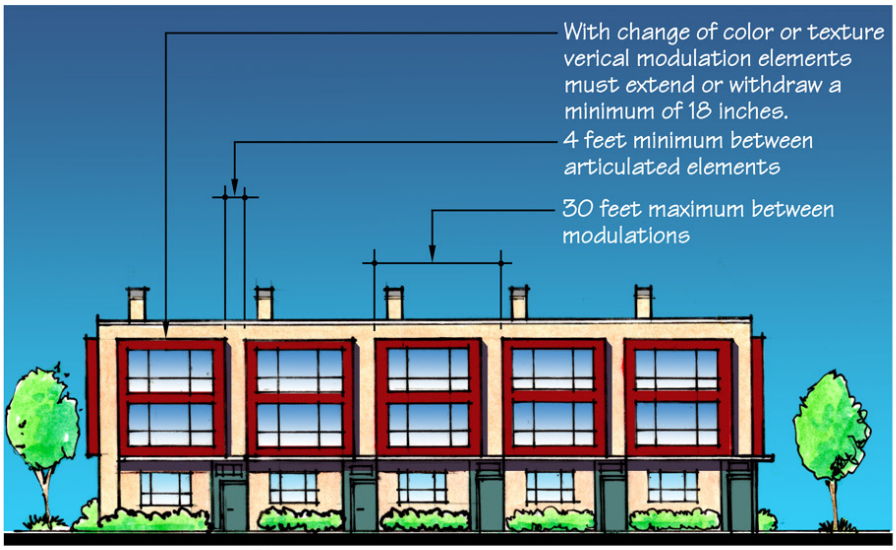
(1) Repeating distinctive window patterns at intervals less than 30 feet on center.

(2) Vertical building modulation: Building modulation is a repeated pattern of changes in plane or articulation along the length of a building facade (See figure 21.10-7). If the vertical modulation is coordinated with a change in color, texture, or roofline, the minimum depth and width of modulation is 18 inches for depth and four feet for width, and the minimum distance between articulated elements is four feet (See figure 21.10-8). If there is no change in color, texture, or roofline, the minimum depth is four feet, the minimum width is ten feet, and the minimum distance between articulated elements is ten feet (See figure 21.10-9). In both circumstances, the maximum distance between modulations is 30 feet. Balconies may be counted as

modulation if they are either recessed or extended from the main facade in accordance with the dimensions identified above.

Figure 21.10-7: Horizontal and Vertical Modulation

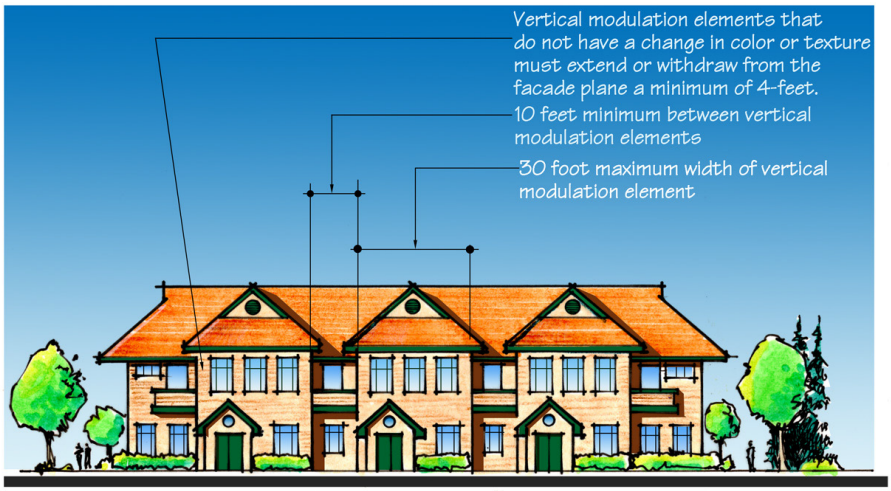
(3) Articulation of the building's top, middle, and bottom: This calls for a ground floor that is distinctive from the middle floors of the building and a top floor that is distinguished by changes in roofline, materials, texture, or fenestration (window placement).



Modulation with Change of Color or Texture

Figure 21.10-8: Modulation Requirements

(4) Horizontal modulation: (either a step-back or extension of the building along a horizontal line), minimum horizontal modulation is four feet.



Building Modulation for Buildings Without Changes in Color or Texture

Figure 21.10-9: Modulation Requirements for Residences without Changes in Color and Texture

(5) Change in building material or siding style (may be coordinated with vertical or horizontal modulation). Use of different materials, such as wood siding, shingles, metal siding, Stucco or EFIS (exterior finish and insulation system), stone, tile, or other materials or texture as approved by the director.

(6) Use of sloped roofs or change in roofline. To qualify, sloped roofs shall have a minimum slope of 4:12 (vertical to horizontal). The use of gables, hips and other changes in the slope are encouraged. (See figure 21.10-10). For buildings with flat roofs, or a combination of flat and sloped roofs, the roofline shall be modified by a minimum of 1/10th of the wall height. The change in roofline shall occur at a frequency of no greater than 30 feet as measured horizontally on the front facade. (See figure 21.10-11).

(7) Other methods, as approved by the director that reduce the scale of multifamily buildings or add visual interest.

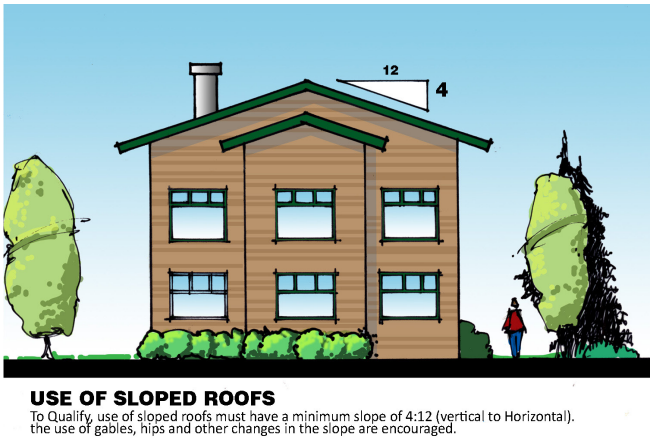


Figure 21.10-10: Use of Sloped Roofs

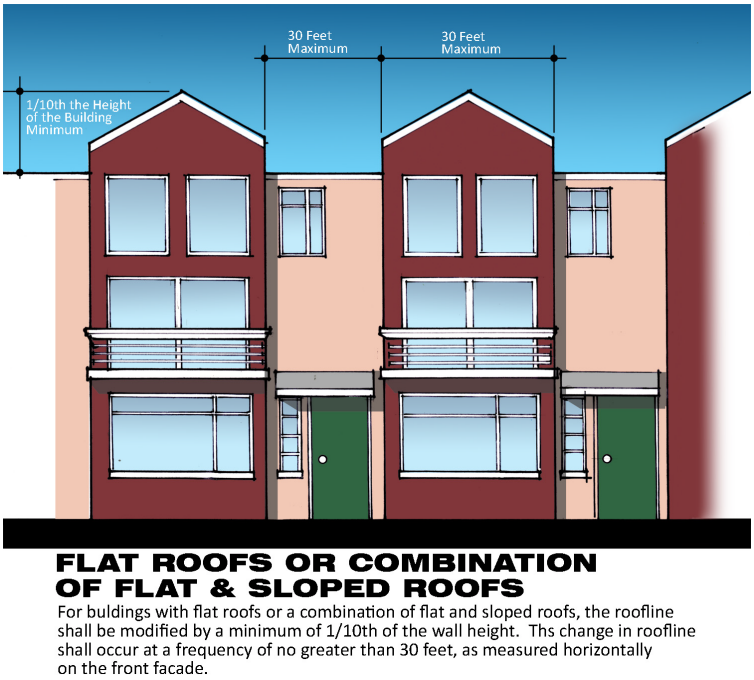


Figure 21.10-11: Changes in Roofline for Flat Roofs

i. ***Commercial Design Standards***

The following commercial design standards implement recommendations of the *Eagle River Central Business District Revitalization Plan* (2003).

i. *Intent*

(A) Ensure that commercial buildings add to the liveliness of streets and the overall community character by making buildings, pedestrian spaces and landscaping more prominent than parking lots and free-standing signs.

(B) Encourage walking and bicycling within the core of Eagle River by making pedestrian access convenient, safe and inviting.

ii. *Building Orientation, Pedestrian, And Open Space Requirements*

(A) All new commercial buildings within the Eagle River overlay district that front on the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be set back not more than 20 feet from the street right-of-way.

(B) An on-site pedestrian circulation system meeting the following standards shall be provided for all new commercial development:

(1) Pathways between individual commercial developments and the street shall meet the material standards for pathways in this section where buildings are not directly adjacent to the public sidewalk. Such pathways shall form a direct connection between the street and buildings fronting on the street. Exceptions may be allowed by the director where conditions merit other consideration.

(2) The pedestrian circulation system shall connect all main building entrances on the site. For commercial buildings with multiple entrances to individual retail stores, the community sidewalk may be used to meet this standard.

(3) Elevated external walkways and external stairways which provide pedestrian access to commercial units located above the ground floor are prohibited. The director may allow exceptions for external stairways or walkways located in or facing interior courtyard areas.

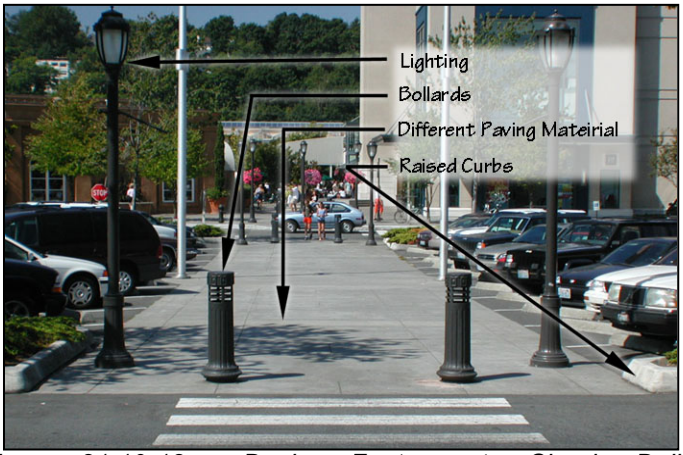


Figure 21.10-12: Design Features to Clearly Delineate Pedestrian Walks from Adjacent Parking Areas

(C) Material standards for pathways are as follows:

(1) The pedestrian circulation system shall be hard-surfaced and at least six feet wide (clear width).

(2) The pedestrian circulation system shall be clearly defined and designed so as to be separated from

driveways and parking or loading areas through the use of at least two of the following design features:

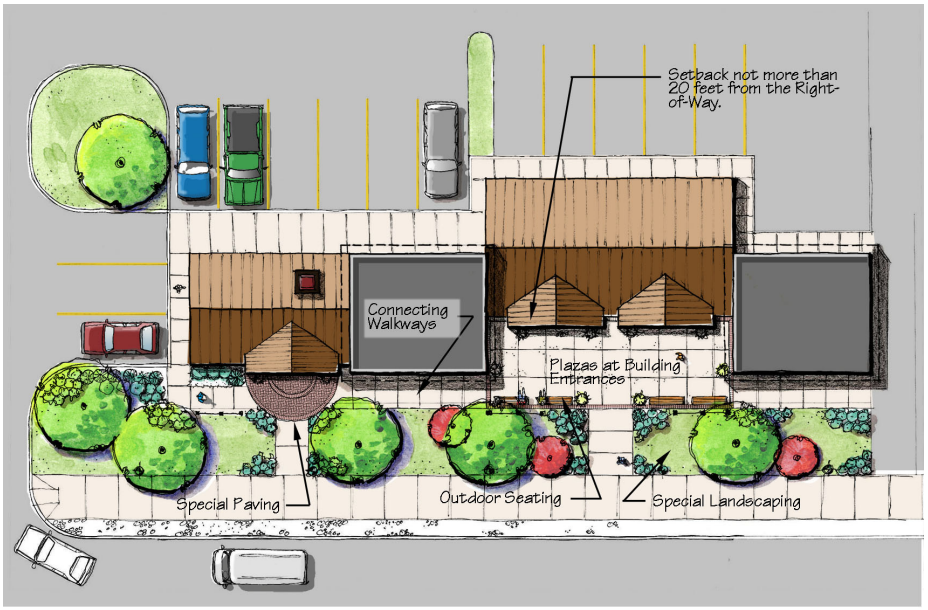
- Raised curbs;
- Elevation changes;
- Bollards;
- Landscaping;
- Paving materials other than asphaltic concrete.

(3) If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that allows snow removal.

(4) Pedestrian connections shall be illuminated with pedestrian scale lighting no higher than 14 feet, meeting the requirements of the Municipality of Anchorage Design Criteria Manual.

(5) No portion of the building may shed snow or meltwater onto the pedestrian circulation system.

(D) Plazas and other open space improvements shall meet the following standards (See figure 21.10-13):



Commercial Development, Plan View

Figure 21.10-13: Plaza Improvements

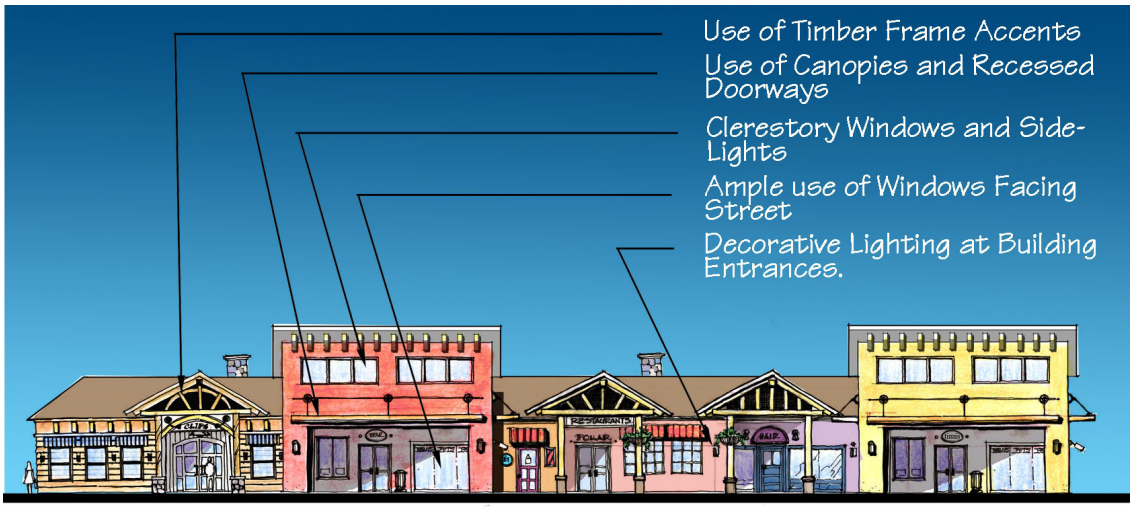
(1) New or renovated buildings shall have plazas, courtyards, or other pedestrian spaces at or near the building main entrance. At a minimum, these spaces shall be sized at a ratio of one square foot of plaza or other open space per 100 square feet of interior building area.

(2) Plazas or other open spaces shall include at least three of the following:

- Permanent special interest landscaping that exceeds the requirements of section 21.07.080 by at least ten percent;
- Special paving, to include colored/stamped concrete, brick, stone, or other unit pavers;
- Public art with a valuation of at least one-half of one percent of the total construction cost;
- A coordinated set of site furnishings used throughout the site to include benches, trash receptacles, bike racks, and may include tables. Site furnishings shall be commercial grade and fabricated of durable and weather resistant materials;
- Other elements that meet the intent of the standards, as approved by the director.

iii. *Building Design Standards*

(A) The intent of the building design standards is to ensure that commercial buildings add to the liveliness of streets and the overall community character, and to create a design vocabulary that helps to establish continuity within the Eagle River core area.



Commercial Developement, Front Elevation

Figure 21.10-14: Commercial Building Articulation, Entrance, and Material Treatments

(B) Building entrances: The principal building entry shall be prominently visible from the street and marked by at least one element from each of the following groups:

(1) Group A, articulation:

- Recess of at least three feet;

- overhang extending at least five feet;
- Canopy extending at least five feet;
- Portico extending at least five feet;
- Porch protruding at least three feet;
- Other elements that meet the intent of the standards, as approved by the director.

Figure 21.10-15: Wood Porticos and Canopies are Desired Features

(2) Group B, fenestration and lighting:

- Clerestory window;
- Sidelights (clear glass windows flanking the entry);
- Ornamental light fixtures flanking the entry that are unique to the entry;
- Double entry doors;
- Other elements that meet the intent of the standards, as approved by the director.

(3) Group C, materials:

- Exposed timber or log columns and trusses for overhangs, canopies, and porticos with stained wooden soffits (See figure 21.10-16.);
- Special paving at entry;
- Other elements that meet the intent of the standards, as approved by the director.

(C) Ground floor transparency requirements:

(1) A minimum of 60 percent of any ground floor facade (the portion of the facade between two and 12 feet above grade) facing the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be comprised of windows with clear glass allowing views into the interior of the building. Display windows may be used to meet half of this requirement.

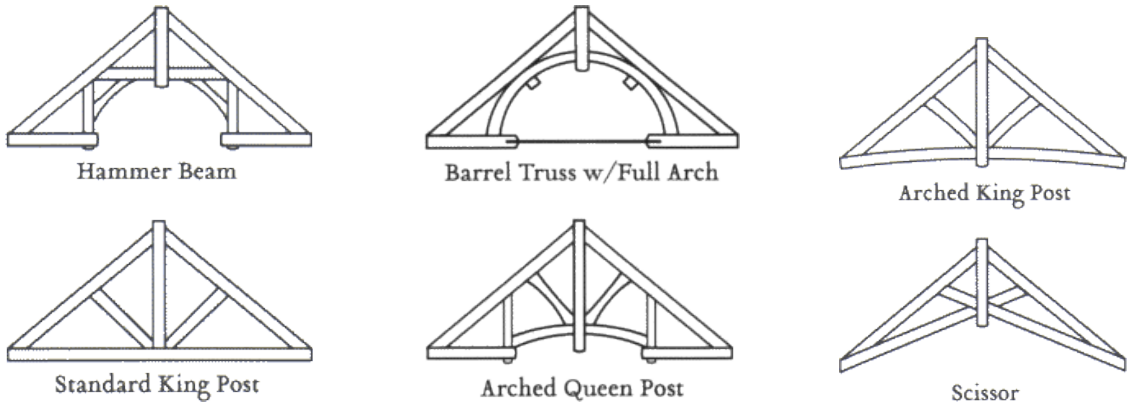


Figure 21.10-16: Examples of Exposed Timber Trusses

(2) A minimum of 15 percent of any ground floor facade parallel to any street other than those named in paragraph a, above, shall be clear glass allowing views into the interior of the building.

(D) Building massing and articulation requirements:

(1) Buildings shall include horizontal and vertical articulation along the facades parallel to public streets.

(2) Horizontal facades higher than a single story and longer than 100 feet shall be modulated above the ground floor into smaller units at intervals of no more than 30 feet. Modulation shall be accomplished through at least two of the following methods:

- Changes in roof form;
- Changes in depth of at least two feet for a width of at least eight feet;
- Changes in materials or texture.

iv. *Screening Standards*

(A) Intent: To screen utilitarian elements, such as mechanical equipment, refuse collection receptacles (dumpsters), and service areas from public view

(B) Items that require screening:

(1) Roof top mechanical equipment;

(2) Outdoor storage areas used in connection with trade, service, or manufacturing activities that do not constitute retail display;

(3) Snow removal and maintenance equipment storage;

(4) Storage of recreational vehicles for longer than 48 hours;

(5) Refuse collection receptacles (dumpsters);

(6) Chillers and other mechanical equipment at grade.

(C) Screening requirements:

(1) Roof-top mechanical equipment: Roof top mechanical equipment shall be placed in such a way that it is not visible from public streets. It may be screened by parapet walls for flat roofed buildings, or it may be enclosed in an attic for buildings constructed with sloped roofs. The placement of chillers or other mechanical equipment on grade shall have sight-obscuring screening, six feet in height.

(2) Storage items requiring screening under subsection iv.(B). above require screens that are eight feet in height and shall be opaque for six of the eight feet (See figure 21.10-17).

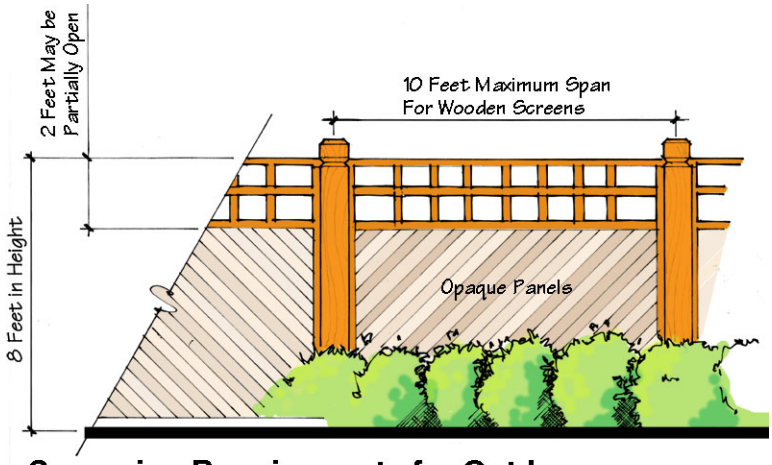


Figure 21.10-17: Example of Acceptable Required Screening for Storage Areas

- Screens may be constructed of masonry, wood, metal, or may use the same building material used for the exterior of an adjoining building.
- Screens that are more than 25 feet in length shall be articulated. Articulation may be accomplished by clearly delineating between posts and panels with a change in depth of one inch or greater or a change in materials.
- The use of chain-link fencing and unfinished plain concrete masonry units is prohibited.
- Where space allows, use of landscaping is encouraged.

(3) Refuse collection receptacles (dumpsters): Each refuse collection receptacle shall be screened from view on three sides by a durable sight-obscuring enclosure

consisting of a solid fence or masonry wall six feet in height. Coordinating the materials used in the screen with the materials and colors of the associated building is encouraged. The use of chain-link fencing and unfinished plain concrete masonry units is prohibited.

4. CE-EVO: Eklutna Village Overlay District

[RESERVED]

21.10.050 USE REGULATIONS

A. Table of Allowed Uses

Table 21.10-4 below lists the uses allowed within the base zoning districts in Chugiak-Eagle River. When the uses in a district are determined through a master plan per subsection 21.10.030D. or a CE-PCD district this table shall not apply.

1. Explanation of Table Abbreviations

a. *Permitted Uses*

"P" in a cell indicates the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of title 21.

b. *Administrative Site Plan Review*

"S" in a cell indicates the use requires administrative site plan review in the respective zoning district in accordance with the procedures of subsection 21.03.180B., *Administrative Site Plan Review*.

c. *Major Site Plan Review*

"M" in a cell indicates the use requires major site plan review in the respective zoning district in accordance with the procedures of subsection 21.03.180C., *Major Site Plan Review*.

d. *Conditional Uses*

"C" in a cell indicates, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*. Throughout title 21, the term "conditionally allowed" means approval through the conditional use process is required.

e. *Multiple Abbreviations*

Where table 21.10-4 indicates more than one abbreviation for a particular use, such as "P/M" or "S/M", then the applicable review procedure is determined by size, geographic location, or other characteristic of the use as specified in this code.

f. *Prohibited Uses*

A blank cell indicates the use is prohibited in the respective zoning district.

g. *Use-Specific Standards*

Regardless of whether a use is allowed by right, subject to major or administrative site plan review, or permitted as a conditional use, there may be additional standards applicable to the use. The existence of most use-specific standards is noted through a cross-reference in the last column of the table; however, there may be other applicable non-referenced portions of municipal code as well.

2. Table Organization

In table 21.10-4, land uses and activities are classified into general "use categories" and specific "use types", based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity appropriate within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories in such cases are intended as indexing tools.

3. Unlisted Uses

When application is made for a particular use category or use type not specifically listed in table 21.10-4, the procedure set forth in section 21.03.220 shall be followed.

4. Use for Other Purposed Prohibited

Approval of a use listed in table 21.10-4, and compliance with the applicable use-specific standards for the use, authorizes the specific use only. Development or use of a property for any other use not specifically allowed in table 21.10-4 is prohibited.

5. Table of Allowed Uses

TABLE 21.10-4: TABLE OF ALLOWED USES – CHUGIAK-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review
For uses allowed in the CE-TR and CE-AD districts, see section 21.10.040.
All other uses not shown are prohibited.

		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
RESIDENTIAL USES																									
Household Living	Dwelling, mixed-use														P	P	P							P-B	21.10.050C.1 21.05.030A.1.
	Dwelling, multifamily					P	P								P	P	P							P	21.10.050C.2. 21.05.030A.2.
	Dwelling, single-family, attached			P	P	P																		P-R	21.05.030A.3.
	Dwelling, single-family, detached	P	P	P	P	P	P	P	P	P	P	P	P	P							P			P-R	21.05.030A.4.
	Dwelling, townhouse			P	P	P	P																	C-R	21.05.030A.5.
	Dwelling, two-family			P	P	P	P	P	P	P	P	P	P											P-R	21.05.030A.6.
	Dwelling, mobile home							P	P																21.05.030A.7.
	Manufactured home community					C	C	C	C																21.05.030A.8.
Group Living	Assisted living facility (3-8 residents)	P	P	P	P	P	P	P	P	P	P	P	P	P		P								P-R	21.05.030B.1.
	Assisted living facility (9 or more residents)	C	C	C	C	P	P	C	C	C	C				P	P								P	21.05.030B.1.
	Correctional community residential center														C		C	C	C	C			C	C-B	21.10.050C.3. 21.05.030B.2.
	Habilitative care facility	C	C	C	C	C	C	C	C	C	C					C	C						C	C	21.05.030B.3.

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All other uses not shown are prohibited.

		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
	Roominghouse					C	P	P	C	C	C	C	C											P	21.05.030B.4.
	Transitional living facility						C								P								C	P	21.05.030B.5.
COMMUNITY USES																									
Adult Care	Adult care facility (3 to 8 persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						P	P-B	21.05.040A.
	Adult care facility (9 or more persons)	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C						C	P-B	21.05.040A.
Child Care	Child care center (9 or more children)	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C						C	P	21.05.040B.1.
	Child care home (up to 8 children)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	21.05.040B.2.
Community Service	Cemetery or mausoleum																						C		21.05.040C.1.
	Community center						S									S	S						S		21.05.040C.2.
	Crematorium														P			P	P	P			C	P-B	21.05.040C.3.
	Government administration and civic buildings														M	M	M						M	M	21.05.040C.4
	Homeless and transient shelter																						C		21.05.040C.5.
	Neighborhood recreation center	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S						S	C-R	21.05.040C.6.
	Religious assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	P	P				S	P	21.05.040C.7.

TABLE 21.10-4: TABLE OF ALLOWED USES – CHUGIAK-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
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		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
Cultural Facility	Aquarium																						M		21.05.040D.1.
	Botanical gardens																					S	S		21.05.040D.2.
	Library	S	S	S	S	S	S	S	S						S	S	S						M	S-R	21.05.040D.3.
	Museum or cultural center														M	M	M						M	M	21.05.040D.4.
	Zoo																					C	C		21.05.040D.5.
Educational Facility	Boarding school						M								S	S	S						M	S	21.05.040E.1.
	College or university														M	M	M						M	P-B	21.05.040E.2.
	Elementary school or middle school	M	M	M	M	M	M	M	M	M	M				M	M							M	M	21.05.040E.3.
	High school	M	M	M	M	M	M	M	M	M	M				M	M							M	M	21.05.040E.4.
	Instructional services	C	C	C	C	C	C	C	C	C	C	C	C		P	P	P	P					C	P-B	21.05.040E.5.
	Vocational or trade school														C	C	C	C					C	P-B	21.05.040E.6.
Health Care Facility	Health services														P	P	P						C	P	21.05.040F.1.
	Hospital/Health care facility														P	P	P						C	P	21.05.040F.2.
	Nursing facility						C								P	C	C							P	21.05.040F.3.
Parks and Open Area	Community garden					P	P															P	P		21.05.040G.1.
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P	21.05.040G.2.

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		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
Public Safety Facility	Community or police substation			S	S	S	S		M	M	M	M	M	M	S	S	S	P	P				S	S-B	21.05.040H.1.
	Correctional institution																						C		21.05.040H.2.
	Fire station								M	M	M	M	M	M	M	M	M	M	M	M			M	M-B	21.05.040H.3.
	Public safety facility														C			P					C		21.05.040H.4.
Transportation Facility	Airport																	M	P	C			M		21.05.040I.1.
	Airstrip, private	C	C	C	C				C	C	C	C	C					C		C			C		21.05.040I.2.
	Heliport	C	C	C					C	C	C	C	C		M	M		M	M	C			M	C-B	21.10.050D.1. 21.05.040I.3.
	Rail yard																	P	P						21.05.040I.4.
	Railroad freight terminal																	P	P						21.05.040I.5.
	Railroad passenger terminal																	P	P				M		21.05.040I.6.
	Transit center														S	S	S						S	S-B	21.05.040I.7.
Utility Facility	Utility facility																	C	P	P			C		21.05.040J.1.
	Utility substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	C	21.05.040J.2.
Telecommunication Facilities	Type 1 tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	21.05.040K.
	Type 2 tower														C	C	C	C	C	C	C		C	C-R, P-B	21.05.040K.

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		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
	Type 3 tower	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	21.05.040K.
	Type 4 tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	21.05.040K.
COMMERCIAL USES																									
Agricultural Uses	Commercial horticulture	C	C		C			C	P/C	P/C	P/C	P/C	P/C	P/C	P		P	P	P	P			C	P-B	21.10.050E.1 21.05.050A.1.
Animal Sales, Service & Care	Animal Boarding									C		C	C	C	P			P	P	P				P-B	21.10.050E.2. 21.05.050B.2.
	Animal shelter														S			P	P	P			M	P-B	21.10.050E.3. 21.05.050B.1.
	Large domestic animal facility, principal use															C	P/C	C	C		C	P/C	P/C		21.10.050E.4. 21.05.050B.3.
	Retail and pet services														P	P	P	P	C					P-B	21.10.050E.5. 21.05.050B.4.
	Veterinary clinic								C	C	C	C	P	C	P	P	P	P	C					P	21.10.050E.6. 21.05.050B.5.
Assembly	Civic / convention center														C								C	C-B	21.05.050C.1. 21.05.020A.
	Club / lodge / meeting hall						C								P	P	P						S	P	21.05.050C.2. 21.05.020A.
Entertainment and recreation	Amusement establishment														P		P						C	P-B	21.05.050D.1. 21.05.020A.
	Entertainment facility, major														C			C					C	C-B	21.05.050D.2. 21.05.020A.
	Fitness and recreational sports center														P	P	P	C					S	P-B	21.05.050D.3.

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		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
	General outdoor recreation, commercial													C	C		C	C				C	C	C-B	21.05.050D.4.
	Golf course																					C	C		21.05.050D.5.
	Motorized sports facility																	C	C			C	C		21.05.050D.6. 21.05.020A.
	Movie theater														S		M	S	C					P/ C-B	21.10.050E.7. 21.05.050D.7. 21.05.020A.
	Nightclub														P		M							P-B	21.05.050D.8. 21.05.020A.
	Shooting range, outdoor																	C	C			C	C		21.05.050D.9.
	Skiing facility, alpine													C								C	C		21.05.050D.10.
	Theater company or dinner theater														P		P							P-B	21.05.050D.11. 21.05.020A.
Food and Beverage Service	Bar														P		P						P	P-B	21.05.050E.1. 21.05.020A.
	Food and beverage kiosk														P	P	P	P	P	P		P	P	P-B	21.05.050E.2. 21.05.020A.
	Restaurant														P	P	P	P					P	P-B	21.05.050E.3. 21.05.020A.
Office	Broadcasting facility														P	C	P	P	P				P	P-B	21.05.050F.1.
	Financial institution														P	P	P	P						P	21.05.050F.2.
	Office, business or professional														P	P	P	P					P	P	21.05.050F.3.
Personal Services, Repair, and Rental	Business service establishment														P	P	P	P	C					P-B	21.05.050G.1.

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All other uses not shown are prohibited.

		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
	Funeral/ mortuary services														P	P	P	P						P	21.10.050E.8. 21.05.050G.2.
	General personal services														P	P	P	P						P	21.05.050G.3.
	Small equipment rental														P	P	P	P	P					P-B	21.05.050G.4.
Retail Sales	Auction house														P		P	P	P	P				P-B	21.05.050H.1.
	Building materials store														P		P	P	C	C				P-B	21.05.050H.2.
	Convenience store														P		P	P						P-B	21.05.050H.3. 21.05.020A.
	Farmers market								P[2]	P[2]	P[2]	P[2]	P[2]	P[2]	P		P	P					P	P-B	21.05.050H.4.
	Fueling station														P		P	P	P					P-B	21.05.050H.5. 21.05.020A.
	Furniture and home appliance store														P		P	P	P	P				P-B	21.05.050H.6.
	General retail														P		P	P	P	P				P-B	21.05.050H.7.
	Grocery or food store														P		P	P						P-B	21.05.050H.8. 21.05.020.A.
	Liquor store														P		P	P	C					P-B	21.05.050H.9. 21.05.020.A.
	Pawnshop														P		P							P-B	21.05.050H.10.
Vehicles and Equipment	Aircraft and marine vessel sales														P		P	P	P	P				P-B	21.05.050I.1.

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		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
	Parking lot or structure (50+ spaces)						C								P		C	P	P				P	C-R	21.05.050I.2. or I.3.
	Parking lot or structure (less than 50 spaces)						C	C							P	C	C	P	P				P	C-R	21.05.050I.2. or I.3.
	Vehicle parts and supplies														P		P	P	P	P				P-B	21.05.050.I.4.
	Vehicle-large, sales and rental														P		P	P	P					P-B	21.05.050I.5.
	Vehicle-small, sales and rental														P		P	P	P					P-B	21.05.050I.6.
	Vehicle service and repair, major														P		P	P	P					P-B	21.05.050I.7.
	Vehicle service and repair, minor														P		P	P	P					P-B	21.05.050I.8.
Visitor Accommoda-tions	Camper park						C								C		C	C				C	C		21.05.050J.1.
	Extended-stay lodgings														P	S	P	S						P-B	21.05.050J.2.
	Hostel					C	C								P	S	P							P-B	21.05.050J.3.
	Hotel/motel														P	M	P	P						P	21.10.050E.9. 21.05.050J.4. 21.05.020A.
	Inn														P	S	P	P						P-B	21.05.050J.5. 21.05.020A.
	Recreational and vacation camp									C		C	C	C				S				C	C		21.05.050J.6.

TABLE 21.10-4: TABLE OF ALLOWED USES – CHUGIAK-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review
For uses allowed in the CE-TR and CE-AD districts, see section 21.10.040.
All other uses not shown are prohibited.

		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
INDUSTRIAL USES																									
Industrial Service	Data processing facility														P	P	P	P	C	C			P	P-B	21.05.060A.1.
	Dry cleaning establishment														P		P	P	P	P				P-B	21.05.060A.2.
	General industrial service																	P	P	P					21.05.060A.3.
	Governmental Service																	P	P	P			C		21.05.060A.4.
	Heavy equipment sales and rental																	P	P	P					21.05.060A.5.
	Research laboratory														P			P	P	P			S	P-B	21.05.060A.6.
Manufacturing and Production	Commercial Food Production														C		P	P	P				P		21.05.060B.1.
	Cottage crafts														P		P	P						P-B	21.05.060B.2.
	Manufacturing, heavy																	C	P	P					21.05.060B.3.
	Manufacturing, light																	P	P	P					21.05.060B.4.
	Natural resource extraction, organic and inorganic	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		21.05.060B.5.
	Natural resource extraction, placer mining																	C	C	C	C		C		21.05.060B.6.
Warehouse and Storage	Bulk storage of hazardous materials																	C	C	C					21.05.060D.1.

TABLE 21.10-4: TABLE OF ALLOWED USES – CHUGIAK-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review
For uses allowed in the CE-TR and CE-AD districts, see section 21.10.040.
All other uses not shown are prohibited.

		RESIDENTIAL													COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**
	Impound yard																	P	P	P			C		21.05.060D.2.
	Motor freight terminal																	P	P	P					21.05.060D.3.
	Self-storage facility														P		P	P	P	P					21.05.060D.4.
	Storage yard																	P	P	P				C	21.10.050F.1. 21.05.060D.5.
	Warehouse																	P	P	P			C		21.05.060D.6.
	Wholesale establishment																	P	P	P					21.05.060D.7.
Waste and Salvage	Composting facility																		P	P			C		21.05.060E.1.
	Incinerator or thermal desorption unit																		C	C			C		21.05.060E.3.
	Junkyard or salvage yard																		C	C					21.05.060E.4.
	Land reclamation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	S	S	S		S	C		21.05.060E.5.
	Landfill																		C	C			C		21.05.060E.6.
	Recycling Drop-Off														P		P	P	P	P			P		21.05.060E.7.
	Snow disposal site	C	C	C	C	C	C	C	C	C	C	C	C	C			C	S	S	S			C	C	21.05.060E.8.
	Solid waste transfer facility																	C	P	P			C		21.05.060E.9.

TABLE 21.10-4: TABLE OF ALLOWED USES – CHUGIAK-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review
For uses allowed in the CE-TR and CE-AD districts, see section 21.10.040.
All other uses not shown are prohibited.

		RESIDENTIAL												COMMERCIAL			INDUSTRIAL			OTHER			OV	
Use Category	**Use Type**	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[1]**	**Definitions and Use-Specific Standards**

[1] For uses allowed in the CE-DO (Downtown Eagle River Overlay District), when the abbreviation of the approval process is followed by a "-R", that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is RO. When the abbreviation of the approval process is followed by a "-B", that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is B-3. If the abbreviation of the approval process has no suffix, then the use is allowed anywhere in the overlay district. For example, "P-R" means that the use is permitted only in the portion of the overlay district where RO is the underlying district.

[2] One farmer's market stand (no larger than 40 square feet) is allowed on the same lot or tract that produces the agricultural product being sold.

1

B. Generally Applicable Use Standards

See section 21.05.020.

C. Residential Uses: Definitions and Use-Specific Standards

Except for those uses listed below, see section 21.05.030. For those uses listed below, the use-specific standards or applicable portions of such standards of this chapter shall apply instead of the use-specific standards of chapter 21.05.

1. Dwelling, Mixed-Use

In the CE-DO area overlaying the CE-B-3 district, commercial structures that also include dwelling units shall have a gross floor area of at least 5,000 square feet.

2. Dwelling, Multifamily

a. In the CE-DO area overlaying the CE-RO district, multifamily developments with eleven or more units may only be constructed on lots of at least 14,000 square feet and at least 100 feet of frontage on a street of class I or greater designation in the *Official Streets and Highways Plan*.

b. Notwithstanding subsection 21.10.070B.1.c., multifamily dwellings in the CE-DO area overlaying the CE-RO district shall provide 100 square feet of private open space per dwelling unit.

3. Correction Community Residential Center

In the CE-DO area overlaying the CE-B-3 district, CCRCs shall not have more than 30 residents.

D. Community Uses: Definitions and Use-Specific Standards

Except for those uses listed below, see section 21.05.040. For those uses listed below, the use-specific standards or applicable portions of such standards of this chapter shall apply instead of the use-specific standards of chapter 21.05.

1. Heliport (Replaces 21.05.040I.3.b.)

a. In the Chugiak-Eagle River area, heliports are considered accessory to hospitals and airports.

b. Applications for heliports shall be accompanied by a determination letter from the Federal Aviation Administration (FAA).

c. Heliports in nonresidential districts shall be at least 200 feet from a residential district.

E. Commercial Uses: Definitions and Use-Specific Standards

Except for those uses listed below, see section 21.05.050. For those uses listed below, the use-specific standards or applicable portions of such standards of this chapter shall apply instead of the use-specific standards of chapter 21.05.

1. Commercial Horticulture

In those districts where, in table 21.10-4, “P/C” is indicated for this use, commercial horticulture uses up to 10,000 square feet are allowed by-right, whereas uses over 10,000 square feet require conditional use approval in accordance with section 21.03.080.

2. Animal Boarding

Animal boarding establishments providing care for six or more animals shall comply with the use-specific standards for "animal shelter," below.

3. Animal Shelter (Replaces Subsection 21.05.050B.1.)

a. ***General Standards when Use is within 100 Feet of a Residential District***

All facilities, including all treatment rooms, cages, pens, kennels, and training rooms, shall be maintained within a completely enclosed building. Areas for the care of large domestic animals that are associated with this use shall meet the setback standards of subsection 21.10.050D.3.d. below.

b. ***Standards When Use is Not within 100 Feet of a Residential District***

A facility's outdoor runs shall be located on site and shall be screened from the view of all adjacent streets and properties by fencing or vegetation.

c. ***Standards When Use is On Lot of 40,000 Square Feet or Larger***

Facilities, including outdoor runs shall be located on site with a minimum of 25-foot setbacks and fenced.

d. ***Waste Management***

Waste shall be managed in accordance with AMC title 15.

4. Large Domestic Animal Facility

a. ***Minimum Lot Size and Number of Animals***

Large domestic animal facilities are allowed as a principal or accessory use in nonresidential districts in accordance with table 21.10-4, and as an accessory use in residential districts in accordance with table 21.10-5, with a minimum of 10,000 square feet of land per animal. Structures are allowed up to 8,000 square feet. The number of animals and/or the structure size may be exceeded through conditional use approval in accordance with section 21.03.080 and subsection 4.g. below.

b. ***Lot Coverage***

Lot coverage shall be that of the underlying zoning district except that the planning and zoning commission may allow up to 10 percent additional lot coverage above the maximum allowed in the district through the conditional use process.

c. ***Adjacent Lots***

Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the director. In such cases, yard setback requirements shall not apply to the common interior lot lines and a primary use need not be located on the adjacent lot.

d. ***Setbacks***

Notwithstanding the setbacks of the underlying zoning district, covered structures associated with a large domestic animal facility, such as a stable or barn, shall be set back at least 25 feet from any abutting lot line, not including interior lot lines between lots in common ownership. Uncovered enclosures shall meet one of the following setback options:

i. Twenty-five feet from any abutting neighbor's lot line; or

ii. Seventy-five feet from residences existing on February 28, 2006, not including any residence in common ownership with the large domestic animal facility; or

iii. Ten feet from any abutting lot line, not including interior lot lines between lots in common ownership, if the separation area is vegetated with L2 buffer landscaping.

e. ***Fences***

Barbed wire shall not be used for fencing of any large domestic animal facilities.

f. ***Other Requirements***

Large domestic animal facilities shall:

i. Meet the requirements of AMC chapter 15.20 regarding animal waste; AMC subsection 15.55.060B., concerning separation requirements from water supply wells; and section 21.07.020 concerning stream protection setbacks.

ii. Obtain an animal control facility license per title 17 requirements.

iii. Obtain certification of compliance with a state of Alaska, Anchorage Soil and Water Conservation District conservation plan, or obtain a letter of intent from the district showing demonstrated intent to come into compliance with a conservation plan within one year.

iv. Comply with licensing and other laws concerning the keeping of animals as set forth in AMC titles 15, 17, 21.

g. ***Conditional Use Standards***

If animal density exceeds one large domestic animal per 10,000 square foot of land or structure size exceeds 8,000 square feet, the following shall also apply during the conditional use process:

i. *Access*

Traffic access shall be from a street constructed to standards found by the traffic engineer to be appropriate to the intensity of the proposed use.

ii. *Parking Standards*

In the event arena seating is provided, the required parking shall be one space per every four seats, or one parking space per stall, whichever is greater.

iii. *Lot Coverage*

Lot coverage shall be that of the underlying zoning district unless the planning and zoning commission allows additional lot coverage above the maximum allowed in the district, not to exceed a ten percent increase.

iv. *Additional Conditions*

The planning and zoning commission may impose additional conditions upon a conditional use approval that are found necessary to protect any person or neighboring use from unsanitary conditions or unreasonable noise or odors, or to protect to the public health and safety.

5. Retail and Pet Services

Retail and pet services shall comply with the use-specific standards for "animal shelter," above.

6. Veterinary Clinic

a. Veterinary clinics that offer animal boarding shall comply with the use-specific standards above for "animal shelter."

b. In the CE-DO overlay district, all facilities used for animal care shall be completely enclosed within a building.

7. Movie Theater

Drive-in movie theaters in the CE-DO area overlaying the CE-B-3 district require a conditional use approval. Enclosed movie theaters are a permitted use.

8. Funeral/Mortuary Services

In the Chugiak-Eagle River area, funeral/mortuary services are considered accessory to hospitals and to some governmental functions (such as the state crime lab).

9. Hotel/Motel

a. In the CE-DO area overlaying the CE-RO district, this use is allowed on sites with a minimum lot area of 14,000 square feet, provided that principal access the use is from a street of class I or greater designation on the *Official Streets and Highways Plan*.

b. In the CE-DO area overlaying the CE-RO district, hotels/motels with 20 or more rooms may have general personal services and restaurants as accessory uses, when they are clearly incidental to the operation of the hotel/motel.

F. Industrial Uses: Definitions and Use-Specific Standards

Except for those uses listed below, see section 21.05.060. For those uses listed below, the use-specific standards or applicable portions of such standards of this chapter shall apply instead of the use-specific standards of chapter 21.05.

1. Storage Yard

In the CE-DO overlay district, this use is limited to storage of no more than four pieces of equipment used to provide essential services to property within the downtown Eagle River overlay district, to include snow plowing, snow removal, parking lot clearing, and property maintenance equipment. All equipment storage areas shall be screened in accordance with subsection 21.10.040G.3.i.iv.

G. Accessory Uses and Structures

Table 21.10-5 below lists the accessory uses and structures allowed within all base zoning districts in the Chugiak-Eagle River area.

1. Explanation of Table Abbreviations

a. ***Permitted Uses***

"P" in a cell indicates that the accessory use or structure is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this title, including the use-specific standards of this section and the development and design standards set forth in chapter 21.07 and section 21.10.070.

b. ***Administrative Site Plan Review***

"S" in a cell indicates that the accessory use or structure requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.190B., *Administrative Site Plan Review*.

c. ***Conditional Uses***

"C" in a cell indicates that, in the respective zoning district, the accessory use or structure is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.180, *Conditional Uses*.

d. ***Multiple Abbreviations***

Where table 21.10-5 indicates more than one abbreviation for a particular use, such as "P/M" or "S/M", then the applicable review procedure is determined by size, geographic location, or other characteristic of the use as specified in this code.

e. ***Prohibited Uses***

A blank cell indicates that the accessory use or structure is prohibited in the respective zoning district.

f. ***Use-Specific Standards***

Regardless of whether an accessory use or structure is allowed by-right or subject to administrative site plan review or conditional use, there may be additional standards that are applicable to the use. The existence of these use-specific standards is noted through a section reference in the last column of the table. These references apply in all Chugiak-Eagle River districts unless otherwise specified.

g. ***Unlisted Accessory Uses or Structures***

An accessory use or structure that is not listed in table 21.10-5 shall comply with all standards set forth in subsection 21.05.070B.

1

2. Table of Allowed Accessory Uses and Structures

TABLE 21.10-5: TABLE OF ACCESSORY USES – CHUGIAK-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted S = Administrative Site Plan Review C = Conditional Use Review

	RESIDENTIAL													COMMER.			INDUS.			OTHER			OV	
Accessory Uses	**CE-R-1**	**CE-R-1A**	**CE-R-2A**	**CE-R-2D**	**CE-R-2M**	**CE-R-3**	**CE-R-5**	**CE-R-5A**	**CE-R-6**	**CE-R-7**	**CE-R-8**	**CE-R-9**	**CE-R-10**	**CE-B-3**	**CE-RO**	**CE-RC**	**CE-I-1**	**CE-I-2**	**CE-I-3**	**CE-DR**	**CE-PR**	**CE-PLI**	**CE-DO[3]**	**Definitions and Use-Specific Standards**
Accessory dwelling unit (ADU)			P	P	P		P	P	P	P	P	P	P							P				21.10.050H.1. 21.05.070.D.1.
Bed and breakfast (up to 3 guestrooms)	P	P	P	P	P		P	P	P	P	P	P	P							P			P-R	21.05.070D.2.
Bed and breakfast (4 or 5 guestrooms)	S	S	S	S	S		S	S	S	S	S	S	S							S			S-R	21.05.070D.2.
Beekeeping	P	P	P	P	P		P	P	P	P	P	P	P							P				21.05.070D.3.
Caretaker's residence																	P	P	P		P	P		21.05.070D.4
Dormitory																	C					P		21.05.070D.5.
Drive-through service															P	P	P	P	P				P-B/C-R	21.10.050H.2. 21.05.070D.6.
Family self-sufficiency Service						P									C	C							P	21.05.070D.7.
Farm, hobby								P	P	P	P	P	S							P				21.05.070D.8.
Garage or carport, private residential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		P		21.10.050H.3. 21.05.070D.9.
Home- and garden-related use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		P		21.10.050H.4. 21.05.070D.10.
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		21,10.050H.5. 21.05.070D.11.
Intermodal shipping container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		21.10.050H.6. 21.05.070D.12

TABLE 21.10-5: TABLE OF ACCESSORY USES – CHUGIAK-EAGLE RIVER RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS
P = Permitted S = Administrative Site Plan Review C = Conditional Use Review

	RESIDENTIAL													COMMER.			INDUS.			OTHER			O V	
Accessory Uses	CE-R-1	CE-R-1A	CE-R-2A	CE-R-2D	CE-R-2M	CE-R-3	CE-R-5	CE-R-5A	CE-R-6	CE-R-7	CE-R-8	CE-R-9	CE-R-10	CE-B-3	CE-RO	CE-RC	CE-I-1	CE-I-2	CE-I-3	CE-DR	CE-PR	CE-PLI	CE-DO[3]	Definitions and Use-Specific Standards
Large domestic animal facility							P/C	P/C	P/C	P/C	P/C	P/C	P/C		P/C	P/C	P/C	P/C		P/C	P/C	P/C		21.05.070D.13.
Outdoor keeping of animals	P	P	P	P	P	P[4]	P	P	P	P	P	P	P							P		P		21.05.070D.14.
Outdoor display accessory to a commercial use														P	P	P	P	P	P					21.05.070D.15.
Outdoor storage accessory to a commercial use														P		P	P	P	P					21.05.070D.16.
Parking of business vehicles, outdoors, accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P		21.05.070D.17.
Private outdoor storage of non-commercial equipment accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P		21.05.070D.18.
Vehicle repair/rebuilding, outdoor, hobby	P	P	P	P	P	P	P	P	P	P	P	P	P									P		21.10.050H.7. 21.05.070D.19.

[3] For uses allowed in the CE-DO (Downtown Eagle River Overlay District), when the abbreviation of the approval process is followed by a "-R", that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is RO. When the abbreviation of the approval process is followed by a "-B", that indicates the use is allowed only in the portion of the overlay district where the underlying zoning is B-3. If the abbreviation of the approval process has no suffix, then the use is allowed anywhere in the overlay district. For example, "P-R" means that the use is permitted only in the portion of the overlay district where RO is the underlying district.

[4] In the CE-R-3 district, outdoor keeping of animals is only permitted accessory to a single-family detached dwelling.

H. Accessory Uses and Use-Specific Standards

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

1. Accessory Dwelling Unit (ADU)

a. ***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.(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.(6).(b).)

b. ***Additional Requirements for Detached ADUs***

i. Subsection 21.05.070D.1.b.iii.(D). shall not apply in the Chugiak-Eagle River area. Detached ADUs shall not exceed the height of the principal structure.

ii. ADUs in the Chugiak-Eagle River area shall share a common driveway with the principal dwelling unit or have access from an alley.

2. Drive-Through Service

In the CE-DO area overlaying the CE-RO district, two or more drive-through stations associated with a financial institution requires a conditional use approval pursuant to section 21.03.080.

3. Garage or Carport, Private Residential

a. In class A zoning districts, on lots less than 40,000 square feet in class B zoning districts, and in the CE-R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure, up to maximum lot coverage permitted in the underlying zoning district. (Replaces subsection 21.05.070D.9.b.iii.)

b. On lots of 40,000 square feet or greater in class B zoning districts except for the CE-R-7 district, all garages or carports accessory to a single residential use are restricted in size only by the maximum percentage of lot coverage shown in tables 21.10-7 and 21.10-8. (Replaces subsection 21.05.070D.9.b.iv.)

4. Home- and Garden-Related Use

In class B zoning districts, except for the CE-R-7 district, all detached accessory structures under this use are restricted in size only by the maximum percentage of lot coverage shown in tables 21.10-7 and 21.10-8. (Replaces subsection 21.05.070D.10.b.iii.)

5. Home Occupation (Replaces Subsection 21.05.070D.11.b.)

A home occupation may be conducted in a dwelling unit or in a building accessory to a dwelling unit, but not an ADU, provided that:

a. Each property is limited to two home occupations. The restrictions of this section apply cumulatively to both, unless specified otherwise.

b. A permanent resident of the dwelling unit is engaged in the home occupation(s) on the premises. Only one nonresident may be engaged in the home occupation(s) on the premises.

c. On lots less than 40,000 square feet the use of a dwelling unit for a home occupation(s) shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following:

i. No more than the lesser of 25 percent or 500 square feet of the floor area of the principal dwelling is devoted to the home occupation(s); or

ii. No more than 300 square feet of an accessory building is devoted to the home occupation(s); or

iii. No more than 250 square feet of the principal dwelling and 250 square feet of an accessory building are devoted to the home occupation(s).

d. On lots 40,000 square feet or greater the use of a dwelling unit for a home occupation(s) shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following:

i. No more than the lesser of 40 percent or 650 square feet of the gross floor area of the primary structure is devoted to the home occupation(s); or

ii. No more than 100 percent of a single accessory structure, not to exceed the square footage of the principal structure, is devoted to the home occupation(s); or

iii. No more than 25 percent of the principal dwelling and 60 percent of an accessory building are devoted to the home occupation(s).

e. Except as provided in chapter 21.11, *Signs*, there shall be no change to the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation(s) to the outside of the building or the premises.

f. Vehicles making deliveries shall not be parked at the site for a period exceeding one hour.

g. No traffic or deliveries shall be generated by such home occupation(s) in greater volume than would normally be expected in a residential neighborhood.

h. All visible vehicles used in connection with the home occupation(s) shall, except for delivery vehicles allowed above, be of the type commonly used for personal non-commercial transportation.

i. On lots less that 40,000 square feet home occupations shall comply with the requirements of subsection 21.05.070D.17.

j. On lots of 40,000 square feet or greater, no more than two motor vehicles bearing visible evidence of the home occupation are allowed for each home occupation.

k. The peace and quiet of the neighborhood shall not be disturbed. No equipment or process shall be used in such home occupation(s) that creates noise, vibration, glare, fumes, or odors detectable to the normal senses at the property line. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a

fluctuation in line voltage off the premises. No hazardous or toxic materials shall be stored on the property as part of the home occupation(s).

l. The hours of operation during which an employee or co-worker, clients, or customers are allowed to come to the home in connection with the business activity are limited to between 7:00 a.m. and 10:00 p.m. Monday through Saturday. Care and feeding of animals is exempted from this provision.

m. A home occupation shall not include, but is not limited to excluding, the following: veterinary or animal hospital; restaurant; and vehicle repair, unless allowed below under "vehicle repair/rebuilding, outdoor, hobby."

6. Intermodal Shipping Container (Connex Unit) (Replaces Subsection 21.05.070D.12.)
The use of a connex unit is allowed in all zoning districts subject to the following:

a. ***Standards When Use Is Within Class A Residential Districts***

i. Connex shall be screened from view by other structures or by L2 buffer landscaping, and be sided with materials similar to those of the principal structure or as approved by the director; and

ii. Shall obtain a land use permit.

b. ***Standards When Use Is Within Class B Residential Districts***

i. Connex shall be screened from view by other structures or by L2 buffer landscaping, or be sided with materials similar to those of the principal structure or as approved by the director; and

ii. Shall obtain a land use permit.

c. ***Standards When Use Is Within Commercial or Other Districts***

i. Connex shall be screened from view by other structures or by L2 buffer landscaping, or be sided with materials similar to those of the principal structure or as approved by the director; and

ii. Shall obtain a land use permit.

d. ***Standards When Use Is Within Industrial Districts***

Up to four connex units may be placed on a lot without a land use permit.

e. ***General Standards***

i. All connex units shall meet the setbacks of the zoning district.

ii. Self-storage establishments in compliance with the development standards of subsection 21.05.060D.4. are exempt from this section.

iii. Loading or unloading a connex unit, or the use of a connex during construction is exempt from this section.

iv. In residential districts on lots of less than 40,000 square feet, connex units existing on [effective date] that are not in compliance with this section shall be brought into compliance, removed, or relocated within two years of [effective date] without charge for the associated land use permit(s).

7. Vehicle Repair/Rebuilding, Outdoor, Hobby (Replaces Subsection 21.05.070D.19.b.)

a. In the Chugiak-Eagle River area, this use includes repair and rebuilding of boats and airplanes.

b. On lots less than 40,000 square feet:

i. Only one inoperative vehicle may be stored outdoors on the site at any given time.

ii. Any vehicle being rebuilt or repaired shall be the property of the resident of the principal structure.

iii. Repair or rebuilding work shall take place to the rear or side of the principal structure and shall be screened from view from all property lines and adjacent rights-of-way by a sight obscuring fence between six and eight feet in height, or by L1 visual enhancement landscaping as described in 21.07.080E.

c. On lots 40,000 square feet or larger:

i. Up to three inoperable vehicles may be stored outdoors on the site at any given time.

ii. Any vehicle being rebuilt or repaired shall be the property of the resident of the principal structure.

iii. Repair or rebuilding work shall be screened from view of all property lines and adjacent rights-of-way by sight obscuring fencing or L2 buffer landscaping as described in 21.07.080E.

I. Prohibited Accessory Uses

1. Parking of Commercial Vehicles, Outdoors (Replaces Subsection 21.05.070E.7.)
The outdoor storage or parking of a commercial vehicle or trailer for less than 48 hours is permitted in all residential districts, if the vehicle or trailer is licensed to the homeowner, is regularly used for business purposes, and is:

a. On lots less than 40,000 square feet:

i. A vehicle for which a commercial driver's license is not required by state law; and

ii. A vehicle or trailer having two axles or less; and

iii. Any trailer not bearing commercial signage, logo, or carrying commercial or industrial equipment or supplies; and

iv. A vehicle or trailer having a height of 90 inches or less.

b. On lots 40,000 square feet or larger:

i. A vehicle or trailer having no more than three axles; and

ii. Any trailer not carrying commercial or industrial equipment or materials; and

iii. A vehicle or trailer having a height of 160 inches or less.

J. Structures

1. Fabric Structures (Replaces Subsection 21.05.070E.2.)

a. Fabric structures that are engineered, commercially manufactured, and designed to meet wind and snow loads of the Chugiak-Eagle River area are an allowed

structure type for any permitted or conditional principal or accessory use on parcels of 40,000 square feet or larger in class B districts, or in the CE-I-1, CE-I-2, CE-I-3, CE-RC, CE-AD, CE-PLI, CE-PR, and CE-PCD districts.

b. Maximum square footage of the structure shall be 8,000 square feet. Structures may exceed 8,000 square feet through a conditional use approval in accordance with section 21.03.080.

c. Setbacks and height restrictions shall be as per the underlying zoning district.

2. Quonset Hut

a. In the class B commercial, industrial, PLI, and PR zoning districts, Quonset huts are an allowed structure type for any permitted or conditional principal or accessory use.

b. In the class B residential zoning districts, Quonset huts are an allowed structure type for any permitted accessory use.

c. Quonset huts are not an allowed structure type in the CE-DO overlay district.

21.10.060 DIMENSIONAL STANDARDS

A. Purpose

The purpose of this section is to implement the goals and objectives of the *Chugiak-Eagle River Comprehensive Plan*. This section is also intended to preserve light, air, water quality, and quality of life in all areas of Chugiak-Eagle River. Specific purposes of this section include:

1. Avoiding congestion in residential areas;

2. Promoting fire protection through appropriate separation of structures;

3. Ensuring setbacks which promote a reasonable relationship between residences and the streetscape;

4. Reinforcing a pedestrian oriented streetscape in class A improvement districts;

5. Controlling the overall building bulk and lot coverage to help define the character of different zoning districts;

6. Promoting reasonable building scale that is consistent with the function of local commercial areas and surrounding neighborhoods; and

7. Promoting the efficient use of service capacity in areas with the highest levels of public services and intended development.

B. Applicability

This section is applicable to all development within the area encompassed by this chapter.

C. Dimensional Standards Tables

1. This section contains tables listing the requirements for lot dimensions, building bulk, density, and height for all development. General rules for measurement and exceptions are set forth in section 21.06.030. However, in the Chugiak-Eagle River area, the following dimensional standards apply to Chugiak-Eagle River zoning districts. These general standards may be further limited or modified by other applicable section of this title.

2. Where no dimensional standards are provided for a district, the dimensional standards shall be found in section 21.06.020 in accordance with table 21.10-1.

3. Residential Districts

TABLE 21.10-7: TABLE OF DIMENSIONAL STANDARDS – CHUGIAK-EAGLE RIVER RESIDENTIAL DISTRICTS

(Additional standards may apply.
See district-specific standards in section 21.10.040 and chapter 21.04, and use-specific standards in section 21.10.050 and chapter 21.05.)

Use	Minimum lot dimensions[5]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [6]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
CE-R-1: Single-Family Residential District								
Residential uses	6,000	50	30	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	6,000	50	30	20	5	10	N/A	
CE-R-1A: Single-Family Residential District								
Residential uses	8,400	70	30	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	8,400	70	30	20	5	10	N/A	
CE-R-2A: Single- and Two-Family Residential District								
Dwelling, single-family detached	7,200	60	40	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	8,400	70	40	20	5	10	1	
Dwelling, single-family attached	4,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
All other uses	7,200	60	40	20	10	10	N/A	
CE-R-2D: Two-Family Residential District								
Dwelling, single-family detached	6,000	50	40	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,250	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	

TABLE 21.10-7: TABLE OF DIMENSIONAL STANDARDS – CHUGIAK-EAGLE RIVER RESIDENTIAL DISTRICTS

(Additional standards may apply.
See district-specific standards in section 21.10.040 and chapter 21.04, and use-specific standards in section 21.10.050 and chapter 21.05.)

Use	Minimum lot dimensions[5]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [6]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
All other uses	6,000	50	40	20	10	10	N/A	
CE-R-2M: Mixed Residential District								
Dwelling, single-family detached	6,000	50	40	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,250	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		10	1	
Dwelling, multifamily	8,500 + 3,000 for every unit over 3	50	50	20	10	10	More than 1 principal structure allowed only on lots greater than one acre	
All other uses	6,000	50	40	20	5	10	N/A	
CE-R-3: Multifamily Residential District								
Dwelling, single-family	6,000	50	40	20	5	10	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 12
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, multifamily	6,000	50	40	20	10	10	More than 1 principal structure allowed only on lots greater than once acre	
All other uses	6,000	50	40	20	10	20	N/A	

TABLE 21.10-7: TABLE OF DIMENSIONAL STANDARDS – CHUGIAK-EAGLE RIVER RESIDENTIAL DISTRICTS

(Additional standards may apply.
See district-specific standards in section 21.10.040 and chapter 21.04, and use-specific standards in section 21.10.050 and chapter 21.05.)

Use	Minimum lot dimensions[5]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [6]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
CE-R-5: Suburban Residential with Mobile Homes District								
Dwelling, single-family detached or one manufactured home	7,000	50	30	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	13,000	100	30	20	5	10	1	
All other uses	7,000	50	30	20	10	10	N/A	
R-5A: Rural Residential with Mobile Homes District								
Dwelling, single-family detached or one manufactured home	43,560	150	30	25	10	20	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	87,120	150						
All other uses	43,560	150					N/A	
CE-R-6: Low Density Residential District								
Dwelling, single-family detached	43,560	135	30	25	25	50	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	87,120	150	30	25	25	50	1	
All other uses	43,560	135	30	25	25	50	N/A	
CE-R-7: Medium Density Single-Family Residential District								
Dwelling, single-family detached	20,000	120	30	25	10	20	1	Principal: 35 Accessory garages/carports: 30
Dwelling, two-family	40,000							

TABLE 21.10-7: TABLE OF DIMENSIONAL STANDARDS – CHUGIAK-EAGLE RIVER RESIDENTIAL DISTRICTS

(Additional standards may apply.
See district-specific standards in section 21.10.040 and chapter 21.04, and use-specific standards in section 21.10.050 and chapter 21.05.)

Use	Minimum lot dimensions[5]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [6]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
All other uses	20,000						N/A	Other accessory: 25
CE-R-8: Low Density Residential District								
Dwelling, single-family detached	174,240	300	5	25	15	25	1	Principal: 35 Accessory garages/carports: 30
Dwelling, two-family	261,360							
All other uses	174,240						N/A	Other accessory: 25
CE-R-9: Low Density Residential District								
Dwelling, single-family detached	87,120	180	Up to 163,350 sf: 15; otherwise 10	50	25	25	1	Principal: 35 Accessory garages/carports: 30
Dwelling, two-family	130,680	180	10					
All other uses	87,120	180	10				N/A	Other accessory: 25
CE-R-10: Low Density Residential Alpine/Slope District								
All uses	(See section 21.04.020P.2.)			20	25 feet; 50 feet if average slope exceeds 30 percent	10	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25

[5] For other lot dimensional standards, see section 21.08.030K.

[6] For those residential uses where only one principal structure is allowed on a lot, no additional nonresidential principal structures are allowed.

4. Commercial, Industrial, and Overlay Districts

TABLE 21.10-8: TABLE OF DIMENSIONAL STANDARDS – CHUGIAK-EAGLE RIVER COMMERCIAL, INDUSTRIAL, AND OVERLAY DISTRICTS
(Additional Standards May Apply. See district specific standards in section 21.10.040 and chapter 21.04, and use-specific standards in section 21.10.050 and chapter 21.05.)

Use	Minimum lot dimensions[7]		Max lot coverage (%)	Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
CE-B-3: General Business							
Residential household living uses	6,000	50	50	10	5	10	Principal: 45 Accessory garages/carports: 30 Other Accessory: 25
Mixed-use develop-ment	6,000	50	Unre-stricted	Min: 0 Max: 20 A minimum of 50% of the street-facing building elevation shall be within the maximum front setback	15 if adjacent to a residential district; otherwise 0 or at least 10	15 if adjacent to a residential district; otherwise 0 or at least 5	
All other uses				10			
CE-RO: Residential Office District							
Allowed residential household living uses	6,000	50	50	10	5	10	Principal: 35 Accessory garages/carports: 30 Other Accessory: 25
All other uses	6,000	50	50	10	10 if adjacent to a residential district; otherwise 5	15 if adjacent to a residential district, otherwise 10	
CE-RC: Rural Commercial District							
Dwelling, single-family detached	43,560	150	50	10	5	10	Principal: 35 Accessory: 25
Commercial uses	43,560	150	Unre-stricted	10	5	10	
All other uses	43,560	150	50	10	5	10	

TABLE 21.10-8: TABLE OF DIMENSIONAL STANDARDS – CHUGIAK-EAGLE RIVER COMMERCIAL, INDUSTRIAL, AND OVERLAY DISTRICTS
(Additional Standards May Apply. See district specific standards in section 21.10.040 and chapter 21.04, and use-specific standards in section 21.10.050 and chapter 21.05.)

Use	Minimum lot dimensions[7]		Max lot coverage (%)	Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
CE-I-1: Light Industrial District							
All uses	6,000	50	N/A	10	20 if adjacent to a residential district; otherwise 0 or at least 5		Principal: 45 Accessory: 25
CE-I-2: Heavy Industrial District							
All uses	6,000	50	N/A	10	40 if adjacent to a residential district; otherwise 0 or at least 5		45
CE-I-3: Rural Industrial							
All uses	87,120	100	N/A	10	100 if adjacent to a residential district; otherwise 0 or at least 5		45
CE-DO: Downtown Eagle River Overlay District – for areas where underlying zoning is RO							
Dwelling, single-family	6,000	50	50	10	5, plus one foot for each 5 feet in height exceeding 35 feet	10	4 stories within 66 feet; except where abutting existing single-family development, 3 stories within 40 feet (see overlay map in subsection 21.10.040G.3. above)
Dwelling, two-family							
Dwelling, multifamily, up to ten units							
Dwelling, multifamily, eleven or more units	14,000	50	50				

TABLE 21.10-8: TABLE OF DIMENSIONAL STANDARDS – CHUGIAK-EAGLE RIVER COMMERCIAL, INDUSTRIAL, AND OVERLAY DISTRICTS
(Additional Standards May Apply. See district specific standards in section 21.10.040 and chapter 21.04, and use-specific standards in section 21.10.050 and chapter 21.05.)

Use	Minimum lot dimensions[7]		Max lot coverage (%)	Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20	N/A on common lot line; otherwise 5	10	4 stories within 66 feet; except where abutting existing single-family development, 3 stories within 40 feet (see overlay map in subsection 21.10.040G.3. above)
All other uses	6,000	50	Unre-stricted	10	15 if adjacent to a residential district; otherwise 0 or at least 10	10	
CE-DO: Downtown Eagle River Overlay District – for areas where underlying zoning is B-3							
For residential uses except for mixed-use dwellings, see the R-4 district in table 21.06-1.							4 stories within 66 feet
All other uses, including mixed-use dwellings	6,000	50	Unre-stricted	10	15 if adjacent to a residential district; otherwise 0 or at least 10	15 if adjacent to a residential district; otherwise 0	

[7] For other lot dimensional standards, see section 21.08.030K.

21.10.070 DEVELOPMENT AND DESIGN STANDARDS

A. Purpose

The development and design standards set forth section 21.10.070 apply to the physical layout and design of development within the Chugiak-Eagle River area. These provisions govern the physical attributes of a development and its relationship with adjacent properties and the natural environment. The unique rural life style within the community is expressed in the comprehensive plan and is reflected in the provisions of this section. Unless otherwise provided the provisions of chapter 21.07 apply in the Chugiak-Eagle River area.

B. Transportation and Connectivity

1. Streets in Class B Zoning Districts

a. Streets located in class B zoning districts should be considered primarily rural, unless the anticipated average daily traffic dictates a higher standard. They should be designed to maintain the rural character of their neighborhoods. Street typology in Chugiak-Eagle River calls for minimizing the disturbance during construction so that native vegetation will be maintained as much as possible. Rural roads are to serve low numbers of local residents, so are narrower, typically two-lane, with wide shoulders and ditch drainage. Pedestrian traffic occurs on adjacent paths or in the street shoulder. Street lighting is not typical, but can be installed when there is a specific safety-related need. Rural streets are typically strip paved or gravel, with no curbs or sidewalks.

b. Rural residential local streets shall have a 50-foot right of way, unless the traffic engineer determines that the anticipated average daily traffic warrants a 60-foot right-of-way. The street section shall be as narrow as possible to comply with safe and efficient design.

c. Rural collectors shall have a right-of-way between 60 and 80 feet wide. The street section (including shoulders) shall be between 28 and 30 feet wide. Rural collectors in the Chugiak-Eagle River area shall not have vertical curbs.

d. Rural streets shall meet higher standards if the traffic engineer determines that average daily trip data warrants.

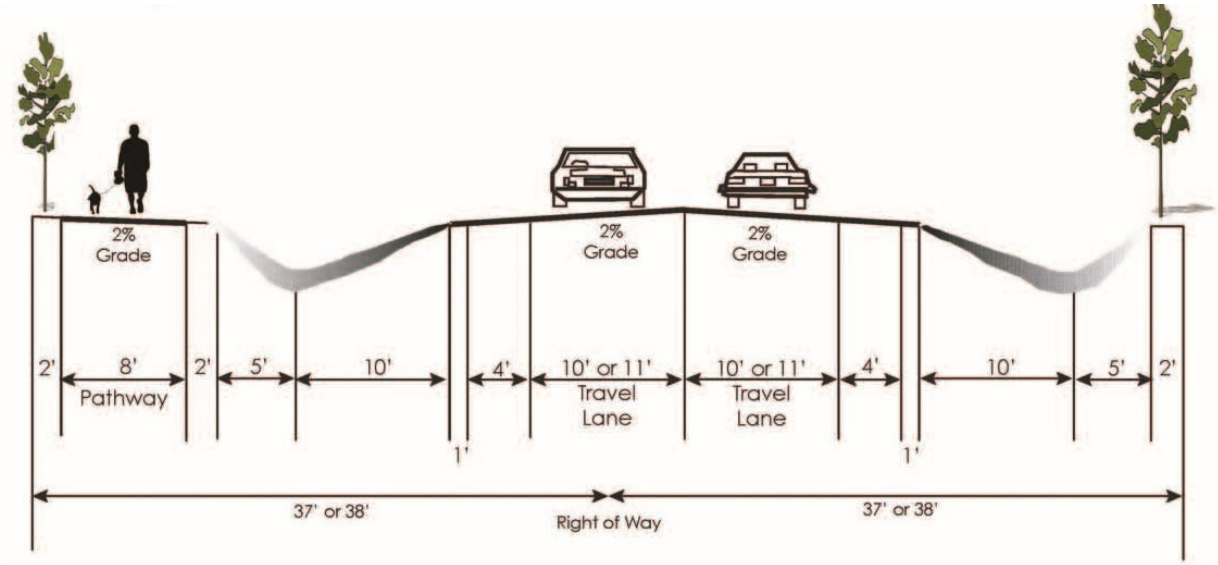


Figure 21-10.18, Typical Section for a Rural Collector

C. Landscaping, Screening, and Fences

1. Refuse Collection Screening (Replaces Subsection 21.07.080G.2.f.)
In class B districts, each refuse collection receptacle shall be screened from view from streets abutting the property, if the receptacle is to be stored within 300 feet of the street. The screening may be achieved by buildings and structures, fences, vegetation/landscaping, topography, or a refuse collection receptacle screening enclosure.

a. If a screening enclosure is necessary to meet the standards of this subsection, the screening enclosure shall consist of a durable, three-sided screening structure. Screening enclosure construction and dimensions shall comply with service provider industry standards, as provided in the title 21 user's guide and AMC 26.70.050.

b. The enclosure need not be gated providing the trash receptacle is not visible from the abutting street.

D. Off-Street Parking and Loading

1. Paving (Amends Portions of Subsection 21.07.090H.13.b.)

a. Commercial parking lots of 20 or fewer spaces in class B districts may be surfaced with a layer of crushed rock. The first 20 feet of a driveway, as measured from the edge of the street travelled way, shall be paved if connecting to a paved public street.

b. Residential class B areas may be surfaced with a layer of crushed rock to include the area of the apron.

E. Exterior Lighting

Residential class B areas are exempt from 21.07.100. Certain developments in class B areas may be required to meet exterior lighting standards pursuant to specific life safety needs.

F. Community Use and Commercial Design Standards

Subsection 21.07.120D.1., *Fabric Structures*, shall not apply in the Chugiak-Eagle River area.

G. Large Establishments

1. Prohibited Materials
Subsection 21.07.130A.5.k. shall not apply in the Chugiak-Eagle River area.

2. Outdoor Sales, Display, and Storage (Amends subsection 21.07.120.A.5.m.ii.(D).)
Outdoor storage display and sales areas shall have a permanent walls and/or screening fences no more than the height of the structure or 25 feet high.

21.10.080 SUBDIVISION STANDARDS

A. Improvement Areas Defined

Chugiak-Eagle River districts are divided into the following improvement areas. See section 21.08.050 for improvement standards.

TABLE 21.10-9: CHUGIAK-EAGLE RIVER IMPROVEMENT AREAS DEFINED

District Type	Class A	Class B
Residential[7]	CE-R-1 CE-R-1A CE-R-2A CE-R-2D CE-R-2M CE-R-3 CE-R-5	CE-R-5A CE-R-6 CE-R-7 CE-R-8 CE-R-9 CE-R-10
Commercial[7]	CE-B-3 CE-RO	CE-RC
Industrial[7]	CE-I-1 CE-I-2	CE-I-3
Other	CE-AD CE-DR CE-PLI CE-PR	

[7] Entire areas (zoning polygons) of class A residential, commercial, or industrial zones that are less than five acres in size and completely surrounded by class B zoning may use the class B improvement standards of this title.

TITLE 21 REWRITE

CHAPTER 21.11

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

ANNOTATION for entire chapter

Most of the amendments in this chapter are for clarity, or to mesh the sign chapter (which was adopted into current code as section 21.47 in 2003) with the organizational structure of the rewrite.

The page numbering was started at page 700, leaving ample pages for chapter 21.10, which has not been finalized yet.

Pages 703-704, line 33 and lines 1-10
This clarifies that only one edge of a lot may be used when calculating allowed sign area based on lot frontage.

Page 713, lines 17-19
This is Assembly Member Trombley's recent amendment to the sign ordinance, adopted on November 13, 2012, in AO 2012-96(S).

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

CHAPTER 21.11: SIGNS

21.11.010 PURPOSE

The purpose of this chapter is to promote the public health, safety, and welfare by establishing standards and criteria for the construction, installation, maintenance, and operation of signs in the municipality, which are subject to the provisions of this chapter. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this chapter is intended to:

A. Enhance and protect the physical appearance of the municipality.

B. Protect property values.

C. Promote and maintain visually attractive, high value residential, retail, commercial, and industrial districts.

D. Promote the economic well being of the community by creating a favorable physical image.

E. Ensure that signs are located and designed to:

1. Provide an effective means of way finding in the community.

2. Afford the community an equal and fair way to advertise and promote its products and services.

3. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.

4. Minimize the disruption of the scenic views which when maintained protect important community values.

5. Respect the unique climatic conditions such as the amount of snow fall and the effect of sustained snow piles, the amount of daylight, and the acute shadows regularly occurring on the landscape.

6. Afford businesses, individuals, and institutions a reasonable opportunity to use signs as an effective means of communication.

F. Provide review procedures that assure that signs are consistent with the municipality's objectives and within the municipality's capacity to efficiently administer the regulations.

G. Prohibit all signs not expressly permitted by this chapter.

21.11.020 APPLICATION OF THIS CHAPTER

A. The regulations contained in this chapter shall apply to signs outside of the public right-of-way and on the property to which the standard or regulation refers, except when specifically stated otherwise. A sign may only be erected, established, painted, created, or maintained in conformance with the standards, criteria, procedures, and other applicable requirements of this chapter.

B. Unless otherwise stated in this chapter, all determinations, findings, and interpretations shall be made by the director or other appropriate municipal officials called upon or designated by the director.

C. The following signs and displays are exempted from this chapter:

1. Any sign displaying a public notice or warning required by a valid and applicable federal, state, or local law, ordinance, or regulation;

2. Flags of any nation, government, or non-commercial organization;

3. Any sign inside a building that is not attached to the window or door and is not legible from a distance of more than three feet beyond the lot on which the sign is located;

4. Any work of art that does not display a commercial message;

5. Any religious symbol that does not display a commercial message;

6. Any traffic control sign, such as "STOP" or "YIELD," located on private property that meets applicable governmental standards pertaining to such signs and does not display a commercial message;

7. Signs erected by state or local government agencies, or their contractors, to facilitate the construction, maintenance, or operation of transportation facilities;

8. Product dispensers and trash receptacles;

9. Holiday and community special event decorations that do not display a commercial message;

10. Mascots for educational institutions with primarily academic curricula;

11. Signs on athletic fields and scoreboards intended for on-premises viewing;

12. Construction signs of up to 32 square feet; and

13. Temporary signs of six square feet or less in area, except as regulated elsewhere in this chapter.

D. Regulations for nonconforming signs are located in chapter 21.12.

E. Regulations regarding sign permits are located in section 21.03.170.

F. Regulations regarding sign variances are located in section 21.03.240.

21.11.030 RELATIONSHIP OF THIS CHAPTER TO STATE LAW

No provision of this chapter shall be interpreted as authorizing the erection or maintenance of any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary, or secondary highway, or the erection or maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main-traveled way of an interstate, primary, or secondary highway with the purpose of the message displayed being read from that travel way, in a manner that would conflict with the provisions of Alaska statutes sections 19.25.075 – 19.25.180.

21.11.040 COMPUTATIONS[,] AND RULES OF MEASUREMENT[, AND DEFINITIONS]

The following regulations shall control the computation and measurement of sign area, sign height, building frontage, and public street frontage:

A. Determining Sign Area or Dimension of Signs

1. The sign area shall include the face of all the display area(s) of the sign. The sign area shall include the frame and structural support unless such structural support is

determined to be an architectural feature as defined in chapter 21.14, or the structural support is located below the sign face area and its accompanying frame, does not contain a message, and is clearly distinguishable from the sign face area [SECTION 21.13.030]. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations.

2. For a sign that is framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the area of not more than three geometric shapes that encompass[ES] the entire area of the sign including the background or frame.

3. For a sign comprised of individual letters, figures, or elements on a wall or similar surface of a building or structure, or an irregular shaped freestanding sign, the area of the sign shall be the area of not more than three regular geometric shapes that encompass[ES] the perimeter of all the elements in the display.

a. When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the sign shall include all the display areas, including the space between the elements.

b. Up to five percent of the permitted sign area may be considered minor protrusions, and extend outside of the maximum limitation of three geometric shapes and are, therefore, exempted from being included as part of the sign area.

4. For freestanding and projecting signs the sign area shall be computed by the measurement of one of the faces when two display faces are joined, are parallel, or are within 30 degrees of being parallel to each other and are part of the same sign structure. For any sign that has two display surfaces that do not comply with the above regulation, or has more than two display surfaces, then each surface shall be included when determining the area of the sign.

5. In determining the area of freestanding signs the following shall be exempted from being considered as part of the maximum permitted area:

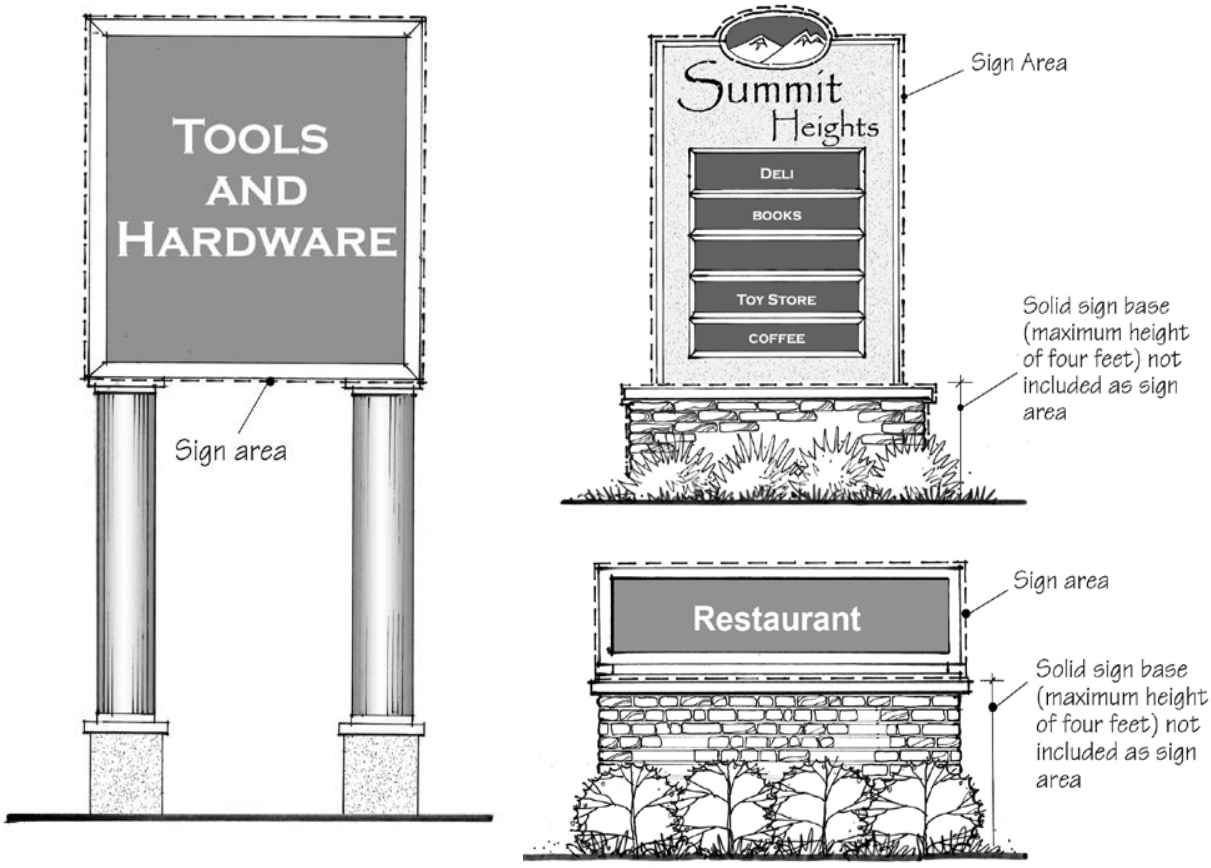
a. One half square foot of sign area shall be exempted for each digit of the street number, up to a maximum of three square feet.

b. The portion of a solid sign base or other sign support, up to a maximum height of four feet that is at least 50 percent screened by landscaping.

c. The air space under a freestanding sign between supporting posts[,OTHER] and air space between a projecting sign and the wall to which it is attached.

All other exemptions to the area of a sign may only be approved by the urban design commission.

6. Except as provided in table 21.11-1 [SCHEDULE 21.47.040] for non-residential uses located within residential districts, the height of a freestanding sign shall be measured from the elevation of the edge of the public right-of-way immediately adjacent to, or nearest the sign structure, to the highest point of the sign, its frame, or decorative features.



B. Determining Building Frontage and Building Unit

For the purposes of this chapter and for determining allowable wall sign area, the building frontage shall include the building walls that: face a public street, face a parking lot which serves the use, or [THAT] contains a public entrance to the uses therein. For the purposes of these regulations, a public alley is not considered a public street.

1. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.

2. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.

3. For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

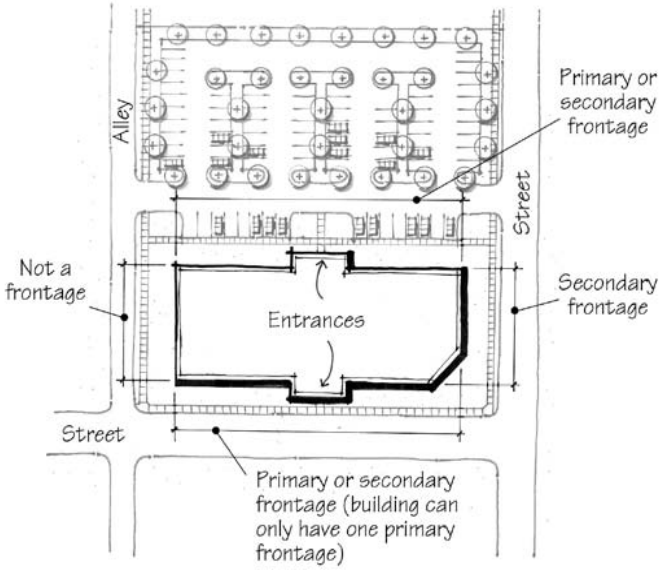
4. The primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit. (See figure 2)

5. The secondary frontage shall be all other frontages. (See figure 2)

C. Determining Public Street Frontage for Freestanding Signs

For the purposes of this chapter and for determining allowable freestanding sign area, public street frontage is the length of a lot line, measured between two corners of the lot, which abuts

the public street along which the sign is to be located. The length of public street frontage along one lot line shall only be used to calculate the allowable freestanding sign size for a sign to be located on that lot line. Lots with more than one public street frontage shall not add these street frontages together to calculate an allowable freestanding sign area. [THE PUBLIC STREET WHICH IS CONTIGUOUS TO THE ADJACENT PRIVATE PARCEL FOR WHICH THE SIGN IS BEING CONSIDERED]. For the purposes of these regulations a public alley is not considered a public street. For the purposes of this section, standards, which are based on a minimum length of the public street frontage, shall also apply to "any portion thereof" unless the specific section states otherwise. For signs placed at the intersection of two streets, equidistant from two lot lines, the length of either lot line, but not both, may be used to determine the allowable sign size.



D. Determining Sign Setbacks

The required setbacks for the sign shall apply to all elements of the sign including its frame and base.

21.11.050 SIGNS IN RESIDENTIAL DISTRICTS [(R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11, D-2 AND D-3)] AND THE DEVELOPMENT RESERVE DISTRICT (DR)

A. Applicability

Signs for all residential and nonresidential uses in residential districts shall comply with the standards set forth in this section. In the TA district, the standards in this section apply only to residential parcels.

B. Basic Regulations for Signs in the Residential Districts and the Development Reserve District (DR) [(R-1, R-1A, R-2A, R-2d, R-2F, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11, D-2 AND D-3)]

Signs for all residential and nonresidential uses in residential districts shall be limited in number, area, height, and setback based on the type of use, as set forth in table 21.11-1 [SCHEDULE 21.47.040].

C. Supplemental Standards for All Changeable Copy Signs

1. Signs for permitted nonresidential uses may have up to 100 percent of the sign area devoted to changeable copy, except as provided in subsections C.2. and C.3. below [3].

2. Electronic changeable copy is prohibited for all building signs and is prohibited for freestanding signs except as provided in subsection C.3. below.

3. Electronic changeable copy is permitted for freestanding and building signs on parcels that are nine acres or greater with a minimum of 500 feet of frontage on a street of class II or greater classification in the *Official Streets and Highways Plan*. Electronic changeable copy cannot be changed more than one time per 20-second period. Electronic changeable copy freestanding signs are permitted up to a maximum of 80 percent of the actual sign area. One electronic changeable copy building sign per 300 linear feet of frontage is permitted up to a maximum of 20 square feet per sign.

D. Multi-Occupant Facilities

When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

E. Instructional Signs

Instructional signs that are clearly intended for instructional purposes shall be permitted as needed on a lot in a residential district when the lot is devoted to a multifamily or nonresidential use provided such signs comply with the following:

1. The signs are not larger than necessary to serve the intended instructional purpose, but in any event do not exceed six square feet in area;

2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose;

3. The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site.

4. The signs may be placed on the base of a permitted freestanding sign with out the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.

TABLE 21.11-1 [SCHEDULE 21.47.040]: SIGNS IN THE RESIDENTIAL DISTRICTS [(R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11[2], D-2 AND D-3)] AND THE DEVELOPMENT RESERVE DISTRICT (DR)

Type	Maximum Number Permitted	Maximum Area Per Sign	Standards for Freestanding Signs	
			Maximum Height	Minimum Setback from ROW
[(A)] Signs for Each Single Family Dwelling, Two-Family Dwelling [DUPLEX], or Townhouse [TOWNHOMES]				
Permanent Signs				
Building Signplates	1 per dwelling unit	2 sq. ft. [2]	--	--
Freestanding Signs	1 per building	2 sq. ft. [5]	5 ft.	0
Temporary Signs [1]	2 per dwelling unit	6 sq. ft.	5 ft.	0
Signs for Residential Subdivisions	2 per subdivision entrance	30 sq. ft.	8 ft.	5 ft.

TABLE 21.11-1 [SCHEDULE 21.47.040]: SIGNS IN THE RESIDENTIAL DISTRICTS [(R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11[2], D-2 AND D-3)] AND THE DEVELOPMENT RESERVE DISTRICT (DR)

Type	Maximum Number Permitted	Maximum Area Per Sign	Standards for Freestanding Signs	
			Maximum Height	Minimum Setback from ROW
Multifamily Buildings				
Permanent Signs				
Building Signplates	1 per public entrance to building	2 sq. ft.[2]	--	--
Freestanding Signs	1 per development entrance or per 500 feet of public street frontage, whichever is greater	30 sq. ft.	8 ft.	Equal to height of sign
Temporary Signs				
Freestanding Signs [1]		6 sq. ft.		
Permitted Nonresidential Uses				
Permanent Signs				
Building Signplates	1 per address	2 sq. ft. [2]	--	--
Primary Building Signs	Not Applicable	½ sq. ft. of sign for every lineal ft. of primary building frontage	--	--
Freestanding Signs	1 per 500 feet of public street frontage	40 sq. ft. [3]	8 ft. [4]	10 ft.
Temporary Signs				
Freestanding Signs [1]	2	6 sq. ft.		
Instructional Signs	Shall be exempt from requirements when in compliance with subsection 21.11.050C. [21.47.040C.]			

[1] Temporary signs are also subject to provisions of [SEE ALSO] subsection 21.11.050D. [21.47.040D.]
[[2] THE STANDARDS IN THIS SECTION ONLY APPLY TO RESIDENTIAL PARCELS IN THE R-11 DISTRICT.]
[2] A sign plate is not in violation of these regulations if a larger sign is determined to be necessary to accommodate identification as mandated by the municipality.
[3] A sign which is located within 40 feet of a property line of a parcel which is either occupied by, or is zoned for, a single-family or two-family dwelling unit shall be limited to a maximum area of 30 square feet.
[4] Sign height is measured from the natural grade at the base of the sign.
[5] For parcels larger than one acre located within the R-6, R-7, R-8, R-9, R-10, and TA [R-11] residential zoning districts, one freestanding sign no greater than eight square feet shall be permitted.

1

Figure 3. Non-residential Uses
Illustration: 7 ft height, 27 sq ft area
Maximum Permitted: 8 ft height, 40 sq ft area

Figure 4. Subdivision Entrance Sign
Illustration: 5 ft height, 24 sq ft area (Approx.)
Maximum Permitted: 8 ft height, 30 sq ft area

F. Temporary Signs

1. For Single-Family Dwellings, Two-Family Dwellings, or Townhouses [TOWNHOMES]

Two temporary signs are permitted at any given time on any one parcel. These temporary signs may be displayed for an unspecified amount of time provided these signs do not contain any commercial messages except for the sale or leasing of the property on which the sign is located.

2. For Multifamily Developments and Nonresidential Uses

Two temporary freestanding signs that do not exceed six square feet each may be erected for an unspecified time.

3. Vacant Parcels

The following signs are permitted for an unspecified period of time:

a. For a parcel equal to or less than one acre, one temporary sign is permitted up to a maximum of 16 square feet.

b. For a parcel greater than one acre, one temporary sign is permitted up to 32 square feet. A parcel that also has frontage on a second public street is entitled to a second sign, not to exceed 32 square feet, provided that the length of the frontage along the second public street is a minimum of 300 feet.

Such signs may not be used to display commercial messages referring to products or services that are unrelated to current or pending activities on or uses of the property.

21.11.060 SIGNS IN THE PUBLIC LANDS AND INSTITUTIONS (PLI) [DISTRICT], [THE] RESIDENTIAL OFFICE (RO) [DISTRICT], [AND THE] WATERSHED (W) [DISTRICT], AND PARKS AND RECREATION (PR) DISTRICTS

A. Applicability

Signs in the PLI, RO, [AND] W, and PR districts shall conform to the standards set forth in this section.

B. Basic Standards for Building Signs

1. Maximum Area of Permanent Building Signs

Building signs shall conform to the maximum area limitations set forth in table 21.11-2. [SCHEDULE 21.47.050A.]

TABLE 21.11-2: BUILDING SIGNS IN THE PLI, RO, [AND] W, AND PR DISTRICTS

Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage
Signplate	1/address	2 square feet
Building Sign on Primary Frontage [6] [7]		1 sq. ft. per lineal ft. of primary frontage [8]
Building Sign on Secondary Frontage [6] [7]		0.6 sq. ft. per lineal ft. of secondary frontage [8]
Instructional Sign	Shall be exempt from regulations when in compliance with subsection 21.11.060E. [SECTION 21.47.050D.]	

TABLE 21.11-2: BUILDING SIGNS IN THE PLI, RO, [AND] W, AND PR DISTRICTS		
Sign Type	**Maximum Number Permitted**	**Base Area Permitted on a Single Building Frontage**
[6] See subsection 21.11.040B. [21.47.030B.] [7] The maximum sign area that is permitted for primary frontage may be transferred to a secondary frontage provided that the maximum sign area on any secondary frontage does not exceed one square foot for each lineal foot of frontage. [SEE ALSO THE WALL SIGN BONUSES WHICH ARE PERMITTED PURSUANT TO SUBSECTION 21.47.050B.2.] [8] The maximum building sign area for a building or any portion of the building which is setback more than 200 feet from the right-of-way that provides primary access to the site may be increased by 25 percent, provided the building is visible from any portion of the adjacent street.		

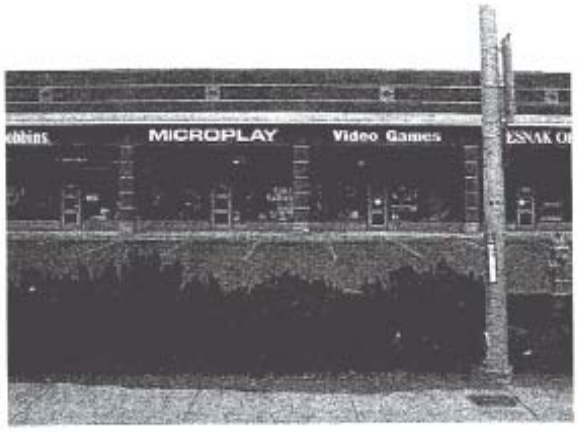


Figure 5. Building Signs
Illustration: 1.0 sq ft per lineal ft of frontage
Maximum Permitted: 1.0 sq ft per lineal ft of frontage

2. Placement of Building Signs

a. The building signs permitted in table 21.11-2 [SCHEDULE 21.47.050A.] may be placed on the wall, awnings, canopies, parapets, or be a projecting sign in compliance with subsection 2.b. below. ["B".]

b. Projecting signs shall be limited to occupants that have a minimum of ten feet of occupant building frontage provided that:

i. All projecting signs shall have a maximum height of 14 feet and a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.

ii. Projecting signs shall be placed on the building so the signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.

C. Basic Standards for Permanent Freestanding Signs

1. Maximum Number, Area and Height, Minimum Setback of Permanent Freestanding Signs

Permanent freestanding signs shall comply with the maximum number, area, and height limitations, and minimum setback from the street right-of-way set forth in table 21.11-3. [SCHEDULE 21.47.050B.]

2. Sign Area Proportions

For any freestanding sign, the horizontal portion (width) of the face shall not exceed four times the height of the face.

TABLE 21.11-3 [SCHEDULE 21.47.050B]: FREESTANDING SIGNS STANDARDS IN THE PLI, RO, [AND] W, AND PR DISTRICTS

	PLI, W, and PR	RO
Maximum Height	15 ft.	15 ft.
Maximum Area	120 sq. ft.	80 sq. ft.
Number/Frontage	1 per 300 ft. frontage up to a maximum of two	
Minimum Separation	200 ft.	
Minimum Setback from R.O.W.	None on a class II or greater street; otherwise 10 ft.	
Minimum Setback from Side Lot Line [10]	10 ft.	
Entrance and Exit Signs [9]		
Maximum Area	6 sq. ft.	
Maximum Height	5 ft.	

[9] Entrance and exit signs, which are permitted in addition to the above freestanding signs, shall be limited to two for each entrance/exit driveway.
[10] If the side lot is adjacent to a residential district [(NOT INCLUDING RO)] then the minimum setback from the side lot line is 30 feet.

D. Supplemental Standards for Freestanding Signs

1. Number of Freestanding Signs Allowed

a. Lots with less than 300 lineal feet of frontage on any one street may have only one freestanding sign per that street frontage.

b. Lots with 300 or more lineal feet of frontage on any one street may have two freestanding signs per that street frontage.

c. No more than two freestanding signs are allowed along any one frontage. Freestanding signs must be separated by a minimum distance of 150 feet. On corner lots, the property frontage on both streets shall be considered when measuring the separation.

2. Wrapping Structural Steel Supports

a. Signs that are eight feet or less in height with exposed structural steel support: The structural steel supports shall have a covering that totals at least four times the width of the structural steel at its widest point and is parallel to the sign face.

b. Signs that are greater than eight feet in height: All structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point.

c. The width of the covering shall be symmetrical for all supports. (See figure 6)

d. The depth of the support coverings shall not exceed the depth of the sign unless the supports are located on the perimeter of the sign. (See figure 6)

e. In all circumstances, the covering shall extend from four inches above the ground to the base of the sign face.

f. The following materials shall not be the visible covering for structural steel supports:

i. T-111

ii. Plywood

iii. Particle Board

iv. Sheet Metal of less than 24 gauge

v. Aluminum of less than .063 inches

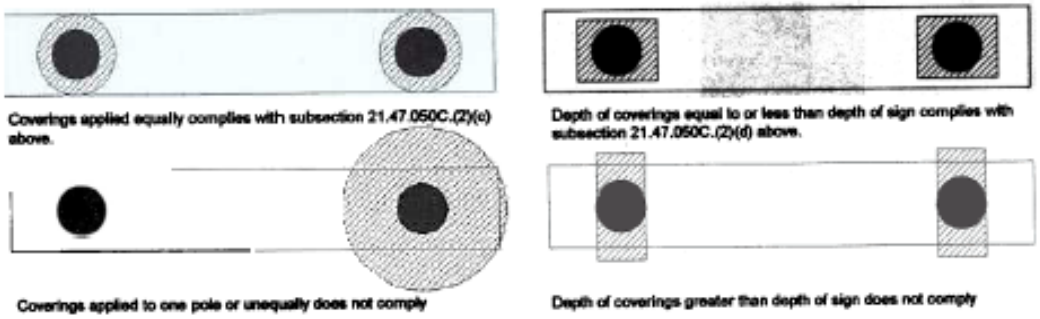


Figure 6: Examples of pole wrap. Poles depicted in plan view.

E. Supplemental Standards For All Changeable Copy Signs

1. Freestanding signs may have up to 30 percent of the actual sign area devoted to changeable copy. Building signs and projecting signs may have up to 30 percent of the actual sign area or 120 square feet, whichever is less, devoted to changeable copy.

2. Changeable copy may only be changed manually, provided, however, if the business or institution has frontage on a street of class II or greater classification, the copy may be changed electronically or mechanically as well as manually.

3. Copy which is changed electronically or mechanically shall not be changed more than one time per 20-second period, however, if the business or institution has frontage on a street of class II or greater classification in the *Official Streets and Highways Plan*, the changeable copy shall not change more than one time per two seconds.

4. Scrolling copy is allowed if these requirements are met:

a. The message is completed within no less than two seconds and no more than five seconds.

b. The complete message remains static before scrolling recommences for no less time than required for other changeable copy signs in the district.

Figure 7. Freestanding sign in PLI Zone
Illustration: 3 ft. height, 45 sq ft area (approx.)
Maximum Permitted: 15 ft height, 120 sq ft area

F. Instructional Signs

Signs that comply with the definition of "instructional sign" shall be permitted as needed provided such signs comply with the following:

1. The signs are not larger than necessary to serve the intended instructional purpose;

2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose.[; AND]

3. Instructional signs shall not exceed six square feet in area.

4. The signs may be placed on the base of a permitted freestanding sign without the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.

G. Temporary Signs

Temporary signs in the PLI, RO, [AND] W, and PR districts are permitted pursuant to table 21.11-4 [SCHEDULE 21.47.050E.] as set forth below:

TABLE 21.11-4[SCHEDULE 21.47.050E.]: TEMPORARY SIGNS IN THE PLI, RO, [AND] W, and PR DISTRICTS	
Maximum Area	100 sq. ft. (32 sq. ft. rigid material)
Maximum Number of Signs Per Principal Use	1
Maximum Number of Display Days	60 [11]
Lighting	Internally illuminated or lighted signs are prohibited
Motion	Animation or flashing is prohibited
Maximum Height (Freestanding)	Same as permanent signs
Setbacks	Same as permanent signs
[11] For temporary signs involving the sale, rent, or lease of the property on which the sign is located, the time limit is unlimited.	

H. Display of Commercial Flags

In the PLI, RO, [AND] W, and PR districts, a maximum of three flagpoles may be erected on any parcel provided that:

1. A maximum of three commercial flags may be displayed simultaneously.[;]

2. The maximum length of the flag pole shall be 30 feet.[; AND]

3. The total maximum size of all commercial flags displayed shall not exceed 120 square feet. Subject to the total maximum size of commercial flags, a commercial or non-commercial organization may display alongside a national or governmental flag, one organizational flag not larger than the national or governmental flag.

4. The corporate or commercial flag may only display the name, trademark, or logo of the business on the parcel and such flag may not be used for other business or advertising purposes.

I. Unified Sign Plan

To recognize and accommodate irregular site shapes (which are typically characterized by narrow lot frontages resulting in some buildings with [EXTRAORDINARILY] large setbacks and limited visibility to a public street), multiple contiguous lots and/or tracts may be considered as a single site for the purposes of determining the size, number, and placement of freestanding signs permitted pursuant to this section. Solely for the purposes of this section:

1. The number and area of the freestanding signs permitted, pursuant to table 21.11-3 [SCHEDULE 21.47.050B.], shall be determined based on size and frontage of the multiple properties being considered as a single parcel.

2. After a unified sign plan has been approved by the municipality and a permit has been issued, the sign rights or limitations shall be recorded with the state district recorder's office as a deed restriction.

3. Revocation of a unified sign plan must be approved by all participants in the plan; all signs on the affected properties must be in compliance with this code before the plan can be revoked.

4. This section shall not be interpreted as authorizing the erection or maintenance of any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary, or secondary highway, or the erection or maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary, or secondary highway with the purpose of the message displayed being read from that travel way, in a manner that would conflict with the provisions of Alaska statutes sections 19.25.075 – 19.25.180.

21.11.070 SIGNS IN THE COMMERCIAL, INDUSTRIAL, MARINE, TURNAGAIN ARM (TA), TRANSITION (T), AND AIRPORT (A) DISTRICTS [NONRESIDENTIAL DISTRICTS (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I-1, I-2, I-3, MI, R-11, AND T)]

A. Applicability

Signs in the commercial and industrial districts, as well as the marine commercial (MC), marine industrial (MI), transition (T), and airport (A) districts [nonresidential districts (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I-1, I-2, I-3, MI, R-11, and T)] shall conform to the standards set forth in this section. The standards of this section apply only to the nonresidential parcels in the TA district.

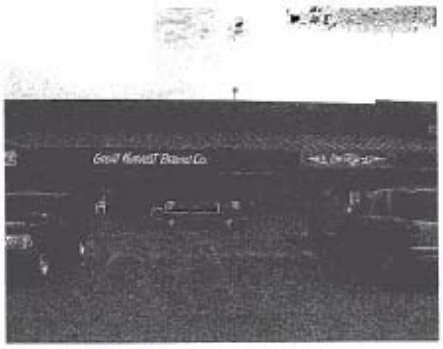
B. Basic Standards for Building Signs

1. Maximum Area of Permanent Building Signs
Building signs shall conform to the maximum area limitations set forth in table 21.11-5. [SCHEDULE 21.47.060A.]

2. Placement of Building Signs

a. The building signs permitted in table 21.11-5 [SCHEDULE 21.47.060A.] may be placed on the wall, awnings, canopies, parapets, or be a projecting sign in compliance with subsection 2.b. below. ["B".]

Figure 8. Building Signs-General
Illustration: 1.77 sq ft per lineal ft frontage
Maximum Permitted: 2.00 sq ft per lineal ft frontage



b. Projecting signs shall be limited to occupants that have a minimum of ten feet of occupant building frontage provided that:

i. All projecting signs shall have a maximum height of 14 feet and a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.

ii. Projecting signs shall be placed on the building so that the signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.

3. Additional Building Signs for Multiple Story Buildings

In addition to the building signs in subsection 21.11.070A. [21.47.060A.] one additional sign is permitted on each of the building's primary and secondary frontages, and on each building wall which faces a major arterial street regardless of the proximity of the major arterial street to the multiple story building lot, according to the following. For a building with two floors the additional permitted sign area is 40 square feet for an eligible building wall. This additional sign area may be increased by ten square feet for each additional floor in the building provided that the sign is placed at the floor height for which the bonus is given.

TABLE 21.11-5 [SCHEDULE 21.47.060A.]: BUILDING SIGNS IN THE COMMERCIAL, INDUSTRIAL, MARINE (M), TURNAGAIN ARM (TA)[12], TRANSITION (T), AND AIRPORT (A) DISTRICTS [NONRESIDENTIAL DISTRICTS (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I-1, I-2, I-3, MI, R-11, AND T)]

Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage [13]
Signplate	1/address	2 square feet
Building Sign on Primary Frontage [14]		• 1.2 sq. ft. per linear ft. of primary frontage in the DT, CMU, RMU, and MMU districts. [B-2A, B-2B, AND B-2C DISTRICTS.] • 2 sq. ft. per lineal ft. of primary frontage in all other districts regulated in this section [21.47.060] [15]
Building Sign on Secondary Frontage		1.2 sq. ft. per lineal ft. of secondary frontage

TABLE 21.11-5 [SCHEDULE 21.47.060A.]: BUILDING SIGNS IN THE COMMERCIAL, INDUSTRIAL, MARINE (M), TURNAGAIN ARM (TA)[12], TRANSITION (T), AND AIRPORT (A) DISTRICTS [NONRESIDENTIAL DISTRICTS (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I-1, I-2, I-3, MI, R-11, AND T)]

Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage [13]
Building Sign on Door of Rear Entrance		2 sq. ft. per each door
Instructional Sign	Shall be exempt from regulations when in compliance with subsection 21.11.070E. [21.47.060D.]	

[12] The standards of this subsection only apply to nonresidential parcels in the TA district.
[13] See subsection 21.11.040B. [21.47.030B.]
[14] The maximum sign area that is permitted for primary frontage may be transferred to a secondary frontage provided that the maximum sign area on any secondary frontage does not exceed two square feet for each lineal foot of frontage.
[15] The maximum building sign area for a building or any portion of the building that is setback more than 200 feet from the right-of-way that provides primary access to the site may be increased by 25 percent, provided the building is visible from the street.

C. Basic Standards for Permanent Freestanding Signs

1. Maximum Area and Height, Minimum Setback of Permanent Freestanding Signs

Permanent freestanding signs shall comply with the maximum area and height limitations and minimum setback from the street right-of-way set forth in table 21.11-6. [SCHEDULE 21.47.060B.]

2. Sign Area Proportions

For any freestanding sign greater than 15 feet in height but less than 20 feet, the horizontal portion (width) of the face shall not exceed four times the height of the face. For any freestanding sign between 20 feet and 25 feet in height, the horizontal portion (width) of the face shall not exceed three times the height of the face.

D. Supplemental Standards for Freestanding Signs

1. Number of Freestanding Signs Allowed

a. Lots with less than 300 linear feet of frontage on any one street may have only one freestanding sign per that street frontage.

TABLE 21.11-6: FREESTANDING SIGN REGULATIONS

	B-1A, B-1B	TA [R-11] (nonresidential [COMMERCIAL AND INDUSTRIAL] parcels) and T	DT-1, DT-2, DT-3 [B-2A, B-2B, B-2C]	B-3, [B-4,] I-1, I-2, [I-3,] MC, MI, and A
Maximum Height	12 ft.	12 ft.	8 ft.	25 ft.
Maximum Area	80 sq. ft.	80 sq. ft.	64 sq. ft.	0.7 sq. ft. per 1 lineal foot of frontage [18]
Number/Frontage	See subsection 21.11.070C. [21.47.060C.]			
Separation	8	150 ft.		
Minimum Setback from R.O.W.	0 ft.	10 ft.	0 ft.	0 ft.
Minimum Setback from side lot line [17]	10 ft.			

TABLE 21.11-6: FREESTANDING SIGN REGULATIONS				
	B-1A, B-1B	TA [R-11] (nonresidential [COMMERCIAL AND INDUSTRIAL] parcels) and T	DT-1, DT-2, DT-3 [B-2A, B-2B, B-2C]	B-3, [B-4,] I-1, I-2, [I-3,] MC, MI, and A
Entrance and Exit Signs [16]				
Maximum Area	6 sq. ft.			
Maximum Height	5 ft.			

[16] Entrance and exit signs, which are permitted in addition to the above freestanding signs, shall be limited to two for each entrance/exit driveway.
[17] If the side lot line is adjacent to a residential district [(NOT INCLUDING RO)] then the minimum setback from the side lot line is 30 feet.
[18] The maximum allowable area shall not be less than 70 square feet nor greater than 200 square feet.

b. Lots with 300 or more lineal feet of frontage on any one street may have two freestanding signs per that street frontage.

c. Except in a commercial development as described in subsection 1.d. below, no more than two freestanding signs are allowed along any one frontage. Freestanding signs must be separated by a minimum distance of 150 feet. On corner lots, the property frontage on both streets shall be considered when measuring the separation.

d. If a commercial development comprises more than a single platted lot, and one or more of the platted lots or commercial tract [FRAGMENT] lots of the commercial development has frontage on a classified street of class III or greater, then each platted lot or commercial tract [FRAGMENT] lot having a building and frontage of 100 feet or more on the class III or greater street shall be permitted a freestanding, monument style sign, subject to the limitations of this subsection. In addition, if a building central to the commercial development has frontage of less than 100 feet on the class III or greater street, then one freestanding, monument style sign adjacent to each entrance to the property from the class III or greater street shall be permitted subject to the limitations of this subsection. The height limitation shall be eight feet, excluding the base; the total area of each sign shall not exceed 120 square feet; pole signs are prohibited; and each sign shall comply with all other requirements of this chapter. Signs permitted by this subsection are in addition to all other signage within the commercial development permitted by this chapter including freestanding signs along frontage on classified streets of less than class III, and building signs.

2. Wrapping Structural Steel Supports

a. Signs that are eight feet or less in height with exposed structural steel support: The structural steel supports shall have a covering that totals at least four times the width of the structural steel at its widest point and is parallel to the sign face.

b. Signs that are greater than eight feet in height but less than 15 feet in height: All structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point and are parallel to the sign face.

c. Signs 15 feet or greater in height that have a single structural steel support: The structural steel support shall have a covering that totals at least 25 percent of the width of the sign at its widest point and is parallel to the sign face.

d. Signs 15 feet or greater in height that have more than one structural steel support: The structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point.

e. The width of the covering shall be symmetrical for all supports. (See figure 9)

f. The depth of the support coverings shall not exceed the depth of the sign unless the supports are located on the perimeter of the sign. (See figure 9)

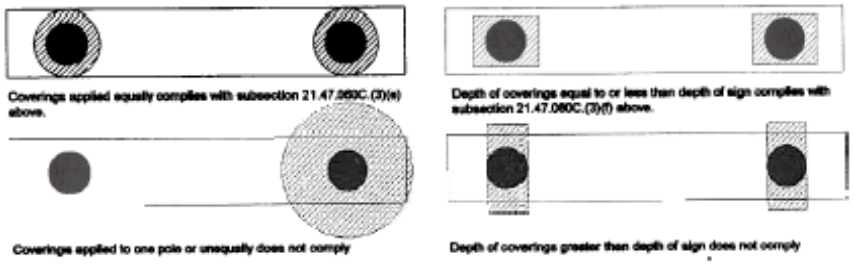


Figure 9: Examples of pole wrap. Poles depicted in plan view.

g. In all circumstances, the covering shall extend from four inches above the ground to the base of the sign face.

h. The following materials shall not be used for covering for structural steel supports:

i. T-111

ii. Plywood

iii. Particle Board

iv. Sheet metal of less than 24 gauge

v. Aluminum of less than .063 inches

Figure 10. Freestanding sign
Illustration: 21 ft height, area unknown
Maximum Permitted: 25 ft height

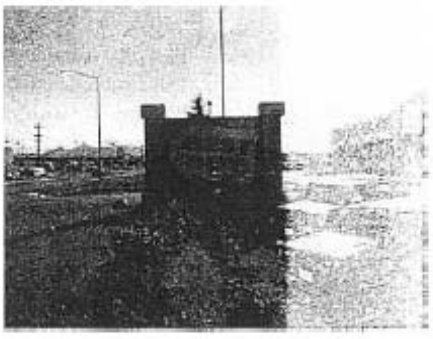


Figure 11. Freestanding sign
Illustration: 14 ft height, 85 sq ft area
Maximum Permitted: 25 ft height, 200 sq ft area

3. Multi-Occupant Facilities

When a freestanding sign is constructed on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

E. Supplemental Standards for All Changeable Copy Signs

1. Freestanding signs may have up to 50 percent of the actual sign area devoted to changeable copy. Building signs and projecting signs may have up to 50 percent of the actual sign area or up to 150 square feet, whichever is less, devoted to changeable copy.

2. Copy which is changed electronically or mechanically shall not be changed more than one time per two-second period.

3. Scrolling copy is allowed if these requirements are met:

a. The message is completed within no less than two seconds and no more than five seconds.

b. The complete message remains static before scrolling recommences for no less time than required for other changeable copy signs in the district.

F. Instructional Signs

Signs that comply with the definition of "instructional sign" shall be permitted as needed provided such signs comply with the following:

1. The signs are not larger than necessary to serve the intended instructional purpose;

2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose; [AND]

3. Instructional signs shall not exceed six square feet in area; and[.]

4. The signs may be placed on the base of a permitted freestanding sign without the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.

F. Unified Sign Plan

To recognize and accommodate irregular site shapes (which are typically characterized by narrow lot frontages resulting in some buildings with [EXTRAORDINARILY] large setbacks and limited visibility to a public street) multiple contiguous lots and/or tracts may be considered as a single site for the purposes of determining the size, number, and placement of freestanding signs permitted pursuant to this section. Solely for the purposes of this section:

1. The number and area of the freestanding signs permitted, pursuant to table 21.11-6 [SCHEDULE 21.47.060B.], shall be determined based on size and frontage of the multiple properties being considered as a single parcel.

2. After a unified sign plan has been approved by the municipality and a permit has been issued, the sign rights or limitations shall be recorded with the state district recorder's office as a deed restriction.

3. Revocation of a unified sign plan must be approved by all participants in the plan; all signs on the affected properties must be in compliance with this code before the plan can be revoked.

4. This subsection shall not be interpreted as authorizing the erection or maintenance of any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary, or secondary highway, or the erection or maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary, or secondary highway with the purpose of the message displayed being read from that travel way, in a manner that would conflict with the provisions of Alaska statutes sections 19.25.075 – 19.25.180.

G. Display of Commercial Flags

In the districts listed in table 21.11-5, [A "B" OR "I" DISTRICT] a maximum of three flagpoles may be erected on any parcel provided that:

1. A maximum of three commercial flags may be displayed simultaneously.[;]

2. The maximum length of the flag pole shall be 30 feet.[; AND]

3. The total maximum size of all commercial flags displayed shall not exceed 120 square feet. Subject to the total maximum size of commercial flags, a commercial or non-commercial organization may display alongside a national or governmental flag, one organizational flag not larger than the national or governmental flag.

4. The corporate or commercial flag may only display the name, trademark, or logo of the business on the parcel and such flag may not be used for other business or advertising purposes.

H. Temporary Signs

Temporary signs in nonresidential districts are permitted pursuant to table 21.11-7 [SCHEDULE 21.47.070H.] as set forth below.[:]

1. Banners shall not be deemed signs for purposes of sign permitting requirements under title 23 and the temporary sign removal cash bond requirement in subsection 21.20.007, provided that these conditions are met:

a. The banner is maintained in an "as new" condition at all times and is displayed and secured so as not to encroach into a public right-of-way.

b. Notice is filed with the municipality, land use enforcement division, at commencement of each display period.

c. The banner is displayed for no more than 30 consecutive days from the commencement date specified in the notice, and for no more than 120 total days annually.

2. Balloons, pennants, ribbons, and streamers are considered decorative display and not signs for purposes of sign permitting under title 23 and the temporary sign removal cash bond requirement in section 21.20.007. Balloons, pennants, ribbons, and streamers shall [MUST] meet these requirements:

a. Balloons, pennants, ribbons, and streamers shall be maintained in an "as new" condition at all times and shall be displayed and secured so as not to encroach into the public right-of-way.

b. Balloons, pennants, ribbons, and streamers are decoration within the scope of enforcement of AMC 15.20.020B.11. and shall not create a public nuisance by reason of condition or inappropriate location.

3. Poster advertisement and other window applications that are affixed or attached to a window or door, or are applied or attached within a building and located near a window for the purpose of being visible to and read from the outside of the building, are permitted without being subject to number, sign permitting under title 23, and the temporary sign removal cash bond requirement in section 21.20.007. The total combined area of poster advertisement and other window application shall not exceed 50 percent of the window area.

TABLE 21.11-7[SCHEDULE 21.47.060H.]: TEMPORARY SIGNS	
Maximum Area	100 sq. (32 sq. ft. rigid material)
Maximum Number of Signs Per Principal Use	2 [19]
Maximum Number of Display Days	120 [20] [21]
Lighting	Internally illuminated or lighted signs are prohibited
Motion	Animation or flashing is prohibited
Maximum Height (Freestanding)	Same as permanent signs
Setbacks	Same as permanent signs
[19] Ideological and political signs are exempt. [20] For decorative display, window poster/other window application, and temporary signs involving the sale, rent, or lease of the property in which the sign is located, the number of days is unlimited. [21] Maximum number of display days per year for all temporary signage if not subject to specific exception or exemption.	

21.11.080 PROHIBITED SIGNS

The following signs are prohibited:

A. Roof signs, except for signs with no more than 20 percent of the actual sign area extending no more than 20 percent of the building height above the roof or parapet wall.

B. Billboards and other off-premise signs.

C. Any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary, or secondary highway, or any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary, or secondary highway erected or maintained with the purpose of the message displayed being

read from that travel way, that would conflict with the provisions of Alaska statutes sections 19.25.075 – 19.25.180.

D. Portable signs.

E. Flashing, moving, animated, coursing, blinker, racer-type, intermittent, moving or revolving signs and/or devices except as defined in chapter 21.14 [AMC 21.47.030E.20], whirligig devices, inflatable signs and oversize tethered balloons, spinners, and other similar types of attention-getting devices except for pennants, ribbons, streamers, and latex balloons not exceeding 16 inches in diameter, when maintained in an "as new condition". Pennants, ribbons, streamers, and latex balloons not maintained in "as new condition" shall be deemed unsightly and subject to enforcement under subsection 15.20.020B.11. Changeable copy signs are not prohibited when in compliance with the applicable regulations in this chapter.

F. Signs in the AF district except for warning signs and identification placards required in subsection 21.05.040K.2.g.v. [21.45.265A.10.]

21.11.090 SUPPLEMENTAL SIGN STANDARDS

A. Illumination of Permanent and Temporary Signs

Permanent and temporary signs shall be permitted to be illuminated in compliance with the following:

1. Signs shall not include animated, flashing, moving, or intermittent illumination except that the messages may change no more frequently than the rates specified in subsections 21.11.050B., 21.11.060D., and 21.11.070D. [21.46.040B., 21.47.050C., AND 21.47.060C.]

2. Temporary signs shall not be internally illuminated. Any external illumination of these signs shall be permitted only in commercial and industrial zones.

3. All internally illuminated building or free-standing signs with the exception of neon-lighted signs with exposed neon tubes shall comply with the following:

a. Except as provided in [C. OF THIS] subsection 3.c. below, the sign shall be constructed with either: an opaque background and translucent letters and symbols; or, a translucent darker colored background with a lighter contrasting color for the letters and symbols. Registered trademarks and logos are exempt from this provision.

b. No internal lighting shall include exposed incandescent or fluorescent bulbs.

c. A changeable copy sign with dark colored letters or symbols on a lighter contrasting translucent background may be internally illuminated if the internally illuminated area of the sign does not exceed 20 square feet.

d. During daylight hours between sunrise and sunset, luminance shall be no greater than 5,000 candelas per square meter for LED signs. At all other times, LED luminance shall be no greater than 800 candelas per square meter.

4. Freestanding signs more than 15 feet high shall only be internally illuminated. Signs less than or equal to 15 feet in height may be either internally or externally illuminated.

5. The external illumination of freestanding signs shall comply with the following:

a. Any external lighting of signs that have a height of between eight feet and 15 feet shall [MUST] be from the top of the sign and directed downward;

b. The lighting of signs that have a height of eight feet or less may be illuminated from the top of the sign or from the ground.

6. Externally illuminated building signs may only be illuminated from the top of the sign.

7. Light sources for externally illuminated signs must be shielded and directed so that the light shines on the sign and that the light source is not visible beyond the property line.

8. Freestanding signs accessory to a single-family dwelling, two-family, or townhouse [TOWNHOME] use in a residential district shall not be illuminated.

9. Signs on a building or parcel in a residential district that has multifamily uses shall not be internally illuminated.

10. For signs on permitted nonresidential uses in residential districts the illumination may be from external sources or by internal illumination of the letters and logos only; internal illumination of the background portion of the sign is prohibited.

11. Reserved.

B. Preservation of Sight Lines

For the purpose of assuring that drivers and pedestrians have adequate visibility at the intersection of a roadway, street, driveway, trail, or alley, no sign or portion of a sign between a height of two and one-half feet and eight feet shall conflict with the American Association of State Highway and Transportation Officials (AASHTO) sight distance triangle specifications.

C. Construction Standards

1. The construction, erection, safety, and maintenance of signs shall comply with the uniform sign code as amended.

2. Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

3. Permanent signs shall be fabricated on and of materials that are of good quality and good durability.

4. Electric signs and all permanent signs involving structural requirements of the building code shall be installed, repaired, altered, and serviced only by a contractor licensed to perform such tasks.

5. No sign shall be erected so as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent, or other means of ingress and egress of any building.

6. No sign shall be attached to a utility pole, tree, trash receptacle, bench, or other structure not intended or approved as a sign support.

7. Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.

8. No sign regulated by any of the provisions of this section shall be erected in the right-of-way, in proximity to railroad crossings, or at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with,

any authorized traffic sign signal or device; or which makes use of the words "STOP," "LOOK," "DANGER", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

9. In the event there is a conflict between the provisions of this section and the provisions of any applicable building codes, the provisions of the applicable building code shall govern.

D. Maintenance

All signs shall be maintained in accordance with the following:

1. The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use, and he or she shall have a continuing obligation to comply with all building code requirements.

2. If the director [ADMINISTRATIVE OFFICIAL] finds that any sign is unsafe, insecure, or a menace to the public, notice shall be given in writing by the director [ADMINISTRATIVE OFFICIAL] to the owner. The owner of the business shall, within 48 hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the 48 hours, the sign may be removed or altered by the municipality to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The director [ADMINISTRATIVE OFFICIAL] may cause any sign, which, in the municipality's opinion, creates a danger to persons or property to be removed immediately and without notice.

3. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:

a. There shall be no enlargement or increase in any of the dimensions of the sign or its structure.

b. The sign shall be accessory to a legally permitted, conditional or nonconforming use.

4. The director [ADMINISTRATIVE OFFICIAL] may order any sign to be repaired whenever needed to keep the sign in a safe condition. All supports, guys, braces, and anchors for such signs shall be maintained in a safe condition.

5. The sign face of any permanent sign which advertises a business that has not been conducted on the premises for 180 consecutive days or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which such sign is located, within 30 days after written notice by the director [ADMINISTRATIVE OFFICIAL] and the sign area shall be replaced by a neutral, single background color panel or similar cover. If the sign is comprised of individually raised letters then the letters shall be removed. Upon failure to comply with such notice within the time specified in such order, the director [ADMINISTRATIVE OFFICIAL] is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located.

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TITLE 21 REWRITE

CHAPTER 21.12

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

ANNOTATION for entire chapter

Page 724, lines 5-7
PZC states: "To help minimize the impact of the changes in title 21 fees should be waived for some period of time."

Page 724, lines 18-43
PZC states: "Provides clarification."

Page 727, lines 33-34
PZC states (with their proposal of slightly different language): "A nonconforming use should not automatically be deemed abandoned based on inactivity. The owner should be allowed to show that the owner has been attempting to continue the use."

Page 728, lines 25-26
PZC states: "Provides clarifications as to renovations within an existing structure."

Page 278, lines 28-35
This amendment clarifies that it is only intended to apply to buildings affected by the rewrite project and subsequent title 21 amendments.

Page 733. line 40
PZC was concerned that the 2.5 percent was too low to trigger the applicability of this section.

Page 734, lines 30-35
PZC states: "Provides clarification as to the total project costs."

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

CHAPTER 21.12: NONCONFORMITIES

21.12.010 GENERAL PROVISIONS

A. Purpose

1. The purpose of this chapter is to regulate continued existence of legal uses, structures, lots, and signs established prior to the effective date of this title, or the effective date of future amendments to this title, that no longer conform to the requirements of this title. All such situations are collectively referred to in this chapter as "nonconformities." It is the intent of this chapter to permit these nonconformities to continue until they are removed or brought into conformance with this title, and to encourage their re-use and movement towards conformity. The acknowledgement and relief granted to existing property, land uses, and structures provided in this chapter are intended to minimize negative economic effects on development that was lawfully established prior to the effective date of this title and any subsequent amendments.

2. This chapter also regulates characteristics of use such as parking and landscaping. Section 21.12.060 addresses the requirements for developments that don't comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07 (except for section 21.07.020B., *Stream, Water Body, and Wetland Protection*).

B. Authority to Continue

1. Generally

Any nonconformity that lawfully existed as of the effective date of this title and that remains nonconforming, and any nonconformity that is created as a result of any subsequent rezoning, amendment to the text of this title, or by the acquisition of property for a public purpose, may be continued or maintained as a nonconformity only in accordance with the terms of this chapter, unless such nonconformity falls within the exception set forth in subsection 21.12.010B.2.

2. Exception Due to Variances or Minor Modifications

This chapter shall not apply to any development standard or feature that is the subject of a variance or minor modification granted under this title. Where a variance or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this title, that development standard or feature shall be deemed conforming.

3. Conditional Uses and Site Plan Reviews

a. A use that lawfully existed as of the effective date of this title that is allowed by conditional use or through an administrative or major site plan review in the district in which it is located under this title, but which lacks a conditional use approval or an approved site plan review, shall not be deemed a nonconforming use, but rather shall be considered to exist as a conditional use or to have an approved site plan. Associated nonconforming structures or lots and characteristics of use that are out of compliance with this title shall be governed by the provisions of this chapter, and if applicable, shall be modified under the provisions of this chapter. Other modifications shall be in accordance with the appropriate modification processes in chapter 21.03.

b. A conditional use or use with an approved site plan, existing prior to the effective date of this title that is permitted in its entirety as a principal use in the district in which it is located under this title shall not be deemed a nonconforming use. Such use shall be deemed a permitted principal use and the conditional use permit or the approved site plan shall be null and void.

C. Determination of Nonconformity Status

In all cases, the burden of establishing the existence of a legal nonconformity shall be solely upon the owner of the nonconformity, not the municipality. Verification of nonconforming status may be established through the process set forth in section 21.03.250[260], *Verification of Nonconforming Status*. The municipality shall waive all fees for a period of two years after [effective date] for verification of nonconforming statues for nonconformities generated by the changes in this version of title 21.

D. Government Agency Property Acquisitions

If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this title solely as a result of an acquisition of land by a government agency for a public purpose, then such structure, use of land, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming. At the time of such acquisition, the municipality shall provide documentation of conformity to the affect property owner(s).

E. Change of Ownership or Tenancy

Legal nonconformities are not affected by changes of ownership, tenancy, or management of property.

F. Maintenance and Repair

1. Ordinary maintenance and repair of nonconformities shall be permitted, and a nonconforming use, structure, lot, or site may be occupied, operated, and maintained in a state of good repair and in a safe condition, provided that no nonconformity is increased. Repair and maintenance of nonconforming signs is set forth in section 21.12.070. Subsections 21.12.030C. and 21.12.040D. govern the replacement of damaged or destroyed nonconforming uses and structures. [REPAIRS OR MAINTENANCE OF NONCONFORMITIES THAT ARE REQUIRED TO KEEP STRUCTURES OR SITES IN A SAFE CONDITION ARE PERMITTED, PROVIDED THAT THE REPAIR OR MAINTENANCE DOES NOT INCREASE THE EXTENT OF NONCONFORMITY. FOR PURPOSES OF THIS SECTION, "MAINTENANCE OR REPAIR" SHALL MEAN:]

a. REPAIRS THAT ARE NECESSARY TO MAINTAIN AND TO CORRECT ANY DAMAGE OR DETERIORATION TO THE STRUCTURAL SOUNDNESS OR INTERIOR/EXTERIOR APPEARANCE OF A BUILDING OR STRUCTURE WITHOUT EXPANDING OR ALTERING THE BUILDING OR STRUCTURE;

b. REPAIR OF USES OR STRUCTURES THAT ARE DAMAGED OR DESTROYED BY 50% OR LESS OF THE REPLACEMENT COST OF THE USE OR STRUCTURE AT THE TIME OF DAMAGE;

c. REPLACEMENT, REPAIR, OR MAINTENANCE OF MECHANICAL AND ELECTRICAL EQUIPMENT;

d. MAINTENANCE OF LAND AREAS TO PROTECT AGAINST ENVIRONMENTAL AND HEALTH HAZARDS AND PROMOTE THE SAFETY OF SURROUNDING LAND USES;

e. REPAIRS THAT ARE REQUIRED TO REMEDY UNSAFE CONDITIONS THAT CAUSE A THREAT TO PUBLIC SAFETY; AND

f. REPAIRS AND MAINTENANCE OF NONCONFORMING SIGNS AS SET FORTH IN SECTION 21.12.070, *NONCONFORMING SIGNS*.

2. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. Replacement Cost

Where the term "replacement cost" is used in this chapter, it shall be determined by the building official pursuant to municipal code.

H. Willful Destruction

In the event of arson or other willful destruction, any rights to reinstate, replicate, rebuild, or otherwise reestablish the nonconforming use or structure, as allowed in this chapter, shall be prohibited if such casualty is traceable to the owner or his or her agent. Such instances shall result in loss of the nonconforming status.

21.12.020 SINGLE- AND TWO-FAMILY STRUCTURES AND MOBILE HOMES

A. Applicability

In this chapter, only sections 21.12.010, 21.12.020, and 21.12.050 shall apply to lawfully erected nonconforming single- and two-family structures and mobile homes. The other sections of this chapter shall not apply to lawfully erected single- and two-family structures and mobile homes.

B. Expansions and Enlargements

Any lawfully erected nonconforming single- or two-family structure may be expanded or enlarged, as long as the nonconformity is not increased.

C. Damage or Destruction

Any lawfully erected nonconforming single- or two-family structure that is damaged or destroyed may be rebuilt in the same location and to the same dimensions so that the nonconformity of the damaged or destroyed structure is not increased, but the structure may be rebuilt in a manner that moves towards conformity.

D. Mobile Homes

1. Lawfully erected nonconforming mobile homes may be repaired or replaced, as long as the nonconformity is not increased.

2. Lawfully erected nonconforming mobile homes on individual lots may be moved within the lot in compliance with setback regulations.

3. Mobile homes in nonconforming manufactured home communities may be repaired or replaced, in compliance with setback regulations.

21.12.030 NONCONFORMING USES OF LAND OR STRUCTURES

A. Limitations on Continuation of Nonconforming Uses of Land or Structures

Nonconforming uses of land or structures may continue, subject to the general provisions of section 21.12.010 and the following limitations, or as provided in C below:

1. No nonconforming use of land shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the regulations that make the use nonconforming. Any nonconforming use on a lot or portion thereof may be altered to decrease its nonconformity.

2. No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the regulations that make the use nonconforming.

3. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, or constructed except in changing the use of the structure to a use permitted in the district in which it is located. (For example: a self-storage facility that is a nonconforming use in a district may not construct new storage units.)

4. Any nonconforming use may be moved or extended throughout any parts of a building that are reasonably adaptable for such use at the time of adoption or amendment of the applicable regulations, but no such use shall be extended to occupy any land outside such buildings. If a nonconforming use is moved to another part of the building, the space vacated shall not be filled with another nonconforming use. (For example: a warehouse that is a nonconforming use in a district and occupies half of a building may expand into the other half of the existing building, but may not begin to store items outside the building.)

5. No additional structure not conforming to the requirements of this title shall be erected in connection with the nonconforming use of land or structure.

B. Change of Use

1. Any nonconforming use may be changed to another nonconforming use if all of the following criteria are met:

a. The director finds that the proposed nonconforming use is more appropriate to the district than the existing nonconforming use;

b. Any characteristics of use that are out of compliance with this title are not changed to become less compliant with the requirements of this title; and

c. No structural alterations are made other than those required by title 23, or minor interior structural alterations, such as cutting a door into a shear wall.

Appeals of the director's decision shall be made to the zoning board of examiners and appeals in accordance with subsection 21.03.040B.

2. If a nonconforming use is superseded by a permitted use, the nonconforming use may not thereafter be resumed.

C. Damage or Destruction

Any person wishing to replicate a nonconforming use that has been damaged or destroyed to an extent of more than 50 percent of the replacement cost at the time of destruction shall apply as stated in C.1. below.

1. Administrative Approval

a. An application for administrative approval to rebuild a nonconforming use shall contain the information specified in the title 21 user's guide, and shall be submitted to the director.

b. Notice of the application shall be published, mailed, and posted in accordance with section 21.03.020H.

c. There shall be a 30 day comment period, starting from the date of notice, before the director acts on the application as provided in subsection C.1.d. below.

d. The director shall review the application and act to approve, approve with conditions, or deny the application based on the approval criteria of subsection C.2. below. Findings of the director shall be in writing. The director may impose limitations or conditions as may be necessary to meet the approval criteria or to reduce or minimize any potential adverse impact on other property in the area.

e. Appeals of the director's decision may be made to the zoning board of examiners and appeals, pursuant to section 21.03.040B.

f. If the application is approved or approved with conditions, the use shall continue to be a nonconforming use and be subject to the provisions of this chapter.

2. Approval Criteria

a. The nonconforming use is or shall be made compatible with uses allowed on adjacent properties, in terms of site design and operating characteristics (such as lighting, noise, odor, dust, and other external impacts);

b. The nonconforming use will not limit, impair, or impede the normal and orderly development and improvement of surrounding property for uses permitted on those properties;

c. Utilities, access roads, drainage, and other necessary facilities are sufficient to service the use, or will be provided;

d. Adequate measures have been or will be taken to provide ingress and egress that are designed to minimize traffic congestion on the streets; and

e. The nonconforming use will not result in the creation of additional nonconformities or the need for any variances.

D. Abandonment or Cessation of Use

1. A nonconforming use shall be presumed abandoned and its nonconforming rights extinguished where any one of the following has occurred:

a. The owner has indicated, in writing, an intent to abandon the use.

b. A conforming use, or a less intensive nonconforming use approved by the zoning board, has replaced the nonconforming use.

c. The building or structure that houses the nonconforming use has been removed.

d. The use has been discontinued, has been vacant, or has been inactive for a continuous period of at least one year, unless the owner can demonstrate that the owner has been making substantial efforts to continue the use.

2. Once abandoned, the prior legal nonconforming status of the use shall be lost and any subsequent use of the property shall comply with all applicable provisions of this title, unless the nonconforming use is reestablished through the process described in E. below.

E. Overcoming Presumption of Abandonment

A presumption of abandonment based on evidence of abandonment, as provided in D. above, may be rebutted upon a showing of all of the following, to the satisfaction of the zoning board of examiners and appeals, that:

1. The owner has been maintaining the land and structure in accordance with all applicable regulations, including applicable building and fire codes;

2. The owner has been maintaining or pursuing all applicable permits and licenses;

3. The owner has filed all applicable tax documents; and

4. The owner has been engaged in activities that would affirmatively prove there was no intent to abandon, such as actively and continuously marketing the land or structure for sale or lease.

21.12.040 NONCONFORMING STRUCTURES

A. Continuation of Nonconforming Structures Generally

Nonconforming structures may continue, subject to the general provisions of section 21.12.010 and the following limitations:

1. No nonconforming structure may be enlarged or altered in a way that increases its nonconformity, except as allowed pursuant to B.2. below. Any structure or portion thereof may be altered to decrease its nonconformity, or may be altered or enlarged if the alteration does not intensify the nonconformity. This subsection shall not be construed to allow the expansion of a nonconforming use of structure, which is governed by section 21.12.030 above.

2. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

3. Tenant improvements or renovations within an existing structure shall not be considered an enlargement or an alteration as described in subsection A.1. above.

B. Overheight Buildings

The municipality recognizes that some existing buildings may become nonconforming as a result of the adoption of the Title 21 Rewrite Project (2002-2012). It also recognizes that other existing buildings that conform but were engineered for future additional stories may not be able to be increased in height as planned. The intent of this section is to allow continued investment, upgrades, and expansion of existing buildings affected by changes to height limits in the title 21 rewrite. This section applies to existing buildings that may become nonconforming as to height or that cannot achieve planned and engineered future increased height as a result of amendments to the land use regulations on or after [effective date].

1. If a lawful building erected prior to [effective date [DATE OF PASSAGE]], does not comply with the requirements of this title with regard to height, such building shall be deemed conforming with regard to height.

2. Where a lawful building, existing on [effective date [DATE OF PASSAGE]], is engineered and constructed for enlargement by the addition of one or more stories, such structure may be enlarged within the full plan dimensions of the existing structure by the addition of not more than two stories. This provision shall apply to buildings that conform to the height limitations as well as to overheight buildings.

C. Buildings Exceeding Maximum Setback

If a lawful building erected prior to [effective date [DATE OF PASSAGE]] does not comply with the requirements of this title with regard to maximum structure setbacks, such building shall be deemed conforming with regard to setbacks.

D. Damage or Destruction

A person wishing to replicate a nonconforming structure that has been damaged or destroyed to an extent of more than 50 percent of the replacement cost at the time of destruction, may [SHALL] be able to replicate the structure according to either of the two [CHOOSE ONE OF THE TWO APPLICATION AND APPROVAL] methods in subsection D.1. below. The application shall be made within one year of the damage or destruction. The director, with the concurrence of the building official, may approve an extension upon written request showing good cause.

1. Application and Approval Methods

a. *Administrative Approval*

i. An application for administrative approval to rebuild a nonconforming structure shall contain the information specified in the title 21 user's guide and shall be submitted to the director.

ii. Notice of the application shall be published, mailed, and posted in accordance with section 21.03.020H.

iii. There shall be a 30 day comment period, starting from the date of notice, before the director acts on the application as provided in subsection a.iv. below.

iv. The director shall review the application and act to approve, approve with conditions, or deny the application based on the approval criteria of subsection D.2. below. Findings of the director shall be in writing. The director may impose limitations or conditions as may be necessary to meet the approval criteria or to reduce or minimize any potential adverse impact on other property in the area.

v. Appeals of the director's decision may be made to the zoning board of examiners and appeals, pursuant to section 21.03.040B.

vi. If the application is approved or approved with conditions, the structure shall continue to be a nonconforming structure and be subject to the provisions of this chapter.

b. *Conditional Use Approval*

i. An application for conditional use approval shall contain the information specified in the title 21 user's guide, and shall be submitted to the director.

ii. The conditional use application shall be processed in accordance with the procedures of section 21.03.080B., except that a community meeting is not required, and the planning and zoning commission shall base their decision on the approval criteria of subsection D.2. below. The commission may impose limitations or conditions as may be necessary to meet the approval criteria or to reduce or minimize any potential adverse impact on other property in the area.

iii. An approved replication conditional use shall expire if start of construction has not begun within one year of the planning and zoning

commission's approval. The director may approve an extension of up to one year upon written request showing cause. For the purposes of this section, "replicate" shall mean to rebuild to the same dimensions and in the same location as the damaged or destroyed structure, but this shall not prevent moving towards conformity.

iv. A nonconforming structure that is approved to be rebuilt per this conditional use process shall henceforth be considered a conditional use and shall no longer be subject to the provisions of this chapter.

2. Approval Criteria

a. The nonconforming structure is or can be made compatible with uses allowed on adjacent properties, in terms of site design and operating characteristics (such as lighting, noise, odor, dust, and other external impacts);

b. The nonconforming structure will not limit, impair, or impede the normal and orderly development and improvement of surrounding property for uses permitted on those properties;

c. The parking, landscaping, and lighting either conform to the requirements of this title, or are moving towards conformity to the maximum extent feasible;

d. Utilities, access roads, drainage, and other necessary facilities are sufficient to service the use, or will be provided; and

e. Adequate measures have been or will be taken to provide ingress and egress that are designed to minimize traffic congestion on the streets.

E. Legalization of Nonconforming Dimensional Setback Encroachments

1. Generally

Structures that encroach into required setbacks and were built before January 1, 1986, may continue in existence provided the following requirements are met:

a. An application for the registration of nonconforming encroachment is submitted to the department; and

b. The encroachment is determined not to be a life safety hazard by the director.

2. Procedures for Registration

a. Application for the registration of nonconforming encroachment shall be submitted to the department, on a form provided by the department. The application shall require an as-built drawn by a land surveyor registered in the state of Alaska, which shows all structures existing on the lot at the date of application. The application shall also require information supporting the assertion that the structure and encroachments were constructed prior to January 1, 1986. The director may require the petitioner to provide additional information to support this application.

b. Within 30 days of receipt of all requested information, and upon an adequate showing that the requirements stated in subsection 21.12.040E.1. above are met, the director shall issue or deny a certificate permitting the continued use and existence of the encroachment. The director may impose such conditions on the certificate as he/she may determine are appropriate to protect the general welfare. The certificate shall note the size and characteristic of the setback

encroachment and the structure. A copy of the required as-built shall be attached thereto.

3. Operation

Once registered, the encroachment shall enjoy all the protections and privileges afforded to a nonconforming structure under the provisions of this chapter.

4. Appeal

Any aggrieved person may appeal the grant or denial of a certificate to the zoning board of examiners and appeals.

21.12.050 NONCONFORMING LOTS OF RECORD

A. Nonconforming Lots

1. Residential Districts

a. Except as restricted in subsection B. below, in any residential zoning district except the R-3, R-4, and R-4A, notwithstanding limitations imposed by other provisions of this title one single-family detached dwelling and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and

ii. The lot is of record as of the effective date of the original adoption or amendment of applicable regulations.

b. Except as restricted in subsection B. below, in the R-3 zoning district, notwithstanding limitations imposed by other provisions of this title, one two-family dwelling and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and

ii. The lot is of record as of the effective date of the original adoption or amendment of applicable regulations.

c. Except as restricted in subsection B. below, in the R-4 and R-4A zoning districts, notwithstanding limitations imposed by other provisions of this title, one multifamily structure containing not more than three dwelling units, and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and

ii. The lot is of record as of the effective date of the original adoption or amendment of applicable regulations.

2. Nonresidential Districts

Except as restricted in subsection B. below in any nonresidential zoning district, notwithstanding limitations imposed by other provisions of this title, any use allowed in the district by table 21.05-2 may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

a. The review and approval process indicated in table 21.05-2 is applied;

b. The use does not have a minimum lot size greater than the minimum lot size required by the underlying zoning district;

c. Any district-specific standards, use-specific standards, and dimensional and design standards, such as setbacks, parking, open space, landscaping, etc. are met; and

d. The lot is of record at the effective date of the original adoption or amendment of applicable regulations.

B. Undivided Parcels

1. If two or more contiguous lots in single ownership, either of which contains less than 5,500 square feet of area are of record on or after November 27, 1990, and either is nonconforming by virtue of this title or any amendment thereto, the lands involved shall be considered to be an undivided parcel for the purpose of this title, and no portion of such parcel shall be sold or used that does not contain a lot area and lot width equal to or greater than the minimum lot area and width required in the zoning district it is in. If a lot that results from being combined through this provision does not meet the dimensional requirements of the zoning district or of chapter 21.08, the lot shall be considered a legal nonconforming lot at the time of recordation.

2. This provision shall not apply to those lots legally created as part of a townhouse development, a cluster housing development, a zero lot line development, or a planned unit development.

C. Legalization of Lots Created Prior to September 16, 1975

1. Lots existing prior to September 16, 1975, that do not meet the district requirements for minimum area and/or width, and that were not created in accordance with the regulations of the federal, state, or municipal government, may continue in existence provided the following requirements are met:

a. An application for the registration of nonconforming lot is submitted to the department; and

b. The lot is determined to be sufficient in size to allow construction of a structure and comply with associated district-specific, dimensional, and development and design standards such as setbacks, parking, landscaping, etc.

2. The application shall be on a form provided by the department, and shall be accompanied by an as-built drawn by a land surveyor registered in the state of Alaska, which shows the lot boundaries. The department may require additional information to support the application.

3. Within 30 days of receipt of all requested information and upon an adequate showing that the requirements stated in subsection C.1. above are met, the director shall issue or deny a certificate for the lot. The director may impose such conditions on the certificate as he

or she determines appropriate to protect the general welfare. A copy of the required as-built shall be attached to the certificate.

4. Once registered, the lot shall enjoy all the protections and privileges afforded to a nonconforming lot under the provisions of this chapter.

5. Any aggrieved person may appeal the grant or denial of a certificate to the zoning board of examiners and appeals within 30 days of the director's determination.

6. Nothing in this section shall preclude relief for nonconforming lots by means of a variance.

7. Nothing in this section shall exempt any lots from the provisions of subsection B. above.

8. The department shall publish the registration of a nonconforming lot including the street address and legal description of the property in a newspaper of general circulation in the municipality within seven days of the issuance of the certificate.

21.12.060 CHARACTERISTICS OF USE

A. Developments Are Conforming

1. Development that was legally established before [effective date [DATE OF PASSAGE]] that does not comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07 (except for section 21.07.020B., *Stream, Water Body, and Wetland Protection*) shall be considered conforming on [effective date [DATE OF PASSAGE]], and subject to this section. Development that does not conform to section 21.07.020B., *Stream, Water Body, and Wetland Protection*, shall be considered nonconforming.

2. No change shall be made to any development unless the change is in the direction of conformity to the requirements of this title.

B. Parking Out of Compliance

Notwithstanding section C. below, if changes to a use or development increase the minimum number of required parking spaces, the number of spaces related to the increase shall be provided. For example, if a use or development that is required to have 30 spaces only has 20 spaces, and changes to the use or development allowed through this title create a total minimum requirement of 35 spaces, the use or development shall, at a minimum, provide the additional 5 spaces. The addition of more spaces may be negotiated through the process outlined in section C. below.

C. Bringing Characteristics into Compliance

1. Applicability

This section 21.12.060 applies to all multi[-]family, commercial, mixed-use, community use [PUBLIC/INSTITUTIONAL], and industrial development projects that:

a. Do not comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07 (except for section 21.07.020B., *Stream, Water Body, and Wetland Protection*);

b. Involve a development project costing more than 10 [2.5] percent of the assessed value of the structure (or, if no structure over 150 square feet exists, the assessed value of the land); and

c. Require a permit through title 21 and/or title 23.

2. Standard

a. An applicant for a building or land use permit for a multi[-]family, commercial, mixed-use, or industrial development that meets the applicability thresholds of section C.1. above, shall be required to spend 10 percent of the total project costs on bringing the development towards compliance with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, and/or the design and development standards of chapter 21.07 (hereafter called "characteristics").

b. If the applicant can bring the development into full compliance with title 21 for less than 10 percent of the total project costs, then no additional monies need be spent. The municipality shall not require more than 10 percent, but the applicant may choose to spend more.

c. If the applicant chooses to spend more than 15 percent, the amount in excess of 15 percent may be credited, as outlined in the user's guide, towards future improvements under this section.

d. The director, in consultation with the applicant, shall determine which characteristics shall be addressed, within the expenditure requirements noted herein. The director and the applicant shall consider how to maximize the public benefit and minimize the economic impact to the property owner. The director shall not require compliance with a standard that would create non-compliance with a different standard (i.e., the director shall not require the addition of landscaping that would cause the development to fall under the minimum required number of parking spaces).

e. The applicant may appeal the director's decision to the urban design commission, which shall hold a non-public hearing on the appeal.

f. For the purposes of this section, "total project costs" shall be determined by the building official pursuant to municipal code, and shall be exclusive of all costs of improvements that move the development in the direction of conformity to the requirements of this title. The costs of remodeling, renovation, or repair that are interior to a structure not subject to site plan review shall also be excluded where the value of those improvements are less than 50 percent of the replacement value of the structure. The portion of the total project costs that are related to increases in conformity shall be credited toward the percentages required in subsections C.2.a. and C.5.

3. Insignificant Change

If the director and the applicant concur that 10 percent of project costs is not enough money to result in a significant change to any characteristic, the applicant shall place the required 10 percent of project costs as outlined in subsection C[B].4. below.

4. No Applicable Characteristics

If no characteristics can be brought towards conformity without causing other characteristics to come out of compliance, or if the only characteristics left to be addressed are so major as to require relocating the structure, or something of similar magnitude, then the applicant shall not be required to perform such work. Instead, the applicant shall place the required 10 percent of project costs in a municipal account dedicated to public improvements (such as pedestrian or landscaping improvements) in the census block group (based on the 2000 census) that the development is in, or an adjacent census block group.

5. Large Commercial Establishment

If the development project is a Large Commercial Establishment, as defined in section 21.07.120, then the applicant shall spend an additional 10 percent of the total project costs on bringing the structure into compliance with the design standards of section 21.07.120. If the structure already complies with section 21.07.120, then this subsection C.5. shall not apply.

6. Timing of Work

The characteristics of use shall be brought towards compliance with all applicable provisions of this title prior to the issuance of the building or land use permit or shall be included in the work to be accomplished under the permit.

21.12.070 NONCONFORMING SIGNS

A. Effective Date

The effective date of this section 21.12.070 is October 1, 2003.

B. Amortization Provisions

1. Legal Nonconforming Permanent Signs

Any permanent freestanding or building sign lawfully built prior to the adoption of this title that does not comply with the maximum height, maximum area, or the number of signs permitted as set forth in this title shall be considered a legal nonconforming sign.

2. Amortization of Permanent Signs

Any permanent sign exceeding current size or height requirements by greater than 50 percent must be brought into compliance with this title before May 16, 2016, which is ten years from the date of adoption of this provision.

3. Amortization of Illuminated Signs

Any illuminated sign that does not meet the requirements of subsection 21.11.090A., with the exception of subsection 21.11.090A.3.a., shall be altered to comply with the requirements of this title by May 31, 2008. All LED signs shall comply with the luminance standards of subsection 21.11.090A.3.d. by November 30, 2005.

4. Amortization of Animated Signs

Any sign that contains non-complying animation, changeable copy, or flashing or moving parts shall be altered to comply with the requirements of this title within 180 days from the effective date of this section.

C. Termination

Except as provided in subsection 21.11.090D., a nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this title or removed, when any of the following occur:

1. The size or shape of the sign is changed.

2. The location of the sign is changed.

3. The business is sold and there is a change of use of the premises. A change of use occurs when the type of use is not within the same use category as the immediate prior allowable use type, determined by reference to the tables of allowed uses under this title.

4. The nonconforming sign is accessory to a nonconforming use that has lost its nonconforming status.

5. If more than 50 percent of the assessed value of the principal structure on a property is replaced, repaired, or renovated, the existing sign(s) for the principal structure shall be removed or brought into compliance with the provisions of this title at the time of replacement, repair, or renovation.

6. Change is permitted in the direction of conformity to the requirements of this title. A sign will lose its legal nonconforming status immediately upon any change which increases nonconformity. Municipal permit fees are waived for nonconforming signs to be brought into full conformity, if an estimate by a licensed and bonded contractor with a designated date of completion of the new conforming sign is provided by May 16, 2008, which is two years from the date of passage of this provision.

D. Maintenance of Nonconforming Signs

Nonconforming signs shall continue to be maintained in safe condition pursuant to the building regulations of the municipality until such sign is required to be removed as set forth in this section.

E. Reconstruction of Damaged Sign

If a sign and/or its support are damaged to the extent where the repair costs exceed 50 percent of the replacement cost of the sign, the sign shall be removed or brought into compliance. If the repair costs do not exceed 50 percent of the replacement cost of the sign, the director may authorize the sign to be repaired, provided all repair work is completed within 90 days, subject to the director extending the time for good cause, of the date the director determines the damage requires replacement or permits repair. In no event may a sign be maintained in an unsafe condition during the process of this determination or the period necessary for repairs.

F. Historic Signs

The urban design commission may grant exceptions to these standards whenever a sign or property has been designated an historic sign pursuant to the guidelines and criteria established and adopted by the urban design commission.

G. Extension of Time to Comply

The dates established in this section for a sign to be brought into compliance with the requirements of these regulations may be appealed to the zoning board of examiners and appeals by the owner or lessee of the nonconforming sign pursuant to section 21.03.040B., *Appeals to Zoning Board of Examiners and Appeals*. In evaluating the extension of time for a nonconforming use, the zoning board of examiners and appeals shall consider the following factors to determine whether the owner of the sign has had reasonable amount of time to recoup his or her investment:

1. The value of the sign at the time of construction and the length of time the sign has been in place;

2. The life expectancy of the original investment in the sign and its salvage value, if any;

3. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;

4. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;

5. The extent to which the sign is not in compliance with the requirements of this chapter; and

6. The degree to which the board determines that the sign is consistent with the purposes of this chapter.

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TITLE 21 REWRITE

CHAPTER 21.13

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

ANNOTATION for entire chapter

Page 745, lines 19-20
If a code violator is not the owner of the property, the property owner(s) should be notified of the violation.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

CHAPTER 21.13: ENFORCEMENT

21.13.010 GENERAL PROVISIONS

A. Purpose

This chapter establishes procedures through which the municipality seeks to ensure compliance with the provisions of this title and obtain corrections for violations of this title. The chapter also sets forth the remedies and penalties that apply to violations of this title. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

B. Compliance Required

No person shall develop or use any land, building, or structure within the municipality in violation of this title, regulations authorized under this title, or the terms and conditions of entitlements issued under this title.

C. Entitlements

No entitlement may be issued under this title unless all structures and uses of land and structures permitted under the entitlement conform to this title, the regulations promulgated under this title, and the terms and conditions of the other entitlements issued under this title that apply to the use or structure. An entitlement issued in violation of this section is void.

D. Continuation of Prior Enforcement Actions

Nothing in this title shall prohibit the continuation of previous enforcement actions undertaken by the municipality pursuant to previous regulations.

E. Continuing Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this title, provided however the director has the authority to enter into a civil compromise as to the amount of the fine.

21.13.020 RESPONSIBILITY FOR ENFORCEMENT AND INSPECTIONS

A. Primary Responsibility

1. Public Enforcement Actions
Except as otherwise provided, the director shall have primary responsibility for public enforcement actions (see section 21.13.050) to enforce the provisions of this title.

2. Private Enforcement Actions
Except as otherwise provided, the administrative hearings officer shall have primary responsibility for private enforcement actions (see section 21.13.060) to enforce the provisions of this title.

B. Inspections

1. Subject to subsection B.3. below, at any reasonable time, the director may, upon presentation of proper identification, enter upon and inspect any land, structure, or premises where he or she has reasonable cause to believe there exists a violation of this title, or enter upon such a building or premises to perform a duty of the director under this title.

2. At any reasonable time, the director may enter upon and inspect any land or structure where any entitlement has been applied for or issued. The purpose of such inspection shall be to verify conformity with the application or entitlement.

3. Where the Constitution of the United States or of the state so requires, the director shall obtain an administrative search warrant authorizing an inspection and exhibit the warrant to the person in charge of the premises before conducting the inspection. The director or representative shall apply to the trial courts of the state to obtain a warrant, stating in the application the name and address of the premises to be inspected, the authority to conduct the inspection, the nature and extent of the inspection, and the facts and circumstances justifying the inspection. Warrants issued under this section shall be returned within ten days.

21.13.030 VIOLATIONS

Each of the following activities shall constitute a violation of this title:

A. Activity Inconsistent with Title

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of this title or any regulation promulgated under this title.

B. Activity Inconsistent with Entitlement

Any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms or conditions of any entitlement required to engage in such activity, whether issued under or required by this title.

C. Illustrative Examples

Examples of activities inconsistent with this title or with an entitlement issued under this title include, but are not limited to, the following:

1. Excavation, grading, cutting, clearing, or other land disturbance activity without obtaining all necessary approvals required by this title or other applicable regulations;

2. Damage to or removal of vegetation inconsistent with this title;

3. Creation, expansion, replacement, or change of a nonconformity inconsistent with this title;

4. Reduction or diminishment of lot area, setbacks, vegetative buffers, or open space below the minimum requirements set forth in this title;

5. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this title;

6. Storage or maintenance (intentionally or otherwise) of goods, materials, products, or other items outdoors including, but not limited to operable vehicles or equipment, appliances, building materials, machine parts, abandoned vehicles, or snow, except in compliance with this title;

7. Filing or recording of a subdivision plat in any public office without approval for recording by, and bearing the approval of, the platting authority under this title;

8. Failure to remove any sign installed, created, erected, or maintained in violation of this title, or for which the sign permit has lapsed; and

9. Failure to remove a temporary use once authorization for the temporary use under this title has lapsed.

21.13.040 REMEDIES AND PENALTIES

The director shall have the following remedies and powers to enforce this title:

A. Civil Remedies and Enforcement Powers

1. Deny/Withhold Entitlements

The director may deny or withhold all entitlements, including certificates of occupancy, or other forms of authorization to use or develop any land, structure, or improvements, until a violation, associated civil penalty, and/or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

2. Revoke Entitlements

Any entitlement or other form of authorization required under this title may be revoked when the director determines that:

a. There is a material or substantive departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;

b. The entitlement was procured by false representation;

c. The entitlement was issued in error; or

d. There is a violation of any provision of this title or other applicable regulations.

Written notice of revocation shall be served upon the property owner, agent, applicant, or other person to whom the entitlement was issued, or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

3. Stop-Work Orders

a. Whenever any building or structure or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or municipal law, or in a manner that endangers life or property, the director has the authority to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.

b. With or without revoking permits, the director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this title or a provision of an entitlement or other form of authorization issued under this title.

c. The stop-work order shall be in writing directed to the person doing the work if known, and a copy mailed to the owner of record of the property, and shall specify the provisions of this title or other law allegedly in violation. After any such order has been posted, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

d. The stop-work order may be issued at the same time as the enforcement order (see subsection 21.13.050B., *Non-Emergency Matters*, below), or subsequent to such notice. The stop-work order may also specify a shorter time for correction of the violation than the time period specified in the enforcement order. The stop-work order shall also indicate that failure to comply with the order may subject the violator to civil and/or criminal liability as penalty for the violation(s).

e. Once conditions for resumption of the work have been met, the director shall rescind the stop-work order and shall notify the owner in writing of the rescission.

f. The owner of any property affected by a stop-work order, or his or her representative, may request that the director reconsider such stop-work order. The request shall be in writing and shall state the grounds for reconsideration. The director shall issue written findings and either confirm or rescind the stop-work order within 7 days of receiving the request for reconsideration. The stop-work order shall remain in effect until the director either confirms or rescinds the stop-work order. Decisions of the director may be appealed to the zoning board of examiners and appeals.

4. Civil Penalties

In addition to other remedies provided in AMC section 1.45.010 or other sections of this title, violation of this title may be punishable through imposition of a civil penalty as set forth in AMC section 14.60.030, or, if no penalty is set forth in AMC section 14.60.030, a civil fine of $300.00 for each violation.

5. Restoration of Disturbed Areas

The director may require a violator who is regulated under this title and who failed to retain sediment generated by a land-disturbing activity to restore the waters and lands affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this title or applicable law.

6. Injunctive Relief

The director may seek injunctive relief or other appropriate relief in superior court or other court of competent jurisdiction against any person who fails to comply with any provision of this title or any requirement or condition imposed pursuant to this title. In any court proceedings in which the municipality seeks a preliminary injunction, it shall be presumed that a violation of this title is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject title violation.

7. Abatement

The municipality may abate the violation pursuant to this subsection.

a. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by certified mail with return receipt requested to the owner of record of the property.

b. Unless this notice is appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.040B. within ten days of the posting of the final warning, the director shall proceed to abate the violation.

c. The director shall keep an account of the cost, including incidental expenses, incurred by the municipality in the abatement of any violation. The director shall forward a bill for collection to the violator and owner of record of the property specifying the nature and costs of the work performed. For purposes of this section, the term "incidental expenses" shall include but not be limited to the actual expenses and costs to the municipality in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.

d. The responsibility for payment of the charges for abatement as set forth in this section shall rest solely upon the owners of the property upon which the abatement occurred. Such charges become a lien upon the real property upon which the violation was located. When charges for abatement remain unpaid after 30 days from billing, the director shall record a claim of lien at the district recorder's office. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state or municipal property taxes, with which it shall be upon a parity. The lien shall continue until the charges and all interest due and payable thereon are paid.

e. The lien created under this section may be enforced as provided in AS 34.35.005--34.35.045. The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement or costs and attorney fees through a personal action.

B. Remedies Cumulative

The remedies provided for violations of this title shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

21.13.050 PROCEDURES FOR PUBLIC ENFORCEMENT ACTIONS

A. Emergency Matters

In the case of a violation of this title that constitutes a public health or safety emergency, the director may use the enforcement powers available under this chapter without prior notice, but he or she shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as possible. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant entitlement and shall indicate the nature of the emergency.

B. Non-Emergency Matters

1. Enforcement Orders

a. In the case of a violation of this title that does not constitute an emergency matter as described in subsection 21.13.050A., the director may issue an enforcement order pursuant to this section. The director may order:

i. The discontinuation of a use of land or a structure that is in violation of this title;

ii. The abatement or removal of a structure or part of a structure that is a violation of this title;

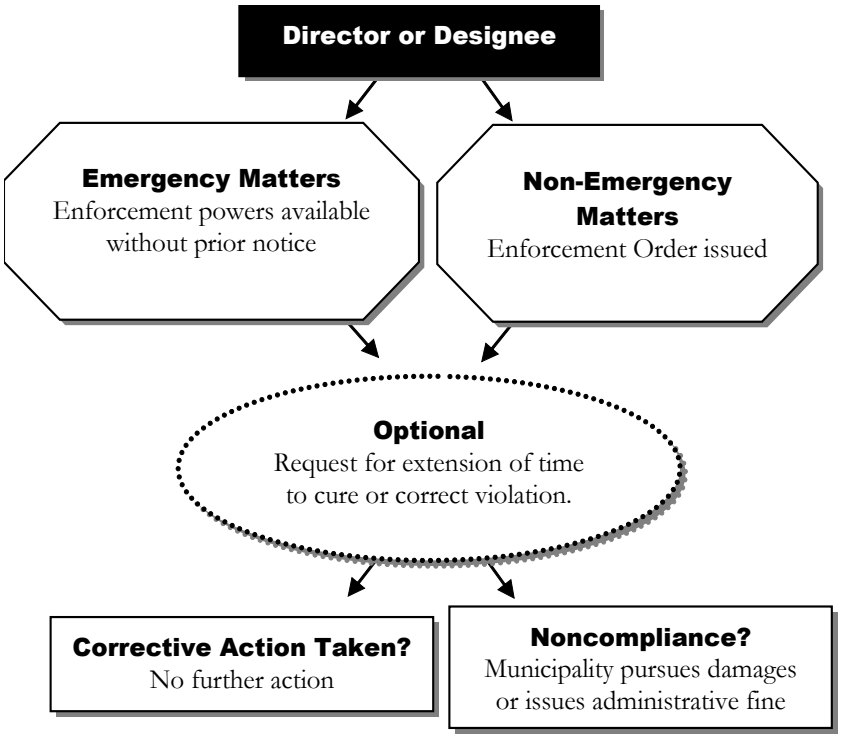
iii. The discontinuation of construction or other activity preparatory to a structure or use of land or a structure that is a violation of this title;

iv. The suspension or revocation of an entitlement issued under this title under the authority, or purported authority, of which a violation of this title is occupied, maintained, constructed, or established;

v. The restoration of any structure, vegetation, land, water body, or other thing upon the land that is destroyed, damaged, altered, or removed in violation of this title; and

vi. Any other action necessary to prevent, abate, or discontinue a violation of this title.

b. No penalty shall be assessed pursuant to this title unless and until the violator has been notified of the enforcement order in accordance with this section, with the exception of a violation of a stop-work order.



Public Enforcement Actions

c. The enforcement order shall be in writing and shall describe the violation, shall identify the provision or provisions of this title that are being violated, shall specify what actions must be taken to correct the violation (including an order to stop any and all work which violates this title), shall direct the person to correct the violation within a specified reasonable time period (beginning on the date such notice is received) and shall warn that more severe measures (such as a civil penalty or criminal prosecution) may be assessed or brought against the violator if he or she fails to take appropriate action to cure or correct the violation. If no other violator can be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs.

d. An enforcement order issued under subsection B.1.a. above may be directed to one or more violators. An enforcement order that is served on a violator personally or by certified mail is final with respect to that violator if not appealed to the zoning board of examiners and appeals within 20 days of its service.

e. An enforcement order need not be issued before other legal action is commenced with respect to a violation of this title. The pendency of any proceeding regarding an enforcement order issued under this section does not

stay any other legal action with respect to the violation that is the subject of the enforcement order.

2. Extension of Time to Cure or Correct Violation

Upon receipt of a written request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the director may grant not more than two extensions of time of not more than six months each in which the alleged violator may cure or correct the violation before the director pursues any of the forms of relief or penalties listed in section 21.13.040, *Remedies and Penalties*. Such extension of time shall not be granted unless the alleged violator or the property owner can demonstrate to the director that the violation cannot be cured or corrected as specified in the enforcement order.

3. Corrective Action Taken

If the violation is cured or corrected within the time period specified in the enforcement order, or within the extension of time granted, then the municipality shall take no further action against the violator.

4. Options Upon Noncompliance

Whenever a written enforcement order has become final, as specified in subsection B.1.d. above, and the violation continues to exist, the director may:

a. Pursue any of the forms of relief under section 21.13.040, *Remedies and Penalties*; and/or

b. Assess an administrative fine, not exceeding $250.00 per day, for failure to comply with a final enforcement order.

21.13.060 PROCEDURES FOR PRIVATE ENFORCEMENT ACTIONS

A. Purpose and Intent

The private enforcement action process set forth in this section is offered as an alternative to the public enforcement action process set forth in section 21.13.050, *Procedures for Public Enforcement Actions*. It provides a way for private individuals or community councils to charge that a violation of this or another title has occurred, and to present their case directly to the administrative hearings officer for consideration and resolution.

B. Authorization

In addition to other remedies available under this code, any person aggrieved by a violation of this title, AMC section 15.20.020.A. with regard to public nuisances listed in AMC section 15.20.020.B., or AMC sections 25.70.040 and 25.70.045 relating to activities on public grounds, may initiate a private enforcement action before the administrative hearings officer as provided by title 14. For purposes of actions brought under this section 21.13.060, the term "person aggrieved" means any person who lives, owns, or lawfully occupies property within the municipality, or the duly appointed representative of any community council the boundaries of which encompass all or part of the area of the alleged violation.

C. Limitations

The private enforcement action procedure may not be used to address code violations that are under concurrent consideration by the director through the public enforcement action procedure under section 21.13.050.

D. Procedure

Private enforcement actions shall follow the following procedure:

1. Filing of Complaint

A private enforcement action is commenced upon filing of a written complaint to the director by a person aggrieved by a violation described in subsection 21.13.060B. The complaint must include the following information:

a. The street address of the property involved or legal description if no street address has been assigned;

b. The owner of record for the property;

c. The occupants of the property (if known);

d. The name of the persons alleged to have violated the code (if known);

e. The provision of the code alleged to be violated;

f. The facts upon which the complaint is based;

g. A request that the complaint be prosecuted as a private enforcement action;

h. The name and address of the complainant;

i. An explanation of how the complainant qualifies as a "person aggrieved"; and

j. A notarized statement that all information in the complaint is true and correct to the best of the complainant's knowledge.

2. Service or Return of Complaint

Within ten days after filing of a complaint, the director shall:

a. Serve notice of the complaint upon the violator(s) named, and the property owner if different from the violator(s), in person or by certified mail; or

b. Return the complaint to the complainant with an explanation as to why the complaint does not conform to this section; or

c. Return the complaint to the complainant with an explanation that information available to the director at the time of review demonstrates that there is no reasonable basis for the complaint.

Appeals of the director's decision may be made to the zoning board of examiners and appeals in accordance with subsection 21.03.040B.

3. Notice of Hearing and Hearing Date

After serving notice of a complaint on all alleged violators, the director shall forward the complaint to the administrative hearings officer who shall schedule a hearing pursuant to AMC section 14.30.050.

4. Opportunity to Cure

The alleged violator may, at any time before a hearing is conducted under this section, serve on the complainant and the director an answer and any supporting documentation as appropriate. Upon request of the alleged violator and concurrence of the complainant filed at least 48 hours prior to the scheduled hearing, the complaint shall be dismissed and the hearing vacated, with no costs assessed.

5. Conduct of Hearing

Hearings shall be conducted under the provisions of AMC section 14.30.060.

6. Responsibility of Complainant

In actions brought under this section, the complainant bears the burden of proof and must prove the existence of the violation claimed by the preponderance of the evidence.

7. Issuance of Compliance Order

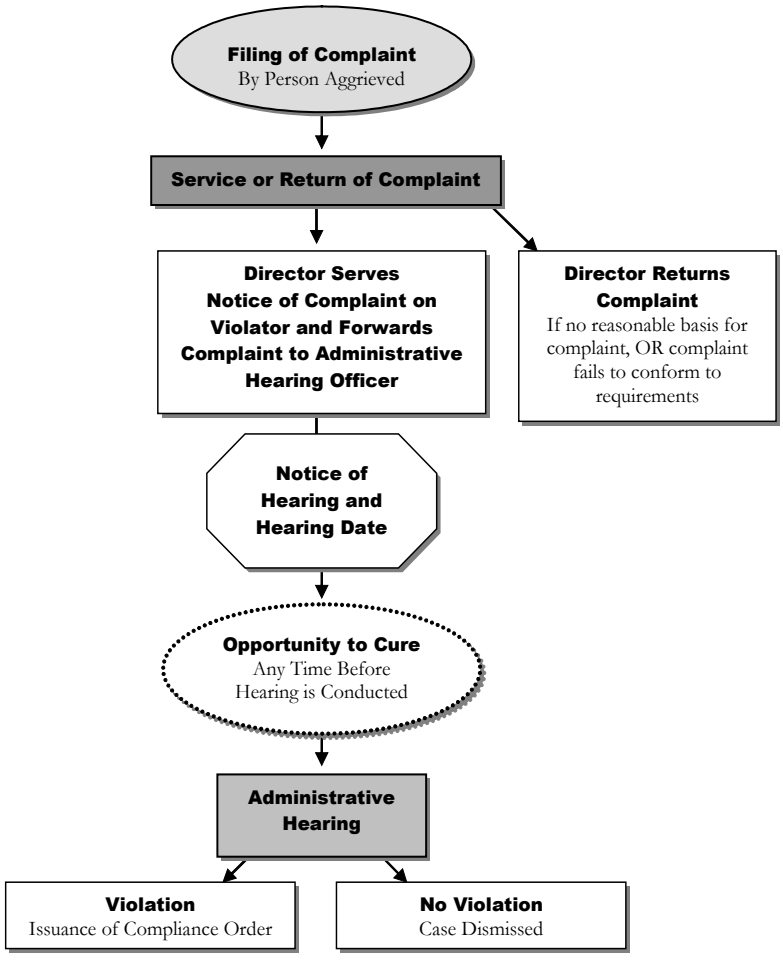
After the hearing and upon finding that a violation exists, the administrative hearings officer shall issue a compliance order as provided by AMC subsection 14.50.010A to each violator and set a reasonable time for compliance. In all cases where a violation has been found to exist, the violator shall be ordered to pay the reasonable costs, not to exceed $7,500.00, incurred by the municipality in hearing the matter.

8. Service of Decisions

A final decision of the administrative hearings officer and the compliance order issued under subsection 21.13.060D.7. shall be served per AMC subsection 14.30.110B.

9. Appeals; Collection of Fines

Final decisions issued under this section may be appealed to the superior court pursuant to AMC chapter 14.40. Fines imposed under this section shall be collected as provided by AMC sections 14.50.030 and 14.50.040.



Private Enforcement Actions

E. Civil Fine

The administrative hearings officer shall also order payment of a civil fine as provided in AMC subsection 14.50.010C.

F. Payment of Costs by Complainant

After the hearing and upon a finding that a complaint under this section was brought or maintained frivolously or in bad faith, the administrative hearings officer may order the complaining party to pay actual costs incurred by the alleged violator in an amount no greater than $7,500.00 plus the reasonable costs, not to exceed $1,000.00, incurred by the municipality in hearing the matter.

G. Commencement of Action in Superior Court to Enforce Compliance Order

Any person may commence an action in superior court to enforce a compliance order of the administrative hearings officer issued under this subsection.

H. Failure to Obey Compliance Order

Upon written request to the municipal attorney by any person who has brought a private enforcement action under this section that a compliance order issued by the administrative hearings officer has not been obeyed, that more than 30 days have passed since the date ordered by the hearings officer for compliance, and that no action has been brought in court to enforce that order, the department of law shall initiate and pursue action to enforce that order using all available remedies and penalties authorized in section 21.13.040, *Remedies and Penalties*.

TITLE 21 REWRITE

CHAPTER 21.14

Showing annotated technical edits and changes proposed by the Administration, the Planning and Zoning Commission, and the Assembly Title 21 Committee.

December 18, 2012

Page 748 ANNOTATION

General note: Chapter 21.14 was never provisionally adopted by the Assembly. Many of the yellow-highlighted additions and gray-highlighted deletions reflect staff work over the years since the public hearing draft of chapter 21.14 was released in 2007.

To clarify that the purpose/intent statements are not meant to be regulatory.

To better organize the concepts.

To clarify the relationship of illustrations to the code text.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
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CHAPTER 21.14: RULES OF CONSTRUCTION AND DEFINITIONS

21.14.010 INTERPRETATIONS

A. General

The director has final authority to determine the interpretation or usage of terms used in this title, pursuant to this section. Any person may request an interpretation of any term by submitting a written request to the director, who shall respond in writing within 30 days. The director's interpretation shall be binding on all officers and departments of the municipality.

B. Record of Interpretations

The director shall maintain a file of all interpretations made pursuant to this subsection.

C. Appeal

Any person may appeal an interpretation by the director regarding a term used in this title to the zoning board of examiners and appeals in accordance with section 21.03.050B.

21.14.020 RULES OF CONSTRUCTION AND INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this chapter.

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this title [CHAPTER] shall be construed according to the general purposes set forth in section 21.01.030 and the specific purpose statements set forth throughout this title [CHAPTER]. When, in a specific section of this title [CHAPTER], a different meaning is given for a term defined for general purposes in this chapter 21.14, the specific section's meaning and application of the term shall control.

B. Purpose Statements

Statements of purpose or intent in this title are provided to guide interpretation and understanding of the legislative intent behind the substantive regulations of this title. Purpose and intent statements are not substantive requirements, but rather provide a context whereby the provisions of this title are understood.

C. Headings, Text, and Illustrations[, AND TEXT]

1. Headings and Text

In the event of a conflict or inconsistency between the text of this title [CHAPTER] and any heading, caption, figure, illustration, table, or map, the text shall control.

2. Illustrations

Unless otherwise indicated, illustrations in this title are provided for purposes of describing, clarifying, or providing examples. Such illustrations are not to scale and do not replace, limit, or expand the meaning of the text.

D. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities. Unless stated otherwise, a list does not imply a priority or chronological order.

Page 749 ANNOTATION

For clarity.

PZC recommended clarifying how to interpret the word “should.”

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E. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the municipality, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the municipality. References to days are calendar days unless otherwise stated.

F. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

G. Delegation of Authority

Any act authorized by this chapter to be carried out by a specific official of the municipality may be carried out by a designee of such official.

H. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that have acquired a peculiar and appropriate meaning in law or practice shall be construed and understood according to such meaning.

I. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the municipality, unless otherwise indicated.

J. Mandatory and Permissive Terms

The word "shall" is mandatory in nature, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive, indicating compliance is optional. The word "should" indicates that compliance is highly recommended and encouraged, but not mandatory.

K. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events apply; and

2. "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

L. Tenses, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

M. Measurement of Distances For Separation of Land Uses

Except where stated otherwise, whenever this title requires measurement of distance between use types, development sites, or lots, such measurement shall be made from the nearest property line of the first reference point to the nearest property line of the second reference point.

Page 750 ANNOTATION

The Assembly Title 21 Committee requested a list of common acronyms and abbreviations.

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N. Fractions

1. Generally

Except where stated otherwise, when any calculation for determining a number of items (such as parking spaces, trees, etc.) results in a fraction, any fraction less than one-half (0.5) shall be rounded down to the preceding whole number, and any fraction of one-half (0.5) or greater [ANY CALCULATION WITH A FRACTIONAL RESULT] shall be rounded up to the next consecutive whole number. Where the calculation results in a fraction less than one, the fraction shall be rounded up to one.

2. Dimensions

When any calculation for determining required minimum or allowed maximum dimensions (such as height, lot coverage, open space, etc.) results in a fraction, the dimension shall be measured to the nearest inch. Any fraction of an inch shall be rounded as provided in M.1. above.

3. Floor Area Ratio

Any calculation for determining required minimum or allowed maximum floor area ratio shall be rounded to two numbers past the decimal point. For example, 2.4287 is rounded to 2.43, and 4.5324 is rounded to 4.53.

21.14.030 COMMON ACRONYMS AND ABBREVIATIONS

AAC	Alaska administrative code	gfa	Gross floor area
AC	Asphalt concrete	HLB	Heritage Land Bank
ADA	Americans with Disabilities Act	HUD	US department of housing and urban development
ADT	Average daily trips	HVAC	Heating, ventilation, and air conditioning
ADU	Accessory dwelling unit	LED	Light emitting diode
AIM	Assembly informational memorandum	MHC	Manufactured home community
AMC	Anchorage municipal code	NESC	National Electrical Safety Code
AMCR	Anchorage municipal code of regulations	NFPA	National Fire Protection Act
AO	Assembly ordinance	NPDES	National Pollutant Discharge Elimination System
AR	Assembly resolution	OSHP	*Offical Streets and Highways Plan*
AS	Alaska statute	OV	Overlay district
ATV	All terrain vehicle	PB	Platting board
BLM	Bureau of land management	PCC	Portland cement concrete
BOA	Board of adjustment	PUD	Planned unit development
CATV	Community Access Television (cable TV)	PZC	Planning and zoning commission
CCRC	Community correctional residential center	RAP	Recycled Asphaltic ?
CFR	Code of federal regulations	RFP	Request for proposals
CMU	Concrete masonry unit	ROW	Right-of-way
CRI	Color rendering index	RV	Recreational vehicle
dBA	Decibel adjusted	sf	Square feet
DBH	Diameter at breast height	SL	Special limitation
du	Dwelling unit	TDU	Thermal desorption unit
EPA	Environmental Protection Agency	TIA	Traffic impact analysis
FAR (in 21.04.080C.)	Federal aviation regulations	UDC	Urban design commission
FAR	Floor area ratio	USC	United States code
FEMA	Federal Emergency Management Administration	WECS	Wind energy conversion system
GAAB	Greater Anchorage area borough	ZBEA	Zoning board of examiners and appeals

Page 751 ANNOTATION

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21.14.040 DEFINITIONS

When used in this title, the following words and terms shall have the meaning set forth in this section, unless other provisions of this title specifically indicate otherwise.

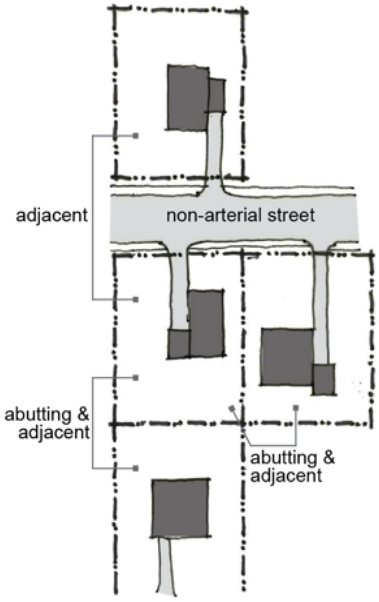
Abutting
Touching or bordering. (See illustration under "adjacent")

Abutting Lots
Two lots abut when they share a common lot line.

Access
A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

[ACCESSIBILITY
THE EXTENT TO WHICH A PROPERTY IS EASILY ACCESSED OR APPROACHED.]

Adjacent
Abutting or across an alley, a [OR A LOCAL OR PRIVATE] street (public or private, local and collector classification on the *Official Streets and Highways Plan*), or pedestrian right-of-way. *[ILLUSTRATION RECOMMENDED]*



Adjacent Lots
Two lots are adjacent where they have a common lot line (abutting) or where they are separated only by an alley or a local or private street or pedestrian right-of-way.

Affordable Housing
See **Housing, Affordable**.

Airport Elevation
The highest point of an airport's usable landing area, measured in feet above mean sea level.

Page 752 ANNOTATION

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Aisle, Circulation
A private travel way within a parking facility, providing motor vehicle access to parking bays.

Aisle, Parking
A circulation aisle that abuts parking spaces, providing automobile access and permitting maneuvering of automobiles entering and leaving such spaces.

Alley
A permanent service right-of-way providing a secondary means of access to abutting properties.

AMC
Anchorage Municipal Code.

Amortization
A process where a nonconformity is required to be brought into compliance with the requirements of this title after a specified [OVER A] period of time. Amortization allows the owner of a legal nonconformity to recoup the value of the nonconformity within the particular time period. After that time, the municipality may require the owner to come into compliance without the payment of compensation. [WITH SUFFICIENT LENGTH TO ALLOW THE OWNER OF THE LEGAL NONCONFORMITY TO REALIZE ANY REASONABLE INVESTMENT-BACKED EXPECTATIONS REGARDING THE LEGAL NONCONFORMITY.]

Antenna or Antenna Array
Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), amplitude modulation arrays, wireless telecommunications signals, or other communications signals.

Approach, Transitional, Horizontal, and Conical
Surfaces or zones that are airspace zones defined as set forth in FAR part 77, subpart C, paragraph 77.25.

Appurtenance
The visible, functional, or ornamental objects accessory to, and part of, building or structures.

Architectural Feature (as used in chapter 21.11, *Signs*)
Any construction attendant to, but not an integral part of the sign, which may consist of landscape, building, or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures.

Architectural Feature
A part, portion, or projection that contributes to the aesthetic quality of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building structure or to make the building or structure habitable.

Architectural Bay
A spatial division of a wall, roof, or other part of a building. It is usually repeated at intervals as part of a series, and is defined as the zone or wall plane between the outside edges of engaged columns, pilasters, posts, or projecting vertical wall areas. In an exterior building façade, a bay is often simply an opening in a wall, usually occupied by windows or a doorway. [MARKED OFF BY VERTICAL SUPPORTS OF A STRUCTURE.] (ILLUSTRATE)

Page 753 ANNOTATION

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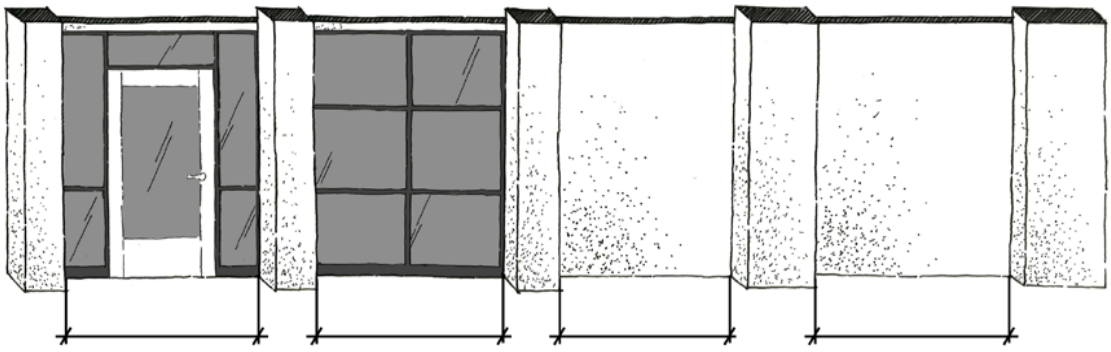


four architectural bays

Area, Building
The total of areas taken on a horizontal plane in plan view of the principal building and all accessory buildings or structures exclusive of exterior steps.

Area Lighting
Lighting located on public or private property that is designed to light outdoor spaces. Area lighting does not include façade or landscape lighting.

Assembly
The assembly of the municipality.

Attendant Parking (also **Valet Parking**)
A parking facility that relies on attendants (or valets) to park and retrieve vehicles rather than on drivers to park and retrieve their own vehicles.

Average
The [EQUALING OF AN] arithmetic mean.

Average Slope
Average slope is calculated by the following formula:

S = (I x L x 0.0023) / A

Where:

S = Average slope of lot or tract in percent.

I = Contour interval (20 feet or less).

L = Sum of the length of all contours on lot or tract in feet.

A = Area of the lot or tract in acres.

Backlight
For an exterior luminaire, flux radiated in the quarter-sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaries with symmetric distribution, backlight will be the same as frontlight.

Page 754 ANNOTATION

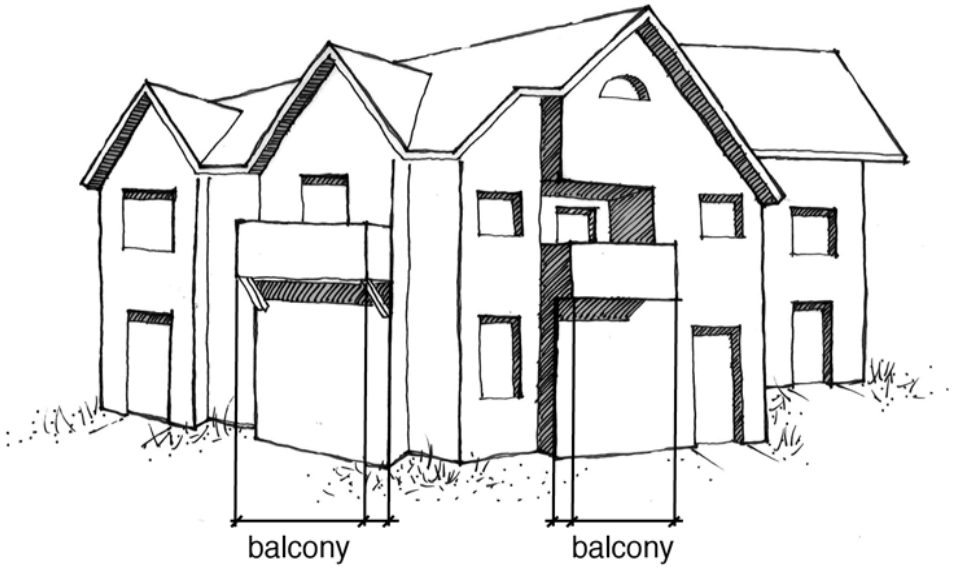
Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Balcony
An elevated platform projecting from the wall of a building, enclosed by a railing or parapet, and supported entirely by the building without support on the ground by posts, columns, or similar structural members. For the purposes of this title, common access passageways are not balconies. *[ILLUSTRATE]*



Base Flood (100-Year)

The flood having a one percent chance of being equaled or exceeded in any given year.

Basement
See **Story Below Grade Plane**

Bay Window
A window or series of windows projecting outward from the wall plane of a building and forming a habitable space such as a bay or alcove in a room within.

Billboard
A sign structure advertising an establishment, merchandise, event, service or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located. Any other outdoor advertising prohibited by the provisions of Alaska statutes sections 19.25.075 – 19.25.180 shall also be considered billboards.

Blank Wall
Any portion of a wall that is not a window or a primary entrance.

Block
A block is defined by an area of land bounded by streets, or a combination of streets, railroad utility corridor, shorelines of waterways, or municipal boundary lines.

Block Length
The distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.

[BOARD OF ADJUSTMENT

Page 755 ANNOTATION

Building Interface Zone: To define the parts of an enhanced sidewalk used in the code.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

THE BOARD OF ADJUSTMENT OF THE MUNICIPALITY.

BOARD OF EXAMINERS AND APPEALS
THE ZONING BOARD OF EXAMINERS AND APPEALS OF THE MUNICIPALITY.]

Brightness
The human perception of luminance. See **Luminance** and **Candela**

Buffer, Perimeter
A unit of land and any plants and structures (i.e., walls, fences) thereon that is used to separate land uses from each other.

BUG
A luminaire classification system that evaluates backlight (B), uplight (U), and glare (G).

Building
Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building, Accessory
A building [OR STRUCTURE] that is on the same lot as, and of a nature customarily incidental and subordinate to, a principal building or structure, and the use of which is clearly incidental and subordinate to that of the principal building or structure.

Building Code
The building code which is adopted in the AMC title 23.

Building Envelope
The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing setbacks, maximum height and bulk; by other regulations; or any combination thereof.

Building Interface Zone
The space located between the pedestrian movement zone of an enhanced sidewalk and the street-facing building façade. The building interface zone protects pedestrians walking on the sidewalk from opening doors and objects protruding from buildings. It can accommodate window shopping and building egress and ingress. It may also provide space for features along the building wall such as seating, foundation landscaping, or residential front stoops.

Building, Principal
A structure in which is conducted the main use of the lot on which the structure is situated.

Building Permit
See **Permit, Building**

Building Wall (as used in chapter 21.11, *Signs*)
Any vertical surface of a building or structure (other than a pitched roof) that is integral to and could reasonably be constructed as part of the architecture of the building when a sign(s) is not being contemplated. Examples of building walls include but are not limited to: awnings, canopies, marquees, the vertical portion of gable roofs, parapets, mechanical penthouses, etc.

Business
An enterprise that for consideration will provide for the sale or the rental of any article, substance, or commodity, including but not limited to business services and personal services.

Page 756 ANNOTATION

Certificate of Zoning Compliance, Conditional: New definition requested by the Assembly Title 21 Committee.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Caliper
The diameter of a tree trunk measured at six inches above the ground, unless this dimension exceeds four inches; then the diameter is measured at four and one-half feet above the ground.

Camper
A portable structure mounted on a truck or truck chassis or a converted hearse, bus, station wagon or panel truck designed for use as a temporary travel dwelling.

Candela
A unit measuring luminous intensity of a lighting source. An ordinary candle has a luminous intensity of one candela. See **Luminance**

Canopy
A fixed and permanent roof-like structure; either an architectural element projecting out from the wall of a building [FAÇADE] or a freestanding cover that shelters an outdoor area from precipitation or wind [OVER A SIDEWALK OR WALKWAY].

CATV
A utility that operates non-broadcast facilities that distribute to subscribers the signals of one or more television broadcast stations.

Certificate to Plat
A certificate prepared by a title company authorized by the laws of the state to write the title, showing the names of all persons having any record title interest in the land to be platted, together with the nature of their respective interests therein.

Certificate of Occupancy
A certificate of zoning compliance issued by the municipality allowing the occupancy or use of a building in the building safety service area, and certifying that the structure or use has been constructed and [OR] will be used in compliance with all applicable municipal codes and ordinances.

Certificate of On-Site Systems Approval
A written confirmation signed by an engineer and the development services department certifying that the on-site sewer and water system serving a single-family dwelling is functional and complies with all state and local regulations and codes.

Certificate of Zoning Compliance
A document issued by the municipality indicating that a structure or use meets the applicable zoning requirements at the time of issuance. A certificate of occupancy is considered a certificate of zoning compliance.

Certificate of Zoning Compliance, Conditional
A temporary certificate of zoning compliance, issued before the completion of the entire work covered by the land use permit, providing that the building or portions of the building may be occupied safely.

Certified Lighting Professional
A professional who is Lighting Certified (LC) by the National Council on Qualifications for the Lighting Professions.

Change of Use
A change of use occurs when the type of use is not the same as the immediate prior use type, as determined by tables 21.05-1 and -2, *Tables of Allowed Uses*, or tables 21.05-3 and -4, *Tables of Accessory Uses*.

Page 757 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Characteristic of Use
Improvements or amenities required by this title in relation to specified uses of land, water areas, structures, or premises such as parking, lighting, landscaping, or other such features.

Civil Penalty
A fine levied by the municipality for a violation of this title.

Class A Districts
A group of zoning districts where more dense population and/or intensive development exists or is allowed, requiring a more urbanized level of improvements. See subsection 21.08.050B.

Class B Districts
A group of zoning districts that are less densely populated and/or intensively developed, requiring a less urbanized level of improvements. See subsection 21.08.050B.

Clear Width, Walkway
See **Walkway Clear Width**

Clearing
The removal of woody plants over six inches above the ground[,] using any method that does not [WITHOUT] disturb[ING] the vegetative mat[, USING ANY METHOD].

Collocation
The location of antennae on existing structures, including but not limited to towers occupied by another provider, buildings, water towers, utility substations, utility poles, and church steeples.

Color Rendering Index (of a light source) (CRI)
A measure of the degree of color shift that objects undergo when illuminated by the light source as compared with those same objects when illuminated by a reference source of comparable color temperature.

Commercial
An enterprise involved in the production, processing, or merchandising of a commodity for, usually[,] but not necessarily, a profit. Generally, wholesale, retail trade, and services are considered commercial.

[COMMERCIAL PARKING
SEE **PARKING, COMMERCIAL]**

[COMMERCIAL TRACT SITE PLAN
A MAP OF A COMMERCIAL TRACT DEPICTING BUILDING FOOTPRINTS, PARKING AREAS, LANDSCAPING, DRIVEWAY ACCESS POINTS TO THE PROPERTY, SITE DRAINAGE AND ANY FRAGMENT LOTS TO BE CONTAINED WITHIN THE COMMERCIAL TRACT.]

[COMMON AREAS AND FACILITIES
THOSE AREAS OF A SUBDIVISION, BUILDING, PLANNED UNIT DEVELOPMENT OR CONDOMINIUM, INCLUDING THE PROPERTY UPON WHICH IT IS LOCATED, THAT ARE FOR THE COMMON USE AND ENJOYMENT OF THE OWNERS AND OCCUPANTS OF THE SUBDIVISION, BUILDING, PLANNED UNIT DEVELOPMENT OR CONDOMINIUM. THE AREAS MAY INCLUDE THE LAND, ROOFS, MAIN WALLS, ELEVATORS, STAIRCASES, LOBBIES, HALLS, PARKING SPACE, OPEN SPACE, AND COMMUNAL FACILITIES.]

Community Council
Established as part of Anchorage municipal government in Anchorage Charter Article VIII to 'afford citizens the opportunity for maximum community involvement and self determination', community councils are n[N]onprofit, voluntary, self-governing associations composed of residents, property owners, business owners, and representatives from nonprofit associations and other entities located within geographical

Page 758 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

areas designated as districts by the assembly. [RESIDENTS, FOR THE PURPOSE OF THIS CHAPTER, ARE DEFINED AS RESIDENTS, PROPERTY OWNERS, AND REPRESENTATIVES FROM NONPROFIT ASSOCIATIONS AND OTHER ENTITIES LOCATED WITHIN GEOGRAPHICAL AREAS DESIGNATED AS DISTRICTS BY THE ASSEMBLY.]

Compatible (or Compatibility)
The characteristics of different uses, activities, or designs which allow them to be located near or next to each other in harmony. Some elements affecting compatibility include the height, scale, mass, bulk, and setbacks of structures. [THAT, IN TERMS OF DEVELOPMENT INTENSITY, BUILDING COVERAGE, ARCHITECTURAL ELEMENTS, BULK AND OCCUPANCY,] Other characteristics include traffic [GENERATION], parking [REQUIREMENTS], access and circulation, landscaping and buffering, drainage and storm water runoff, exterior lighting, dust, noise, hours of operation [SITE IMPROVEMENT], and demand on public facilities and services [DEMANDS, IS CONSISTENT WITH, MAINTAINS THE CHARACTER OF, AND DOES NOT CREATE ADVERSE IMPACTS ON NEIGHBORING USES.] Compatible does not necessarily mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of the surrounding context and avoiding adverse impacts on neighboring uses.

Comprehensive Plan
The adopted official statement(s) of the municipal assembly that sets forth (in words, maps, illustrations, and/or tables) a collection of goals, objectives, policies, and strategies to [LONG-RANGE MUNICIPAL PLANNING DOCUMENTS AND MAPS THAT SERVES AS THE OFFICIAL POLICY] guide [FOR] the [LONG-RANGE] physical, social, and economic development of the municipality, including the provision of its public infrastructure and services. The comprehensive plan is comprised of a series of distinct plans adopted by the assembly as comprehensive plan elements [OF THE COMPREHENSIVE PLAN], each of which address specific geographic management areas or specific functional [THAT EACH DEAL WITH SEPARATE] aspects of community planning. [THE TERM "COMPREHENSIVE PLAN" AS USED IN THIS TITLE REFERS TO ANY OR ALL OF THESE LONG-RANGE PLANS THAT TAKEN TOGETHER CONSTITUTE THE COMPREHENSIVE PLAN FOR THE MUNICIPALITY.] When practically applied to decision-making, the term is intended to mean those comprehensive plan elements that are applicable and pertinent to the decision at hand, in terms of specific geographic area and/or functional topic.

Comprehensive Plan Amendment, Cosmetic
An amendment that affects the appearance, style, wording, or presentation of the comprehensive plan, but does not alter its meaning, interpretation, or recommendations. Examples of cosmetic amendments include, but are not limited to: revising map or document style, format, or layout to enhance clarity; revising map or text content to accurately reflect additions to municipal facilities or revisions to adjoining jurisdictions' adopted plans; adding explanatory text or labels; and correcting spelling or grammar.

Comprehensive Plan Amendment, Substantive
An amendment that affects the intent of the comprehensive plan. Examples of substantive amendments include, but are not limited to: revising text to address a new policy direction or the addition of a new zoning district.

Comprehensive Plan Map
An element of the Anchorage Comprehensive Plan, comprised of one or more land use plan maps, residential intensity maps, and other maps, as well as supporting text and tables. The comprehensive plan map provides a geographically explicit statement of the adopted plan's policies for future land use and growth. It designates the ultimate future location, density, and general character of land uses in the community. It also serves as a guide for the official zoning map.

Construction
On-site fabrication, installation, alteration, erection, or placement of materials in a permanent fashion for an improvement.

Page 759 ANNOTATION

Daylight Plane: To remove a substantive requirement from the definition of this term.

Dedication: At the request of the Assembly Title 21 Committee, staff worked with the municipal surveyor to improve this definition.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

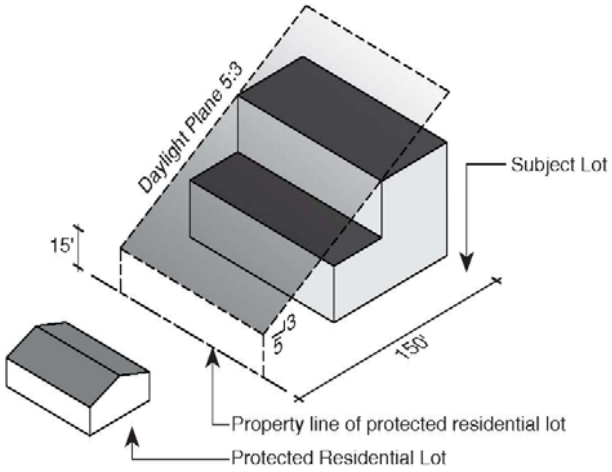
Tech Edit Addition
[TECH EDIT DELETION]

CRI
See **Color Rendering Index**

Cupola
A small roof tower, usually rising from the roof ridge.

Date of Service
The date that the secretary mails or otherwise distributes the summary of action or approved resolution to the applicant.

Daylight Plane
A virtual sloping plane that begins at a specified height and rises inward over a site at a specified ratio of vertical distance to horizontal distance. It is designed to provide light, air and openness to the sky at ground floor level[, AND SHALL NOT BE PENETRATED BY A BUILDING AS SET FORTH IN THIS TITLE. IT MAY LIMIT THE HEIGHT OR HORIZONTAL EXTENT OF STRUCTURES AT ANY SPECIFIC POINT ON THE SITE WHERE THE DAYLIGHT PLANE IS MORE RESTRICTIVE THAN THE HEIGHT LIMIT OR THE MINIMUM SETBACK APPLICABLE AT SUCH POINT ON THE SITE].



Decision-Making Body
The person, board, or commission with the authority to approve, modify, or deny an entitlement application, as stated in section 21.02.020 and elsewhere in this title.

Deck
A platform, either freestanding or attached to a building, and supported on the ground by pillars, posts, columns, or similar structural members.

Dedication
The devotion of land or an interest in land by the owner to a public use, which is accepted and used presently or in the future for such public purpose. [THE DEVOTION OF LAND TO A PUBLIC USE BY THE OWNER MANIFESTING THE INTENTION THAT IT SHALL BE ACCEPTED AND USED PRESENTLY OR IN THE FUTURE FOR SUCH PUBLIC PURPOSE. A DEDICATION BY THE OWNER UNDER THE TERMS OF THIS SUBSECTION IS A CONVEYANCE OF AN INTEREST IN PROPERTY, WHICH SHALL BE DEEMED TO INCLUDE THE WARRANTIES OF TITLE LISTED IN AS 34.15.030. THE DEDICATION OF STREETS, ALLEYS, SIDEWALKS, OR PUBLIC OPEN SPACE SHALL CONVEY A FEE INTEREST IN THE AREA DEDICATED. THE DEDICATION OF ALL OTHER PUBLIC RIGHTS-OF-WAY, INCLUDING UTILITY RIGHTS-OF-WAY, SHALL BE DEEMED TO CREATE AN EASEMENT IN GROSS TO PERFORM THE INDICATED FUNCTION IN THE AREA DEPICTED.]

Page 760 ANNOTATION

Depth: Terms that have a commonly understood meaning are proposed for deletion.

Development: Changes agreed upon with the Assembly Title 21 Committee.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Defined Bank
The usual boundaries, not the flood boundaries, of a stream channel.

Density, Gross
The total number of dwelling units per acre within any defined geographic area.

Density, Net
The total number of dwelling units per acre on a particular tract or parcel of land, not taking into account portions of the tract or parcel that contain rights-of-way for streets, water bodies, wetlands, or other areas restricted from development[ED].

Department
Unless otherwise indicated in the text of this code, the planning department (or successor organization) of the municipality.

[DEPTH
WHEN VIEWED FROM THE FRONT OF AN OBJECT OR A THREE-DIMENSIONAL SPACE, THE MEASUREMENT FROM A FORWARD PLANE TO A REARWARD PLANE.]

Developer
That person or entity improving or developing land, who may or may not be the owner of the property.

Development
The initiation, construction, change, or enlargement of any use or structure, the disturbance of land, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the clearing [REMOVAL] of vegetation from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration[, EITHER PHYSICALLY OR CHEMICALLY,] of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and
- Any land-disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Director
Unless otherwise indicated in the text of this code, the director of the planning department or designee.

Double-Frontage Lot
See **Lot, Double-Frontage**

Drainageway
A watercourse that does, or under developed conditions is likely to, convey storm water flows for short durations. Drainageways include constructed channels and conduits (including storm drain pipes), ephemeral channels [STREAMS], and non-channelized drainage paths along topographic flow lines whether constructed or natural, vegetated, or non vegetated.

Page 761 ANNOTATION

Driveway Throat Width: New definition requested by the Assembly Title 21 Committee with review by the Traffic Engineer.

Dwelling: This definition combined with Dwelling Unit.

Easement: Definition revised with the assistance of the municipal surveyor.

Elevation, Building: Revised for clarity.

Administration Addition
[ADMINISTRATION DELETION]

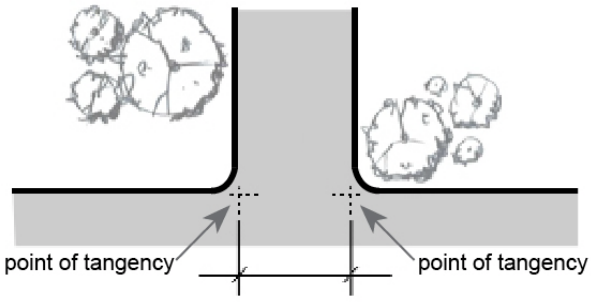
PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Driveway
A private travel way providing motor vehicle access from a parking space or parking facility to a street. A driveway is not a street. It does not provide primary frontage or address for buildings, nor is it primarily designed for non-motorized pedestrian access.

Driveway Throat Width
The width of a driveway at the property line or street curb, measured from face of curb to face of curb (or, where there are no curbs, between the edges of the driveway travel way surface), at the point of tangency. The measurement does not include any medians contained in the driveway. For driveways with a curb return design at the opening of the street curb, the measurement does not include additional width at the driveway opening created by the curb return radii.



[DWELLING]
[A BUILDING OR PORTION OF A BUILDING DESIGNED OR USED EXCLUSIVELY AS THE LIVING QUARTERS FOR ONE FAMILY.]

Dwelling or Dwelling Unit
A building [STRUCTURE] or portion thereof designed or used exclusively as the separate residence for one household and providing independent and complete living facilities, generally including provisions for sleeping, eating, cooking, and sanitation. [COOKING, LIVING, SLEEPING AND TOILET FACILITIES FOR ONE FAMILY.]

Easement
A[N] non-possessory interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment.

Efficiency Dwelling
A dwelling unit that has only one combined living and sleeping room. The dwelling may have a separate room containing only kitchen facilities, and a separate room containing only sanitary facilities.

Elevation, Building
A [FLAT] scale drawing of one side or view angle of a building, such as the front, rear, or side [OF A BUILDING].

Encroachment
The projection or intrusion of a building, structure, or other land-disturbing activity into an area where such projections or intrusions are typically prohibited.

[ENGINEER
A REGISTERED PROFESSIONAL CIVIL ENGINEER AUTHORIZED TO PRACTICE ENGINEERING IN THE STATE OF ALASKA.]

Page 762 ANNOTATION

Facade, Building: Revised for clarity.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Entitlement
Any permit or approval granted under this title, including, but not limited to zoning map amendments, conditional use permits, preliminary or final plat approval, site plan approval, and variances. For purposes of administering and enforcing this title, the term also includes building and land use permits.

Entrance, Primary
A principal entry through which people, including customers, residents, or members of the public enter a building. For any commercial or institutional establishment which serves the visiting public, a primary entrance is open to the public during all regular business hours and directly accesses lobby, reception, retail, or other interior areas designed to receive the public. Fire exits, service doors, vehicle entrances, doors leading directly into a garage or storage space accessory to the use, and employee entrances are not primary entrances. A building or establishment may have more than one primary entrance.

Ephemeral Channel [STREAM]
A natural drainageway that is channelized over part or all of its length and conveys surface water flows for short durations only. Ephemeral channels [STREAMS] are transitional to streams but lack the overall geomorphic, hydrologic, and biologic characteristics commonly associated with stream features. Prolonged flow may occur along very short and isolated segments of an ephemeral channel [BUT TAKEN AS A WHOLE EPHEMERAL CHANNELS CONVEY SURFACE WATER FLOWS FOR SHORT DURATIONS ONLY].

Erosion
The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

Erosion Control
A measure, structure, or device that controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.

Existing Vegetation
Vegetation that predates a development application by at least two years.

Extent Reasonably Feasible
Feasible in light of overall project purposes after considering cost, existing technology, and logistics of compliance with the standard. Under the circumstances, reasonable efforts have been undertaken to comply with the regulation;[, THAT] the costs of full compliance clearly outweigh the potential benefits to the public and[, OR] would unreasonably burden the proposed project based on the percentage of total project costs;[,] and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

Façade, Building
A vertical wall plane of a building [STRUCTURE].

Family
One or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a roominghouse, club, fraternity house, or hotel.

FAR
See **Floor Area Ratio**

Feature, Architectural
See **Architectural Feature**

Fence
A constructed barrier which is erected to enclose, screen, buffer, enhance, or separate areas.

Page 763 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Fence, Open
A fence constructed with openings between materials used in its construction, such that [THREE-FOURTHS (]75 percent[%)] or more of a visual image or light source may be seen through the fence.

Fence, Ornamental
A fence that utilizes wood, metal, or other permanent materials and is primarily designed for its beauty, or for decorative purposes, although it may also serve other purposes, such as a screening structure. Ornamental fences do not include chain link fences.

Fence, Screening (Opaque)
A fence, including any gates, constructed of solid material, typically consisting of wood, through which no visual images or light sources may be seen.

Fence, Semi-Open
A fence constructed with openings between materials used in its construction, such that less than 75 percent[%] of a visual image or light source may be seen through the fence.

Fence, Sight Obscuring
A fence constructed such that less than 25 percent of a visual image or light source may be seen through the fence. Openings in such fence shall not exceed 25 percent in any one square foot of vertical surface area that is more than eight inches above grade.

Final Acceptance
Acceptance by the municipality, at the successful completion of the warranty period, of a public improvement, constructed under terms of a subdivision agreement or development agreement.

Flag
Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, corporate or commercial entity, or institution. A corporate or commercial, or institutional flag may only display the name, trademark, or logo of the business or institution on the parcel and such flag may not be used for other business or advertising purposes.

Flag Lot
See **Lot, Flag**

Fleet Vehicle
A group of vehicles owned or operated as a unit, used for operation of an establishment, and often parked and/or maintained on the premises. Examples include tow trucks, taxis, buses, limousines, commercial trucks or vans, and police and fire vehicles.

Flood and Flooding
A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters.
- The unusual or rapid accumulation or runoff of surface waters from any source.
- Mudslides that are proximately caused or precipitated by accumulations of water on or under the ground.
- The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tide surge, or by some similarly unusual or unforeseeable event which results in flooding as defined in this subsection.

Page 764 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Flood Insurance Rate Map (FIRM)
The official map on which the Federal Insurance Administration has delineated both areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study
The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary/floodway map, and the water surface elevation of the base flood.

Flood Hazard Area
Land adjacent to a watercourse that includes the streambed, floodway, flood fringe, and the floodplain.

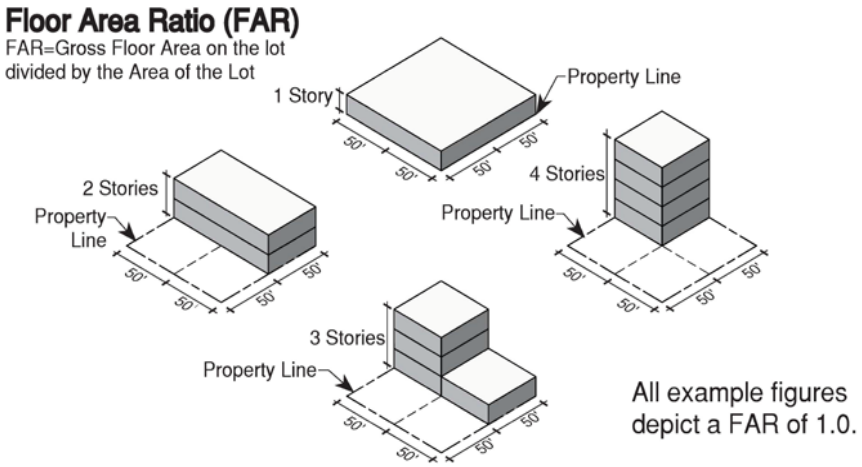
Floodplain
That area of land adjoining the channel of a river, stream or other similar body of water which may be inundated by a flood that can reasonably be expected to occur. The floodplain, shall include all the land within the limits of the 100-year flood, and the floodway within it if such floodway is delineated.

Floodproofing
Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, Regulatory
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The boundaries of this area shall be established on the basis of the maps and reports adopted by section 21.04.060D., *Flood Hazard Overlay Distric*t.

Floodway Fringe
That area of land lying between the outer limit of the regulatory floodway and the outer limit of the base flood elevation. The boundaries of this area shall be established on the basis of the maps and reports adopted by section 21.04.060D., *Flood Hazard Overlay District.*

Floor Area Ratio (FAR)
The ratio of the total [BUILDING] gross floor area of all building(s) on a lot, to the area of the [ITS] lot. Floor area ratio[AR] is calculated by dividing the total gross floor area of all buildings on a lot [OR PARCEL] by the area of the lot [OR PARCEL]. For example, a floor area ratio of 1.0 yields 12,000 square feet of building gross floor area on a lot with an area of 12,000 square feet. A floor area ratio of 2.0 on the same lot would yield 24,000 square feet of building gross floor area.



Page 765 ANNOTATION

Frontage, Lot: Moved from “Lot Frontage” and revised for accuracy.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

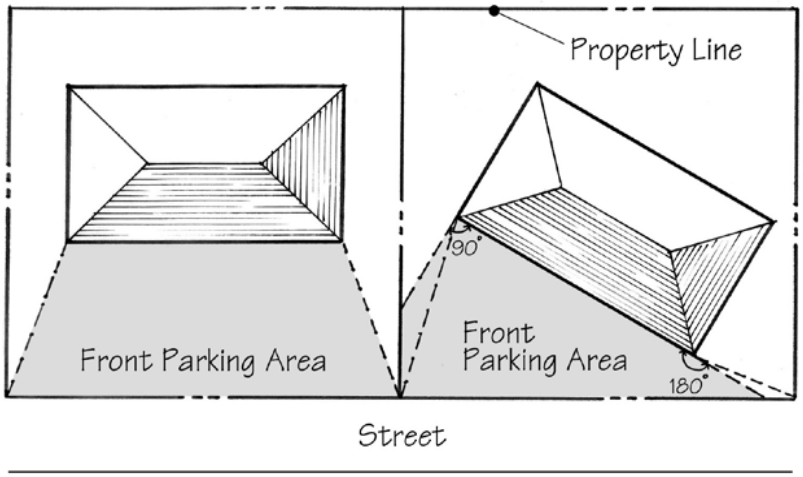
Tech Edit Addition
[TECH EDIT DELETION]

Floor Plate
The total indoor and outdoor horizontal floor area of any given story of a building, measured to the exterior of the wall, terrace, or balcony, and including the horizontal area of any open air interior space such as a multistory atrium that is open to the floor(s) below.

Footcandle
A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.

Fragment Lot
A division of a commercial tract for purposes of facilitating construction or financing of a commercial development requiring multiple phases of construction. The term "fragment lot" does not include properties outside of the boundaries of an approved commercial tract. Fragment lots may be described in metes and bounds descriptions.

Front Parking Lot [AREA]
The portion of a site's parking lot [AREAS] that is [ARE] between the façade of the principal building and an abutting street. The front parking lot [AREA] shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front façade of the building, creates an angle that is greater than 180 degrees, then the line shall be adjusted to create an angle of 180 degrees. If any such line, when connected to the plane of the front façade of the building, creates an angle that is less than 90 degrees, then the line shall be adjusted to create an angle of 90 degrees when connected to the plane of the front façade of the building. The front parking lot [AREA] includes all parking spaces that fall at least halfway into the boundaries of the front parking lot [AREA], and all parking spaces associated with any pad sites located within the front parking lot [AREA] boundaries.



Frontage
The edge of something, usually a lot, building, or parking lot, that abuts a street. Also see **Frontage, Lot**.

Frontage, Lot
All property abutting a street or road easement, measured as the uninterrupted length of the lot line along the right-of-way between the side lot lines of a lot. The measurement of lot frontage in the case of a corner lot shall extend to the point of intersection of the front lot lines abutting the rights-of-way. In no case shall the line along an alley be considered as frontage.

Frontage Road
A street adjacent to an arterial or higher order street that is intended to serve lots adjacent to the arterial.

Page 766 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Frontage, Street
See **Frontage, Lot**

Full Cutoff
See **Luminaire, Full Cutoff**

Full Membership
The total number of seats on a board or commission.

[GEOTECHNICAL ADVISORY COMMISSION
THE GEOTECHNICAL ADVISORY COMMISSION OF THE MUNICIPALITY.]

Glare
Lighting that causes visual discomfort or reduced visibility.

Grade
The elevation of the surface of the ground, paving, or sidewalk around a building or structure.

Grade, Existing
The elevation of the surface of the ground or paving around a building or structure, prior to land-disturbing activity or grading.

Grade, Finished
The final elevation of the surface of the ground or paving around a building or structure, after grading or completion of a development.

Grade Plane
The reference plane representing the average grade around a structure, as measured in subsection 21.06.030D., which is used to determine the height of the structure. [ELEVATION OF THE HIGHEST ADJOINING SIDEWALK OR GROUND SURFACE WITHIN A FIVE-FOOT HORIZONTAL DISTANCE FROM THE EXTERIOR WALL OF THE BUILDING, WHEN SUCH SIDEWALK OR GROUND SURFACE IS NOT MORE THAN TEN FEET ABOVE LOWEST GRADE WITHIN A FIVE-FOOT HORIZONTAL DISTANCE FROM THE EXTERIOR WALL OF THE BUILDING OR;

AN ELEVATION TEN FEET HIGHER THAN THE LOWEST GRADE WHEN THE SIDEWALK OR GROUND DESCRIBED ABOVE, IS MORE THAN TEN FEET ABOVE THE LOWEST GRADE. (ILLUSTRATION)]

Grading
Any stripping, cutting, excavation, filling, or stockpiling of earth or land, including the land in its cut or filled conditions, to create a new grade.

[GREENBELT
A LINEAR OPEN SPACE ESTABLISHED ALONG EITHER A NATURAL CORRIDOR, SUCH AS A RIVERFRONT, STREAM VALLEY, OR RIDGE LINE, OR OVER LAND ALONG A RAILROAD UTILITY CORRIDOR CONVERTED TO RECREATIONAL USE, A CANAL, A SCENIC ROAD, OR OTHER ROUTE.]

Grid
The 100-scale grid designation as established by the municipality.

Gross Floor Area
The total horizontal area of all of the floors of a building, measured [FROM EXTERIOR] to the exterior of the wall, including [INTERIOR BALCONIES,] mezzanines, stairwells, hallways, elevator shafts, and ventilation shafts, etc.

Page 767 ANNOTATION

Hard Surfaced: Assembly Title 21 Committee requested the addition of “recycled asphalt”.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Ground Cover
Grasses or other low-growing plants and landscaping.

Ground Floor [LEVEL]
That portion of a building that is the first story above grade plane.

Ground Floor [LEVEL] Wall Area
Exterior wall areas up to the ceiling height of the first floor, or 10[9] feet above finished grade, whichever is less.

Grubbing
Removal, by any method, of stumps, roots, and vegetative matter from the ground surface [AFTER CLEARING], exposing bare soil.

Guest
Any person hiring or occupying a room for living or sleeping purposes.

Guest Parking Space
See **Parking Space, Guest**

Guestroom
A room intended or designed to be used for sleeping purposes.

Habitable Floor Area
In the case of residential uses, habitable floor area means floor area designed and used for living, sleeping, eating or cooking, or combinations thereof. Bathrooms, closets, storage rooms, unfinished attics, utility spaces and similar areas are not considered habitable floor area. In the case of non-residential uses, habitable floor area means building space, such as office, industrial or retail floor space, which use involves human presence, excluding parking garages, storage facilities, utility rooms, bathrooms, or display windows separated from retail activity.

Hard Surfaced
Covered with a material that provides a flat and stable surface. Concrete, asphalt, brick pavers, large stone pavers, and wood pavers are examples of hard surfacing. Gravel, river rock, mulch, and bare dirt are not hard surfacing.

Hardscape
For the purposes of the exterior lighting section in 21.07.100, paved areas of a site, including but not limited to parking lots, driveways, plazas, sidewalks, steps, and similar construction.

Hardscape Area
For the purposes of the exterior lighting section in 21.07.100, area in square feet of all hardscape including any medians, walkways, and landscape areas 10 feet or less in width within the hardscape area, which is used to calculate allowed lumens for the complete site method.

Hardscape Perimeter
For the purposes of the exterior lighting section in 21.07.100, perimeter in linear feet of all site hardscape plus perimeter of landscape areas, buildings, and structures that are greater than 10 feet in width, which is used to calculate allowed lumens for the complete site method.

Height (as used in section 21.04.060C., *Airport Height Overlay District*)
For the purpose of the airport height map, the distance above mean sea level, unless otherwise specified.

Height
When viewed from the front of an object or a three-dimensional space, the measurement of the vertical distance from a horizontal plane to another horizontal plane.

Page 768 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Height, Building
The height of a building as measured in subsection 21.06.030D. [VERTICAL DISTANCE ABOVE A GRADE PLANE MEASURED TO THE HIGHEST POINT OF A FLAT ROOF, NOT INCLUDING A PARAPET, OR TO THE DECK LINE OF A MANSARD ROOF, OR TO THE MIDPOINT OF THE HIGHEST GABLE OF A PITCHED OR HIPPED ROOF.]

High Rise
A building or portion of a building that exceeds 75 feet in building height.

Household
A domestic unit consisting of a person or group of people who share living arrangements. Members of a household have [THE MEMBERS OF A FAMILY WHO LIVE TOGETHER ALONG WITH ANY NON-RELATIVES AND HAVING] common access to, and common use of, all living areas and all [AREAS AND] facilities [FOR THE PREPARATION AND STORAGE OF FOOD] within the dwelling unit. A household occupies a single dwelling unit, so that its members live and eat separately from any other persons in the building, and have access to the outside of the building either directly or through a common hall.

Housing, Affordable
Housing that has a sales price or rental amount that is within the means of a household with a low or moderate income as defined by federal code. In the case of dwelling units for rent, affordable housing means housing for which the rent and utilities constitute no more than 30 percent of the gross annual income of households earning less than 80 percent of the median annual income adjusted for household size, as determined by the Federal Department of Housing and Urban Development. In the case of dwelling units for sale, affordable housing means housing for which principal, interest, taxes, insurance, homeowners association fees, and assessments are no more than 30 percent of the gross annual income of households earning less than 80 percent of the median annual income, adjusted for household size, as determined by the Federal Department of Housing and Urban Development. [HOUSING RENTING FOR A MONTHLY RENT OF NOT MORE THAN 30% OF THE TOTAL MONTHLY HOUSEHOLD INCOME OF LOW-INCOME HOUSEHOLDS OR HOUSING THAT MAY BE PURCHASED WITH MONTHLY PAYMENTS INCLUDING: PRINCIPAL, INTEREST, TAXES, INSURANCE, HOMEOWNERS ASSOCIATION FEES, AND ASSESSMENTS THAT DO NOT ADD UP TO MORE THAN 30% OF THE TOTAL MONTHLY HOUSEHOLD INCOME OF LOW INCOME HOUSEHOLDS. LOW INCOME HOUSEHOLDS ARE DEFINED TO BE A HOUSEHOLD EARNING LESS THAN 80% OF THE MEDIAN ANNUAL INCOME FOR THE ANCHORAGE METROPOLITAN STATISTICAL AREA (MSA), ADJUSTED FOR HOUSEHOLD SIZE, AS DETERMINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. A DEED RESTRICTION ENSURES THE PRESERVATION OF THE AFFORDABLE HOUSING UNIT AS AN OBLIGATION THAT RUNS WITH THE LAND AND IS BINDING ON SUBSEQUENT OWNERS FOR THE LIFETIME OF THE UNIT OR BUILDING.]

Housing, Senior
Senior housing is defined as follows, or according to successor portions of the federal code of definitions as adopted by the planning department. Housing that is (a) provided under any State or Federal program that the Federal Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal programs); or (b) intended for and solely occupied by persons 62 years of age or older; or (c) intended and operated for occupancy by persons 55 years of age or older and at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older. A housing facility or community meets the definition of category (c) only if it publishes and adheres to policies and procedures that demonstrate the intent of category (c), and complies with rules issued by the Federal Department of Housing and Urban Development for verification of occupancy (which shall provide for verification by reliable surveys and affidavits) and includes examples of the types of policies and procedures relevant to a determination of compliance with such rules issued by the Federal Department of Housing and Urban Development. [HOUSING DESIGNED FOR, AND OCCUPIED BY AT LEAST ONE PERSON 62 YEARS OF AGE OR OLDER PER DWELLING UNIT, AND WHICH HAS SIGNIFICANT FACILITIES AND SERVICES

Page 769 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

SPECIFICALLY DESIGNED TO MEET THE PHYSICAL OR SOCIAL NEEDS OF OLDER PERSONS AS DESCRIBED IN §100.306, "SIGNIFICANT FACILITIES AND SERVICES SPECIFICALLY DESIGNED FOR OLDER PERSONS," 24 C.F.R. PART 100 (DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT – HOUSING FOR OLDER PERSONS) OR ANY AMENDMENTS THERETO.]

IESNA
Illuminating Engineering Society of North America.

Illuminance
The measure of light intensity striking a surface, measured in footcandles.

Impervious (or Impermeable) Surface
A surface that permits insignificant or no infiltration of runoff water over the duration of a single rainfall or water runoff event; any surface with little or no capacity to transmit water. [AN AREA OF GROUND THAT, BY REASON OF ITS PHYSICAL CHARACTERISTICS OR THE CHARACTERISTICS OF MATERIALS COVERING IT, DOES NOT ABSORB RAIN OR SURFACE WATER. ALL PARKING AREAS, DRIVEWAYS, ROADS, SIDEWALKS, AND WALKWAYS, WHETHER PAVED OR NOT, AND ANY AREAS COVERED BY BUILDINGS OR STRUCTURES, CONCRETE, ASPHALT, BRICK, STONE, WOOD, CERAMIC TILE, OR METAL, SHALL BE CONSIDERED TO BE IMPERVIOUS SURFACES.]

Improvement Areas
Portions of the municipality divided up into geographic areas for the purposes of determining public improvement requirements and providing public services.

Improvements
Any construction incident to servicing or furnishing facilities for a subdivision, such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, waterways, lakes, bays and other appropriate items with an appurtenant construction.

Industrial
An activity which may involve [INCLUDING] manufacturing, processing, warehousing, storage, distribution, shipping, and/or other related or similar uses.

[INDUSTRIAL DEVELOPMENT
A PLANNED INDUSTRIAL AREA DESIGNED SPECIFICALLY FOR INDUSTRIAL USE.]

Initial Lamp Lumens
Lumen rating of a lamp when the lamp is new and has not depreciated in light output (rated lamp lumens). Light loss factor equals 1.0.

Inside Dimension
The minimum [INSIDE] dimensions of an area or space such as a private open space or parking space, [DO] not including [INCLUDE] the width of walls, fences, railings, or other physical boundaries defining the perimeter of the area. For example, a private open space with a minimum inside dimension of 15 feet is such that a 15 by 15 foot square will fit entirely within it.

Joint Trench
A trench excavated for the underground placement of utility distribution lines owned or operated by two or more utilities.

Junk
Any worn-out, wrecked, scrapped, partially or fully dismantled, discarded tangible material, or combination of materials or items, including junk vehicles as defined in section 15.20.010. Also included are machinery, metal, rags, rubber, paper, plastics, chemicals, and building materials which cannot, without further alteration and reconditioning, be used for their original purpose.

Page 770 ANNOTATION

Legal Access: Revised for accuracy.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

LED
See **Light Emitting Diode**

Land-Disturbing Activity
Any use of the land by any person for any activity that results in a change in the natural cover or topography and that may cause or contribute to sedimentation or other forms of environmental degradation. [WITHIN WATERSHED MANAGEMENT AREAS, LAND-DISTURBING ACTIVITY SHALL INCLUDE THE CLEAR CUTTING OF TREES UNLESS SPECIFICALLY EXEMPTED BY THIS TITLE.]

Landowner
Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner. The person shown on the records at the Anchorage recording district shall be presumed to be the person in control of the property.

Landscaping
Trees, shrubs, ground covers, and related improvements, including furniture and other facilities intended to enhance public activity spaces both within and outside the affected development. This definition shall include spaces of varying degrees of enclosure from interior spaces to transitional spaces and outdoor spaces.

[LANDSCAPING MAINTENANCE
INCLUDES BUT IS NOT LIMITED TO APPROPRIATE WATERING, PRUNING, WEEDING, INSECTICIDE SPRAYING, FERTILIZING, PLANT REPLACEMENT, AND OTHER NECESSARY FUNCTIONS AS REQUIRED TO KEEP ALL PLANT MATERIALS IN A VIGOROUS HEALTHY GROWING CONDITION.]

Large Domestic Animal
Domestic or semi-domestic animals such as horses, ponies, miniature ponies, cows, pigs, llamas, musk oxen, and other similar animals of similar size, but not dogs (canis familiaris).

Legal Access
Having legal access means abutting a vehicular right-of-way [BEING CONTIGUOUS TO A ROADWAY AS DESCRIBED IN AMC SECTION 9.04.010].

Legal Nonconforming Status
A state or condition where a documented nonconforming use, structure, lot, or sign, is allowed to remain and be maintained pursuant to chapter 21.12, *Nonconformities*.

Light Emitting Diode (LED)
A semiconductor device that emits visible light when an electric current passes through it.

Light Trespass
Unwanted light that falls on neighboring properties or produces glare or distraction for observers away from the area for which the light is intended (also called “nuisance glare”).

Loading Space, Off-Street
A space located on premises for pickup and delivery at the premises.

Lot
A unit of land within a subdivision, bounded by streets and/or other lots, that is described and fixed [PARCEL OF LAND SHOWN AS AN INDIVIDUAL UNIT] on the most recent plat of record. [THE TERM “LOT” INCLUDES “PLOT," "PARCEL," OR "TRACT."]

Lot Area
The amount of horizontal land area contained inside the lot lines of a lot or site.

Page 771 ANNOTATION

Lot Line, Front: Revised for accuracy.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Lot Coverage
That percentage of the total lot area covered by buildings, except as provided in subsection 21.06.030B.2., *Structures Not Considered in Measuring Lot Coverage.*

Lot, Corner
A lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Lot, Depth of
The mean horizontal distance between the front and rear property lines of a lot, measured in the general direction of its side property lines between the midpoint of such lines, except that such measurement shall not extend outside the lot lines of the lot being measured.

Lot, Flag
An irregularly shaped lot in which the buildable section typically has no street frontage, but has an arm that provides street access, called the "flag pole." The width of the arm does not meet the minimum lot width standards in the zoning district in which it is located.

[LOT, FRONT
THE FRONT OF A LOT SHALL BE CONSTRUED TO BE THE PORTION NEAREST THE STREET.]

Lot Frontage
See **Frontage, Lot**
ALL PROPERTY ABUTTING THE RIGHT-OF-WAY OF A DEDICATED STREET, PRIVATE STREET, OR ROAD EASEMENT, MEASURED ALONG THE RIGHT-OF-WAY BETWEEN SIDE LOT LINES OF A LOT. IN NO CASE SHALL THE LINE ALONG AN ALLEY BE CONSIDERED AS LOT FRONTAGE.]

Lot, Interior
A lot other than a corner lot, with frontage only on one street.

Lot Line
The fixed boundaries or property lines of a lot described by survey located on a plat filed for record.

Lot Line, Front
Any [THAT] boundary line of a lot [MEASURED] along the edge of a [THE] right-of-way of a dedicated street, private street or road easement that abuts that line. [IN THE CASE OF A CORNER LOT, ALL LINES THAT MEET THIS DESCRIPTION ARE FRONT LOT LINES.]

Lot Line, Rear
That boundary of a lot that is most parallel to the front lot line and does not intersect the front lot line.

Lot Line, Side
That boundary of a lot that is neither a front or rear lot line.

Lot Line, Street
A lot line abutting a street.

Lot, Nonconforming
A lot that met all legal requirements when it was platted or otherwise recorded but that does not comply with the minimum lot area or minimum lot dimensions of this title, or a subsequent amendment hereto, for the zoning district in which it is located.

Lot of Record
A lot that is recorded by the district recorder's office.

Page 772 ANNOTATION

Lowest Floor: Error correction.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Lot, Double-Frontage
A lot other than a corner lot with frontage on more than one street.

Lot, Townhouse
A lot subdivided for a townhouse use [THE PURPOSES OF ACCOMMODATING TOWNHOUSE-STYLE ATTACHED SINGLE-FAMILY RESIDENTIAL DWELLING UNITS].

Lot Width
The distance between straight lines connecting the front and rear lot lines at each side of the lot, measured between the midpoints of such lines, provided that such measurement shall extend to the side property lines and shall not extend beyond the lot lines of the lot being measured. Flag-shaped lot width shall be measured at the midpoint of the lot excluding the flagpole area of the lot.

Lowest Floor
The lowest floor of the lowest enclosed area, including basement or crawl space. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in any area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable [APPLICATION] nonelevation design requirements of section 21.04.080D.

Lumen
The unit of luminous flux (radiant energy): a measure of the amount of light emitted by a lamp. See also **Illuminance**

Luminaire
A complete lighting unit consisting of one or more electric lamps, the lamp holder, reflector, lens, ballast, and/or other components and accessories.

Luminaire, Full Cutoff
A luminaire emitting a light distribution where zero candela intensity occurs at or above an angle of 90 degrees above nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10 percent[%]) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

Luminance
The luminous intensity (photometric brightness) of a light source or reflecting surface, measured in candelas per square meter.

M.A.S.S.
An abbreviation for the "*Municipality of Anchorage Standard Specifications*," which is a manual that identifies the approved common construction practices associated with subdivision development and public works projects.

Maintenance Easement
An easement on [APPURTENANT TO] a lot or parcel permitting entry to that [UPON ANOTHER] lot or parcel for the purpose of maintaining, repairing, or reconstructing a structure or other feature on the [FORMER] lot or parcel, or an abutting lot or parcel.

Major Drainageway
That portion of any drainageway, constructed or natural, that either does, or will under full development, carry a significant peak flow; all ephemeral channels are major drainageways; [STREAMS AND] all constructed or natural drainageways with total contributing areas larger than 40 acres are major drainageways.

Page 773 ANNOTATION

Manufactured Home Community: Revised to allow two mobile homes on a lot—a manufactured home community would start at three.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Manual of Uniform Traffic Control Devices (MUTCD)
The most current manual or successor document(s) addressing the design and use of traffic control devices, as published, amended and/or interpreted by the U.S. Department of Transportation.

Manufactured Home
A transportable, factory-built dwelling unit constructed after June 15, 1976, in conformance with the [ENTIRELY IN A CONTROLLED FACTORY ENVIRONMENT, BUILT TO THE] federal Manufactured Home Construction and Safety Standards, as evidenced by an affixed certification label in accordance with 24 CFR 3280.11 [(AKA HUD CODE)].

Manufactured Home Community
A parcel, or contiguous parcels, of land which is used for occupancy by more than two [DIVIDED INTO TWO OR MORE] mobile homes or manufactured homes [LOTS FOR RENT OR SALE].

Maximum Extent Feasible
That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. "Feasible and prudent" means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent."

Mean Sea Level
The average height of the sea for all states of the tide. Datum is Greater Anchorage Area Borough, Post Quake, U.S. Geodetic Survey of 1972.

Mechanical Penthouse
An enclosed structure above the roof of a building used exclusively for the shelter of mechanical equipment or shelter of vertical shaft openings in the roof.

Minor Amendment
An amendment to an approved permit or other form of approval granted under this title that involves a relatively small[ER] amount of change from the original approval. Specific rules for granting minor amendments are set forth in chapter 21.03, *Review and Approval Procedures*.

Minor Modification
A minor deviation from otherwise applicable standards of this title approved under section 21.03.120.

Mixed-Use
A single building containing more than one classification of land use (residential, office, retail, institutional, etc.) or a single development of more than one building and use, where the uses of different classifications (residential, office, retail, institutional, etc.) are in a compact urban form, planned as a unified complementary whole, and functionally integrated to facilitate the use of shared vehicular and pedestrian access and parking lots.

Modify Fuels
Reduce the amount of non-fire-resistant vegetation or alter the type of vegetation to reduce the fire risk.

Monument
A permanent survey control point.

Mounting Height
The height of a luminaire above grade.

Multimodal
Having or involving more than one mode of transportation.

Page 774 ANNOTATION

National Electrical Safety Code: New definition for clarity.

Municipal Attorney
The official legal representative for the municipality.

Municipal Engineer
The chief engineer of the municipality; often the director of the public works department.

Municipality
The municipality of Anchorage.

National Electrical Safety Code
The most current national electrical safety code or successor code, as published, amended, and/or interpreted by the federal government.

New Structures (as used in section 21.04.060D., *FHO: Flood Hazard Overlay District*)
Structures for which the start of construction commenced on or after September 25, 1979. The start of construction means the first placement of a permanent foundation and appropriate structural framing.

Nonconforming Lot
A lot, the area and/or dimensions of which were lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fail by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Structure
A structure or building, the size, dimensions, and/or location of which were lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fail by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

Nonconforming Use
A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconformity
Any legally approved structure, lot, sign, or use of land that no longer conforms with the requirements of this title.

Nursing Facility
Has the same meaning as set forth in Alaska Statutes chapter 18.20.

OS&HP
Official Streets and Highways Plan.

Obstruction (as used in section 21.04.060D., *FHO: Flood Hazard Overlay District)*
Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the material downstream to the damage of life or property.

Off-Street
Located outside the street or the right-of-way of a street.

On-Site Remediation
Removal of volatile and semi-volatile contaminants from soils, sediments, slurries and filter cakes within 300 feet of the location where the material was originally contaminated.

Page 775 ANNOTATION

Owner: Revised for accuracy.

Parcel: Revised for accuracy.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Open Space, Common
Open space for the common use and enjoyment of the owners and occupants of the subdivision, building, planned unit development or condominium. Common means shared by all tenants and is distinguished from space designated for private use.

Ordinary High Water Mark (OHWM)
The line on a shore or bank of a body of water established by the normal fluctuations of water and indicated by a relatively abrupt change in observable physical, hydrologic, and biologic characteristics above and below the line. For a stream or lake the OHWM is approximately equivalent to the 'bank.' For a marine shoreline, the OHWM is approximately equivalent to the 'mean high water line.' In all cases, an appropriate mix of indicators used to establish the OHWM at a particular location are selected using means and methods that consider the type of water body and the characteristics of the surrounding area.

Outdoor Trash Container
A container used for the temporary storage of rubbish, pending collection, that is stored outside of a walled structure for one or more nights per week.

Overlay District
A unique set of zoning regulations that are superimposed on one or more established zoning districts and shown on the zoning map, and subsequently impose additional or replacement [IN ADDITION TO OR IN PLACE OF THE] regulations to those of the underlying district. The overlay district may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of site or architectural design program. Developments within an overlay district must conform to the requirements of the underlying district as modified by the overlay district and as set forth in the enacting ordinance.

Owner
Any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others:

1) Has legal or equitable title to any parcel, premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or

2) Has charge, care, or control of any parcel, premises, dwelling, or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the district recorders office of the state of Alaska to be the owner of a particular property shall be presumed to be the person in control of that property.

Parapet
A low, protective wall at the edge of a roof that is part of an exterior wall, fire wall, or party wall that rises above the roof.

Parcel
A generic descriptive term used to refer to a lot, a tract, a group of lots and/or tracts, or a contiguous quantity of land, under the same ownership. [SEE **LOT]**

Parking Angle
The angle formed by a parking space and the wall or centerline of the facility, ranging from ninety degrees (perpendicular) to zero [THIRTY] degrees (parallel).

Parking Bay
A [THE] section or module of a parking facility that consists of [CONTAINING] a parking [DRIVING] aisle and a [ONE OR TWO] row[S] of parking spaces on one or both sides of the aisle. Parking bays are not loading berths.

Page 776 ANNOTATION

Parking, On Street: Revised to standardize the terminology.

Parking Space, Guest: To remove a substantive requirement from the definition of this term which is used in the parking requirements section.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Parking Cash Out
Allowing commuters to choose cash instead of a free parking space. For example, a commuter who is offered a parking cash-out might be able to choose to receive $50 per month in cash if they use an alternative mode besides a single-occupancy vehicle.

[PARKING, COMMERCIAL
PARKING OPERATED AS A COMMERCIAL ENTERPRISE FOR WHICH USERS PAY A DIRECT FEE.]

Parking District, Municipally Recognized
An area recognized or designated by the municipal Assembly in which a central authority such as an area improvement district or a parking authority supplies one or more centralized parking facilities, manages the parking supply and/or implements other parking management strategies to serve the area, rather than each individual development site having to supply all of its own parking.

Parking Facility
An area for off-street parking of motor vehicles, either a surface parking lot or structured parking, and including associated driveways, circulation and parking aisles, parking spaces, queuing lanes, and passenger loading areas.

Parking Lot
An at-grade, surface parking facility built directly on the ground. [AREA FOR PARKING MOTOR VEHICLES.]

Parking, On Street [CURB]
Parking spaces within the street or street right-of-way and abutting the curb of a street.

Parking, Shared
A parking facility that serves multiple uses or destinations.

Parking Space
A space for the parking of one automobile.

Parking Space, Bicycle
An area and facility such as a rack or locker used for parking and securing one bicycle.

Parking Space, Guest
A parking space that is intended for use by guests in a residential development, and not exclusive to or physically associated with any individual dwelling.

Parking, Stacked
Vehicles parked one above the other using a mechanical car stacker.

Parking Structure, Automated
A parking structure operated by automatic mechanical parking equipment such as automobile elevator or lift systems.

Parking, Structured
A parking facility that is a multistory building or structure, under a building or structure, or a portion of a building, such as occupying a story within a multifamily building. Structured parking may be either on, above, or below grade.

[PARKING, SURFACE (OR **PARKING LOT**)
A PARKING FACILITY BUILT DIRECTLY ON THE GROUND.]

Parking, Tandem
One vehicle parked behind another.

Page 777 ANNOTATION

Pedestrian Feature: To standardize the definition providing in one place the various types of objects which are considered a pedestrian feature. Pedestrian features count as optional menu choices and bonus incentives used in the title 21 rewrite. By providing this list of features here, it does not have to be repeated every time "pedestrian feature" appears as a menu choice or bonus incentive.

Pedestrian Movement Zone: To define the parts of an enhanced sidewalk used in the code.

Pedestrian Oriented: The first wording change in the paragraph is to avoid confusion with the term "pedestrian feature" defined above, which has its own distinct meaning and usage in the code.

The second wording change is to intentionally refer to the term "pedestrian feature" defined above.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Parking, Unbundled
Parking rented and sold separately from building space, so occupants only pay for the amount of parking they want.

Party of Interest
The applicant, the owner of the subject property, the owner of property within the notification area for the subject application, and anyone that presented oral testimony at a public hearing or written testimony on the application.

Pathway
A stable surface, usually paved, located along a roadway, for multiple pedestrian and non-motorized uses and purposes.

Pedestrian Feature
A permanent object that provides pedestrians with increased convenience, comfort, and utility, and which is publicly accessible and not limited to a tenant or establishment such as seating for a restaurant. Pedestrian features include:

- Seating such as benches accommodating several people;
- Secondary/informal seating opportunities such as steps, pedestals, low walls, or edges of fountains, accommodating several people;
- A space for standing with objects to lean against, such as bollards, short fences, or irregular building facades, accommodating several people;
- A tree or raised planter;
- A work of art such as a water feature, sculpture, cultural exhibit, or clock feature;
- A winter city feature such as a wind screen, or outdoor stove or space heater; or
- Other object supporting pedestrian utility, such as a gazebo or kiosk.

Pedestrian Movement Zone
The middle portion of an enhanced sidewalk, located between the sidewalk's street interface and building interface zones. The pedestrian zone provides for the primary function of sidewalks, and is kept clear of any obstructions to pedestrian movement.

Pedestrian Oriented
A characteristic of a development or district that emphasizes the street sidewalk and/or connecting pedestrian access to the site and building(s), such that a person can comfortably walk from one location to another, and optional pedestrian activities such as strolling, window shopping, or relaxing can take place. Pedestrian oriented characteristics include: buildings placed within a short setback distance from the sidewalk; primary entrances and windows on building facades which face the street; a mix of civic, commercial, and/or residential uses; shared open spaces and plazas; architectural details and visual interest at the pedestrian scale; pedestrian features such as wide walkways, seating, bicycle facilities, public art, landscaping, lighting, and wayfinding signs; and northern climate features such as atriums, canopies, transit shelters, wind protection, and orientation for sunlight access.

[PERMEABLE SURFACE
AN AREA OF GROUND THAT, BY REASON OF ITS PHYSICAL CHARACTERISTICS AND THE CHARACTERISTICS OF MATERIALS COVERING IT, IS ABLE TO ABSORB RAIN OR SURFACE WATER AT A RATE EQUAL OR GREATER THAN THAT OF LAWN TURF. EXAMPLES INCLUDE NATURAL VEGETATION, LAWN TURF, LANDSCAPE BEDS, GARDENS, MULCH, DECORATIVE GRAVEL, AND SOME TYPES OF POROUS PAVEMENTS.]

Page 778 ANNOTATION

Pharmacy: New definition requested by the Assembly Title 21 Committee

Physical Access: Revised for accuracy.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Permit, Building
A land use permit issued by the municipality pursuant to the municipal code and the [STATE] building code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement, conversion, remodeling, demolition, moving, or repair of a building or structure within the building safety service area.

Permit, Land Use
An official document issued by the municipality pursuant to this title required for the erection, construction, establishment, moving, alteration, enlargement, repair, placement, or conversion of any building, structure, or land in any district established under this title.

Permit, Sign
An official document issued by the municipality pursuant to this title required for the construction, installation, maintenance, and operation of signs within the municipality.

Permit, Flood Hazard
An official document issued by the municipality pursuant to this title for uses, structures, or activities listed in the floodplain regulations.

Person
Any individual, lessee, firm, partnership, association, joint venture, corporation, or agent of the aforementioned groups, or the state of Alaska or any agency or political subdivision thereof.

Pharmacy
An establishment offering only to prepare, preserve, compound, and dispense prescribed and nonprescribed medication and drugs, medical supplies, and health care items.

Physical Access
For the purposes of chapter 21.08, having physical access means being adjacent to a street [ROAD] suitable for travel by passenger automobiles that is connected to the publicly dedicated and improved transportation network of the municipality.

Pillow
A sleeping accommodation for one person.

Plan, Landscape
A plan, drawn to scale, showing dimensions and details of the portion of a site devoted to planting materials and their maintenance.

Plan, Master
The maps, illustrations, and supporting text associated with a planned development which conveys the allowable uses, densities, non-residential intensities, and arrangement of uses within the boundaries of the planned development along with any associated conditions, phasing schedules, and other agreements.

Plan, Site
A plan depicting the proposed development of a property, in terms of the location, scale, and configuration of buildings, uses, and other features containing all the information required by this title. A site plan may include but is not limited to lot lines, adjacent lots and streets, building sites, required [RESERVED] open space, buildings, interior vehicular, [AND] pedestrian, and bicycle access, parking lot design (calculations and layout), signage, lighting, [AND] screening devices, existing and proposed landscaping, topography, drainage, and, depending on requirements, floor plans, building elevations and locations of proposed utility services and lines, and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Page 779 ANNOTATION

Primary Pedestrian Walkway: Definition requested by the Assembly Title 21 Committee.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Plan, Subdivision
A proposed plan of development to establish a subdivision that contains all information such as lot lines, streets, easements, and other features required by this title.

Planning Commission
The planning and zoning commission of the municipality.

Plat
A map and associated text [DOCUMENT] prepared by a registered surveyor that delineates property lines and related information, prepared in compliance with the regulations of this title. [REPRESENTING A TRACT OF LAND SHOWING THE BOUNDARIES AND LOCATION OF INDIVIDUAL PROPERTIES, STREETS, AND OTHER RELATED ITEMS FOR IDENTIFYING PROPERTY.]

Plat, Final
A map and associated text of a subdivision of land, meeting all the requirements of this code, and [MADE UP IN FINAL FORM] ready for approval and recording.

Plat, Preliminary
A map and associated text prepared by a registered surveyor showing the required [SALIENT] features of a proposed subdivision of land and submitted to the platting authority for purposes of preliminary consideration and approval.

Platting Authority
The platting officer, municipal platting board, [DIRECTOR,] or any other board so designated by the assembly.

[PLOT
SEE **LOT]**

Porch
A covered or partially enclosed exterior entrance space projecting from the façade of a building, having a floor and roof, and forming a covered approach or vestibule to an entrance doorway. The front of the porch is open, with only supporting posts, railings, and roof, or partially enclosed with solid walls or railings up to 36 inches high measured from the floor of the porch.

Pre-Application Conference
A meeting between an applicant and the municipal staff intended to familiarize both parties with conceptual plans or proposals presented by the applicant and applicable code provisions.

Primary Pedestrian Walkway
A walkway meeting the standards of subsection 21.07.060F.4.

Principal Building/Structure
A building/structure in which is conducted the main use of the lot on which the building/structure is located.

Prisoner
The same meaning as defined in AS 33.30.901 as to state prisoners, and includes persons convicted of a felony described in AS 11.41, *Offenses Against the Person*, in Alaska or of an offense with the same or substantially similar elements in another jurisdiction until they have successfully completed all conditions of parole and probation and are no longer under the supervision of the court, the Alaska department of corrections, another state or municipal agency, or contractor to those entities. The term "prisoner" also includes federal offenders in the custody, control or under the care of supervision of the United States attorney general or the bureau of prisons.

Page 780 ANNOTATION

Public Use Easement: This concept is covered by the definition of "easement". The various definitions involving easements, dedications, and rights-of-way were revised with the help of the municipal surveyor.

Quonset Hut: PZC recommended defining this term less broadly.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Private Enforcement Action
A process by which a private individual, homeowner's association, or community council can request that the administrative hearings officer hear and investigate charges that another person or owner of land has violated the requirements of this title.

Profession
An occupation, such as law, medicine, or engineering, which requires considerable training and specialized study.

Projection, Wall Plane
A portion of a building wall—i.e., a wall plane or façade wall—that extends outward beyond the face of the adjacent wall plane or façade wall on the building, so as to create articulation of the building wall.

Property Line
A demarcation limit of a lot dividing it from right-of-way, or other lots or parcels of land.

Public Enforcement Action
An action brought by the municipality against owners or users of land for violating the provisions of this title.

Public Facility
Any buildings and structures (including streets and highways) owned or leased by a government agency not exempt by law from municipal land use regulation

[PUBLIC USE EASEMENT
A RIGHT OF USE OVER PORTION(S) OF REAL PROPERTY GRANTED BY A PROPERTY OWNER FOR SPECIFIC PRESENT OR FUTURE USES OF LAND BY THE PUBLIC, OR GOVERNMENTAL ENTITY, THAT IS RESERVED, CONVEYED, OR DEDICATED THROUGH THE RECORDING OF A PLAT, DEED, OR EASEMENT DOCUMENT.]

Public Utility
Any person or organization subject to regulation under AS 42.05.

Publicly Accessible
Open to the general public during regular business hours.

Quonset Hut
A prefabricated structure usually made of corrugated metal, in the shape of a longitudinal half cylander.

Recess, Wall Plane
A portion of a building wall—i.e., a wall plane or façade wall—which is set back from the adjacent wall plane or façade wall on the building, creating articulation of the building wall.

Record of Survey Map
A map prepared by a professional land surveyor that reestablishes survey controls, boundaries, locations of improvements, or the alignment of right-of-ways for recording.

Recreational Vehicle
A vehicle [VEHICULAR TYPE UNIT] primarily designed as temporary living quarters for travel, camping, recreational, or vacation usage, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, pickup truck camper, fifth-wheel, and motor home.

Redevelopment
The [REMOVAL AND REPLACEMENT,] rehabilitation, [OR] adaptive reuse, or removal and replacement of an existing structure or structures, or of land from which previous improvements have been removed.

Page 781 ANNOTATION

Right-of-Way: Revised for accuracy with the assistance of the municipal surveyor.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Reflectance
The fraction of solar radiation reflected by a material.

Regulatory Floodway
See **Floodway, Regulatory**

Reinforcement
Repair, replacement, or addition of a crossarm, guy, pole, stub, or conductor for a utility distribution facility.

Relocation (as used in section 21.07.050, *Utility Distribution Facilities*)
A change in alignment of more than six spans.

Reserve Strips
Narrow strips of privately-owned land adjacent and parallel to a street.

Residential
Activity involving the occupation of buildings for living, cooking, sleeping, and recreation.

Residential Subdivision
A subdivision, or that part of a subdivision, in a residential [THAT IS WITHIN AN R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-3, R-4, R-4A, R-5, R-6, R-7, R-8, R-9, R-10 OR TA] zoning district.

Restoration
Putting or bringing back into a former, normal, or unimpaired state or condition.

Rezonings (Zoning Map Amendments)
An amendment to the official zoning map [AND/OR TEXT OF THIS TITLE] to effect a change in the boundaries of any zoning district or the zone classification of any parcel of land in the municipality.

Right-of-Way
A defined area of land, reserved or dedicated for a street, alley, walkway, trail, utility, or other public purpose. [STREETS, AVENUES, WAYS, BOULEVARDS, DRIVES, CIRCLES, COURTS, ALLEYS, SIDEWALKS, WALKWAYS, TRAILS, AND OTHER SUCH AREAS GRANTED OR DEDICATED FOR THE USE OF THE PUBLIC FOR THE PLACEMENT OF UTILITIES AND/OR FOR THE PASSAGE OF VEHICLES AND/OR PEDESTRIANS, INCLUDING THE SPACE ABOVE AND BENEATH SUCH AREAS.]

Roof
The cover of any building or structure, including the eaves and similar projections.

Runway
A defined area on land or water intended [PREPARED] for use for landing and takeoff of aircraft.

Salvageable Improvements
As used in section 21.08.060, *Subdivision Agreements*, and describes those portions of street improvements constructed within a dedicated right-of-way that are usable as a part of the finally constructed street. Salvageable improvements include such items of work as clearing and grubbing, removal of unsuitable material and placement of classified backfill, but do not include temporary surfacing and other work that would not be usable or beneficial to final street construction. This definition applies only to those streets that are not, during their initial construction, improved to the final paved standard of the municipality.

[SECONDARY BUILDING
A BUILDING DETACHED FROM A PRINCIPAL BUILDING LOCATED ON THE SAME LOT AND CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL BUILDING OR USE.]

Page 782 ANNOTATION

Setback: Revised for accuracy.

Setback, Front: Revised for accuracy.

Shrub: Terms that have a commonly understood meaning are proposed for deletion.

Sidewalk: Revised to be consistent with the pedestrian facility terms used in the code.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Senior Housing
See **Housing, Senior**

Setback
The horizontal [MINIMUM] distance [REQUIRED] between any [BUILDING OR] structure and a [STREET RIGHT-OF-WAY OR] lot line, or [FROM] some other feature or object [FROM WHICH A SEPARATION DISTANCE IS REQUIRED]. A required setback establishes a minimum required separation distance with the exception that a required maximum setback establishes a maximum allowed separation distance.

Setback, Front
A setback that extends across the [FULL] frontage of a lot or tract on a right-of-way of a [PUBLIC OR PRIVATE] street. [THE FRONT SETBACK IS DEFINED BY THE FRONT LOT LINE.]

Setback, Rear
A setback that extends across the full rear of a lot or tract. The rear setback is defined by the rear lot line. Lots with two or more frontages [CORNER LOTS, DOUBLE-FRONTAGE LOTS, AND THREE-SIDED LOTS] do not have rear setbacks.

Setback, Side
Any setback that is not a front or rear setback. Generally, side setbacks extend from the inner boundary of the front setback (or from the front property line of the lot or tract where no front setback is required) to the inner boundary of the rear setback (or to the rear property line of the lot or tract where no rear setback is required.) For lots with two or more frontages [CORNER AND DOUBLE-FRONTAGE LOTS], setbacks remaining after front setbacks have been established shall be considered side setbacks.

Service Connection
Conductors transmitting utility service from a utility distribution line to a customer's riser or service entrance.

[SHRUB
A WOODY PERENNIAL PLANT HAVING MORE THAN ONE MAIN STEM AT THE GROUND, USUALLY ATTAINING A HEIGHT OF LESS THAN 15 FEET.]

Sidewalk
A concrete surface within a vehicular right-of-way, aligned with a road and constructed either adjacent to the curb or separated from the curb, for multiple pedestrian and non-motorized uses and purposes. Sidewalks are generally found in class A zoning districts. [AN IMPROVED RIGHT-OF-WAY FOR PEDESTRIAN CIRCULATION THAT IS PART OF THE STREET RIGHT-OF-WAY.]

Sight Distance Triangle
The land area regulated to ensure unobstructed visibility for motorists entering or leaving an intersection or driveway. [A TRIANGULAR SHAPED PORTION OF LAND ESTABLISHED AT STREET, DRIVEWAY, OR ALLEY INTERSECTIONS WHICH IS REGULATED SO THAT THE VISIBILITY OF MOTORISTS ENTERING OR LEAVING THE INTERSECTION IS NOT OBSTRUCTED.]

Sight Obscuring
As applied to landscaping, sight obscuring means that within three years of installation, the landscaping shall visually obscure the target to the extent that the majority of the field of view is plant material, rather than the target.

Sign
Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs,

Page 783 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement.

Sign, Animated
A sign that contains animation or animated effects, changeable copy, flashing, or moving parts.

Sign, Banner
A sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.

Sign, Building
Any sign attached to any part of a building and including wall, awning, canopy, and projecting signs. A wall sign is a building sign that is parallel to and does not extend from the wall more than 12 inches.

Sign, Changeable Copy
A portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified from time to time manually or by electronic or mechanical devices, such as a bulletin board or electronic message board. [CHANGEABLE COPY SIGNS MAY NOT BE USED TO DISPLAY COMMERCIAL MESSAGES RELATING TO PRODUCTS OR SERVICES THAT ARE NOT OFFERED ON THE PROPERTY.]

Sign, Construction
A temporary sign identifying a project or facility during the time of construction. Such signs typically include the name of an architect, engineer, and/or contractor for a building or project located on the parcel.

Sign, Entrance or Exit
A sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.

Sign, Freestanding
A sign supported from the ground and not attached to any building. A freestanding sign may be supported by one or more poles or a solid base. Pole signs are considered freestanding signs.

Sign, Historic
Any sign that has been designated as historic by the urban design commission.

Sign, Ideological or Political
Any temporary sign displaying or advocating an idea, opinion, or position on any social, cultural, religious, or political issue and containing no commercial message.

Sign, Illuminated
Any sign which is partially or entirely illuminated internally or externally so as to make the sign more visible.

Sign, Inflatable
Any inflatable shape or figure designed or used to attract attention to a business event or location. Inflatable promotional devices shall be considered to be temporary signs under the terms of this chapter and, where applicable, subject to the regulations thereof.

Sign, Instructional
A sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

Page 784 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Sign, Nonconforming
A sign which was legally erected, but which is no longer in compliance with the requirements of this title.

Sign, Off-Premises
See **Billboard**

Sign Plate
A building sign which does not exceed two square feet indicating the street number, the name of the person, business, profession or activity occupying the lot, building, or part thereof; or other information pertaining to the use on the lot.

Sign, Portable
Any sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported on wheels, skids, a bench, runners, brackets, or has a frame to which wheels, skids, runners, brackets, or similar mechanical devices can be attached to or support the sign. A portable sign also includes inflatable devices and mobile signs such as parked trailers or vehicles, which include signs which are visible from the public right-of-way unless such vehicle is used in the normal day-to-day operations of the business.

Sign, Pole
A sign that is mounted on a freestanding pole or poles, or other support structure that is visible.

Sign, Projecting
A sign that is attached to a building wall and extending perpendicular to (or approximately perpendicular to) the building wall and 12 inches or more beyond the face of the wall.

Sign, Roof
A sign, or any portion thereof, erected, constructed, painted, placed, or projecting upon or extending above the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall or any other structural element of the building.

Sign, Temporary
A sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, structure or permanently installed in the ground. These include, but are not limited to, political signs, special event signs, and for sale or leasing signs. Mobile and portable signs are temporary signs. Temporary signs may be displayed as window signs.

Sign, Traffic
A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.

Sign, Window
A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building except for signs that are not legible from a distance of more than three feet beyond the building in which such sign is located.

Single-Family Style Structure
A residential building containing one dwelling unit for one household and not attached to any other dwelling by any means—i.e., a house.

Site
A lot or group of contiguous lots that is proposed for development and is in single ownership or has multiple owners, all of whom join in an application for development.

Site Plan
See **Plan, Site**

Page 785 ANNOTATION

Slope: Revised at the request of the Assembly committee for clarity.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Site Plan Review
The review of a site plan of a project, public or private, to ensure compliance with the development and design standards and provisions of this title, to ensure consistency with previous approvals, to minimize or mitigate negative impacts on adjacent properties, and to encourage quality development reflective of the goals, policies, and objectives of the comprehensive plan. [THE PROCESS WHEREBY THE REVIEWING AUTHORITY REVIEWS THE SITE PLANS AND MAPS OF A DEVELOPER TO ENSURE THAT THEY MEET THE STATED PURPOSES AND STANDARDS OF THE ZONE, PROVIDE FOR THE NECESSARY PUBLIC FACILITIES SUCH AS ROADS AND SCHOOLS, AND PROTECT AND PRESERVE TOPOGRAPHIC FEATURES AND ADJACENT PROPERTIES THROUGH APPROPRIATE SITING OF STRUCTURES AND LANDSCAPING.]

Site Selection
The process by which the municipality shall review and decide the selection of a site for specified public facilities.

Skylight
An opening in a roof or ceiling, glazed with a transparent or translucent material, for admitting daylight.

Soil Management
Maintenance of the soil to preserve and enhance the capacity of soil to function within ecosystem boundaries to sustain biological productivity, maintain environmental health, and promote plant and animal health.

Slope
The change in vertical elevation of a land area between two points, divided by the horizontal distance between those points, and multiplied by 100 to be expressed as a percentage.

Solar Access (Sunlight Access)
The availability of, or access to, unobstructed direct sunlight.

Solar Orientation
A south facing orientation of a property line, street frontage, right-of-way, fence, building wall, or window surface where the line, frontage, wall, or window faces within 30 degrees of south. This orientation of a surface in relation to the path of the sun may be used to maximize the amount of sunlight and heat gained from solar radiation.

Solar Reflector
An appurtenance designed to reflect the light and heat of the sun so that it augments the amount of solar radiation entering an interior habitable space, solar collector, or outdoor open space.

Space (as used in section 21.05.030A.8., *Manufactured Home Community*)
A defined land area in a manufactured home community on which a mobile home or manufactured home may be placed and which is described by boundary lines measured in terms of:

- Its depth expressed as a mean distance between the front and rear of the space, measured in the general direction of the side space lines.
- Its width expressed as a mean distance between the side lines of the space, measured in the general direction of the front and rear space lines.

Space, Reverse-Frontage (as used in section 21.05.030A.8., *Manufactured Home Community*)
A space which abuts a local street on one side and a street of Class I or greater classification on the opposite side.

[SPECIAL HAZARD AREA
AN AREA HAVING SPECIAL FLOOD, MUDSLIDE, OR FLOOD-RELATED EROSION HAZARDS.]

Page 786 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Special Limitation
A provision of a rezoning [ADOPTED BY] ordinance which restricts some aspects of development to a greater degree than otherwise allowed by the applied zoning district. [THE PERMITTED PRINCIPAL USES AND STRUCTURES OTHERWISE ALLOWED IN A ZONING DISTRICT OR WHICH REQUIRES COMPLIANCE WITH DESIGN STANDARDS NOT OTHERWISE REQUIRED BY ZONING DISTRICT REGULATIONS OR OTHER SECTIONS OF THIS TITLE.]

Start of Construction
Includes substantial improvement, and means [THE DATE THE BUILDING PERMIT WAS ISSUED, PROVIDED THE ACTUAL START OF CONSTRUCTION, REPAIR, RECONSTRUCTION, PLACEMENT OR OTHER IMPROVEMENT WAS WITHIN 180 DAYS OF THE PERMIT DATE. THE ACTUAL START MEANS] either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Step-Back
A terrace in the vertical rise of a building form such that the upper mass or wall plane of the building is set back or recessed from the lower building mass or wall plane.

Storage
Temporary or permanent containment, holding, leaving, stockpiling, or placement of products, goods, or materials, usually with the intention of retrieving them at a later time; overnight parking of commercial vehicles.

Storm Water
Surface water runoff originating from surface water, rain, snowmelt, wash waters, street wash, subsurface drainage, or other drainage but excludes wastewater as defined in AMC title 15.

Story
That portion of a building included between the upper surface of a floor and the upper surface of the next floor or roof above.

Story Above Grade Plane
Any story having its finished floor surface entirely above finished grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

a. More than six feet above grade plane; or

b. More than 12 feet above the finished grade at any point.

Story Below Grade Plane
Any story having its finished floor surface below finished grade plane, unless it meets the definition of story above grade plane. [THAT PORTION OF A BUILDING THAT IS A STORY BELOW GRADE PLANE.]

Story, One-Half
A story under a gable, shed, or hipped roof that contains habitable floor area, including floor area under dormers, not exceeding 50 percent of the floor area of the floor below.

Page 787 ANNOTATION

Street: Revised to include the phrase “or intended to be improved” in the first part of the definition, to address instances in which the street improvements are planned to occur but not yet finished.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

Stream
A watercourse [PERENNIALLY OR INTERMITTENTLY] conveying perennial or intermittent surface waters not solely the result of constructed subsurface drainage. When a stream does flow it conveys more water than that contributed from a single storm runoff event and includes natural ground water discharge as a component in its flow. A stream may be intermittent in time or space. [BUT WHEN FLOWS DO OCCUR A PROLONGED, HYDRAULIC CONNECTION MUST EXIST CONTINUOUSLY EITHER ALONG THE SURFACE OR AT SHALLOW DEPTHS. A STREAM SHALL] However it must generally retain its identity as a hydraulically [SINGLE] continuous drainage feature along [OVER] its whole length, [ACROSS PERENNIAL AND INTERMITTENT REACHES, THROUGH UNDERGROUND PASSAGES, OR ACROSS OTHER SURFACE WATER BODIES,] even though its surface flow may periodically break up or disappear along its alignment[, EITHER IN TIME OR IN SPACE].

[THOUGH SOME OF THESE FEATURES MAY NOT BE PRESENT LOCALLY WHERE FLOW IS SPATIALLY OR TEMPORALLY INTERMITTENT, OR WHERE THE STREAM HAS BEEN PIPED OR OTHERWISE SUBSTANTIALLY MODIFIED, O]Overall a stream displays a distinctive combination of geomorphic, hydrologic, and biologic characteristics, though some of these features may be absent where flow is intermittent or where the stream has been piped or otherwise modified. Principal [THE CORE] defining characteristics include:

- Unique geometric, [CHANNEL,] sedimentary, and other physical characteristics, including bed and banks, along part or all of the stream's alignment;
- Prolonged flow from natural sources conveyed along continuous surface [OR PERIODIC OPEN] channels [SEGMENTS], or along a discontinuous but hydraulically connected series of surface channels; [AND HYDRAULIC CONTINUITY ALONG THE STREAM'S ENTIRE LENGTH;] and
- [OVERALL B]Biologic characteristics representative of prolonged surface flows along the open channel segments of the stream.

Stream Bed
That portion of a stream utilized for water flow during nonflood periods, normally extending from the thalweg (low point) to each bank.

Street
A thoroughfare [RIGHT-OF-WAY] improved or intended to be improved for vehicular and pedestrian travel permanently open to general public use, that affords the principal means of access, frontage and address to individual buildings, lots and blocks. [ABUTTING PROPERTY, SUCH AS AN] Streets include a road, avenue, place, drive, boulevard, highway or any other similar means of public thoroughfare, except an alley. A street is not a driveway. Unless otherwise indicated, the term street shall refer to both public and private streets. A street may be located on private property and not be publicly owned or maintained, if it performs the roles of a public street.

Street, Access
A street constructed to provide physical access to a subdivision.

Street, Arterial
Higher order streets with controlled access that are intended for through or regional traffic moving between urban centers and not intended for local or residential neighborhood traffic. These streets have multiple travel lanes, provide access to regional travelways, and carry high volumes of traffic. Arterials are either "major arterials" or "minor arterials," as designated in the *Official Streets and Highways Plan*.

Street, Collector
Streets that penetrate various land use classifications to provide both land access and mobility within neighborhoods and commercial areas. Their primary function is traffic service, collecting traffic from intersecting streets and funneling it to major thoroughfares. A major collector roadway/street has limited

Page 788 ANNOTATION

Street Interface Zone: To define the parts of an enhanced sidewalk used in the code.

Street, Private: Provides a definition to accompany the Assembly Title 21 Committee's clarification of the variance process to allow for private streets in the subdivision standards.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Assy Cmte Addition
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Tech Edit Addition
[TECH EDIT DELETION]

direct access from individual lots/parcels. A minor collector roadway/street allows direct access of individual lots/parcels.

Street, Cul-de-Sac
A street having only one outlet, with provision for a turnaround at its termination, and which is not intended to be extended or continued to serve future subdivisions or adjacent land.

Street, Dead End
A right-of-way that terminates without a cul-de-sac or a temporary turnaround and the terminus of which has the same width as the width of the right-of-way.

Street Facing Building Elevation
The building elevation facing upon the street, comprised of all façade walls that are oriented toward the street at an angle of less than 90 degrees, and not separated from the street by another principal structure or site.

Street, Half
A portion of a right of way, including the street pavement that is directly adjacent to a lot's frontage as measured from the ultimate street centerline.

Street Interface Zone
The portion of an enhanced sidewalk that lies between the street curb and the pedestrian movement zone, providing a buffer between vehicular traffic and pedestrians. The street interface zone accommodates streetscape objects to be kept out of the movement zone portion of the sidewalk, such as street trees, landscaping, street furniture, street signs, light poles, and/or utility boxes.

Street, Interior
A street contained entirely within the boundaries of a subdivision.

Street, Local
A[N INTERIOR] street whose primary function and design is to provide access to abutting property. [IN A SUBDIVISION DESIGNED AND INTENDED TO SERVE LOCAL AREAS.] Local streets feed traffic into collector and arterial street systems.

Street, Loop
A street that originates and terminates at intersections with the same street.

Street Lot Line
See **Lot Line, Street**

Street, Peripheral
A street parallel to the boundary of a subdivision and whose right-of-way abuts that boundary.

Street, Private
A street located on privately owned real property, whether owned by an individual or subject to Horizontal Property Regimes and Common Ownership Acts, and absent dedication of an overlapping public use easement. A private street is often memorialized by plat note.

Street, Stub
A dead-end interior street provided for eventual extension onto unplatted land.

Street Typology
A street classification system that augments the functional classifications (arterials, collectors, local streets) with designations that relate the street design to the adjacent land use, development pattern, and its functions for users in addition to automobile traffic—pedestrians, bicyclists, and transit riders.

Page 789 ANNOTATION

Surveyor: Deletion requested by the Assembly Title 21 Committee.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

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Examples of street typology designations include residential street, main street, transit street, commercial street, and mixed-use street.

Structure
Anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground, including a walled and roofed building, and/or a gas or liquid storage tank that is principally above ground.

Structure, Accessory
A structure that is on the same lot as, and of a nature customarily incidental and subordinate to a principal building or structure, and the use of which is clearly incidental and subordinate to that of the principal building or structure.

Subdivider
A person, firm, association, partnership, corporation, governmental unit, or combination of any of these that may hold any recorded or equitable ownership interest in land being subdivided. The terms shall also include all heirs, assigns, or successors in interest, or representatives of the subdivider, owner, proprietor, or developer.

Subdivision
The division of a tract or parcel of land into two or more lots, sites or other divisions for the purpose, whether immediate or future, of sale, lease or building development, including any combining or resubdivision, and, when appropriate to the context, the process of subdividing or the land subdivided.

Subdivision Agreement
A document which is approved by the department of public works [PROJECT AND ENGINEERING] which specifies the tentative location, construction schedule, and estimated costs of public improvements to be constructed as part of subdivision development.

Survey, As-Built
A plan prepared by a professional land surveyor in such a manner as to accurately identify and depict the location of all on-site improvements. [SHOWING THE TRUE AND ACTUAL LOCATION AND NATURE OF BUILDINGS, STRUCTURES, PLANT MATERIALS, UTILITY EASEMENTS, AND OTHER FEATURES OR IMPROVEMENTS THAT HAVE BEEN INSTALLED ON OR OFF THE PROPERTY PURSUANT TO A SITE AND/OR SUBDIVISION PLAN APPROVED UNDER THIS TITLE, TO BE USED TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE.]

[SURVEYOR
A LAND SURVEYOR WHO IS REGISTERED IN THE STATE.]

Substantial Improvement
Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent[%] of the market value of the structure either:

- Before the improvement or repair is started; or
- If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
    1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or

Page 790 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

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Assy Cmte Addition
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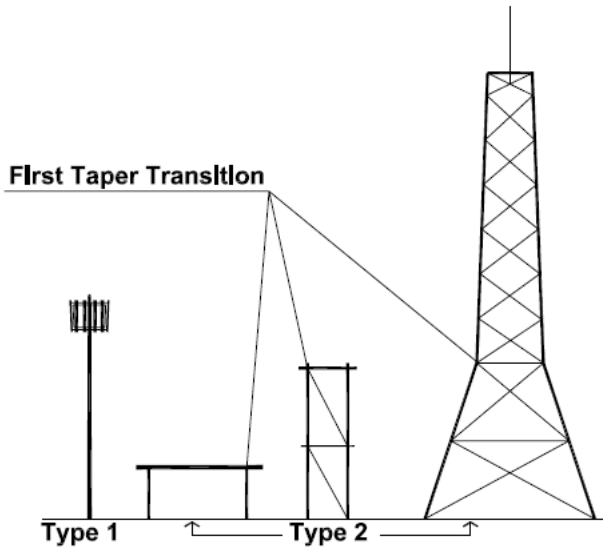
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Surrounding Development
Immediately adjacent development on the same block face or on facing blocks as the subject site, as well as prevalent patterns established in the existing neighborhood located within one-quarter mile of the subject development site.

Take Action
To approve, approve with conditions, deny, refer to another body, or postpone a decision on an application for entitlement.

Taper Transition
A point on a telecommunication tower where the angle of the structure form changes, or the top of the tower, whichever point is lower.



Target Area
An area designated under section 21.07.050 as a location in which overhead distribution lines are to be placed underground as provided in this chapter.

Topographic Flow Line
A topographically-defined surface drainage path; a line of continuous fall in elevation across a land surface that will tend to accumulate and concentrate overland runoff from an area; the local flow path likely to be taken across a land surface by surface runoff as it integrates into a concentrated flow; any actual line of major surface flow conveyance. A topographic flow line is present solely as a result of the topography of the land surface itself and exists independent of the infiltration characteristics of the land surface or the presence or absence of vegetation along the flow line.

Topographic Map
A map showing the landform by the use of contour lines.

Tower, Amateur Radio
An antenna and structure of any type used exclusively by an [LICENSED] amateur radio operator licensed by the Federal Communications Commission. [WHICH IS PART OF FEDERALLY LICENSED

Page 791 ANNOTATION

Townhouse Style Structure: Makes the townhouse-style structure definition broader, so that residential development standards tailored for townhouses (rather than multifamily apartment standards) will apply to structures that appear and function as townhouses, even if the individual units are attached somewhat more than just the sidewall.

Traffic Engineer: Revised to reflect the permit center reorganization in 2010.

Trail: Revised to be consistent with the pedestrian facility terms used in the code.

Tree: Terms that have a commonly understood meaning are proposed for deletion.

Administration Addition
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[AMATEUR RADIO STATION FOR RADIO COMMUNICATION FOR THE PURPOSE OF SELF-TRAINING, INTERCOMMUNICATION, AND TECHNICAL INVESTIGATIONS CARRIED OUT BY AMATEURS SOLELY WITH A PERSONAL AIM AND WITHOUT PECUNIARY INTEREST.]

Tower, Community Interest
Any structure principally designed to support an antenna(e) where the height of the structure (not including any building height, if installed on top of a building) exceeds 100 feet, measured to the top of any antennae.

Tower, Local Interest
Any structure principally designed to support antennae and not meeting the definition of a community interest tower.

Tower Site
A lot, tract, or aggregate of abutting lots or tracts that has been planned and coordinated for development with separate community interest towers and/or local interest towers in any combination, including subordinate and related equipment and buildings in accordance with the applicable zoning district.

Townhouse Style Structure
A residential building with two or more dwelling units in a row attached primarily at the sidewall or rearwall, in which each dwelling unit has its own primary entrance to the outside, its own ground-floor and roof, and is separated from the other units by common fire-resistant walls.

[TOWNHOUSE UNIT
ONE OF THREE OR MORE ATTACHED DWELLING UNITS WHERE EACH UNIT IS ON ITS OWN LOT.]

Tract
A parcel of land which has been reserved for future development, future subdivision, or protection of open space or a specific natural feature(s). [A UNIT, OR CONTIGUOUS UNITS, OF LAND UNDER SINGLE OWNERSHIP.]

Traffic Control Device
Includes all physical, mechanical and electrical equipment that directs, channelizes, commands or controls traffic movement. These devices include but are not limited to signs (including street name signs), channelization, signals, and striping.

Traffic Engineer
The municipal official and practicing engineer responsible for the duties established in AMC title 9.

Trail
A stable surface, often either paved or consisting of compacted granular fill, for the purposes of pedestrian and nonmotorized use (unless specifically designated for motorized use). A trail is not aligned with a road. [A WAY DESIGNED AND USED FOR EQUESTRIAN, PEDESTRIAN, CROSS COUNTRY SKIING, AND /OR CYCLING, OR OTHER SIMILAR FORMS OF NON-MOTORIZED TRANSPORT.]

Trailer
Has the same meaning as set forth in AMC title 9.

Travel Trailer
A motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and vacation uses, identified by a model number, serial number and vehicle registration number, equipped with limited water storage and other self-contained living facilities.

[TREE

Page 792 ANNOTATION

Administration Addition
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[TECH EDIT DELETION]

A WOODY PERENNIAL PLANT HAVING A SINGLE MAIN STEM.]

Tree, Deciduous
A tree that loses its leaves annually.

Tree, Evergreen
A tree that retains its foliage [LEAVES] throughout the year.

Tree, Landmark
A healthy tree with at least a 12 inch caliper; or a tree that has significant historical or cultural value.

Tree Protection Zone
The area around a tree or grouping of trees in which no grading or construction activity may occur, including the storage of materials. The minimum tree protection zone is measured as a radius around the tree or grouping of trees which is a minimum of 1.5 feet from the trunk of a tree for every one inch of tree caliper.

Tributary
Any branch, fork, or channel that flows into and connects to a stream and also meets the basic definition of a stream.

Unified Sign Plan
A comprehensive site plan where contiguous lots and or tracts are considered as a single site for the purposes of determining the size, number, and placement of freestanding signs.

Uplight
For an exterior luminaire, flux radiated in the hemisphere at or above a horizontal plane.

[URBAN DESIGN COMMISSION
THE URBAN DESIGN COMMISSION OF THE MUNICIPALITY.]

Use, Accessory
As applied to a use, building, or structure, customarily subordinate or incidental to and located on the same lot with a principal use, building, or structure.

Use, Conditional
A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

Use, Principal
Any main activity permitted by this title.

Use, Temporary
Those land uses and structures that are needed or are in place for only short periods of time.

Use District
See **Zoning District**

Utility
A public utility as defined in Alaska Statutes title 42.

Utility Distribution Line
All or any part of a conductor and supports owned or operated by a utility and used:

- To transmit electrical power from a main source substation to consumers, at a voltage of 34.5 kV or less [NO MORE THAN 69 KILOVOLTS OF ENERGY]; or

Page 793 ANNOTATION

Administration Addition
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- To transmit messages, impressions, pictures, or signals by means of electricity or electromagnetic waves; between a distribution substation or central office and the lot line of a customer's premises, excluding auxiliary equipment such as aboveground transformers, switching devices, pad-mounted distribution facilities, and CATV power supplies.

Utility Transmission Line
A line used for electrical power transmission between utility substations and switching yards, usually at a voltage of 34.5 kV or greater.

Vacation
The act of making legally void any right-of-way, easement, public area, or other public interest.

Variance
A grant of relief from the requirements, or a relaxation of the strict application of the terms of this chapter that permits construction in a manner that would otherwise be prohibited by this title [CHAPTER]. This definition shall not be construed to permit a use in any district which use is prohibited therein.

Verification of Nonconforming Status
A document issued by the municipality confirming the legal nonconforming status of a use, structure, or characteristic of use.

Violator
A violator of this title is a person who:

- Occupies, maintains, alters, constructs, or establishes a structure, or use of land or a structure, in violation of this title;
- Owns, controls, or has the right to control land or a structure where a structure, or use of land or a structure, is occupied, maintained, altered, constructed, or established in violation of this title; or
- As principal or agent, violates this title under section 21.13.030, *Violations*.

Walkway
A stable surface, usually either paved or consisting of compacted granular fill [IMPROVED OR NOT], for the purpose of pedestrian and other non-motorized use. A walkway[, WHICH] connects two points and is not aligned along a vehicular public right-of-way. A walkway may be in a dedicated pedestrian easement. Examples include pedestrian linkages within one site, mid-block, between subdivisions, and leading from roads to public amenities such as schools or parks.

Walkway[,] Clear Width
That portion of the total width of a walkway, trail, pathway, or sidewalk cross-section which is unobstructed and kept clear for pedestrian movement.

Walkway, Primary Pedestrian
See **Primary Pedestrian Walkway** [A WALKWAY DESIGNED FOR PEDESTRIANS TO ACCESS A PRIMARY ENTRANCE TO A BUILDING FROM A RIGHT-OF-WAY.]

Wall
The vertical exterior surface of a building or structure, or a constructed barrier typically consisting of masonry or stone, which is also used to enclose, screen, buffer, enhance, or separate areas.

Wall, Ornamental
A freestanding wall that is primarily designed for its beauty or decorative purposes, although it may also serve other purposes such as a screening structure. Ornamental walls do not include smooth-faced concrete masonry units.

Page 794 ANNOTATION

Wall Plane: Revised for clarity.

Width: Terms that have a commonly understood meaning are proposed for deletion.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

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[ASSY CMTE DELETION]

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Wall Plane
A flat wall surface that is within a single two-dimensional plane.

Wall Plane Projection
See **Projection, Wall Plane**

Wall Plane Recess
See **Recess, Wall Plane**

Warranty Acceptance
Agreement by the municipality, at the completion of construction of a public improvement, constructed under terms of a subdivision agreement or development agreement, that the project is ready to be placed on warranty.

Warranty Period
The period for which a subdivider's warranty remains in effect under section 21.08.060, *Subdivision Agreements*.

Water Body
Any area of water with a permanent minimum surface area measured at ordinary high water of 2,500 square feet, that is not actively maintained for, or constrained to, a single specific human use (e.g., wastewater treatment pond or flood detention pond). [A POND, LAKE, OR OTHER NATURAL OR ARTIFICIAL COLLECTION OF WATER, WHETHER PERMANENT OR TEMPORARY, NOT INCLUDING WETLANDS OR WATERCOURSES.]

Watercourse
A natural channel or other surface pathway produced wholly or in part by the flow of surface water or that is likely to carry flows of surface water [AT OR VERY NEAR THE SURFACE], or any artificial channel or surface pathway constructed for the conveyance of surface water. Also any topographic flow line that either does, or under developed conditions is likely to, accumulate and convey storm water runoff as a concentrated flow. Also any conveyance, whether an open channel or closed conduit, constructed wholly or in part for the transport of storm water runoff. Watercourses include all surface water conveyance features and are further classified as either “streams” or “drainageways”.

Water-Dependent
Any use or activity which can be carried out only on, in, or adjacent to water areas because the use [WHOSE PRIMARY PURPOSE] requires direct access to a water body[, OR WHICH CAN BE CARRIED OUT ON, IN OR ADJACENT TO A WATER BODY ONLY. THE ACTIVITY OR USE WOULD NOT BE POSSIBLE IF LOCATED AWAY FROM WATER SITES OR WITHOUT DIRECT WATER ACCESS].

Water-Related
Any use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water dependence [OR PROVIDE DIRECT PHYSICAL OR VISUAL PUBLIC ACCESS OR USE OF THE MUNICIPAL WATERFRONT,] and which, if not located adjacent to [A] water [BODY], would result in a public loss of quality in goods or services offered [OR PUBLIC ACCESS TO THE WATERFRONT].

[WIDTH
WHEN VIEWED FROM THE FRONT OF AN OBJECT OR A THREE-DIMENSIONAL SPACE, THE MEASUREMENT FROM A VERTICAL PLANE TO ANOTHER VERTICAL PLANE.]

Window
An opening in the wall of a building for admitting light to the interior, usually fitted with a frame containing panes of transparent or translucent material. A display case on an exterior wall is not a window.

Page 795 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
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Window Area
The exterior area of a window on a building elevation, including the window pane, muntins, sash and frame, but excluding shutters, trim (including sill, molding, and dressing), flower boxes, or other architectural features beyond the window frame and trim itself. This definition is used in provisions such as those requiring a certain percentage of the building wall area to consist of windows, or requiring a maximum portion of the window area that may be covered by a sign.

Window, Providing Visual Access (or Visual Access Window)
Windows that allow views between the outdoors and interior habitable space such as [INTO] working areas, lobbies, entrances, sales areas, or other public areas[, OR INDOOR MERCHANDISE DISPLAYS OR ART]. The window is transparent enough to permit [THE] views between [of] activities within a building and public space such as [FROM] nearby streets and sidewalks, and so that objects beyond or behind the window can be distinctly seen. [DISPLAY CASES LESS THAN THREE FEET DEEP AND/OR ATTACHED TO THE OUTSIDE WALL ARE NOT WINDOWS PROVIDING VISUAL ACCESS.]

[ZONING BOARD OF EXAMINERS AND APPEALS
THE ZONING BOARD OF EXAMINERS AND APPEALS OF THE MUNICIPALITY.]

Zoning District
A specifically delineated area or district within which uniform standards govern the use, placement, spacing, size, and form of land and buildings.

Zoning Map
The map or maps that are a part of this title and that delineate the boundaries of all mapped zoning districts within the physical boundaries of the municipality.