

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.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

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

Page 158 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

1 THROUGH A] cross-reference in the last column of the table identifies the code location
2 of the definition and any use-specific standards. Any [THESE] standards apply in all
3 districts unless otherwise specified.

4 **B. Table Organization**

5 In table[S] 21.05-1 [AND 21.05-2], land uses and activities are classified into general “use
6 categories” and specific “use types” based on common functional, product, or physical
7 characteristics, such as the type and amount of activity, the type of customers or residents, how
8 goods or services are sold or delivered, and site conditions. This classification provides a
9 systematic basis for assigning present and future land uses into appropriate zoning districts. This
10 classification does not list every use or activity that may appropriately exist within the categories,
11 and specific uses may be listed in one category when they may reasonably have been listed in
12 one or more other categories. The use categories are intended merely as an indexing tool and
13 are not regulatory.

14 **C. Unlisted Uses**

15 When application is made for a use type that is not specifically listed in table[S] 21.05-1 [AND
16 21.05-2], the procedure in section 21.03.220[230], *Use Classification Requests*, shall be followed.

17 **D. Use for Other Purposes Prohibited**

18 Approval of a use listed in table[S] 21.05-1 [AND 21.05-2], and compliance with the applicable
19 use-specific standards for that use, authorizes that use only. Development or use of a property
20 for any other use not specifically allowed in the table[S] and approved under the appropriate
21 process or approved through section C. above, is prohibited.

22

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 be rezoned to a commercial district.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

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.

Use Category	Use Type	RESIDENTIAL													COMMERCIAL					INDUST.					OTHER					Definitions and Use-Specific Standards							
		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	M1	AF	DR	PR	PL	M									
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																	21.05.030A.2.	
	Dwelling, single-family, attached			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																														21.05.030A.6.
	Dwelling, mobile home								P																												21.05.030A.7.
	Manufactured home community						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	C	P	P	P	C	C							C	P	P																21.05.030B.1.

Page 160 ANNOTATION

PZC recommended changing “Public/Institutional Uses” to “Community Uses.”

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

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.

Use Category	Use Type	RESIDENTIAL												COMMERCIAL					INDUST.					OTHER					Definitions and Use-Specific Standards					
		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	M1	AF	DR	PR	PLI	M							
Health Care Facility	Health services							P									P	P	C									C						21.05.040F.1.
	Hospital/Health care facility																	P	P															21.05.040F.2.
	Nursing facility																	P/C	P	C														21.05.040F.3.
Parks and Open Area	Community garden																																	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	P	P	P	P	21.05.040G.2.	
Public Safety Facility	Community or police substation																																	21.05.040H.1.
	Correctional institution																																	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	M	M	M	M	M	M	M	M	21.05.040H.3.	
Transportation Facility	Public safety facility																																	21.05.040H.4.
	Airport																																	21.05.040I.1.
	Airstrip, private	C	C	C	C																													21.05.040I.2.
	Heliport																																	21.05.040I.3.
	Rail yard																																	21.05.040I.4.
Railroad freight terminal																																	21.05.040I.5.	

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.

Use Category	Use Type	RESIDENTIAL												COMMERCIAL					INDUST.			OTHER					Definitions and Use-Specific Standards			
		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	M	
	Veterinary clinic ²								C	C	C	C			P			P			P	C								21.05.050B.5.
Assembly	Civic / convention center																			C										21.05.050C.1. 21.05.020A.
	Club / lodge / meeting hall																													21.05.050C.2. 21.05.020A.
Entertainment and recreation ²	Amusement establishment ²																													21.05.050D.1. 21.05.020A.
	Entertainment facility, major ²																													21.05.050D.2. 21.05.020A.
	Fitness and recreational sports center ²																													21.05.050D.3.
	General outdoor recreation, commercial ²																													21.05.050D.4.
	Golf course ²																													
	Motorized sports facility ²																													21.05.050D.6. 21.05.020A.
	Movie theater ²																													21.05.050D.7. 21.05.020A.
	Nightclub ²																													21.05.050D.8. 21.05.020A.
	Shooting range, outdoor ²																													21.05.050D.9.
	Skating facility, alpine ²																													21.05.050D.10

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.

Use Category	Use Type	RESIDENTIAL										COMMERCIAL				INDUST.				OTHER				Definitions and Use-Specific Standards						
		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	M1		AF	DR	PR	PLI	M	
Food and Beverage Service ²	Theater company or dinner theater ²																			C	C									21.05.050D.11
	Bar ²																			P	P	C								21.05.020A.
	Food and beverage kiosk ²																			P	P	P	P	P						21.05.050E.1. 21.05.020A.
Office	Restaurant ²																			P	P	P	P	P						21.05.050E.2. 21.05.020A.
	Broadcasting facility																			P	P	P	P	P						21.05.050E.3. 21.05.020A.
	Financial institution																			P	P	P	P	P						21.05.050F.1.
Personal Services, Repair, and Rental	Office, business or professional																			P	P	P	P	P						21.05.050F.2.
	Business service establishment																			P	P	P	P	P						21.05.050F.3.
	Funeral/mortuary services																			P	P	P	P	P						21.05.050G.1.
Retail Sales ²	General personal services																			P	P	P	P	P						21.05.050G.2.
	Small equipment rental																			P	P	P	P	P						21.05.050G.3.
	Auction house ²																			P	P	P	P	P						21.05.050G.4.
Building materials store ²	Building materials store ²																			P	P	P	P	P						21.05.050H.1.
	Convenience store ²																			P	P	P	P	P						21.05.050H.2.
																				P	P	P	P	P						21.05.050H.3. 21.05.020A.

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.

Use Category	Use Type	RESIDENTIAL												COMMERCIAL					INDUST.					OTHER					Definitions and Use-Specific Standards
		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	

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]

- 1 **2. Dwelling, Multifamily**
- 2 **a. Definition**
- 3 A residential building or multiple residential buildings comprising three or more
- 4 dwelling units on one lot. The definition includes the terms “apartment” or
- 5 “apartment building.”
- 6 **b. Use-Specific Standards**
- 7 i. Multifamily developments that consist of three or more units in one
- 8 building shall comply with section 21.07.110C[100G]., *Standards for*
- 9 *Multifamily Residential*, except as provided in subsection b.iii. below.
- 10 ii. Dwellings with single-family style and two-family style construction in
- 11 multifamily developments shall comply with **the residential design**
- 12 **standards in subsections** 21.07.110E.[100E., **STANDARDS FOR**
- 13 **SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLINGS.**]
- 14 iii. Dwellings with townhouse style construction in multifamily developments
- 15 shall comply with section 21.07.110D[100F]., *Standards for Townhouse*
- 16 *Residential.*
- 17 **3. Dwelling, Single-Family Attached**
- 18 **a. Definition**
- 19 One dwelling unit in a building on its own lot, with one or more walls abutting the
- 20 wall or walls of one other single-family dwelling unit on an adjacent lot.
- 21 **b. Use-Specific Standards**
- 22 i. *Residential Design Standards*
- 23 Single-family attached dwellings shall comply with the applicable
- 24 residential design standards in section 21.07.110[100], *Residential*
- 25 *Design Standards.*
- 26 ii. *Common Party Wall Agreement*
- 27 A common party wall agreement shall be recorded. The agreement shall
- 28 provide for maintenance of the structure and other improvements in good
- 29 condition, and for maintenance of the uniformity and common
- 30 appearance of the exterior of all structures and landscaping.
- 31 iii. *Access; No Vertical Stacking*
- 32 Each unit shall have its own access to the outside, and no unit may be
- 33 located over another unit in whole or in part.
- 34 iv. *Side Setback Requirement*
- 35 Detached accessory structures shall comply with the side setback
- 36 requirement of the underlying zoning district on the common lot line
- 37 between attached residential units.
- 38 **4. Dwelling, Single-Family Detached**
- 39 **a. Definition**
- 40 One detached building on its own lot, erected on a permanent foundation,
- 41 designed for long-term human habitation exclusively by one household, having
- 42 complete living facilities, and constituting one dwelling unit.
- 43 **b. Use-Specific Standard[S]**
- 44 Single-family detached dwellings shall comply with the applicable residential
- 45 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]

- 1 **5. Dwelling, Townhouse**
2 a. **Definition**
3 A [ATTACHED] building containing three or more single-family dwelling units
4 erected in a single row, with each unit on its own lot and having its own separate
5 entrance.
- 6 b. **Use-Specific Standards**
7 i. **Residential Design Standards**
8 Townhouse dwellings shall comply with the applicable residential design
9 standards in section 21.07.110[100], *Residential Design Standards*.
- 10 ii. **Common Party Wall Agreement**
11 A common party wall agreement shall be recorded. The agreement shall
12 provide for maintenance of the structure and other improvements in good
13 condition, and for maintenance of the uniformity and common
14 appearance of the exterior of all structures and landscaping.
- 15 iii. **Access; No Vertical Stacking**
16 Each unit shall have its own access to the outside, and no unit may be
17 located over another unit in whole or in part.
- 18 iv. **Side Setback Requirement**
19 Detached accessory structures shall comply with the side setback
20 requirement of the underlying zoning district on the common lot line
21 between attached residential units.
- 22 **6. Dwelling, Two-Family**
23 a. **Definition**
24 One detached building on one lot designed for and constituting two dwelling
25 units. The definition includes the term “duplex.”
- 26 b. **Use-Specific Standard[S]**
27 Two-family dwellings shall comply with the applicable residential design
28 standards in section 21.07.110[100], *Residential Design Standards*.
- 29 **7. Dwelling, Mobile Home**
30 a. **Definition**
31 A transportable, factory-built dwelling unit designed and intended to be used as a
32 year-round dwelling, and built prior to the enactment of the Federal Manufactured
33 Home Construction and Safety Standards Act of 1976.
- 34 b. **Use-Specific Standard[S]**
35 Only one mobile home is allowed per lot in the R-5 district, unless the lot is
36 within a manufactured home community. A mobile home shall be placed on a
37 permanent foundation unless it is located within a manufactured home
38 community.
- 39 **8. Manufactured Home Community (MHC)**
40 a. **Definition**
41 Any parcel or adjacent parcels of land in the same ownership that are [IS] utilized
42 for occupancy by more than two mobile homes or manufactured homes. This
43 term shall not be construed to mean tourist facilities for parking of travel trailers
44 or campers, which are classified under “camper park.”

1 **b. Use-Specific Standards**

2 All MHCs within the municipality shall be constructed, operated, and maintained
3 in accordance with the general standards listed below.

4 i. *Compliance with Applicable Regulations*

5 MHCs shall be constructed, operated, and maintained in conformance
6 with all applicable state statutes and regulations and local ordinances;
7 provided, however, that the provisions of chapter 21.12,
8 *Nonconformities*, of this title shall not be applied to prohibit the removal
9 and replacement of a mobile home or manufactured home on a space
10 within a MHC subject to that chapter.

11 ii. *Responsibility for Compliance*

12 Complete responsibility for standards established by this subsection and
13 for construction within a MHC shall rest with the owner of such
14 community.

15 iii. *Minimum Site Size*

16 MHCs shall be on sites of at least two acres.

17 iv. *Maximum Site Density*

18 Gross density for MHCs shall not exceed eight units per acre.

19 v. *Impermanent Foundations*

20 No mobile homes and manufactured homes within an MHC shall be
21 placed on a permanent foundation.

22 vi. *Mobile Home or Manufactured Home Spaces*

23 (A) *Occupancy*

24 No mobile home or manufactured home space shall contain
25 more than one manufactured home, mobile home or duplex
26 mobile home or manufactured home. No other dwelling unit
27 shall occupy a mobile home or manufactured home space.

28 (B) *Minimum Size*

29 In manufactured home communities created after [effective
30 date], all single mobile home or manufactured home spaces shall
31 have a minimum of 3,500 square feet of land area and all duplex
32 mobile home or manufactured home space shall have a
33 minimum of 5,000 square feet of land area.

34 (C) *Mobile Home or Manufactured Home Separation*

35 (1) No part of any mobile home, manufactured home,
36 accessory building, or its addition shall be placed closer
37 than 15 feet from any other mobile home, manufactured
38 home, or its addition, or no closer than ten feet if that
39 mobile home, manufactured home, accessory building,
40 or its addition being placed meets NFPA **(National Fire**
41 **Protection Act)** 501A and HUD #24 CFR 3280
42 standards.

43 (2) The requirements of sections 21.06.030 **C[A].2.**,
44 *Projections into Required Setbacks* and 21.05.070,
45 *Accessory Uses and Structures*, shall not apply to
46 MHCs. All mobile homes, manufactured homes, and
47 accessory structures shall be placed at least five feet

1 from the front space line. Steps shall not be considered
2 in determining the separations required by this
3 subsection.

4 (D) *Access*
5 Each mobile home or manufactured home space shall have
6 direct access to an internal street. Direct access to exterior
7 public streets is prohibited.

8 vii. *Streets and Drainage Facilities*
9 All streets within an MHC shall comply with the following standards:

10 (A) *Street Surface*
11 All streets shall be surfaced with all-weather materials, such as
12 asphalt or concrete, to a minimum surface width of 33 feet.

13 (B) *Right-of-Way Width*
14 Any street that services 100 spaces or more shall be classified
15 as a major street. Major streets shall have a minimum right-of-
16 way width of 50 feet. All other streets shall have a minimum
17 right-of-way width of 40 feet. Streets are not required to be
18 dedicated as public rights-of-way.

19 (C) *Cul-De-Sac Streets*
20 No street shall dead end except for cul-de-sac streets that are no
21 more than 650 feet in length and have a minimum turning radius
22 of 50 feet at the termination point of the cul-de-sac.

23 (D) *Intersections*
24 No street shall extend more than 650 feet in length between
25 street intersections. Intersecting streets shall cross at 90-degree
26 angles from an alignment point 100 feet from the point of
27 intersection. No street intersection shall be closer than 130 feet
28 to any other street intersection.

29 (E) *Street Frontage*
30 Double-frontage spaces are prohibited, except that reverse-
31 frontage spaces may back against streets bordering the MHC.

32 (F) *Street Layout*
33 Streets shall be laid out so that their use by through traffic will be
34 discouraged.

35 (G) *Street Grades*
36 Street grades shall not exceed six percent. Street grades within
37 100 feet of intersections shall not exceed four percent.

38 (H) *Street Curves and Visibility*
39 The radius of street curves (between intersections) shall exceed
40 100 feet. Streets shall be constructed to provide clear visibility
41 as measured along a centerline of the street for a minimum
42 distance of 150 feet.

43 (I) *Crosswalks*
44 Pedestrian crosswalks not less than ten feet in width may be
45 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

[ADMINISTRATION DELETION]

PZC Addition

[PZC DELETION]

Assy Cmte Addition

[ASSY CMTE DELETION]

Tech Edit Addition

[TECH EDIT DELETION]

1 to provide reasonable circulation or access to schools,
2 playgrounds, shopping centers, convenience establishments,
3 service buildings or other community facilities. Signs approved
4 by the traffic department shall be provided at crossing locations.

5 **viii.** *Water and Sewage Systems*

6 All mobile homes in MHCs shall be connected to water and sewage
7 systems approved by the appropriate governmental body before they
8 may be occupied.

9 **ix.** *Landscaping*

10 **(A)** **L2 L3** buffer landscaping shall be planted along each boundary
11 of the MHC, except for vehicular and pedestrian ingress and
12 egress points. Where two MHCs share a common lot line, the
13 **L2 L3** buffer landscaping shall be split, with seven and one half
14 feet (of the total 15 foot requirement) on each lot. Along MHC lot
15 lines abutting a dedicated park, the landscaping requirement
16 shall be halved.

17 **(B)** All areas not devoted to mobile home or manufactured home
18 spaces, structures, drives, walks, off-street parking facilities, or
19 other required landscaping shall be planted with site
20 enhancement landscaping.

21 **x.** *Additions to Mobile Homes or Manufactured Homes; Accessory*
22 *Buildings*

23 **(A)** *Generally*

24 All additions and accessory buildings shall be subject to the
25 spacing and setback requirements for mobile homes and
26 manufactured homes. Any addition or accessory building shall
27 be constructed in accordance with building safety code
28 regulations pertaining to temporary structures, provided that
29 additions will not be required to have a permanent foundation.

30 **(B)** *Height*

31 The height of accessory buildings is limited to that of the
32 underlying zoning district. In the case of districts where the
33 height is unrestricted, the maximum height of accessory
34 structures shall be 12 feet. The height of additions to mobile
35 homes or manufactured homes is limited to that of the underlying
36 zoning district. The use of any area created above the original
37 roof line of the mobile home or manufactured home as living
38 space is prohibited.

39 **(C)** *Exits*

40 The number of exterior exits from additions shall be equal to or
41 greater than the number of exits leading from the mobile home or
42 manufactured home to the addition. When two exterior exits are
43 required from additions, they shall be placed a distance apart
44 equal to one-fifth of the total perimeter of the addition.

45 **xi.** *Refuse Collection*

46 A MHC operator shall provide adequate refuse collection facilities.
47 Refuse collection facilities shall be constructed and maintained in
48 accordance with all municipal health regulations and shall be designed to

1 bar animals from access to refuse. Refuse shall be removed from refuse
 2 collection sites at least once a week. Refuse facilities shall be screened
 3 pursuant to section 21.07.080 **G[H]**., *Screening*.

4 **xii.** *Fuel Tanks*

5 Fuel oil supply tanks shall be placed in compliance with applicable
 6 building and fire codes. Liquefied gas containers shall be securely
 7 anchored to a permanent and stable holding structure or adequately
 8 secured to a mobile home or manufactured home.

9 **xiii.** *Campers and Travel Trailers*

10 Occupied campers and travel trailers are not subject to paragraphs
 11 8.b.vi., *Mobile Home or Manufactured Home Spaces*, and 8.b.viii., *Water*
 12 *and Sewage Systems*, of this subsection. Any permitted spaces
 13 intended for occupied campers and travel trailers shall be placed in an
 14 area segregated from permanent mobile home or manufactured home
 15 spaces. Any area within a MHC that is occupied by campers and travel
 16 trailers shall be served by a service building containing public toilet
 17 facilities and water supply.

18 **xiv.** *Animals in MHCs*

19 Outdoor keeping of animals other than dogs in MHCs shall be regulated
 20 by subsection 21.05.070D.14., except that "spaces" within MHCs shall
 21 be considered "lots" for the purposes of applying subsection
 22 21.05.070D.14.

23 **xv.** *Convenience Establishments in MHCs*

24 Convenience establishments of a commercial nature, including stores,
 25 coin-operated laundry, beauty shops and barbershops, may be permitted
 26 in MHCs subject to the following restrictions. Such establishments and
 27 the parking **lot [AREA]** primarily related to their operations shall not
 28 occupy more than ten percent of the area of the community, shall be
 29 subordinate to the residential use and character of the park, shall be
 30 located, designed and intended to serve frequent trade or service needs
 31 of persons residing in the community, and shall present no visible
 32 evidence of their commercial character from any portion of any district
 33 outside the community. Such convenience areas shall be considered
 34 accessory uses to the principal use of mobile homes or manufactured
 35 homes, may be permitted without a zoning change, and shall be
 36 discontinued if the MHC is discontinued.

37 **xvi.** *Sites in Flood Hazard Area*

38 The following requirements shall apply to all MHCs, any portion of which
 39 are within a flood hazard area:

40 **(A)** Over-the-top ties shall be provided at each of the four corners of
 41 the mobile home or manufactured home and two ties per side at
 42 intermediate locations. Mobile homes more than 50 feet long
 43 shall require one additional tie per side.

44 **(B)** Frame ties shall be provided at each corner of the frame, and
 45 five ties per side at intermediate points. Mobile homes or
 46 manufactured homes more that 50 feet long shall require four
 47 additional ties per side.

- 1 (C) All components of the anchorage system shall be capable of
2 carrying a force of 4,800 pounds.
- 3 (D) Any additions to the mobile home or manufactured home shall
4 be similarly anchored.
- 5 (E) All applications for a conditional use for a MHC shall include an
6 evacuation plan indicating alternate vehicular access and escape
7 routes during times of flooding.

8 xvii. *Sites in Floodplain*
9 No mobile homes or manufactured homes shall be placed within the
10 regulatory floodplain, except that MHCs existing before September 25,
11 1979, shall be permitted to place mobile homes or manufactured homes
12 within existing unit spaces.

13 xviii. *Nonconforming MHCs*
14 (A) Those MHCs situated within the boundaries of the former City of
15 Anchorage which existed prior to August 30, 1977, are not
16 subject to paragraphs 8.b.vi., *Mobile Home or Manufactured*
17 *Home Spaces*, and 8.b.vii., *Streets And Drainage Facilities*, of
18 this subsection, provided that such communities meet the
19 standards set forth in the former City of Anchorage Municipal
20 Code sections 6.60.010 through 6.60.110.

21 (B) Those MHCs situated in any area of the municipality other than
22 that described in paragraph i. above, which existed prior to 1966,
23 are not subject to the requirements of paragraphs 8.b.vi., *Mobile*
24 *Home or Manufactured Home Spaces*, 8.b.vii., *Streets and*
25 *Drainage Facilities*, and 8.b.x., *Additions to Mobile Homes or*
26 *Manufactured Homes; Accessory Buildings*, of this subsection,
27 within the area and to the extent that it was constructed,
28 operated or maintained prior to that date.

29 (C) Any MHC exempt from certain requirements of this subsection
30 21.05.030A.8., *Manufactured Home Community*, as provided in
31 paragraphs xviii.(A) and (B) above, shall conform to all
32 provisions of this subsection 21.05.030A.8. within any area first
33 constructed, operated, or maintained after the specified date or
34 within any area that is substantially altered, remodeled,
35 reconstructed, or rebuilt after that date.

36 **B. Group Living**

37 This category is characterized by residential occupancy of a structure by a group of people who
38 do not meet the definition of "Household Living." The size of the group may be larger than a
39 family. Generally, structures have a common eating area for residents. The residents may
40 receive care, training, or treatment, and caregivers may or may not also reside at the site.
41 Accessory uses commonly include recreational facilities and vehicle parking for occupants and
42 staff. Specific use types include:

43 **1. Assisted Living Facility**

44 **a. Definition**

45 A facility that provides housing and ancillary care services on a residential basis
46 to three or more adults, and adolescents in appropriate cases as allowed by
47 exception. A small assisted living facility is defined as a group of three to eight

- 1 residents. A large assisted living facility is defined as a group of nine or more
2 residents.
- 3 **b. Use-Specific Standards for Small Assisted Living Facilities**
- 4 i. *Housekeeping Unit*
- 5 A small assisted living facility serving five or fewer residents shall be
6 considered a single housekeeping unit.
- 7 ii. *Administrative Variance Needed*
- 8 In the R-1, R-1A, R-2A, and R-2D zones, a small assisted living facility
9 serving five or fewer residents is permitted by right. An administrative
10 variance pursuant to section 21.03.240[250]J. is required to serve six to
11 eight residents.
- 12 **c. Use-Specific Standards for Large Assisted Living Facilities**
- 13 Large assisted living facilities shall comply with the use-specific standards set
14 forth for “adult care facilities with **nine** [9] or more persons” below.
- 15 **2. Correctional Community Residential Center**
- 16 **a. Definition**
- 17 A community residential facility, other than a correctional institution, for the short-
18 term or temporary detention of people in transition from a correctional institution,
19 performing restitution, or undergoing rehabilitation and/or recovery from a legal
20 infirmity. This does not include people who pose a threat or danger to the public
21 for violent or sexual misconduct or who are imprisoned or physically confined
22 under guard or 24-hour physical supervision.
- 23 **b. Use-Specific Standards**
- 24 i. *Standards for Centers Established After January 1, 1995*
- 25 The following standards apply to all correctional community residential
26 centers established after January 1, 1995:
- 27 (A) No new correctional community residential center may be
28 located within 1,250 feet of an existing center, a public park, or a
29 school or instruction service serving any combination of grades
30 kindergarten through 12, unless the planning and zoning
31 commission determines that a reduction in separation distance is
32 warranted based upon the program proposed and any other
33 circumstances the commission deems appropriate. If the
34 commission reduces the separation distance, it shall adopt
35 findings of the facts upon which such reduction is based.
- 36 (B) Program occupancy limits shall be as determined by the state
37 department of corrections.
- 38 (C) Maximum resident occupancy at a center shall be determined by
39 requiring a minimum of 150 square feet of building area per
40 resident. This measurement shall be calculated by including all
41 bedroom, kitchen, bathroom, living, recreation, and other areas
42 within the facility intended for common use by the residents.
- 43 (D) Each center shall have a minimum of 50 square feet of outdoor
44 recreation area per maximum resident occupancy.

- 1 (E) Centers that house felons are only permitted by conditional use
2 in the I-1 and PLI districts. Centers allowed in other districts may
3 only house residents convicted of misdemeanors.
- 4 (F) No additional correctional community residential centers may be
5 located in the DT zoning districts or in a B-3 zoning district in the
6 area bounded on the north by Ship Creek, on the south by
7 Chester Creek, on the east by Orca Street extended, and on the
8 west by Cook Inlet.
- 9 (G) CCRCs shall not house sex offenders.
- 10 ii. *Existing Centers Established Under Quasi-Institutional House Provisions*
11 The three correctional community residential centers that were
12 established under the quasi-institutional house provisions of title 16 and
13 title 21 of this code and that existed as of January 1, 1995, may continue
14 to operate under the terms of their existing conditional use permits and at
15 the occupancy level permitted as of that date. No other beds may be
16 added to these centers.
- 17 3. **Habilitative Care Facility**
- 18 a. **Definition**
19 A residential facility, other than a correctional center or transitional living facility,
20 the principal use or goal of which is to serve as a place for persons seeking
21 rehabilitation or recovery from any physical, mental, or emotional infirmity, or any
22 combination thereof, in a family setting as part of a group rehabilitation and/or
23 recovery program utilizing counseling, self-help, or other treatment or assistance,
24 including, but not limited to, substance abuse rehabilitation. Such care for
25 persons age 18 and under, who are under the jurisdiction of the state division of
26 juvenile justice, shall be considered habilitative care, and not a correctional
27 community residential center.
- 28 4. **Roominghouse**
- 29 a. **Definition**
30 Any dwelling or establishment in which four or more guestrooms are available for
31 compensation that is paid on a daily, weekly, or monthly basis. A roominghouse
32 may offer dining services only to its tenants and their guests. This definition does
33 not include bed-and-breakfast establishments, which are classified in this title as
34 an accessory use under section 21.05.070, or a hostel, which is classified as a
35 "visitor accommodation" under section 21.05.050.
- 36 b. **Use-Specific Standards**
- 37 i. **Administrative Permit**
38 Roominghouses shall require an administrative permit issued in
39 accordance with section 21.03.030. An application for a roominghouse
40 shall not be complete unless it is accompanied by proof of a current
41 business license, health inspection for 25 occupants or more, a
42 certificate of on-site systems approval (for on-site systems only), and a
43 site plan and building floor plans meeting the requirements of this title.
- 44 ii. **General Standards**
- 45 (A) In residential zones, the design standards for multi-family
46 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

[ASSY CMTE DELETION]

Tech Edit Addition

[TECH EDIT DELETION]

- 1 (B) L1 L2 visual enhancement landscaping is required when
2 abutting residential lots in a residential zone.
- 3 (C) In the R-2F, R-2M, R-5, R-6, R-7, R-8, and R-9 zoning districts,
4 the number of guestrooms shall be limited to eight guestrooms or
5 12 pillows.
- 6 (D) Cooking facilities are prohibited in guestrooms.
- 7 (E) The roominghouse shall be limited to a single structure, and only
8 one roominghouse shall be allowed per lot.
- 9 (F) Public ingress and egress to the roominghouse shall be limited
10 to one primary entrance; guestroom entrances shall be from a
11 shared interior hall rather than individual exterior doors.
- 12 (G) In residential zones, the owner or operator of the roominghouse
13 shall reside on site.

14 5. Transitional Living Facility

15 a. Definition

16 A facility providing temporary housing with services to assist homeless persons
17 and families and persons with special needs to prepare for and obtain permanent
18 housing within twenty-four months. The facility provides 24-hour a day, seven
19 days a week programmatic assistance[,] or services[,] for self-sufficiency skills to
20 its tenants, and may provide services such as, but not limited to, on-site
21 assistance in learning independent living skills (shopping, cooking, financial
22 budgeting, preparing for job interviews, preparing resumes, and similar skills),
23 and referral to off-site education and employment resources (GED completion,
24 job training, computer training, employment services, and the like) to assist the
25 tenants in becoming financially self-sustaining.

26 21.05.040 COMMUNITY [PUBLIC/INSTITUTIONAL] USES: DEFINITIONS AND USE-SPECIFIC 27 STANDARDS

28 This section defines the general community [PUBLIC/INSTITUTIONAL] use categories and specific
29 community [PUBLIC/INSTITUTIONAL] use types listed in table[S] 21.05-1 [AND 21.05-2]. This section
30 also contains use-specific standards that apply to specific use types. The use-specific standards apply
31 regardless of whether the use type is permitted as a matter of right, subject to an administrative or major
32 site plan review process, or subject to the conditional use process.

33 A. Adult Care

34 1. Definition

35 A non-residential facility providing assistance with activities of daily living as described in
36 AS 47.33.990(1) for three or more adults or a combination of three or more adults and
37 adolescents.

38 2. Use-Specific Standards for Adult Care Facilities with Three [ONE] through Eight 39 Persons

40 a. These facilities are intended to be minor commercial activities, shall not detract
41 from the principal use allowed in the district, and shall not place an undue burden
42 on any private or public infrastructure greater than anticipated from a permitted
43 development.

44 b. In all residential districts [AND IN THE R-O AND B-1A DISTRICTS,] these
45 facilities shall be located only in a single family detached structure, excluding

- 1 detached condominium units. These facilities shall be prohibited if the only direct
2 street access is from a private street.
- 3 c. These standards shall not apply to any use continuing as a lawful conditional use
4 on April 18, 2006.
- 5 **3. Use-Specific Standards for Adult Care Facilities with Nine or More Persons (also**
6 **apply to “Large Assisted Living Facilities” and “Nursing Facility”)**
- 7 a. **Access**
8 The site shall provide for direct access from a street constructed to class A
9 improvement area standards.
- 10 b. **Minimum Lot Size**
- 11 i. Unless otherwise authorized by the planning and zoning commission, the
12 minimum lot size for a nursing facility shall be:
- 13 (A) Six to 10 beds: 15,000 square feet.
- 14 (B) Eleven or more beds: 20,000 square feet.
- 15 ii. The minimum lot size for adult care facilities with nine or more persons,
16 and for large assisted living facilities shall be:
- 17 (A) Nine to 16 beds: the minimum lot size of the underlying district.
- 18 (B) Seventeen or more beds: 20,000 square feet.
- 19 c. **Vegetated Open Space**
20 A minimum of 15 percent (25 percent in the RO district) of the lot shall remain as
21 a planted open area, landscaped area, or natural vegetation area, to exclude
22 buildings, driveways, parking **lots** [AREAS], sidewalks, etc., unless the decision-
23 making body determines that retention of less than 15 percent (25 percent in the
24 RO district) allows for sufficient buffering of adjacent uses.
- 25 d. **Parking and Setbacks**
26 In residential zoning districts, no parking or loading areas shall be placed in any
27 setback, except in approved driveways.
- 28 e. **Adjacent Residential**
29 A facility in a non-residential district that is adjacent to a residential use or district
30 shall provide **L2** **L3** buffer landscaping along the lot line dividing the two.
- 31 f. **Ambulance and Delivery Areas**
32 Ambulance and delivery areas shall be screened from adjacent residential areas
33 by **L2** **L3** buffer landscaping or a fence no less than six feet high.
- 34 g. **Snow Storage**
35 Snow storage space adjacent to surface parking lots and pathways shall be
36 identified on the site plan. In residential districts, to facilitate snow removal, snow
37 storage areas equal to at least 15 percent of the total area of the site used for
38 parking, access drives, walkways, and other surfaces that need to be kept clear
39 of snow, shall be designated on the site plan. Such areas designated for snow
40 storage shall be landscaped only with grasses and flowers and shall have
41 positive drainage away from structures and pavements. Except for facilities in
42 single-family or two-family structures, storage of snow is not allowed in the front
43 setback. Storage of snow may be in 50 percent of the side and rear setbacks, if

- 1 trees and other vegetation designated for preservation will not be damaged. If
 2 snow is to be hauled off-site, temporary snow storage areas shall be shown on
 3 the site plan.
- 4 h. ***Continuing Conditional Uses***
 5 These standards shall not apply to any use continuing as a lawful conditional use
 6 on April 18, 2006.
- 7 4. **Additional Standards for Conditional Uses (also apply to “Nursing Facility” and**
 8 **“Large Assisted Living Facility”)**
- 9 a. ***Use-Specific Standards Apply***
 10 These uses shall meet the use-specific standards above in addition to any
 11 requirements imposed by a conditional use approval.
- 12 b. ***Vegetated Open Space***
 13 A minimum of 25 percent of the lot shall remain as open area, to include
 14 landscaping or natural vegetation. The open area shall not include buildings,
 15 driveways, parking **lots** [AREAS], sidewalks, or similar structures, unless the
 16 planning and zoning commission determines retention of less than 25 percent of
 17 the lot as open area allows for sufficient buffering of adjacent uses.
- 18 c. ***Factors for Consideration***
 19 When a conditional use permit is required for these uses, the following factors
 20 shall be considered, as well as the approval criteria for conditional uses in
 21 subsection 21.03.080C.
- 22 i. The extent to which the facility and the applicant seek to protect and
 23 preserve the primarily residential character of the district. Factors may
 24 include traffic patterns, on-street parking patterns, the control exercised
 25 by the provider to mitigate environmental disturbance associated with
 26 ingress and egress of facility staff at shift change, and any other
 27 measures taken by the provider to ensure commercial aspects of the
 28 facility do not detract from its residential purpose (if applicable) and the
 29 primarily residential character of the district.
- 30 ii. Economic hardship on the intended occupants of the facility if the
 31 conditional use is denied. Cost and availability of other housing
 32 alternatives, including whether a shortage of other facilities exists, may
 33 be addressed in preparation and review of the application.
- 34 iii. Whether the requested facility and the applicant are implementing
 35 accident prevention and safety measures specific to the needs of the
 36 residents, including but not limited to safety measures in state law and
 37 regulation, and in municipal fire code adopted under title 23.
- 38 iv. Whether the conditional use advances housing opportunities for disabled
 39 individuals in a residential community without jeopardizing residential
 40 aspects of the neighborhood with commercial aspects of operation.
- 41 v. Whether the proposed size of the facility is necessary for the financial
 42 viability of the facility.
- 43 vi. External characteristics and impacts of the proposed facility, including
 44 without limitation appearance, projected contribution to traffic volumes
 45 and on-street parking within the neighborhood, available street lighting,
 46 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

[ADMINISTRATION DELETION]

PZC Addition

[PZC DELETION]

Assy Cmte Addition

[ASSY CMTE DELETION]

Tech Edit Addition

[TECH EDIT DELETION]

- 1 vii. Quantifiable risks to the health, safety, and quality of life of area
2 residents and users.
- 3 viii. Administrative and economic burden on the municipality, in either
4 approval or denial of the conditional use.
- 5 ix. Other factors deemed relevant to the applicant or the planning and
6 zoning commission in review of the application.

7 **B. Child Care**

8 1. **Child Care Center**

9 a. **Definition**

10 Child care center has the same meaning as set forth in AMC chapter 16.55 for
11 child care and educational center, and may care for nine or more children.
12 Operation of a child care center is not a home occupation pursuant to subsection
13 21.05.070D.11[12]. **This use includes pre-schools that are not associated or co-**
14 **located with an elementary, middle, or high-school.**

15 b. **Use-Specific Standards**

16 i. **Access**

17 The site shall have direct access from a street constructed to municipal
18 standards.

19 ii. **Usable Outdoor Space**

20 Usable outdoor space shall be provided pursuant to AMC section
21 16.55.450. Exempt child care centers, as per chapter 16.55, are not
22 required to meet the usable outdoor space requirement.

23 iii. **Vegetated Open Space *in Residential Districts***

24 In **residential** zoning districts where a child care center requires
25 conditional use approval, a minimum of 25 percent of the lot shall remain
26 as planted open area, landscaped area, or natural vegetation area, to
27 exclude buildings, driveways, parking **lots** [AREAS], sidewalks, etc.,
28 unless the planning and zoning commission determines that retention of
29 less than 25 percent allows for sufficient buffering of adjacent uses. In all
30 other **residential** zoning districts where a child care center is allowed, a
31 minimum of 15 percent of the lot area shall remain as required above,
32 unless the decision-making body determines that retention of less than
33 15 percent allows for sufficient buffering of adjacent uses.

34 iv. **Parking and Setbacks**

35 In residential zoning districts, no parking or loading areas shall be placed
36 in any setback, except in approved driveways.

37 v. **Adjacent Residential**

38 **L1 L2** visual enhancement landscaping shall be provided along each lot
39 line that abuts a lot within a residential district. A child care center in a
40 nonresidential district, that is adjacent to a residential use or district, shall
41 provide **L2 L3** buffer landscaping along the adjacent lot line.

42 vi. **Snow Storage**

43 In residential districts, snow storage areas equal to at least 15 percent of
44 the total area of the site used for parking, drives, walkways, and other
45 surfaces that need to be kept clear of snow, shall be designated on the
46 site plan. Such areas designated for snow storage shall be landscaped

Page 186 ANNOTATION

This section was redundant to b.iii. above.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

1 only with grasses and flowers and shall have flat or concave ground
 2 surface with positive drainage away from structures and pavements.
 3 Snow storage is not allowed in front setbacks except in association with
 4 single-family or two-family structures. Snow storage is allowed in 50
 5 percent of side and rear setbacks, if trees and other vegetation
 6 designated for preservation will not be damaged. If snow is to be hauled
 7 off-site, temporary snow storage areas shall be shown on the site plan.

8 **vii. Continuing Conditional Uses**

9 This section shall not apply to any use continuing as a lawful conditional
 10 use on February 28, 2006.

11 **c. Additional Standards for Conditional Uses**

12 **i. Use-Specific Standards Apply**

13 These uses shall meet the use-specific standards above in addition to
 14 any requirements imposed by a conditional use approval.

15 **ii. Additional Standards**

16 Additional restrictions as to the size of the use, hours of operation, or
 17 other restrictions necessary to ensure compatibility with the
 18 neighborhood and minimize offside impacts, may be imposed by the
 19 planning and zoning commission.

20 **[VEGETATED OPEN SPACE]**

21 A MINIMUM OF 25 PERCENT OF THE LOT SHALL REMAIN AS OPEN
 22 AREA, TO INCLUDE LANDSCAPING OR NATURAL VEGETATION.
 23 THE OPEN AREA SHALL NOT INCLUDE BUILDINGS, DRIVEWAYS,
 24 PARKING AREAS, SIDEWALKS, OR SIMILAR STRUCTURES,
 25 UNLESS THE PLANNING AND ZONING COMMISSION DETERMINES
 26 RETENTION OF LESS THAN 25 PERCENT OF THE LOT AS OPEN
 27 AREA ALLOWS FOR SUFFICIENT BUFFERING OF ADJACENT
 28 USES.]

29 **2. Child Care Home**

30 **a. Definition**

31 Child care home has the same meaning as set forth in AMC chapter 16.55 and
 32 may care for up to eight children. Operation of a child care home is not a home
 33 occupation pursuant to subsection 21.05.070D.11. This use includes pre-
 34 schools that are not associated or co-located with an elementary, middle, or high-
 35 school.

36 **b. Use-Specific Standards**

37 **i. Minor Commercial Activity**

38 Licensed child care homes are intended to be minor commercial
 39 activities, shall not detract from the principal use allowed in the district,
 40 and shall not place an undue burden on any private or public
 41 infrastructure greater than anticipated from a permitted development.

42 **ii. Usable Outdoor Space**

43 Licensed child care homes shall provide usable outdoor space as
 44 required by section 16.55.450.

45 **iii. Continuing Conditional Uses**

46 This section shall not apply to any use continuing as a lawful conditional
 47 use on February 28, 2006.

1 **C. Community Service**

2 This category includes uses of a public, non-profit, or charitable nature providing a local service to
 3 people of the community. Generally, such uses provide the service on-site or have employees at
 4 the site on a regular basis. The service is ongoing, not just for special events. The use may
 5 provide special counseling, education, or training. Accessory uses may include offices, meeting,
 6 food preparation, parking, [HEALTH,] therapy areas, and athletic facilities. Specific use types
 7 include:

8 **1. Cemetery or Mausoleum**

9 **a. Definition**

10 A graveyard, burial ground, mausoleum, or other place of interment,
 11 entombment, or sepulture of one or more human bodies or remains. Crematoria
 12 are not permitted unless specifically allowed under this title as a separate
 13 principal use.

14 **b. Use-Specific Standards**

15 **i. Burial of Human Remains in Other Areas Prohibited**

16 Human remains, other than cremated remains, may not be buried,
 17 entombed, or interred, above or below ground, except in an approved
 18 cemetery.

19 **ii. Platting of Burial Plots**

20 Burial plots shall be platted in accordance with section 21.03.200[210]D.,
 21 *Abbreviated Plat Procedure*.

22 **iii. Density of Burial Plots**

23 Notwithstanding the minimum lot area for any zoning district, there shall
 24 be no more than 1,500 burial plots per gross acre.

25 **iv. Interment Below Groundwater Table Prohibited**

26 No burial plots shall be established where interment would occur below
 27 the groundwater table.

28 **v. Traffic Access**

29 A cemetery or mausoleum shall have direct access to a street
 30 designated as a collector or greater capacity.

31 **vi. Dimensional Standards**

32 Notwithstanding the general dimensional standards in chapter 21.06, the
 33 following standards shall apply to all cemeteries and mausoleums.

34 **(A) Minimum Site Area**

35 Five acres.

36 **(B) Minimum Setbacks**

37 **(1)** Front setback: 10 feet.

38 **(2)** Side setback: 10 feet.

39 **(3)** Rear setback: 10 feet.

40 **(C) Maximum Height of Structures**

41 35 feet.

42 **vii. Setbacks**

43 Graves and burial plots shall not be allowed within setback areas.

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

[TECH EDIT DELETION]

1 **b. Use-Specific Standards**

- 2 i. All facilities shall be maintained within a completely enclosed building,
3 and shall be sufficiently insulated so that, to the maximum extent
4 feasible, no noise or odor can be detected off-premises.
- 5 ii. Crematoria shall be located at least 200 feet from any residential use or
6 zoning district.

7 **4. Governmental Administration and Civic Buildings**

8 **a. Definition**

9 An office of a governmental agency or foreign government that provides
10 administrative and/or direct services to the public, such as, but not limited to,
11 employment offices, public assistance offices, or motor vehicle licensing and
12 registration services.

13 **b. Use-Specific Standards**

14 i. Unless otherwise indicated in table 21.05-1, g[G]overnment
15 administration and civic buildings or additions to existing government
16 administration and civic buildings shall have the following review
17 process:

- 18 (A) Construction of less than 7,000 square feet is permitted.
- 19 (B) Construction of 7,000 to 25,000 square feet is subject to an
20 administrative site plan review.
- 21 (C) Construction over 25,000 square feet is subject to a major site
22 plan review.
- 23 (D) Lease of existing space is permitted.

24 ii. The priority location for major federal, state, and municipal administrative
25 offices and civic buildings is in the central business district. Satellite
26 government offices and civic functions are intended to be located in other
27 regional centers, mixed-use centers, or town centers designated in the
28 comprehensive plan. When a government administrative and civic
29 building use is proposed at another location, approval is contingent on a
30 finding by the planning and zoning commission, using the approval
31 criteria of a public facility site selection process (21.03.140), that locating
32 the major use in the central business district or a satellite use in a
33 designated center would not be feasible, would not be compatible with
34 the urban center, or would not serve the public interest.

35 **5. Homeless and Transient Shelter**

36 **a. Definition**

37 A facility designed to provide minimum necessities of life, including overnight
38 accommodation, on a limited, short-term basis for individuals and families during
39 periods of dislocation or emergency pending formulation of longer-term planning.
40 Facility elements may include providing the physical care required, including
41 shelter, food, and necessary medical and clothing needs, directly or by referral to
42 appropriate agency; and planning for more permanent housing and employment,
43 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
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

1 **6. Neighborhood Recreation Center**

2 **a. Definition**

3 A facility providing recreation/pool facilities and/or meeting rooms, and typically
4 oriented to the recreational needs of the residents of a particular subdivision or
5 housing project.

6 **7. Religious Assembly**

7 **a. Definition**

8 A building or structure, or group of buildings or structures, intended primarily for
9 the conducting of organized religious services. Accessory uses may include, but
10 are not limited to, parsonages, meeting rooms, and child care provided for
11 persons while they are attending religious functions. Schools associated with
12 religious assemblies are not an accessory use.

13 **b. Use-Specific Standards**

14 **i. Standards**

15 Religious assembly uses shall comply with the use-specific standards set
16 forth above under “community center.”

17 **ii. Columbaria**

18 Columbaria, which are structures having recesses in the walls to receive
19 urns containing ashes of the dead, or columbarium walls, are permitted
20 accessory uses with religious assemblies.

21 **iii. Maximum Height**

22 Except for those elements **excepted** [EXEMPTED] in subsection
23 21.06.030D.6[5], a religious assembly may not exceed the height
24 permitted in the zoning district in which it is located. However, in districts
25 where the maximum height is less than 40 feet, the maximum height for
26 a religious assembly may increase to 40 feet, so long as the building is
27 setback from any point on the property line at least twice the maximum
28 actual height.

29 **iv. Religious Assembly in Industrial Districts**

30 Religious assembly uses in the I-1 and I-2 districts shall have a
31 maximum gross floor area of 20,000 square feet.

32 **D. Cultural Facility**

33 This category includes public or nonprofit facilities open to the public that display or preserve
34 objects of interest or provide facilities for one or more of the arts or sciences or provision of
35 government services. Accessory uses may include parking, offices, storage areas, and gift
36 shops. Specific use types include:

37 **1. Aquarium**

38 **a. Definition**

39 An establishment where collections of living aquatic organisms are kept and
40 exhibited.

41 **2. Botanical Gardens**

42 **a. Definition**

43 A facility for the demonstration and observation of the cultivation of flowers, fruits,
44 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

1 kindergarten and eighth grade levels, but not higher than the ninth grade. This
 2 classification includes the terms “junior high school” and “intermediate school.”
 3 Pre-schools that are associated and co-located with elementary, middle, or high
 4 schools are considered to be part of the elementary, middle, or high school. Pre-
 5 schools without such association and co-location are categorized in this title as
 6 “child care facility.”

7 **b. Use-Specific Standards (also apply to “Boarding School” and “High**
 8 **School”)**

9 **i. Purpose**

10 The standards of this subsection are intended to ensure the compatibility
 11 of schools with surrounding neighborhoods and to minimize the impacts
 12 of school uses on adjacent properties.

13 **ii. Site Size**

14 Except where established site size criteria are approved by local or state
 15 governmental authority, minimum lot size in residential districts for
 16 schools with capacity of 100 or more students shall be one acre per 100
 17 students.

18 **iii. Setbacks**

19 **(A)** In residential districts, setbacks for schools with capacity for 25
 20 or more students shall be as follows:

21 **(1)** The front setback of the underlying district shall apply.

22 **(2)** Any structure or portion of structure equal to or less than
 23 15 feet high and equal to or less than 50 feet in length
 24 shall be set back at least 15 feet from any side or rear lot
 25 line. Any portion of such structure longer than 50 feet in
 26 length shall be set back at least 20 feet from any side or
 27 rear lot line.

28 **(3)** Any structure or portion of structure that is greater than
 29 15 feet in height shall be set back at least 25 feet from
 30 any side or rear lot line.

31 **(B)** In nonresidential districts, the setbacks of the underlying district
 32 shall apply.

33 **iv. Outdoor Play Space for Elementary and Middle Schools**

34 **(A)** Elementary and middle schools with capacity for 50 or more
 35 students, where students remain for more than four consecutive
 36 hours, shall provide two square feet of outdoor open space play
 37 area for every one square foot of total combined classroom
 38 space.

39 **(B)** The minimum dimension of any required outdoor open space
 40 play area is 20 feet.

41 **(C)** If the school is in close proximity to a park with usable open
 42 space, the park may count as the required outdoor open space
 43 play area. The decision-making body shall determine whether
 44 the nearby park is appropriate in terms of play space and
 45 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
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 (1) The park is between an eighth and a quarter mile from
2 the school.
- 3 (2) The school and park are not separated by a street of
4 arterial classification or greater on the *Official Streets*
5 *and Highways Plan*, except that in the Downtown area
6 (as defined by the Anchorage Downtown
7 Comprehensive Plan – 2007) but excluding the area
8 north of 2nd Avenue, the school and park may be
9 separated by a street classified as an arterial if a
10 signalized pedestrian crosswalk and adult crossing
11 guard supervision are provided.
- 12 (D) The decision-making authority may reduce or waive the outdoor
13 play space requirement if the applicant provides sufficient
14 rationale.
- 15 v. *Vehicle and Pedestrian Access*
- 16 (A) In all residential districts, all middle and high schools, and
17 schools without an Anchorage school district attendance
18 boundary shall have at least 100 feet of frontage on a collector or
19 greater classification street, if such schools have capacity of 100
20 or more students.
- 21 (B) In all districts, all schools with capacity for 100 or more students
22 shall provide adequate on-site student pick-up and drop-off area
23 to the satisfaction of the decision-making body.
- 24 (C) Paved pedestrian walkways and trails, exclusive of driveways,
25 shall be provided between the principal buildings and each
26 abutting public right-of-way or trail.
- 27 vi. *Temporary Structures for School Expansion Space (Relocatables)*
28 Temporary structures serving as expansion space for schools are
29 allowed in all districts in which schools are allowed, subject to the
30 following standards:
- 31 (A) Temporary structures shall not be placed in traffic circulation
32 routes, in required parking, or in required landscaping areas.
- 33 (B) The temporary structures are exempt from the general
34 requirements for all temporary uses contained in section
35 21.05.080, *Temporary Uses and Structures*.
- 36 The decision-making body may grant relief from these standards on a
37 case-by-case basis.
- 38 vii. *Landscaping*
39 L1 L2 visual enhancement landscaping is required along all property
40 lines where the school site abuts a residential use in a residential zone.
- 41 4. **High School**
- 42 a. **Definition**
- 43 A public, private, parochial, or charter school offering academic instruction for
44 students typically in the ninth through twelfth grades, but may include lower
45 grades.

1 **b. Use-Specific Standards**

2 High schools shall comply with the applicable use-specific standards set forth for
3 “elementary or middle school” above.

4 **5. Instructional Services**

5 **a. Definition**

6 A specialized instructional establishment that provides on-site training of
7 business, artistic, or commercial skills. Examples include, but are not limited to,
8 driving schools for personal vehicles, fine arts schools, dance, music, and
9 computer instructional services. This use does not include establishments that
10 teach skills that prepare students for jobs in a trade (e.g., carpentry), which are
11 classified under “vocational or trade schools.”

12 **6. Vocational or Trade School**

13 **a. Definition**

14 A secondary or higher education facility teaching skills that prepare students for
15 jobs in a trade to be pursued as an occupation, such as carpentry, welding,
16 heavy equipment operation, piloting boats or aircraft, repair and service of
17 appliances, motor vehicles, boats, aircraft, light or heavy equipment,
18 [ACCOUNTING, DATA PROCESSING] and computer repair. Incidental
19 instruction^a services in conjunction with another primary use shall not be
20 considered a vocational or trade school.

21 **b. Use-Specific Standard**

22 This use [INCLUDES BUSINESS SCHOOLS BUT] excludes establishments
23 providing training in an activity that is not otherwise permitted in the zoning
24 district.

25 **F. Health Care Facility**

26 This category includes uses that provide medical or surgical care to patients. Accessory uses
27 may include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking,
28 maintenance facilities, and housing for staff or trainees. Specific uses types include:

29 **1. Health Services**

30 **a. Definition**

31 Establishments primarily engaged in furnishing, on an outpatient basis,
32 chiropractic, dental, medical, surgical, or other services to individuals, including
33 the offices of chiropractors, physicians, dentists, and other licensed medical
34 practitioners, medical and dental laboratories, outpatient care and outpatient care
35 facilities, pharmacies [DISPENSARIES], home health care agencies, and blood
36 banks.

37 **b. Use-Specific Standard[S]**

38 Applicable health service establishments shall comply with the medical facility
39 accessible parking requirements; see subsection 21.07.090J.4.

40 **2. Hospital/Health Care Facility**

41 **a. Definition**

42 A facility or institution, whether public or private, principally engaged in providing
43 inpatient services for medical, surgical, or psychiatric care, and the treatment and
44 housing of persons under the care of doctors and nurses. Examples include
45 general or specialty hospitals, but exclude habilitative care facilities, assisted
46 living facilities, and nursing facilities. Training, rehabilitation services, and health
47 services may be permitted as accessory uses, if integral to the facility’s function.
48 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 21.05-112 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

[ADMINISTRATION DELETION]

PZC Addition

[PZC DELETION]

Assy Cmte Addition

[ASSY CMTE DELETION]

Tech Edit Addition

[TECH EDIT DELETION]

1 **G. Parks and Open Areas**

2 This category includes uses of land focusing on natural areas, large areas consisting mostly of
 3 vegetative landscaping or outdoor recreation, community gardens, or public squares. **Such**
 4 **[L]**ands tend to have few structures. Accessory uses may include clubhouses, playgrounds,
 5 maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types
 6 include:

7 **1. Community Garden**

8 **a. Definition**

9 A private or public facility for the cultivation of fruits, flowers, vegetables, or
 10 ornamental plants by more than one individual or family, for personal use and not
 11 for commercial gain.

12 **2. Park [AND OPEN SPACE], Public or Private**

13 **a. Definition**

14 **[RESERVED]**

15 An area that is predominately open space, reserved for and designed to be used
 16 principally for active and/or passive recreation, and/or to serve ecological and
 17 aesthetic functions; any area designated as park by the assembly.

18 **b. Use-Specific Standards in the Anchorage Bowl**

19 **i. Any master plan created for a municipal park shall be reviewed and**
 20 **approved as follows:**

21 **(A) For all park master plan proposals, the parks and recreation**
 22 **commission shall hold a public meeting, which shall include the**
 23 **opportunity for oral public comment.**

24 **(B) Master plans for parks classified by the Anchorage Bowl Park,**
 25 **Natural Resource, and Recreation Facility Plan as community**
 26 **use area, special use area, or natural resource use area (over 30**
 27 **acres) shall be approved by the planning and zoning**
 28 **commission.**

29 **(C) Master plans for parks classified by the Anchorage Bowl Park,**
 30 **Natural Resource, and Recreation Facility Plan as neighborhood**
 31 **use area or natural resource use area (30 acres or fewer) shall**
 32 **be approved administratively by the director.**

33 **ii. All development projects in municipal parks require a site plan review, as**
 34 **follows:**

35 **(A) For all development projects in municipal parks, the parks and**
 36 **recreation commission shall hold a public meeting, which shall**
 37 **include the opportunity for oral public comments.**

38 **(B) Any discrepancies with an approved park master plan shall be**
 39 **described and justified.**

40 **(C) All development projects costing more than \$500,000 or**
 41 **disturbing more than one acre of land and in parks classified by**
 42 **the Anchorage Bowl Park, Natural Resource, and Recreation**
 43 **Facility Plan as community use area, special use area, or natural**
 44 **resource use area (over 30 acres) shall be approved by major**
 45 **site plan review in accordance with 21.03.180C. For the**

1 purposes of this subsection, vegetation removal for public safety,
 2 natural resource protection and enhancement (such as invasive
 3 species removal and reforestation), ecosystem health, and
 4 general routine maintenance is not considered land disturbance.

5 (D) All development projects costing \$500,000 or less and disturbing
 6 one acre or less of land, and all development projects in parks
 7 classified by the *Anchorage Bowl Park, Natural Resource, and*
 8 *Recreation Facility Plan* as neighborhood use area or natural
 9 resource use area (30 acres or fewer) shall be approved by
 10 administrative site plan review in accordance with 21.03.180B.
 11 Trails that are reviewed under section 21.03.190, *Street and Trail*
 12 *Review*, are exempt from this administrative site plan review.
 13 For the purposes of this subsection, vegetation removal for
 14 public safety, natural resource protection and enhancement
 15 (such as invasive species removal and reforestation), ecosystem
 16 health, and general routine maintenance is not considered land
 17 disturbance.

18 c. **Use-Specific Standards in Chugiak-Eagle River-Eklutna**

19 i. Any master plan created for a municipal park shall be reviewed and
 20 approved as follows:

21 (A) For all park master plan proposals, the Eagle River-Chugiak park
 22 and recreation board of supervisors shall hold a public meeting,
 23 which shall include the opportunity for oral public comments.

24 (B) Master plans for parks classified by the *Anchorage Park,*
 25 *Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-*
 26 *Chugiak-Eklutna"* as community, large urban, or regional parks
 27 shall be approved by the **planning and zoning commission**.

28 (C) Master plans for parks classified by the *Anchorage Park,*
 29 *Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-*
 30 *Chugiak-Eklutna"* as playlots, mini parks, vest pocket parks, or
 31 neighborhood parks shall be approved administratively by the
 32 **director**.

33 ii. All development projects in municipal parks require a site plan review, as
 34 follows:

35 (A) For all development projects in municipal parks, the Eagle River-
 36 Chugiak park and recreation board of supervisors shall hold a
 37 public meeting, which shall include the opportunity for oral public
 38 comments.

39 (B) Any discrepancies with an approved park master plan shall be
 40 described and justified.

41 (C) All development projects costing more than \$500,000 or
 42 disturbing more than one acre of land and in parks classified by
 43 the *Anchorage Park, Greenbelt and Recreation Facility Plan*
 44 *Volume 2: "Eagle River-Chugiak-Eklutna"* as community, large
 45 urban, or regional parks shall be approved by major site plan
 46 review in accordance with 21.03.180C. For the purposes of this
 47 subsection, vegetation removal for public safety, natural

1 resource protection and enhancement (such as invasive species
 2 removal and reforestation), ecosystem health, and general
 3 routine maintenance is not considered land disturbance.

4 (D) All development projects costing \$500,000 or less and disturbing
 5 one acre or less of land, and all development projects in parks
 6 classified by the *Anchorage Park, Greenbelt and Recreation*
 7 *Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as
 8 playlots, mini parks, vest pocket parks, or neighborhood parks
 9 shall be approved by administrative site plan review in
 10 accordance with 21.03.180B. Trails that are reviewed under
 11 section 21.03.190, *Street and Trail Review*, are exempt from this
 12 administrative site plan review. For the purposes of this
 13 subsection, vegetation removal for public safety, natural
 14 resource protection and enhancement (such as invasive species
 15 removal and reforestation), ecosystem health, and general
 16 routine maintenance is not considered land disturbance.

17 d. **Use-Specific Standards in Turnagain Arm**

18 i. All master plans, and any development projects costing more than
 19 \$500,000 in municipal parks identified in the *Anchorage Park, Greenbelt*
 20 *and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be
 21 approved by major site plan review in accordance with 21.03.180B.

22 ii. All development projects costing \$500,000 or less in municipal parks
 23 identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan*
 24 *Volume 3: "Turnagain Arm"* shall be approved by administrative site plan
 25 review in accordance with subsection 21.03.180B.

26 e. **Director's Discretion**

27 Notwithstanding the various requirements above, the director shall require a park
 28 master plan or development project that would normally be approved
 29 administratively, to be approved by the appropriate commission if, in his or her
 30 judgment:

31 i. The plan or project is likely to generate significant public interest;

32 ii. The project is a significant deviation from an approved master plan;

33 iii. The project will have a significant impact on neighboring uses; or

34 iv. The plan or project significantly increases the intensity of development of
 35 the park.

36 H. **Public Safety Facility**

37 This category includes buildings, storage areas, and other facilities for the public safety
 38 operations of local, state, or federal government. Accessory uses may include maintenance,
 39 storage, fueling facilities, satellite offices, holding cells, and parking **lots** [AREAS]. Specific use[S]
 40 **types** include:

41 1. **Community or Police Substation**

42 a. **Definition**

43 A subsidiary community services or police station providing public services
 44 primarily intended for the immediate geographic area in which the station is
 45 located.

Page 199 ANNOTATION

Administration Addition

[ADMINISTRATION DELETION]

PZC Addition

[PZC DELETION]

Assy Cmte Addition

[ASSY CMTE DELETION]

Tech Edit Addition

[TECH EDIT DELETION]

1 **b. Use-Specific Standard[S]**

2 In residential districts, community or police substations shall be no larger than
3 3,500 square feet in gross floor area, and shall be architecturally compatible with
4 the surrounding residential neighborhood in terms of building and roofing design
5 and materials and lot placement.

6 **2. Correctional Institution**

7 **a. Definition**

8 A facility, other than a correctional community residential center, providing for the
9 imprisonment or physical confinement of prisoners under guard or 24-hour
10 physical supervision, such as prisons, prison farms, jails, reformatories,
11 penitentiaries, houses of detention, detention centers, honor camps, and similar
12 facilities.

13 **b. Use-Specific Standards**

14 **i. Traffic Access**

15 A site more than one-half acre in size shall provide for direct access from
16 a street of collector or greater capacity.

17 **ii. Screening or Buffering**

18 The planning and zoning commission may require fencing and
19 landscaping.

20 **3. Fire Station**

21 **a. Definition**

22 A station housing fire and rescue personnel including indoor and outdoor space
23 for administrative offices, storage of equipment, and associated vehicles and
24 servicing facilities.

25 **4. Public Safety Facility**

26 **a. Definition**

27 A facility operated by a government agency for the purpose of providing public
28 safety and emergency services, training for public safety and emergency
29 personnel, and related administrative and support services. Examples include,
30 but are not limited to, a police station, an emergency operations center, or a fire
31 or police training center.

32 **I. Transportation Facility**

33 This category includes facilities that receive and discharge passengers and freight. Accessory
34 uses may include freight handling areas, concessions, offices, parking and maintenance, and
35 fueling facilities. Specific use types include:

36 **1. Airport**

37 **a. Definition**

38 A publicly owned area of land or water that is used or intended for use for the
39 landing and take-off of aircraft, and includes its buildings and facilities, if any.

40 **2. Airstrip, Private**

41 **a. Definition**

42 Privately owned land or water maintained as a runway for fixed-wing aircraft.

43 **b. Use-Specific Standards**

44 **i. Private airstrips are allowed conditionally in residential districts only if
45 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]

1 on public transit. Accessory uses may include ticket purchase facilities, food and
2 beverage kiosks, and convenience stores.

3 J. Utility Facility

4 This category includes [BOTH] major utilities, which are infrastructure services providing regional
5 or community-wide service, and minor utilities, which are infrastructure services that need to be
6 located in or near the neighborhood where the service is provided. Services may be publicly or
7 privately provided. Accessory uses may include parking and control, monitoring, or data
8 transmission equipment. Specific uses types include:

9 1. Utility Facility

10 a. Definition

11 A service of a regional nature that normally entails the construction of new
12 buildings or structures, and that typically has employees at the site. Examples
13 include water works, water or sewage treatment plants, power or heating plants,
14 or steam generating plants.

15 2. Utility Substation

16 a. Definition

17 A service that is necessary to support development within the immediate vicinity,
18 and is typically not staffed. Examples include, but are not limited to, electric
19 transformer stations; gas regulator stations; water reservoirs; telephone
20 exchange facilities; and water and sewage collection or pumping stations.

21 b. Use-Specific Standard[S]

22 The facility shall be designed and constructed to ensure visual and aesthetic
23 compatibility with the surrounding neighborhood. Compatibility may be achieved
24 either by using similar architectural design and materials as building(s) in the
25 surrounding neighborhood, or by screening the facility with L2 L3 buffer
26 landscaping.

27 K. Telecommunication Facilities

28 Telecommunication facilities transmit signals between or among points using electromagnetic
29 waves. The facilities may include towers, antennas, buildings, transformers, transmitters,
30 receivers, equipment cabinets, and parking lots [AREAS].

31 1. Definitions

32 a. Type 1 Tower

33 A freestanding vertical support structure of cylindrical, conical, or rectangular
34 cross section constructed of composite, wood, concrete, or metal employed
35 primarily for the purpose of supporting an antenna array and commonly called a
36 monopole.

37 b. Type 2 Tower

38 A freestanding vertical support structure of open frame skeletal design employed
39 primarily for the purpose of supporting an antenna array and commonly called a
40 lattice tower. This tower type includes lateral arrays.

41 c. Type 3 Tower

42 A guyed vertical support structure of open frame, skeletal design, or solid pole
43 design employed primarily for the purpose of supporting an antenna array and
44 commonly called a guyed tower.

1 d. **Type 4 Tower**

2 A support structure, such as an existing building, steeple, spire, or utility pole that
3 is not a type 1, 2, or 3 and is used for supporting a disguised, camouflaged, or
4 hidden antenna array so that its principal or secondary function as an antenna
5 and antenna support structure is imperceptible to an uneducated eye. The
6 antennas are mounted on the support structure so that they are located and
7 designed to minimize visual and aesthetic impacts to surrounding land uses and
8 structures and shall, to the greatest extent practical, blend into the existing
9 environment. This definition shall include any antenna or antenna array
10 complying with the objective of definition whether it is mounted on tower structure
11 or not.

12 2. **Use-Specific Standards**

13 a. **Setbacks**

14 i. The minimum distance from any lot line to the vertical axis of the tower
15 structure shall be as follows:

16 (A) Types 1: equal to or greater than the setbacks of the underlying
17 zoning district.

18 (B) Type 2: equal to or greater than the distance measured from
19 grade to the first taper transition.

20 (C) Type 3: equal to or greater than the distance measured from the
21 tower structure axis to the outermost guy wire anchor. The guy
22 wire levels and anchor radius must match manufacturer's criteria
23 for the proposed application.

24 (D) Type 4: none.

25 ii. That portion of guy wire anchor structure that is above grade shall be set
26 back from any property line in accordance with the following:

27 (A) Guy wire with a nominal diameter of 0.25 inches or less--25 feet,
28 provided the setback may be reduced to 0 feet if the anchor
29 structure is enclosed within a sight obscuring fence.

30 (B) Guy wire with a nominal diameter greater than 0.25 inches but
31 less than 0.625 inches--25 feet, provided the setback may be
32 reduced to five feet if the anchor structure is enclosed within a
33 sight obscuring fence.

34 (C) Guy wire with a nominal diameter equal to or greater than 0.625
35 inches--25 feet.

36 b. **Minimum Separation Distance From Protected Land Uses**

37 i. The minimum separation distance between the base of the tower
38 and any principal structure on PLI or residentially-zoned land, or any
39 school or licensed child care center, shall be two times the allowable
40 tower height.

41 ii. After giving due consideration to the comments of the applicant, the
42 property owner, and the local community council, the director may
43 reduce or eliminate the minimum separation distance set forth in the
44 paragraph b.i. above.

- 1 c. **Tower Structure Height**
- 2 i. Height for a tower structure directly fixed to the ground shall be
- 3 determined by measurement from grade to the highest point on the tower
- 4 structure, including any installed antennas and lighting and supporting
- 5 structures.
- 6 ii. Height for a tower structure not directly affixed to the ground shall be
- 7 determined by measurement from the grade of the building to the highest
- 8 point on the tower structure, including any installed antennas and lighting
- 9 and supporting structures. At no time shall the height of a tower installed
- 10 on a building as measured from grade to the highest point on the tower
- 11 structure as set forth above exceed the height of the building multiplied
- 12 by two or the base height, whichever is greater. Tower structures shall
- 13 not exceed the height limits set forth in subsection 21.04.060C. of this
- 14 title nor interfere with Federal Aviation Administration Regulations on
- 15 airport approaches.
- 16 iii. Base height shall be as set forth below:
- 17 (A) Residential districts--65 feet
- 18 (B) Commercial **AND MIXED-USE** districts--130 feet
- 19 (C) Industrial districts--150 feet
- 20 (D) AF district--200 feet
- 21 (E) All other districts--100 feet
- 22 iv. Co-location shall grant an additional 15 feet above the base height for
- 23 each qualifying antenna to a maximum of 30 feet of additional height.
- 24 Increases in tower structure height by operation of this paragraph shall
- 25 not reclassify a tower structure from a local interest tower to a community
- 26 interest tower.
- 27 d. **Residential Zoning Districts, RO District, and AF District**
- 28 i. *In all residential districts and in the RO district, type 1 and 3 towers,*
- 29 *antennas without tower structures, and type 4 tower structures and*
- 30 *antennas are permitted as a secondary and subordinate use with a*
- 31 *permitted nonresidential use.*
- 32 ii. In the R-3, R-4, R-4A, R-5, and RO districts, type 1 and 3 towers,
- 33 antennas *without* tower structures, and type 4 tower structures are also
- 34 permitted as a secondary and subordinate use with a residential use of
- 35 six dwelling units or more.
- 36 iii. In the AF *district*, three towers per lot are permitted. More than three
- 37 towers per lot require conditional use approval.
- 38 e. **Notice of Site Selection and Site Plan Review**
- 39 i. *B-1A and Watershed Zoning Districts*
- 40 (A) Prior to issuance of a building or land use permit for a type 1, 2,
- 41 and 3 tower structures within B-1A and W zoning districts,
- 42 property owners of residential-zoned land within 500 feet of the
- 43 selected tower site and the local community council shall be
- 44 notified in writing of the issuance of a building or land use permit.

- 1 The effective date of the permit shall be no earlier than 30 days
2 after the date of mailing of the notification.
- 3 (B) A decision to issue a building or land use permit is final unless
4 appealed within the 30 day notice period to the planning and
5 zoning commission. An appeal may be filed by the applicant or
6 by a petition of at least one-third of the owners (excluding rights-
7 of-way) of the privately owned land within 500 feet of the outer
8 boundary of the tower site. In the event of appeal, the planning
9 and zoning commission shall hold a public hearing at its next
10 available meeting and apply the standards of this section. An
11 appeal from a decision of the planning and zoning commission
12 may be brought in accordance with section 21.03.050A.
- 13 ii. *PLI and Residential Districts*
14 All type 1, 2, and 3 tower structures within a residential district, as
15 allowed by table 21.05-1, or PLI district shall be subject to a site plan
16 review as set forth in this section, except when a conditional use permit
17 is required.
- 18 iii. *Other Zoning Districts*
19 All zoning districts not referenced in e.i. or e.ii. above are exempt from
20 the notification requirements, the minimum separation distances from
21 protected land uses, and the site plan review requirements set forth in
22 this chapter.
- 23 f. **Co-location**
24 i. The *co-location* tower structure, pole, monopole or any other similar
25 facility, must be designed to accommodate no less than the following
26 communications equipment: 12 antennas with a flat plate wind loading of
27 not less than *four* square feet per antenna; a standard mounting
28 structure, stand off arms, platform or other similar structure that is
29 sufficient to hold the antennas; cable ports at the base and antenna
30 levels of the tower structure; and, sufficient room within or on the tower
31 structure for 12 runs of 7/8" coaxial cable from the base of the tower
32 structure to the antennas.
- 33 ii. Applicants for *co-location* shall provide proof in a form found acceptable
34 to the municipal attorney that more than one service provider *is using* the
35 *co-location* facility.
- 36 iii. All community and local interest towers shall, for a reasonable
37 compensation, be made available for use by as many other licensed
38 carriers as can be technically *co-located* thereon when the use will not
39 result in substantial injury to the owner, or in substantial detriment to the
40 service to the customers of the owners. All licensed carriers shall
41 cooperate with each other in *co-locating* additional facilities upon such
42 towers. All licensed carriers shall exercise good faith in *co-locating* with
43 other licensed carriers and in the sharing of towers, including the sharing
44 of technical information to evaluate the feasibility of *co-location*.
- 45 g. **General Standards**
46 i. *Installation*
47 All transmitting antennas shall be installed in a manner as set forth by
48 the manufacturer and by the Federal Communications Commission

- 1 (FCC) as meeting the current American National Standards Institute
2 (ANSI) standard for nonionizing electromagnetic radiation (NIER).
- 3 ii. *Tower Lighting*
4 Tower structures shall not be lighted unless the Federal Aviation
5 Administration requires or recommends that obstruction lighting be
6 installed. To prevent direct light reflection on other property, tower
7 structure lighting shall be shielded to the extent permitted by the Federal
8 Aviation Administration.
- 9 iii. *Tower Color*
10 The tower structure and any other structure(s) directly related to the
11 operation of any antenna mounted on the tower structure shall be neutral
12 in color and, to the extent possible, shall be compatible with the
13 appearance and character of the neighborhood or location unless
14 obstruction marking is required by the Federal Aviation Administration.
- 15 iv. *Notice and Interference*
16 An operator proposing to install or modify an antenna shall provide notice
17 to all property owners within 500 feet of the date of activation of the new
18 or modified antenna. Within 90 days of activation the antenna, the
19 operator shall resolve all reported occurrences of interference.
- 20 v. *Identification Placard*
21 An identification placard shall be attached to the tower structure or the
22 security fencing in a location clearly visible at eye level. The placard shall
23 provide the following information:
- 24 (A) The name and address of the tower structure owner;
- 25 (B) The name and address of the tower structure manager, if
26 different from the owner;
- 27 (C) The date of erection of the tower structure; and
- 28 (D) The owner's name and address of each antenna on the tower
29 structure.
- 30 h. ***Administrative Permit Required***
31 An administrative permit shall be obtained from the director. The application shall
32 identify the antenna(s) on the tower, the legal description of the site, its zoning
33 and its street address, if any. This permit shall certify that, when granted, the
34 antenna, or tower structure was in compliance with this section. This permit shall
35 remain valid so long as that antenna or tower structure remains in continuous
36 operation or is revoked according to this title.
- 37 i. ***Administrative Permit Revocation***
38 i. Unless cured, an administrative tower permit shall be revoked after
39 notice and the opportunity to cure, for any of the following:
- 40 (A) Construction, maintenance, and/or operation of a tower at an
41 unauthorized location;
- 42 (B) Construction or operation of a tower in violation of any of the
43 terms and conditions of this chapter or the conditions attached to
44 the permit;

- 1 (C) Material misrepresentation by or on behalf of an applicant or
 2 permittee in any application or written statement upon which the
 3 administrative official substantially relies in making the decision
 4 to grant, review, or amend any permit pursuant to this section
 5 and which materially changes the application of the standards of
 6 approval of the permit;
- 7 (D) Abandonment of a tower as set forth in this section; or
- 8 (E) Failure to relocate or remove facilities as required in this section.
- 9 ii. After having a tower permit revoked, no tower shall be re-permitted for
 10 that property or by that tower owner on any property within the
 11 municipality for a period of one year except through a conditional use
 12 permit. This subsection shall apply only with respect to community and
 13 local interest tower revocations pursuant to this title after the effective
 14 date of this ordinance.
- 15 j. **Annual Inventory**
 16 By January 31 of each year, each tower owner who is regulated by this section
 17 shall provide the municipality with an inventory of all additions and deletions of
 18 said provider's existing towers or approved sites for such facilities that are within
 19 the municipality or within one mile of the border thereof as of December 31 of the
 20 previous year. The first inventory from each provider shall be a comprehensive
 21 current list of their existing towers and approved sites.
- 22 k. **Time Period for Construction**
 23 Construction of a tower shall commence within one year from the date of the
 24 permit's approval, with opportunity for a six-month extension. If not used within
 25 one year, or within the extension period, the permit shall become null and void.
- 26 l. **Administrative Site Plan Review**
- 27 i. *Applicability*
 28 When an administrative site plan is required by table [S](#) 21.05-1 [OR](#)
 29 [21.05-2](#), this subsection shall apply. A site plan review is required of all
 30 such towers since they have aesthetic and visual impacts on their
 31 neighbors, and the public interest is best served by allowing these
 32 neighbors and the public at large a chance to comment on and provide
 33 input concerning the location and design of these towers. All such towers
 34 shall conform to the requirements of this section and to the requirements
 35 of the zoning district in which the tower is located.
- 36 ii. *General*
- 37 (A) In approving a site plan, the director may impose conditions to
 38 the extent that he or she concludes are necessary to minimize
 39 any adverse effect of the proposed tower structure, including all
 40 associated structures and landscaping, on adjoining properties.
- 41 (B) Any information of an engineering nature that the applicant
 42 submits, whether civil, mechanical, or electrical, shall be certified
 43 by a licensed professional engineer.
- 44 iii. *Submittal Information*
 45 Applicants for an administrative site plan review for a tower structure
 46 shall submit the information required in the user's guide.

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
- 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.
- 16
17
18
19
20
21
22
- 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.
- 23
24
25
26
- 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.
- 27
28
29
30
31
32
33
34
35
36
- 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.
- 37
38
39
40
41
42
43
44
45
46
47
- 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.

1 n. **Community Interest and Local Interest Towers**

2 Community interest and local interest towers as a permitted principal use shall be
3 subject to the following:

4 i. *Parking*

5 Off-street parking space is not required, however if it is provided, parking
6 spaces may be shared with other principal uses on the site. The parking
7 spaces shall be paved with concrete or asphalt compound or shall be
8 covered with a layer of crushed rock of no more than one inch in
9 diameter to a minimum depth of three inches. Parking space illumination
10 shall be provided only to extent that the area is illuminated when the
11 parking space is in use. The illumination shall be the lowest possible
12 intensity level to provide parking space lighting for safe working
13 conditions.

14 ii. *Security*

15 The tower structure and support structures shall be secured to prevent
16 unauthorized access.

17 iii. *Separation Distance*

18 If any community interest tower on a site exceeds 200 feet in height, the
19 tower site shall be separated from any other principal or conditional use
20 community interest or local interest tower site with tower(s) exceeding
21 200 feet in height by at least 5,280 feet (one mile).

22 o. **Abandonment**

23 Any antenna or tower structure that is not operated for a continuous period of 12
24 months shall be considered abandoned, and the owner of such antenna or tower
25 structure shall remove the same within 180 days of receipt of notice from the
26 director notifying the owner of such abandonment. Failure to remove an
27 abandoned antenna or tower structure within said 180 days shall be grounds for
28 the municipality to remove the tower structure or antenna at the owner's
29 expense. If there are two or more users of a single tower structure, then this
30 provision shall not become effective until all users cease using the tower
31 structure.

32 p. **Conditional Use Standards**

33 i. *General and Applicability of Conditional Use Requirement*

34 The following provisions shall govern the issuance of conditional use
35 permits for tower structures or antennas by the planning and zoning
36 commission:

37 (A) If the community interest or local interest tower or antenna fails
38 to meet the conditions of subsections 2.a. through 2.c and/or 2.e.
39 through 2.o. above, then a conditional use permit shall be
40 required for the construction of a tower structure or the
41 placement of an antenna.

42 (B) Applications for conditional use permits under this section shall
43 be subject to the conditional use procedures and general
44 standards, except as modified in this section.

45 (C) In granting a conditional use permit, the planning and zoning
46 commission may impose conditions to the extent the commission
47 concludes such conditions are necessary to minimize any

- 1 adverse effect of the proposed tower structure or antenna on
2 adjoining properties.
- 3 (D) Any information of an engineering nature that the applicant
4 submits, whether civil, mechanical, or electrical, shall be certified
5 by a licensed professional engineer.
- 6 ii. *Submittal Information*
7 Applicants for conditional use for a tower structure shall submit the
8 information required in the user's guide and a non-refundable fee to
9 reimburse the municipality for the costs of reviewing the application.
- 10 iii. *Factors Considered in Granting Conditional Use Permits for Antennas*
11 *and Tower Structures.*
12 In addition to the general standards for a conditional use in subsection
13 21.03.080C., the planning and zoning commission shall consider the
14 following factors in determining whether to issue a conditional use
15 permit, although the commission may waive or reduce the burden on the
16 applicant of one or more of these criteria if the commission concludes
17 that the goals of this ordinance are better served thereby:
- 18 (A) Height of the proposed tower structure;
- 19 (B) Proximity of the tower structure to residential structures and
20 residential district boundaries;
- 21 (C) Nature of uses on adjacent and nearby properties;
- 22 (D) Surrounding topography;
- 23 (E) Surrounding tree coverage and foliage;
- 24 (F) Design of the tower structure, with particular reference to design
25 characteristics that have the effect of reducing or eliminating
26 visual obtrusiveness;
- 27 (G) Proposed ingress and egress; and
- 28 (H) Availability of suitable existing tower structures, other structures,
29 or alternative technologies not requiring the use of tower
30 structures or structures.
- 31 iv. *Availability of Suitable Existing Tower Structures, Other Structures, or*
32 *Alternative Technology*
33 No new tower structure shall be permitted unless the applicant
34 demonstrates to the reasonable satisfaction of the planning and zoning
35 commission that no existing tower structure, structure, or alternative
36 technology that does not require the use of tower structures, or
37 alternative technology can accommodate or replace the applicant's
38 proposed antenna. An applicant shall submit any additional information
39 requested by the planning and zoning commission related to the
40 availability of suitable existing tower structures, other structures, or
41 alternative technology. Evidence submitted to demonstrate that no
42 existing tower structure, structure, or alternative technology can
43 accommodate the applicant's proposed antenna will consist of the
44 following:

- 1 (A) No existing tower structures or structures are located within the
2 geographic area which meet applicant's engineering
3 requirements.
- 4 (B) Existing tower structures or structures are not of sufficient height
5 to meet applicant's engineering requirements.
- 6 (C) Existing tower structures or structures do not have sufficient
7 structural strength to support applicant's proposed antenna and
8 related equipment.
- 9 (D) The applicant's proposed antenna would cause electromagnetic
10 interference with the antenna on the existing tower structures or
11 structures, or the antenna on the existing tower structures or
12 structures would cause interference with the applicant's
13 proposed antenna.
- 14 (E) The fees, costs, or contractual provisions required by the owner
15 in order to share an existing tower structure or structure or to
16 adapt an existing tower structure or structure for sharing are
17 unreasonable. Costs exceeding new tower structure
18 development are presumed to be unreasonable.
- 19 (F) The applicant demonstrates that there are other limiting factors
20 that render existing tower structures and structures unsuitable.
- 21 (G) The applicant demonstrates that an alternative technology that
22 does not require the use of tower structures or structures, such
23 as a cable microcell network using multiple low-powered
24 transmitters/receivers attached to a wireline system, is
25 unsuitable. Costs of alternative technology that exceed new
26 tower structure or antenna development shall not be presumed
27 to render the technology unsuitable.
- 28 v. *Modifications*
29 Standards for modifications to community interest and local interest
30 towers allowed as a conditional use are as follows:
- 31 (A) Repairs and maintenance to the tower structure may be
32 performed consistent with subsection 21.12.040F.
- 33 (B) The replacement, repair or addition of antennas, dishes and
34 other transmitting or receiving devices to a tower shall not be
35 considered a modification of final approval as set forth in
36 subsection 21.03.080D. and shall be considered a use
37 contemplated within the original approved or de facto conditional
38 use where the replacement, repair, or addition of antennas,
39 dishes, and other transmitting or receiving devices:
- 40 (1) Will serve the same user or successor entity under the
41 original conditional use;
- 42 (2) Will serve the same general purpose as was served
43 under the original conditional use;
- 44 (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]

1 q. **Amateur Radio Stations And Receive Only Antennas**

2 i. Amateur radio stations are exempt from the location, tower type, and
3 height limitations contained in this title provided:

4 (A) The antenna and tower structure are part of a federally-licensed
5 amateur radio station; and

6 (B) In residential zoning districts there is no use of the tower
7 structure by a third party commercial antenna operator.

8 ii. The following are exempt from this title:

9 (A) Installation and use of antenna(s) for use by a dwelling unit
10 occupant for personal, home occupation, or utility telemetry
11 purposes, or by an electric or gas utility on an existing power
12 pole or cabinet to monitor or control equipment thereon; and

13 (B) Noncommercial receive only antennas.

14 iii. Notwithstanding the above, any antenna or tower structure that is not
15 operated for a continuous period of 12 months shall be considered
16 abandoned, and the owner of such antenna or tower structure shall
17 remove the same within 180 days of receipt of notice from the director
18 notifying the owner of such abandonment. Failure to remove an
19 abandoned antenna or tower structure within said 180 days shall be
20 grounds for the municipality to remove the tower structure or antenna at
21 the owner's expense.

22 iv. Any antenna or tower structure erected under this subsection 2.n. shall
23 not exceed the height limits set forth in subsection 21.04.080C. nor
24 interfere with Federal Aviation Administration Regulations on airport
25 approaches.

26 **21.05.050 COMMERCIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

27 This section defines the general commercial use categories and specific commercial use types listed in
28 table[S] 21.05-1 [AND 21.05-2]. The uses may either be commercial or have impacts common to
29 commercial uses. This section also contains use-specific standards that apply to specific use types. The
30 use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject
31 to a site plan review process, or subject to the conditional use process.

32 **A. Agricultural Uses**

33 This category includes activities that primarily involve producing or keeping plants on a
34 commercial basis. Accessory uses may include dwellings for proprietors and employees, barns,
35 storage, and sales of products produced on-site. Specific use types include:

36 **1. Commercial Horticulture**

37 **a. Definition**

38 An establishment engaged in the growth and sale of vegetables, produce, fruit
39 crops, vines, shrubs, trees (including Christmas trees), sod, and nursery plants,
40 conducted within or outside an enclosed building. This use includes, but is not
41 limited to, crop farms, orchards, groves, tree plantations, commercial
42 greenhouses, nurseries, and a temporary stand for the sale of products grown on
43 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]

1 **B. Animal Sales, Service, and Care**

2 This category includes uses that involve the selling, boarding, training, or care of animals on a
3 commercial basis. Accessory uses may include confinement facilities for animals, parking, and
4 storage areas. Specific use types include:

5 **1. Animal Shelter**

6 **a. Definition**

7 A facility used to house or contain stray, homeless, abandoned, or unwanted
8 animals and that is owned, operated, or maintained by a public or nonprofit
9 organization devoted to the welfare, protection, and humane treatment of
10 animals. This term shall not include residences where animals are fostered while
11 awaiting adoption.

12 **b. Use-Specific Standards (also apply to “Retail and Pet Services”, “Animal**
13 **Boarding [KENNEL, COMMERCIAL]”, and “Veterinary Clinic”)**

14 **i. General Standards when Use is within 100 Feet of a Residential [OR**
15 **MIXED-USE] District**

16 All facilities, including all treatment rooms, cages, pens, kennels, and
17 training rooms, shall be maintained within a completely enclosed
18 building. Areas for the care of large animals that are associated with
19 veterinary clinics are exempt from this requirement, but shall meet the
20 setback standards of subsection 21.05.050B.3.b.iv.

21 **ii. Standards When Use is Not within 100 Feet of a Residential [OR**
22 **MIXED-USE] District**

23 Outdoor runs shall be located on site and shall be screened from the
24 view of all adjacent streets and properties by fencing or vegetation.

25 **iii. Waste Management**

26 Waste shall be managed in accordance with AMC section 15.20.020.

27 **2. Animal Boarding [KENNEL, COMMERCIAL]**

28 **a. Definition**

29 A commercial establishment where small domestic animals, such as dogs and
30 cats, are boarded. **This use includes animal daycare.**

31 **b. Use-Specific Standard[S]**

32 **Animal boarding establishments [COMMERCIAL KENNELS]** shall comply with
33 the use-specific standards above for “animal shelter.”

34 **3. Large Domestic Animal Facility, Principal Use**

35 **a. Definition**

36 An establishment for keeping, harboring, riding, boarding, stabling, training,
37 exercising, breeding, or related use of four or more large domestic animals, and
38 the associated structure(s) such as a paddock or stable. Includes riding stable
39 facilities for the care and exercise of horses and related equestrian activities.
40 Such establishment may be a commercial establishment or may be in
41 conjunction with a residence but exceed the incidental and subordinate nature of
42 an accessory use.

43 **b. Use-Specific Standards**

44 **i. Access**

45 Traffic access shall be from a street constructed to standards found by
46 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]

- 1 ii. *Lot Coverage*
2 Lot coverage may be 10 percent greater than the maximum lot coverage
3 otherwise allowed in the zoning district. [SHALL BE THAT OF THE
4 UNDERLYING ZONING DISTRICT EXCEPT THAT THE PLANNING
5 AND ZONING COMMISSION MAY ALLOW UP TO 10 PERCENT
6 ADDITIONAL LOT COVERAGE ABOVE THE MAXIMUM ALLOWED IN
7 THE DISTRICT.]
- 8 iii. *Adjacent Lots*
9 Adjacent lots may be used in square footage calculations for site size
10 only. If the adjacent lots are not under single ownership, the lot owners
11 shall submit a recorded joint usage agreement for review and approval
12 by the director. In such cases, setback requirements shall not apply to
13 the common interior lot lines and a primary use need not be located on
14 the adjacent lot.
- 15 iv. *Setbacks*
16 Notwithstanding the setbacks of the underlying zoning district, covered
17 structures associated with a large domestic animal facility, such as a
18 stable or barn, shall be set back at least 25 feet from any abutting lot
19 line, not including interior lot lines between lots in common ownership.
20 Uncovered enclosures shall meet one of the following setback options:
- 21 (A) Seventy-five feet from residences existing on February 28, 2006,
22 not including any residence in common ownership with the large
23 domestic animal facility; or
- 24 (B) Ten feet from any abutting lot line, not including interior lot lines
25 between lots in common ownership, if the separation area is
26 vegetated with L2 L3 buffer landscaping.
- 27 v. *Fences*
28 Barbed wire shall not be used for fencing of any large domestic animal
29 facilities.
- 30 vi. *Other Requirements*
31 Large domestic animal facilities shall:
- 32 (A) Meet the requirements of AMC chapter 15.20 regarding animal
33 waste, AMC subsection 15.55.060B. concerning separation
34 requirements from water supply wells, and section 21.07.020
35 concerning stream protection setbacks;
- 36 (B) Obtain an animal control facility license;
- 37 (C) Obtain certification of compliance with a state of Alaska,
38 Anchorage soil and water conservation district conservation plan,
39 or obtain a letter from the district showing demonstrated intent to
40 come into compliance with a conservation plan within one year;
41 and
- 42 (D) Comply with licensing and other laws concerning the keeping of
43 animals as set forth in AMC titles 15, 17, and 21.

1 vii. *Additional Conditions*

2 The planning and zoning commission may impose additional conditions
3 upon a conditional use permit that are found necessary to protect any
4 person or neighboring use from unsanitary conditions or unreasonable
5 noise or odors, or to protect the public health and safety.

6 4. **Retail and Pet Services**

7 a. **Definition**

8 An establishment primarily engaged in the sale, bathing, and/or grooming of
9 domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic
10 animals and farm animals such as horses, goats, sheep, and poultry. Accessory
11 uses may include overnight stays incidental to the primary use.

12 b. **Use-Specific Standard[S]**

13 Retail and pet services shall comply with the use-specific standards above for
14 “animal shelter.”

15 5. **Veterinary Clinic**

16 a. **Definition**

17 An establishment for the medical care and treatment of animals by a licensed
18 veterinarian.

19 b. **Use-Specific Standard[S]**

20 Veterinary clinics shall comply with the use-specific standards above for “animal
21 shelter.”

22 C. **Assembly**

23 This use includes buildings and facilities owned or operated by associations, corporations,
24 governments, or other persons for social, educational, or recreational purposes. Facilities are
25 primarily for members and their guests, or members of the public paying a fee. Accessory uses
26 may include offices, meeting areas, food preparation areas, concessions, parking, and
27 maintenance facilities. Specific use types include:

28 1. **Civic/Convention Center**

29 a. **Definition**

30 An establishment designed to accommodate 500 or more persons and used for
31 conventions, conferences, seminars, product displays, and entertainment
32 functions. Accessory uses may include temporary outdoor displays, parking, and
33 food and beverage preparation and service for on-site consumption.

34 b. **Use-Specific Standard**

35 Any use that involves the retail sale of alcohol is subject to the special land use
36 permit for alcohol process; see section 21.05.020A.

37 2. **Club/Lodge/Meeting Hall**

38 a. **Definition**

39 An establishment owned or operated by a corporation, association, or persons
40 for a social, educational, or recreational purpose, to which membership may be
41 required for participation.

42 b. **Use-Specific Standard**

43 Any use that involves the retail sale of alcohol is subject to the special land use
44 permit for alcohol process; see section 21.05.020A.

1 **D. Entertainment and Recreation**

2 This category includes uses that provide continuous recreation or entertainment activities,
3 outdoors or indoors. Accessory uses may include concessions, snack bars, parking, and
4 maintenance facilities. Specific use types include:

5 **1. Amusement Establishment**

6 **a. Definition**

7 An establishment offering entertainment, game playing, or similar amusements to
8 the public within a fully enclosed building. This shall include without limitation
9 arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, water
10 parks, miniature golf courses, and indoor shooting ranges.

11 **b. Use-Specific Standard**

12 Any use that involves the retail sale of alcohol is subject to the special land use
13 permit for alcohol process; see section 21.05.020A.

14 **2. Entertainment Facility, Major**

15 **a. Definition**

16 Major entertainment facilities uses are designed to accommodate activities that
17 generally draw 501 persons or more to specific events or shows. Activities are
18 generally of a spectator nature. Examples include amphitheatres, performing
19 arts centers, stadiums, sports arenas, coliseums, auditoriums, and fairgrounds.
20 Accessory uses may include restaurants, bars, concessions, parking, and
21 maintenance facilities.

22 **b. Use-Specific Standard**

23 Any use that involves the retail sale of alcohol is subject to the special land use
24 permit for alcohol process; see section 21.05.020A.

25 **3. Fitness and Recreational Sports Center**

26 **a. Definition**

27 A facility primarily featuring equipment for exercise and other active physical
28 fitness conditioning or recreational sports activities, such as swimming, skating,
29 racquet sports, aerobic dance, gymnasium facilities, yoga, and other kinds of
30 sports and fitness facilities.

31 **4. General Outdoor Recreation, Commercial**

32 **a. Definition**

33 Developed recreational uses such as amusement parks, miniature golf courses,
34 dog mushing tracks, golf driving ranges, batting cages, skateboard or skate parks
35 or courses, bicycle motocross courses, water parks or slides, drive-in movie
36 theaters, courses for paramilitary games, and archery facilities.

37 **b. Use-Specific Standard**

38 **L2 L3** buffer landscaping shall be provided wherever this use is adjacent to a
39 residential district.

40 **5. Golf Course**

41 **a. Definition**

42 A tract of land laid out with a course having nine or more holes for playing the
43 game of golf, including any accessory clubhouse, driving range, office,
44 restaurant, concession stand, picnic tables, pro shop, maintenance building,
45 restrooms, or similar accessory uses or structures. This term shall not include
46 housing or miniature golf courses as a principal or accessory use, nor shall it
47 include driving ranges that are not accessory to a golf course.

- 1 **6. Motorized Sports Facility**
2 **a. Definition**
3 A facility for the racing of motorcycles, snow machines, race cars, or other
4 motorized vehicles.
- 5 **b. Use-Specific Standards**
6 **i. Special Land Use Permit for Alcohol**
7 Any use that involves the retail sale of alcohol is subject to the special
8 land use permit for alcohol process; see section 21.05.020A.
- 9 **ii. Hours of Operation**
10 The maximum hours of operation shall be from 8:00 a.m. to 10:00 p.m.
11 Monday through Saturday, and from 12:00 p.m. to 10:00 p.m. on
12 Sunday.
- 13 **iii. Additional Site Plan Requirements**
14 In all districts, as part of the site plan application, the applicant shall
15 comply with the following requirements:
- 16 **(A)** If the projected or actual noise level exceeds the standards set at
17 AMC section 15.70.080A., a noise analysis shall be prepared
18 identifying noise mitigation measures.
- 19 **(B)** The applicant shall prepare an operation plan to monitor and
20 enforce:
- 21 **(1)** Prohibition on consumption of alcoholic beverage on the
22 premises; and
- 23 **(2)** Mandatory transportation of racing machines to the site.
- 24 **(C)** The applicant shall submit a dust and litter control plan and
25 describe the methods to be used to collect trash on the site.
- 26 **(D)** The applicant shall identify one or more individuals who shall be
27 responsible for enforcement of the noise, operation, and dust
28 and litter control plans developed pursuant to this subsection.
- 29 **iv. Dimensional Standards**
30 Notwithstanding the general dimensional standards of chapter 21.06:
- 31 **(A)** The planning and zoning commission may designate minimum
32 setback areas around the perimeter of the site as it deems
33 necessary to minimize glare and noise impact on adjacent uses,
34 to separate incompatible uses, and to restrict casual access to
35 the site.
- 36 **(B)** The maximum height of structures shall be 35 feet.
- 37 **v. Site Location, Development, and Operation**
38 **(A)** No motorized facility shall be located within 500 feet of any
39 residential **OR MIXED-USE** district.
- 40 **(B)** In order to prevent casual access to and from the site or to
41 mitigate adverse effects of the motorized sports facility upon
42 adjacent uses, the planning and zoning commission may require

1 the enclosure of the entire site by a screening structure and/or
2 landscaping, as described in section 21.07.080.

3 (C) Public sanitation facilities (restrooms) shall be provided on-site
4 and operated in a manner consistent with AMC section
5 15.20.020.

6 vi. *I-1 District Standard[S]*

7 Motorized sports facilities are conditionally allowed in the I-1 district on
8 parcels with a minimum of 20 acres. The maximum engine size allowed
9 is 250 cc's for wheeled vehicles and 550 cc's for snow machines.

10 7. **Movie Theater**

11 a. **Definition**

12 An indoor theater for showing motion pictures.

13 8. **Nightclub**

14 a. **Definition**

15 An enterprise, that, for consideration, provides entertainment to its patrons in the
16 form of floorshows; dance revues; live, recorded, or electronically enhanced
17 music; patron dancing; or performances by live or recorded professional or
18 amateur entertainers. Discotheques, nightclubs, bars, lounges, dance halls,
19 bistros, teen clubs, and any facility that meets the terms of this definition are
20 often, but not exclusively, open during one or more of the hours between 11:00
21 p.m. and 3:00 a.m. This definition excludes theaters or auditoriums with fixed
22 seating, religious assemblies, adult-oriented establishments as defined by AMC
23 section 10.40.050, publicly owned and operated recreation centers or parks, and
24 public and private schools. Nightclubs may be licensed or unlicensed.
25 Unlicensed nightclubs do not offer or sell to patrons either alcoholic beverages,
26 as defined by AS 04.21.080, or adult entertainment, as defined by AMC section
27 10.40.050.

28 b. **Use-Specific Standards for Licensed Nightclubs**

- 29 i. All facilities adjacent to a residential district shall be maintained within a
30 completely enclosed building, and shall be sufficiently insulated so that
31 the standards of AMC section 15.70.080A. are met.
- 32 ii. Licensed nightclubs are subject to the special land use permit for alcohol
33 process to allow the retail sale of alcohol; see section 21.05.020A.

34 c. **Use-Specific Standards for Unlicensed Nightclubs**

35 i. **Purpose**

36 Certain types of enterprises have been determined to produce secondary
37 impacts on surrounding land uses. The impacts include a perceived
38 decline in property values, and an increase in the level of criminal
39 activity, including unlawful sales and use of drugs and consumption of
40 alcoholic beverages, in the vicinity of these types of enterprises. The
41 purpose of this subsection is to segregate such enterprises from land
42 uses that are likely to be negatively impacted.

43 ii. **Minimum Distance from Certain Uses**

44 Except for teen nightclubs and underage dances permitted under AMC
45 chapter 10.55, an unlicensed nightclub shall be located so that all
46 portions of the lot on which the unlicensed nightclub is located shall be
47 300 feet or more from the lot line of property on which is located:

- 1 (A) A school or instructional service serving any combination of
2 grades kindergarten through 12;
- 3 (B) Property zoned residential; or
- 4 (C) TA-zoned property designated as residential in the *Turnagain*
5 *Arm Comprehensive [AREA] Plan*.
- 6 iii. *Administrative Permit Required*
7 An administrative permit for each unlicensed nightclub shall be obtained
8 from the department and be displayed in a prominent place inside the
9 unlicensed nightclub. This permit shall certify that, when granted, the
10 enterprise was in compliance with paragraph ii. of this subsection. This
11 permit shall be obtained from the director, pursuant to section 21.03.030,
12 *Administrative Permits*. This permit shall remain valid so long as that
13 enterprise remains in continuous operation at that location, and does not
14 physically expand.
- 15 9. **Shooting Range, Outdoor**
- 16 a. **Definition**
17 An establishment engaged in the use of land for discharging of firearms for target
18 practice, skeet, and trap shooting.
- 19 b. **Use-Specific Standards**
- 20 i. **Intent**
21 The intent of the following standards for shooting ranges is primarily
22 safety and buffering for adjacent neighborhoods.
- 23 ii. **Setbacks**
24 All shooting areas shall be set back a minimum distance of 100 feet from
25 any public right-of-way. Buildings located behind the firing line are
26 allowed to be located to the normal zone setback.
- 27 iii. **Site Size**
28 The minimum site size shall be 20 acres.
- 29 iv. **Shooting Area**
30 The backstop must be an earth mound or dugout of sufficient dimension
31 to stop projectiles. Casual access into the line of fire shall be prevented
32 through fencing or some equally effective equivalent.
- 33 v. **On-Site Uses**
34 An accessory retail store, snack shop, ammunition storage, and short-
35 term rental of firearms and equipment for use only on the premises are
36 permitted. Sale of alcoholic beverages is prohibited.
- 37 vi. **Noise Impact Analysis**
38 A noise impact analysis with a noise map based on the types of firing
39 and layout of the range shall be submitted as part of the conditional use
40 application.
- 41 10. **Skiing Facility, Alpine**
- 42 a. **Definition**
43 A facility and related terrain utilized for alpine skiing, and uses and facilities
44 typically associated with the use and operation of such facility, including but not
45 limited to: ski and snowboard runs and trails; ski lifts and tows, including towers

1 and structures, related to skiing and snowboarding patrons; snow-making
2 equipment/facilities; ski patrol facilities; ski area administrative and ticketing
3 offices; special events directly associated with ski areas such as ski races,
4 snowboard races, snow machine races, bicycle races, and concerts; alpine slide;
5 nordic ski trails and facilities; tubing hills; ski and equipment rental facilities and
6 ski instruction facilities; ice skating rinks; ski bridges; and supporting accessory
7 structures.

8 **Ski Facility, Alpine** shall not mean such uses as lodges, hotels, dwelling units,
9 restaurants, retail shops, outdoor carts and vending areas, clinics, day care
10 centers, offices, and high impact recreational uses such as go carts, golf courses
11 and driving ranges, paint ball games, rifle ranges, waterslides, and stables.

12 **11. Theater Company or Dinner Theater**

13 **a. Definition**

14 An establishment for live dramatic, operatic, or dance presentations open to the
15 public, without membership requirements, whose seating capacity does not
16 exceed 500 seats and seating area does not exceed 3,000 square feet, or any
17 area for the rehearsal of such live performances. These establishments may
18 also provide food and beverages for consumption on the premises.

19 **b. Use-Specific Standard**

20 Any use that involves the retail sale of alcohol is subject to the special land use
21 permit for alcohol process; see section 21.05.020A.

22 **E. Food and Beverage Services**

23 This category includes businesses that serve prepared food or beverages for consumption on or
24 off the premises. Accessory uses may include food preparation areas, offices, and parking.
25 Specific use types include:

26 **1. Bar**

27 **a. Definition**

28 An establishment that prepares and retails alcoholic beverages for consumption
29 on the premises. These establishments may also manufacture malt beverages
30 and provide limited food services.

31 **b. Use-Specific Standard**

32 Any use that involves the retail sale of alcohol is subject to the special land use
33 permit for alcohol process; see section 21.05.020A.

34 **2. Food and Beverage Kiosk**

35 **a. Definition**

36 An establishment in a freestanding building, trailer, or vehicle on an impermanent
37 foundation that sells coffee or other beverages and food from a window to
38 customers who are either pedestrians or seated in their automobiles, for
39 consumption off the premises, and that provides no indoor seating.

40 **b. Use-Specific Standards**

41 Kiosks in all districts shall comply with the following standards:

- 42 i. [ANY F]Food and beverage kiosks [WITH DRIVE-THROUGH SERVICE]
43 shall comply with the “drive-through service” accessory use standards in
44 subsection 21.05.070D.6[7].

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]

- 1 ii. Kiosks shall be on wheels to facilitate movement onto and off the site,
2 and may not be located on a permanent foundation. The wheels shall be
3 screened with opaque skirting or screening so as to not be visible.
- 4 iii. Kiosks may be located on the same lot as another principal use.
- 5 [KIOSKS SHALL COMPLY WITH THE "DRIVE-THROUGH SERVICE"
6 ACCESSORY USE STANDARDS IN SECTION 21.05.070D.7.]
- 7 iv. Kiosks that provide outdoor seating shall provide parking for that seating,
8 as required by section 21.07.090, *Off-Street Parking and Loading*.
- 9 v. All signs shall comply with chapter 21.11, *Signs*.

10 3. **Restaurant**

11 a. **Definition**

12 An establishment primarily engaged in the preparation and sale of food and
13 beverages, normally for consumption on the premises, but including those
14 establishments that provide only take-out or delivery service.

15 b. **Use-Specific Standards**

- 16 i. Any use that involves the retail sale of alcohol is subject to the special
17 land use permit for alcohol process; see section 21.05.020A.
- 18 ii. Any restaurant with drive-through service shall comply with the "drive-
19 through service" accessory use standards in section 21.05.070D.6[7].

20 F. **Office**

21 This category includes activities that generally focus on providing business or professional
22 services. Accessory uses may include cafeterias, parking, or other amenities primarily for the use
23 of employees in the firm or building. Specific use types include:

24 1. **Broadcasting Facility**

25 a. **Definition**

26 An establishment engaged in the broadcasting of audio, television, or movie
27 productions and associated activities.

28 2. **Financial Institution**

29 a. **Definition**

30 Establishments that provide retail banking, mortgage lending, and/or financial
31 services to individuals and businesses. Accessory uses may include automatic
32 teller machines, offices, and parking. Financial institutions may or may not have
33 drive-through service depending on the zoning district in which they are located;
34 see section 21.05.070, *Accessory Uses and Structures*.

35 b. **Use-Specific Standards**

- 36 i. Financial institutions are permitted in the B-1A, B-1B [NMU], [AND] I-1
37 [B-3] and I-2 districts only if they are providing primarily retail services to
38 walk-in customers, rather than primarily office and support services with
39 few walk-in customers.
- 40 ii. Financial institutions in the I-1 [B-3] and I-2 districts shall have a
41 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.

Administration Addition

[ADMINISTRATION DELETION]

PZC Addition

[PZC DELETION]

Assy Cmte Addition

[ASSY CMTE DELETION]

Tech Edit Addition

[TECH EDIT DELETION]

1 iii. Any financial institution with drive-through service shall comply with the
2 “drive-through service” accessory use standards in subsection
3 21.05.070D.6[7].

4 **3. Office, Business or Professional**

5 a. **Definition**

6 An establishment that provides executive, management, administrative, or
7 professional services, but not involving the sale of merchandise, except as
8 incidental to a permitted use. Typical examples include real estate, insurance,
9 property management, investment, employment, travel, advertising, law,
10 architecture, design, engineering, accounting, call centers, and similar offices.
11 [[Government offices are classified under “governmental administration and civic
12 buildings” above.]]

13 b. **Use-Specific Standards**

14 i. Business or professional office uses in the PLI district shall comply with
15 one of the following:

16 (A) The use shall be an administrative office of a charitable or similar
17 quasi-public organization of a noncommercial nature;

18 (B) The use shall be primarily engaged in directly serving the
19 function of a community use permitted in the district; or

20 (C) The use shall be accessory to a use permitted in the district, and
21 comprise no more than one-third of the gross floor area on the
22 site, unless a greater percentage is approved by the director.

23 ii. Business or professional office uses in the I-1 and I-2 districts shall
24 comply with the limitations that follow, except as provided in ii.(D).:

25 (A) The building or portion of the building containing the use shall
26 not exceed 50 feet in height.

27 (B) If business or professional office uses occupy more than 20,000
28 sf of gross floor area (gfa), they shall comprise no more than 50
29 percent of the total gfa on the site.

30 (C) In the I-2 district, the use shall be directly associated with and
31 support the function of another use permitted in the district.

32 (D) The section is not applicable to the following:

33 (1) Business or professional office uses existing as of
34 [effective date];

35 (2) New business or professional office uses that occupy
36 floor area previously legally occupied by a government
37 administration and civic buildings use, or another use in
38 the office or health services category;

39 (3) Enlargements of (D).(1). or (D).(2). that increase their
40 gfa by no more than 25 percent; and

41 (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]

1 **G. Personal Services, Repair, and Rental**

2 This category includes establishments engaged in the provision of information, instruction,
3 personal improvement, personal care, repair, lease, or rent of new or used products, or similar
4 services. Accessory uses may include offices, storage of goods, manufacture, or repackaging of
5 goods for on-site sale, and parking. Specific use[S] types include:

6 **1. Business Service Establishment**

7 **a. Definition**

8 An establishment that, for consideration, provides other businesses with
9 advertising, leased or rented equipment, maintenance, security, management,
10 consulting or technical aid, or copying services.

11 **2. Funeral/Mortuary Services**

12 **a. Definition**

13 An establishment providing services involving the display of the deceased,
14 preparation of the deceased for burial, and rituals connected therewith before
15 burial or cremation. Cremation services are a separate use.

16 **3. General Personal Services**

17 **a. Definition**

18 An establishment, whether for consideration or not, that provides care, advice,
19 aid, maintenance, repair, treatment, or similar semi-technical, technical, or
20 experienced assistance, other than the practice of a profession and wholesale or
21 retail sale of goods. Examples include, but are not limited to: dry-cleaning drop-
22 off; photography studios; check cashing; shoe repair; beauty and barber shops;
23 locksmith; repair of household appliances; and tanning salons. This use
24 excludes maintenance and repair of vehicles and industrial equipment or
25 machinery.

26 **4. Small Equipment Rental**

27 **a. Definition**

28 The commercial rental of supplies and equipment primarily intended for personal
29 or household use, such as furniture, and minor residential gardening and
30 construction projects, but not including car or truck rentals, or rentals of smaller
31 motor vehicles not for home care such as motorcycles or snowmobiles. This use
32 does not include the rental, storage, or maintenance of large construction or
33 other commercial heavy equipment, which are classified under "industrial
34 service."

35 **[USE-SPECIFIC STANDARD]**

36 **[IN MIXED-USE DISTRICTS, ALL MAINTENANCE, DISPLAY, AND STORAGE**
37 **OF EQUIPMENT SHALL BE CONDUCTED WITHIN AN ENCLOSED BUILDING,**
38 **OR WITHIN AN AREA LOCATED IN THE REAR OF THE BUILDING AND**
39 **SCREENED BY A SIGHT-OBSCURING FENCE AT LEAST SIX FEET IN**
40 **HEIGHT.]**

41 **H. Retail Sales**

42 This category includes retail establishments involved in the sale of new or used products to the
43 general public. Accessory uses may include offices, parking, storage of goods, assembly,
44 repackaging, and repair of goods for on-site sale. Specific use types include:

45 **1. Auction House**

46 **a. Definition**

47 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]

- 1 2. **Building Materials Store**
2 a. **Definition**
3 An establishment primarily engaged in the sale, distribution, and associated
4 storage of lumber and other building materials such as brick, tile, cement,
5 insulation, **FLOOR COVERING,** roofing materials, and other improvement
6 materials and associated tools; and/or the sale and service of plumbing, heating,
7 and/or electrical equipment.
- 8 3. **Convenience Store**
9 a. **Definition**
10 An establishment engaged primarily in the sale of convenience goods, such as
11 pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other
12 household goods.
- 13 b. **Use-Specific Standards**
14 i. Any use that involves the retail sale of alcohol is subject to the special
15 land use permit for alcohol process; see section 21.05.020A.
- 16 ii. In the R-4, R-4A, and B-1A districts, a convenience store shall not sell
17 alcoholic beverages.
- 18 4. **Farmers Market**
19 a. **Definition**
20 An occasional, periodic, or seasonal market for offering for sale fresh agricultural,
21 fresh food, or arts and crafts products directly to the consumer at an open-air
22 market, covered structure with multiple stalls, or other pre-designated area,
23 where the vendors are generally individuals who have raised the produce or
24 made the product, or have taken the same on consignment for retail sale.
- 25 5. **Fueling Station**
26 a. **Definition**
27 An establishment engaged in the retail dispensing or sale of gasoline or other
28 vehicular fuel products. This use definition does not include convenience store
29 or vehicle service and repair uses.
- 30 6. **Furniture and Home Appliance Store**
31 a. **Definition**
32 An establishment engaged primarily in the sale of large household items, such as
33 furniture, mattresses, carpets and flooring, and home appliances, in which a
34 majority of the merchandise occupies large amounts of store floor area and is
35 generally too large or heavy for an individual consumer to carry alone.
- 36 7. **General Retail**
37 a. **Definition**
38 An establishment engaged primarily in the retail sale of goods or merchandise,
39 and rendering services incidental to the sale of such goods. Examples may
40 include, but are not limited to: general merchandise retailers; warehouse and
41 club retailers; superstores; discount stores; catalog showrooms; **PHARMACIES;**
42 and specialty retail stores specializing in such goods as clothing, home **décor**
43 **FURNISHINGS,** **paint,** sporting goods, books, stationary, music, video rentals,
44 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]

1 **b. Use-Specific Standards**

2 i. Any general retail use, **SUCH AS A PHARMACY,** with drive-through
3 service shall comply with the “drive-through service” accessory use
4 standards in subsection 21.05.070D.6[7].

5 ii. **General retail establishments in the I-1 district shall have a maximum**
6 **gross floor area of 20,000 square feet.**

7 **8. Grocery or Food Store**

8 **a. Definition**

9 An establishment primarily engaged in the retail sale of food and/or beverages
10 primarily to be consumed outside of the retail establishment’s premises.
11 Examples include, but are not limited to: supermarkets, grocery stores,
12 delicatessens, specialty food shops, and bakeries. Take-out and delivery
13 establishments are classified under “restaurant”.

14 **b. Use-Specific Standard[S]**

15 i. Any use that involves the retail sale of alcohol is subject to the special
16 land use permit for alcohol process; see section 21.05.020A.

17 ii. **Grocery or food stores in the I-1 district shall have a maximum gross**
18 **floor area of 20,000 square feet.**

19 **9. Liquor Store**

20 **a. Definition**

21 An establishment that is primarily engaged in selling alcoholic beverages for
22 consumption off the premises.

23 **b. Use-Specific Standard[S]**

24 Any use that involves the retail sale of alcohol is subject to the special land use
25 permit for alcohol process; see section 21.05.020A.

26 **10. Pawnshop**

27 **a. Definition**

28 An establishment that loans money on deposit of personal property or deals in
29 the purchase or possession of personal property on condition of selling the same
30 back again to the pledger or depositor, or loans or advances money on personal
31 property by taking chattel mortgage security thereon, and takes or receives such
32 personal property.

33 **I. Vehicles and Equipment**

34 This category includes a broad range of uses for the sale, rental, and/or repair and maintenance
35 of motor vehicles and related equipment. Large parking **lots [AREAS]** and outdoor storage areas
36 may be included with these uses. Accessory uses may include incidental repair and storage,
37 offices, and sales of parts and/or tires. Specific use types include:

38 **1. Aircraft and Marine Vessel Sales**

39 **a. Definition**

40 An establishment primarily engaged in the display and sale of aircraft and/or
41 marine vessels as well as associated parts and supplies.

42 **2. Parking Lot, Principal Use**

43 **a. Definition**

44 An off-street, surface parking lot where motor vehicles are parked for not more
45 than 72 consecutive hours, **and the lot is not required parking for another use.**

- 1 b. ***Use-Specific Standard***
2 Principal use parking lots shall be designed in accordance with subsection
3 21.07.090H., *Parking and Loading Facility Design Standards*, and landscaped in
4 accordance with subsection 21.07.080E[F].6., *Parking Lot Landscaping*.
- 5 3. **Parking Structure, Principal Use**
6 a. ***Definition***
7 A parking structure with two or more levels or stories where motor vehicles are
8 parked for not more than 72 consecutive hours, **and the spaces are not required**
9 **parking for another use**. The parking structure may be above and/or below
10 grade, and the levels may be partially or fully enclosed. A parking structure may
11 occupy a portion of a building which also includes commercial space, such as
12 offices or retail on the ground floor.
- 13 b. ***Use-Specific Standard***
14 Parking structures shall comply with the requirements of subsection 21.07.090K.
- 15 4. **Vehicle Parts and Supplies**
16 a. ***Definition***
17 The display and sale of new, reconditioned, or rebuilt parts, supplies, or
18 equipment for automobiles, motorcycles, trucks, vans, trailers, recreational
19 vehicles, mobile homes, or snowmobiles.
- 20 b. ***Use-Specific Standard***
21 No dismantling or wrecking of vehicles or machinery may occur on site. Uses
22 that include dismantling and wreckage are classified by this title as “junkyards.”
- 23 5. **Vehicle-Large, Sales and Rental**
24 a. ***Definition***
25 An establishment engaged in the display, sale, leasing, or rental of new or used
26 motor vehicles. Vehicles include, but are not limited to, automobiles, light trucks,
27 vans, trailers, recreational vehicles, and mobile homes.
- 28 b. ***Use-Specific Standards***
29 i. This use may include the uses “vehicle service and repair, major” and
30 “vehicle service and repair, minor”, and repair of the vehicle inventory
31 with a gross vehicular weight rating over 12,000 lbs, in accordance with
32 subsection b.ii. below, is also allowed.
- 33 ii. At any given time, no more than five percent of the vehicle inventory on
34 the lot, not including Class A and C recreational vehicles, shall have a
35 gross vehicular weight rating (GVWR) of more than 12,000 lbs.
- 36 6. **Vehicle-Small, Sales and Rental**
37 a. ***Definition***
38 An establishment engaged in the display, sale, leasing, or rental of small motor
39 vehicles. Vehicles include, but are not limited to: motorcycles, personal
40 watercraft (jet skis), utility trailers, snowmobiles, and all-terrain vehicles (ATVs).
- 41 b. ***Use-Specific Standard[S]***
42 This use may include the uses “vehicle service and repair, major” and “vehicle
43 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.

- 1 **b. Use-Specific Standards**
- 2 i. *Location and Access*
- 3 No entrance to, or exit from, a camper park shall be through a residential
- 4 district or shall provide access to any street other than a collector or
- 5 street of greater capacity.
- 6 ii. *Occupancy and Length of Stay*
- 7 Spaces in camper parks may be used by campers, recreational vehicles,
- 8 equivalent facilities constructed on automobiles, tents, or short-term
- 9 housing or shelter arrangements or devices. The occupants of such
- 10 space shall remain in that space a period not to exceed 30 days.
- 11 **2. Extended-Stay Lodgings**
- 12 a. *Definition*
- 13 A visitor lodging establishment with six or more guest rooms offering suites with
- 14 kitchens, business traveler communications conveniences, and intended
- 15 primarily for periods of stay of one week or more. This does not include bed-and-
- 16 breakfasts, which are classified as an accessory use under section 21.05.070.
- 17 b. *Use-Specific Standards*
- 18 i. A kitchen area shall be provided in all units.
- 19 ii. The facility shall provide a lobby area with a minimum of 750 square feet.
- 20 iii. In the R-4 district, extended-stay lodgings shall have a minimum lot size
- 21 of 14,000 square feet and shall have principal access from a street of
- 22 collector class or greater.
- 23 **3. Hostel**
- 24 a. *Definition*
- 25 An overnight lodging facility in which beds (pillows), rather than rooms, are
- 26 rented. Sleeping accommodations are primarily dormitory-style and shared
- 27 kitchen facilities may be available to the guests.
- 28 b. *Use-Specific Standards*
- 29 i. Hostels in the R-2F and R-2M shall contain no more than 20 pillows.
- 30 Hostels in the R-3, R-4, and R-4A shall contain no more than 40 pillows.
- 31 ii. Hostels in residential zones require an administrative permit pursuant to
- 32 subsection 21.03.030.
- 33 **4. Hotel/Motel**
- 34 a. *Definition*
- 35 Any building containing 20 or more guestrooms, rented for compensation by the
- 36 day or week, and offered for use by the general public in conjunction with
- 37 subordinate services and facilities, such as restaurants and meeting rooms.
- 38 Meeting facilities designed to accommodate 1,500 or more persons shall
- 39 constitute a separate principal use and be classified as “civic/convention center”
- 40 under this title.
- 41 b. *Use-Specific Standards*
- 42 i. Any use that involves the retail sale of alcohol is subject to the special
- 43 land use permit for alcohol process; see section 21.05.020A.
- 44 ii. Establishments in the R-4 and R-4A MIXED-USE districts shall have all
- 45 their guestrooms accessible by means of interior corridors.

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
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 2. **Dry-Cleaning Establishment**
2 a. **Definition**
3 An establishment maintained for on-site laundry and/or dry cleaning, including
4 the use of [USING] a perchlorethylene process or similar nonflammable, non-
5 aqueous solvent, of fabrics, textiles, wearing apparel, or articles of any sort, and
6 also including related maintenance or operation of equipment and machinery.
- 7 3. **General Industrial Service**
8 a. **Definition**
9 Establishments engaged in the repair or servicing of agricultural, industrial,
10 business, or consumer machinery, equipment, products, or by-products.
11 Examples include: welding shops; machine shops; tool repair; electric motor
12 repair; repair of heavy machinery; heavy truck servicing and repair; aircraft
13 servicing and repair; tire retreading or recapping; exterminators; and vending
14 machine sales and service. Accessory activities may include retail sales, offices,
15 parking, and storage.
- 16 b. **Use-Specific Standard**
17 L2 buffer [L4 SCREENING] landscaping is required where adjacent to residential
18 zones.
- 19 4. **Governmental Service**
20 a. **Definition**
21 A facility housing government shops, maintenance, and repair centers, and/or
22 equipment storage YARDS. Accessory activities may include supporting
23 administrative offices.
- 24 b. **Use-Specific Standard**
25 If the specific development is similar to a heavy industrial use, L3 [L4] screening
26 landscaping is required where adjacent to residential zones. Otherwise, L2
27 buffer landscaping is required where adjacent to residential zones.
- 28 5. **Heavy Equipment Sales and Rental**
29 a. **Definition**
30 An establishment engaged in the display, sale, leasing, or rental of construction
31 equipment and other heavy equipment, including all heavy equipment of 12,000
32 or more pounds gross vehicular weight (GVW). This category does not include
33 recreational vehicles or larger trucks that typically are sold at automobile
34 dealerships; such vehicles are covered by “vehicle-large, sales and rental”
35 above.
- 36 6. **Research Laboratory**
37 a. **Definition**
38 A facility that is designed or equipped for basic or applied research or
39 experimental study, testing, or analysis in the natural sciences or engineering,
40 including any educational activities associated with and accessory to such
41 research, and including research and analysis facilities operated by public
42 agencies and designed to assure public health and safety. The use does not
43 include facilities for the manufacture or sale of products except as incidental to
44 the main purpose of the laboratory.
- 45 **B. Manufacturing and Production**
46 This category includes industrial establishments involved in the manufacturing, processing,
47 fabrication, packaging, or assembly of goods. Natural, synthetic [MAN-MADE], raw, secondary,
48 or partially completed materials may be used in the manufacturing process. Products may be

Page 230 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

1 finished or semi-finished and are generally made for the wholesale market, for transfer to other
2 plants, or to order for firms or consumers. Such uses may include industries furnishing labor in
3 the case of the refinishing of manufactured articles. Goods are generally not displayed or sold on
4 site, but if so, they are a subordinate part of total sales. Accessory activities may include limited
5 retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage
6 yards, repair facilities, truck fleets, and caretaker's quarters. Specific uses types include:

7 **1. Commercial Food Production**

8 **a. Definition**

9 An establishment processing and/or producing food for human consumption,
10 including facilities engaged in providing food and/or food services for institutional,
11 governmental, commercial, industrial, and other locations of other businesses; as
12 well as facilities that process meat, game, and seafood. Examples include airline
13 food services, CAFETERIAS, and catering companies that prepare food for
14 consumption at an off-premise customer site.

15 **2. Cottage Crafts**

16 **a. Definition**

17 An establishment engaged in small-scale assembly and arts-and-crafts
18 production by hand manufacturing involving the use of hand tools and small-
19 scale equipment. Examples include, but are not limited to: candle making,
20 artisan woodworking, art studio/gallery, artisan pottery, [AND] jewelry production,
21 and the like. Cottage crafts are less intensive than, and do not have the off-site
22 impacts often associated with, general industrial uses.

23 **b. Use-Specific Standards**

24 **i. Production and Sale of Cottage Crafts**

25 Cottage crafts may only be produced within a wholly-enclosed
26 permanent structure. Cottage crafts production may occupy up to 1,500
27 square feet of gross building area, and may include up to an additional
28 300 square feet gross building area on the same lot devoted to the
29 display and retail sale of the crafts produced. The retail/display area
30 shall be located on the ground floor and in the front part of the building
31 facing the primary street on which the lot is located.

32 **ii. Prohibitions**

33 **(A)** The outdoor storage of materials related to the production and
34 sale of cottage crafts is prohibited in non-industrially-zoned
35 districts.

36 **(B)** The use of equipment, materials, or processes that create
37 hazards, noise, vibration, glare, fumes, or odors detectable to the
38 normal senses off-site is prohibited.

39 **3. Manufacturing, Heavy**

40 **a. Definition**

41 An establishment engaged in the manufacture or compounding process of raw
42 materials. Such activities may involve the storage of large volumes of highly
43 flammable, toxic matter or explosive materials needed for the manufacturing
44 process. Examples include, but are not limited to: refining or initial processing of
45 raw materials; rolling, drawing, or extruding of metals; asphalt batching plants,
46 [AND] hot-mix plants, and RAP storage and processing; sawmills; manufacture
47 or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum
48 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
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 industrial uses; **steel fabrication shops or yards**; and manufacture, service, or
2 repair of railroad equipment.
- 3 **b. Use-Specific Standard**
4 **L3 [L4]** screening landscaping is required where adjacent to residential zones.
- 5 **4. Manufacturing, Light**
- 6 **a. Definition**
7 An establishment engaged in the manufacture, predominantly from previously
8 prepared materials, of finished products or parts, including processing,
9 fabrication, assembly, treatment, and packaging of such products, and incidental
10 storage, sales, and distribution of such products, but excluding basic industrial
11 processing. Examples include, but are not limited to: airplane, automobile, or
12 truck assembly; repair of railroad equipment; beverage manufacture and
13 brewery; boatbuilding; cabinet shops; machine or blacksmith shops;
14 metalworking or welding shops; paint shops; processing and/or dressing of skins;
15 **[STEEL FABRICATION SHOPS OR YARDS;]** and printing, publishing, and
16 lithography.
- 17 **b. Use-Specific Standard**
18 **L2 buffer [L4 SCREENING]** landscaping **with an 8-foot screening fence** is
19 required where adjacent to residential zones.
- 20 **5. Natural Resource Extraction, Organic and Inorganic**
- 21 **a. Definition**
22 The development or extraction of organic and/or inorganic material from its
23 natural occurrences on affected land. This use includes placer mining operations
24 in which rock byproduct is removed from the premises. This use **[SHALL]** also
25 includes commercial or industrial operations involving removal of timber, native
26 vegetation, peat, muck, topsoil, fill, sand, gravel, **[OR]** rock, or any other mineral,
27 and other operations having similar characteristics. This use includes only
28 operations of a scale involving 50,000 cubic yards or more of material. Site
29 preparation as part of the development of a subdivision under a subdivision
30 agreement is not included.
- 31 **b. Use-Specific Standards (also apply to “Natural Resource Extraction, Placer**
32 **Mining”)**
33 **[GENERAL STANDARDS]**
34 The following general standards apply in all districts:
- 35 **i. Limit on Site Size**
36 Except for placer mining, general natural resource extraction is allowed
37 only on sites of five acres or more.
- 38 **ii. Water Discharge Permit**
39 Placer mining operations are subject to a wastewater discharge permit
40 issued by the state department of environmental conservation.
- 41 **iii. Use and Handling of Explosives**
42 In addition to the requirements of the fire code, the following shall govern
43 the storage, handling, and use of explosive materials:
- 44 **(A)** In addition to the submittal requirements for a conditional use
45 approval, a blasting plan and a safety plan shall be submitted.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 (B) Blasting shall be conducted during daylight hours within the
2 operating hours established by the planning and zoning
3 commission.
- 4 (C) The handling and firing of explosives shall be performed only by
5 the individual possessing a valid explosives certificate issued by
6 the fire marshal.
- 7 (D) Whenever a new storage or magazine site is established the
8 Anchorage police department, Anchorage fire department and
9 the emergency operations center shall be notified.
- 10 (E) Quantities of explosives shall be determined by the fire code at
11 AMC title 23.
- 12 (F) Blasting operations shall be performed in accordance with the
13 instructions of the manufacturer of the explosive materials being
14 used.
- 15 (G) Rock fall mitigation methods may be required. When blasting is
16 done in close proximity to a structure, railway, highway, or any
17 other installation, precautions shall be taken to minimize earth
18 vibrations and air blast effects. Blasting mats or other protective
19 means shall be used to prevent fragments from being thrown.
- 20 (H) Property owners within 1,000 feet of the site shall be notified at
21 least 24 hours in advance of blasting. Verbal notices shall be
22 confirmed with written notice.
- 23 (I) All areas subject to blasting operations shall be fenced in a
24 manner to secure the site and to prevent unauthorized access to
25 the site.
- 26 (J) Notice of blasting operations shall be posted at all entrances to
27 the site and on security fencing in areas subject to blasting
28 operations. Posting shall occur at least 24 hours in advance of
29 blasting.
- 30 (K) When blasting is being conducted in the vicinity of utilities (gas,
31 water, electric, fire alarm, or telephone), the blaster shall notify
32 the appropriate representatives of the agencies at least 24 hours
33 in advance of blasting. Verbal notices shall be confirmed with
34 written notice.
- 35 (L) Before a blast is fired, the individual in charge shall make certain
36 that all surplus explosives are in a safe place, all persons and
37 vehicles are at a safe distance or under sufficient cover and a
38 loud warning signal has been sounded.
- 39 (M) The operator of the site shall be responsible for all damages to
40 persons or property which arise from, or are caused by the
41 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.

Administration Addition

[ADMINISTRATION DELETION]

PZC Addition

[PZC DELETION]

Assy Cmte Addition

[ASSY CMTE DELETION]

Tech Edit Addition

[TECH EDIT DELETION]

- 1 iv. **Screening**
2 At a minimum, L3 screening landscaping is required where adjacent to
3 residential zones. The planning and zoning commission, through the
4 conditional use review, may require additional screening.
- 5 v. *Required Submittals*
6 In addition to the general submittal requirements applicable to all site
7 plans specified in the title 21 user's guide, additional submittal
8 requirements are specified in that guide for natural resource extraction.
9 The site plan shall be subject to review and approval of the department
10 of **public works** [PROJECT MANAGEMENT AND ENGINEERING] for
11 drainage, erosion, and sedimentation control; for conformance with the
12 requirements of the National Pollutant Discharge Elimination System
13 (NPDES) permit and other applicable EPA guidelines; and for
14 compliance with generally accepted sound engineering principles.
- 15 vi. *Standards for Approval*
16 In addition to the conditional use standards of approval at 21.03.080C.,
17 the planning and zoning commission may approve a natural resource
18 extraction conditional use only if the commission finds that the use also
19 meets the following standards:
- 20 (A) Principal access to the site shall minimize the use of residential
21 streets, and access roads shall be treated in a manner to make
22 them dust free. Where access roads intersect collectors or
23 arterials, suitable traffic controls shall be established.
- 24 (B) The extraction operations will not pose a hazard to the public
25 health and safety.
- 26 (C) The extraction operations will not generate noise, dust, surface
27 water runoff or traffic that will unduly interfere with surrounding
28 land uses.
- 29 (D) The restoration plan for the site ensures that, after extraction
30 operations cease, the site will be left in a safe, stable, and
31 aesthetically acceptable condition. The site shall either be
32 restored generally to its pre-excitation contours, or as
33 appropriate for the future use of the land.
- 34 (E) The proposed use meets such additional standards for natural
35 resource extraction conditional uses as the director may
36 establish by regulation pursuant to AMC chapter 3.40.
- 37 6. **Natural Resource Extraction, Placer Mining**
- 38 a. **Definition**
39 Natural resource extraction by means of the placer mining method that does not
40 involve the removal of any natural resources other than small quantities of
41 precious metals, such as gold, silver, and platinum, from the premises. Rock
42 byproduct is not removed from the premises.
- 43 b. **Use-Specific Standard[S]**
44 Placer mining shall comply with the use-specific standards set forth above for
45 "natural resource extraction, organic and inorganic."

Page 234 ANNOTATION

This amendment recognizes that some industrial warehouse-type uses have small retail areas open to the general public.

Administration Addition

[ADMINISTRATION DELETION]

PZC Addition

[PZC DELETION]

Assy Cmte Addition

[ASSY CMTE DELETION]

Tech Edit Addition

[TECH EDIT DELETION]

1 **C. Marine Facility**

2 This category includes a mix of commercial and light industrial manufacturing, processing,
3 storage, wholesale, and distribution operations that are water-dependent or water-related. Water-
4 dependent uses are generally permitted, while water-related uses are generally conditional uses.
5 Specific use[S] types include:

6 **1. Aquaculture**

7 **a. Definition**

8 An establishment engaged in the hatching, raising, and breeding of fish or other
9 aquatic plants or animals for sale.

10 **2. Facility for Combined Marine and General Construction**

11 **a. Definition**

12 An establishment engaged in the manufacture, construction, and repair of marine
13 and non-marine related products.

14 **3. Marine Operations**

15 **a. Definition**

16 Establishments engaged in light industrial manufacturing, processing, or storage
17 operations, that are water-dependent and water-related. Examples include, but
18 are not limited to: cargo handling facilities, including docking, loading, and related
19 storage; fabrication, storage, and repair of fishing equipment; facilities for marine
20 construction and salvage; facilities for marine pollution control, petrochemical
21 cleanup, and servicing of marine sanitation devices; facilities for processing of
22 products harvested from the ocean; facilities for manufacturing ice; marine
23 industrial welding and fabricating; seafood packaging, packing, storage, loading,
24 and distribution facilities; shipbuilding and facilities for construction, maintenance,
25 and repair of vessels; marine repair yards, boat fabrication, boat storage, and
26 marine machine shops; marine transport services, including ferries, public
27 landings and boat launches, commercial vessel berthing, excursion services,
28 hovercraft, and boat rentals; recreational and commercial fishing and boating
29 activities; tugboat, fireboat, pilot boat; coast guard, and similar services; uses that
30 provide pedestrian access to the waterfront; wharves, docks, ramps, and piers;
31 marine police, harbormaster, and other marine enforcement agencies; harbor
32 and marine supplies and services, and ship supply, such as fueling and
33 bunkering of vessels; and aids to navigation.

34 **4. Marine Wholesaling**

35 **a. Definition**

36 Establishments engaged in wholesale and distribution operations of marine-
37 related products.

38 **D. Warehouse and Storage**

39 This category includes uses involved in the storage or movement of goods for themselves or
40 other firms. Goods are generally delivered to other firms or the final consumer, except for some
41 will-call pickups. There is little on-site sales activity with the customer present. Accessory uses
42 may include offices, limited retail sales, truck fleet parking, and maintenance areas. Specific use
43 types include:

44 **1. Bulk Storage of Hazardous Materials**

45 **a. Definition**

46 An establishment primarily engaged in the bulk storage and/or distribution of
47 hazardous materials, including liquefied fuel such as petroleum gas, for
48 wholesale sale. "Hazardous materials" is defined at AMC 16.110.020.

1 **b. Use-Specific Standard[S]**
2 Any new facilities for the storage and/or dispersion of hazardous materials, or
3 expansion of existing facilities for the storage and/or dispersing of hazardous
4 materials, shall occur at least 1,000 feet from a residential [OR MIXED-USE]
5 district, school, hospital, or park [PLACE OF PUBLIC ASSEMBLY].

6 **2. Impound Yard**

7 **a. Definition**
8 An area used for the storage of vehicles seized for any reason, including but not
9 limited to traffic accidents, improper parking, and abandonment. No dismantling
10 or disassembly of vehicles is permitted in an impound yard. The vehicle so
11 stored may be sold from the impound yard by auction or otherwise, in
12 accordance with state law.

13 **b. Use-Specific Standard[S]**
14 Impound yards shall comply with the use-specific standards set forth for “storage
15 yard” below.

16 **3. Motor Freight Terminal**

17 **a. Definition**
18 A facility for freight pick-up, distribution, and storage. This may include
19 intermodal distribution facilities for truck or shipping transport.

20 **b. Use-Specific Standards**
21 i. Loading, parking, and maneuvering space shall be entirely on private
22 property, which includes private leasehold of public property.

23 ii. There shall be a 200 foot buffer zone between the motor freight terminal
24 operations and property zoned residential. No motor freight trucks,
25 trailers (including those with refrigeration or heating units), or other
26 motorized equipment such as fork lifts may be maneuvered, parked, or
27 operated, nor any associated warehouses be located within 200 feet of
28 residentially zoned property. The buffer zone may be used for employee
29 parking, for landscaping, including a required L3 screening [L4]
30 landscape buffer, and similar uses that do not create noise. The buffer
31 zone shall be posted or marked in such a manner so as to clearly
32 delineate the areas where operations are permitted.

33 iii. A motor freight terminal which abuts or is directly across a street or alley
34 from residentially zoned property shall have L3 screening [L4]
35 landscaping on the boundary of the abutting property, street, or alley.

36 iv. A motor freight terminal that is separated from property zoned residential
37 by the Alaska Railroad main line corridor, or a freeway or expressway as
38 classified on the *Official Streets and Highways Plan* is not subject to the
39 provisions of subsections b.ii. and b.iii. above.

40 **4. Self-Storage Facility**

41 **a. Definition**
42 A completely enclosed structure(s) containing three or more areas or rooms
43 available for lease or rent for the purpose of the general storage of household
44 goods and business or personal property, where the lessee of the unit is
45 provided direct access to deposit or store items. Also known as a “ministorage
46 facility.” A self-storage facility may have associated outdoor vehicle storage, but
47 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

- 1 exception of battery or tire removal and replacement. These
 2 must be conducted in accordance with all federal, state, and
 3 local laws. All hazardous materials must be disposed of properly
 4 by the owner of the vehicle.
- 5 (B) The operation of power tools, spray-painting equipment, table
 6 saws, lathes, compressors, welding equipment, kilns, or other
 7 similar equipment.
- 8 (C) Any use that is noxious or offensive because of odors, dust,
 9 noise, fumes, or vibrations.
- 10 **viii. Fencing and Landscaping**
- 11 (A) Except as noted below, all site boundaries shall be fenced with a
 12 sight-obscuring fence structure at least eight feet high. No
 13 fencing shall be required on the portion of site boundaries where
 14 a structure, excluding containerized storage units, abuts either
 15 side of the lot line.
- 16 (B) The fence shall be constructed of concrete, solid wood, or chain
 17 link with a neutral color fabric screening or vinyl covering, and
 18 shall be approved by the department for compatibility with
 19 surrounding properties. The structure shall be maintained in a
 20 safe, sound, and orderly condition, and shall be kept free of any
 21 advertising matter other than signs permitted by this title. Only
 22 one foot of security wire, such as concertina, razor, or barbed
 23 wire, is permitted to be exposed and visible outside the fence.
- 24 (C) Where a self storage or vehicle storage facility abuts a
 25 commercially zoned district or a street of collector classification
 26 or greater on the *Official Streets and Highways Plan*, L1 [L2]
 27 visual enhancement landscaping shall be required external to the
 28 sight-obscuring fence. Where lot lines for these facilities abut a
 29 residential district, L2 [L3] buffer landscaping shall be required.
 30 No landscaping shall be required where a lot line abuts an
 31 industrial district, or on the portion of site boundaries where a
 32 structure, excluding containerized storage units, abuts either side
 33 of the lot line [OR AN INDUSTRIAL DISTRICT], unless otherwise
 34 required by this title.
- 35 **ix. Vehicle Storage Yards**
- 36 The yard may not be used to display or advertise any merchandise for
 37 sale, including vehicles. No salvaging, dismantling, or disassembly of
 38 vehicles is permitted in a vehicle storage yard.
- 39 **x. Financial Guarantees**
- 40 The department may require a financial guarantee to ensure installation
 41 of required landscaping, fencing, paving, or mitigation of any
 42 environmental impacts or contamination to the site or surrounding land in
 43 accordance with section 21.08.060, *Subdivision Agreements*.
- 44 **xi. Existing Self Storage and Vehicle Storage Operations**
- 45 Self-storage and vehicle storage operations existing on or before
 46 October 26, 2004 shall be deemed to have approved site plans and not
 47 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.

Page 239 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1
2
3
- (2) A proposed schedule that specifies the date and methods by which the owner shall come into compliance with the intent of this section.
- 4
5
- (3) A description of current operations and uses that take place on the site.
- 6
7
- (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:
- 8
9
10
11
12
- (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.
- 13
14
15
- (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.
- 16
17
18
19
20
21
- (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.
- 22
23
24
25
- (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.
- 26
27
28
29
- (5) Any other information the property owner may wish to submit in order to make his or her case.
- 30
31
- (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.
- 32
33
34
35
36
37
- (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.
- 38
39
40
41
42
43
44

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.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

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.

1 nuisance conditions (such as odor, noise, scattered solid waste, dust)
2 has been approved by the director.

3 **2. Hazardous Waste Treatment Facility**

4 **a. Definition**

5 The processing of hazardous waste by means other than incineration, for the
6 purposes of rendering the waste non-dangerous or less dangerous, safer for
7 transport, amenable for storage, and/or able to be reused for energy production.

8 **b. Use-Specific Standard[S]**

9 Hazardous waste treatment facilities shall be located at least 1,000 feet from any
10 residential **OR MIXED-USE** district.

11 **3. Incinerator or Thermal Desorption Unit**

12 **a. Definition**

13 **i. Incinerator**

14 An establishment that uses thermal combustion processes to destroy or
15 alter the character or composition of medical waste, hazardous waste,
16 sludge, soil, or municipal solid waste (not including animal or human
17 remains). This definition does not include "rag burners" or oil heaters.

18 **ii. Thermal Desorption Unit**

19 A facility that removes volatile and semi-volatile contaminants from soils,
20 sediments, slurries, and filter cakes using direct or indirect heat
21 exchange. This definition does not include short-term (less than six
22 months) on-site remediation operations.

23 **iii. Not Accessory Uses**

24 Incinerators and thermal desorption units that are accessory to other
25 principal uses shall meet these use-specific standards.

26 **b. Use-Specific Standards**

27 **i. Separation Requirements from Residential Zoning Districts and
28 Academic Schools**

29 No incinerator facility or thermal desorption unit shall be located less
30 than 1315 feet from a residentially zoned district, a dedicated park, or an
31 elementary, middle, or high school.

32 **ii. Standards for Incinerators**

33 **(A) Hazardous Waste Prohibited**

34 Incinerators covered under this section shall not accept any
35 materials that meet the definition of hazardous waste as defined
36 by the U.S. Environmental Protection Agency (EPA) of the state
37 department of environmental conservation (ADEC).

38 **(B) Separation Distances between Incinerator Facilities**

39 Separation distances between incinerator facilities shall be as
40 follows:

TABLE 21.05-2(3): MINIMUM SEPARATION DISTANCES BETWEEN INCINERATOR FACILITIES

Rated Capacity (lbs./hour)	Distance from Nearest Emission Source (feet)			
	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.

1
2
3
4
5
6
7

8
9
10
11
12

13
14
15
16
17

18

19
20
21
22
23
24
25
26
27

28
29
30
31
32
33
34
35

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:

$$((I_1 + I_2 + \dots + I_N) / 500) + (T_1 + T_2 + \dots + T_N) / 100 \times 100 = C$$

Where $I_1 + I_2 + \dots + I_N$ is the sum of the rated capacities of all incinerator facilities, in pounds per hour, within 1315 feet of the proposed facility, and $T_1 + T_2 + \dots + T_N$ 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.

1 (B) *Analysis of Health Risk*

2 The intent of the analysis is to provide information regarding the
3 health risks of persons living close to the proposed site. The
4 municipality shall select a contractor to conduct the analysis and
5 the cost will be billed to the petitioner. The analysis shall meet
6 the following requirements:

7 (1) The analysis shall utilize an EPA-approved dispersion
8 model appropriate for the type of facility, and the given
9 terrain, to estimate the ambient annual average
10 concentration of contaminants from the facility. The
11 model shall be run according to EPA modeling
12 guidelines;

13 (2) Models shall utilize a full year of local meteorological
14 data (e.g., National Weather Service observations taken
15 at the Anchorage International Airport). If several years
16 worth of meteorological data are obtained, the year
17 providing the highest ambient concentrations shall be
18 used;

19 (3) All emission factors used in conjunction with the model
20 shall be documented. Acceptable emission factors may
21 be obtained from either a source test conducted by the
22 manufacturer of the same or similar model as the one
23 proposed to be used or must reference a published
24 report (e.g., an article in a peer review scientific journal
25 or EPA publication);

26 (4) The report shall describe the modeling results in terms of
27 the annual concentration of each identified toxic
28 compound at the boundary of the adjacent residential
29 zoning districts as well as the location and magnitude of
30 the maximum annual average concentrations found
31 within each adjacent residential district; and

32 (5) The report shall also describe the health risks
33 attributable to these concentration levels based on the
34 latest cancer risk values from the EPA's Integrated Risk
35 Information System (IRIS) database. Cancer risks shall
36 be based on the risk of one additional cancer above the
37 background cancer rate per 100,000 individuals.

38 (C) *Standards for Facilities Not Meeting Separation Requirements*

39 The planning and zoning commission may approve a conditional
40 use for an incinerator facility or thermal desorption unit that is
41 less than 1315 feet from an existing facility, but meets the
42 standards of either (A).(1). or (A).(2). above, only if the
43 commission finds that the storage plan for the material to be
44 burned and the waste generated by the incineration activity is
45 adequate to prevent any runoff, groundwater contamination,
46 airborne dust, or other means for contaminants to migrate off the
47 site.

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

- 1 **4. Junkyard or Salvage Yard**
- 2 **a. Definition**
- 3 Any lot, or portion of a lot, that is used for the purpose of the outdoor storage,
- 4 handling, dismantling, salvage, wrecking, keeping, or sale of used, discarded,
- 5 wrecked, or abandoned airplanes, appliances, vehicles, boats, building and
- 6 building materials, machinery or equipment, or parts thereof, including but not
- 7 limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials
- 8 defined under “junk” (see general definitions in chapter 21.14). Auto wrecking
- 9 yards and salvage or scrap yards are included in this use. This does not include
- 10 a composting facility or “vehicle repair/rebuilding, outdoor, hobby”.
- 11 **b. Use-Specific Standard[S]**
- 12 Junkyards and salvage yards shall comply with the use-specific standards
- 13 applicable to “storage yard” set forth above.
- 14 **5. Land Reclamation**
- 15 **a. Definition**
- 16 An operation engaged primarily in increasing land-use capability by changing the
- 17 land’s character or environment through fill or regrading. Land reclamation shall
- 18 include only operations at a scale involving 5,000 cubic yards or more of fill
- 19 material. Site preparation as part of the development of a subdivision under a
- 20 subdivision agreement is not included.
- 21 **b. Use-Specific Standards**
- 22 i. If the land reclamation operation will be completed within one year, the
- 23 review and approval procedure shall be an administrative site plan
- 24 review. If the operation will continue for more than one year, the review
- 25 and approval procedure shall be the conditional use process. If an
- 26 operation was approved under the administrative site plan review
- 27 process but is not completed within one year, the operator must then
- 28 apply for a conditional use permit.
- 29 ii. In addition to the submittal requirements in the user’s guide, an applicant
- 30 for a land reclamation use shall submit the following:
- 31 **(A)** A site plan showing:
- 32 **(1)** Drainage.
- 33 **(2)** Existing and proposed topographical contours (ten-foot
- 34 contour).
- 35 **(3)** Water table information.
- 36 **(4)** Points of vehicular access to the site.
- 37 **(B)** An erosion and sediment control plan.
- 38 **(C)** A description of the soil types encountered on the site.
- 39 **(D)** A landscaping plan for the period of land reclamation operations
- 40 and for final restoration of the site.
- 41 **(E)** A security plan to prevent casual trespass.
- 42 **(F)** Proposed hours of operation.

Page 247 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 (G) A description of land reclamation and processing operations
2 proposed for the site.
- 3 (H) Projected traffic counts for each point of vehicular access to the
4 site.
- 5 (I) An estimate of the quantity of materials to be imported to the site
6 and timetable, with supporting calculations conforming to
7 generally accepted engineering principles.
- 8 (J) A statement of the types of materials that will be accepted at the
9 site.
- 10 (K) Such other materials as the director may require by regulation
11 pursuant to AMC chapter 3.40.
- 12 iii. The site plan and erosion and sediment control plan required in
13 subsection ii. above shall be subject to review and approval for drainage,
14 erosion and sedimentation control; for conformance with the *208*
15 *Areawide Water Quality Management Plan*; and for compliance with
16 generally accepted sound engineering principles.
- 17 iv. A building or land use permit is required for land reclamation.
- 18 v. In addition to the conditional use standards of approval at 21.03.080C.,
19 the planning and zoning commission may approve a land reclamation
20 use only if the commission finds that the use also meets the following
21 standards:
- 22 (A) Principal access to the site shall minimize the use of residential
23 streets, and access roads shall be treated in a manner so as to
24 make them dust free. Where access roads intersect arterials,
25 suitable traffic controls shall be established.
- 26 (B) The site will not accept materials that are hazardous or
27 flammable.
- 28 (C) The site will not accept junk as defined in chapter 21.14.
- 29 (D) The site will not accept soils contaminated with petroleum
30 products or byproducts.
- 31 (E) The reclamation operations will not pose a hazard to the public
32 health and safety.
- 33 (F) The reclamation operations will not generate noise, dust, surface
34 water runoff, groundwater pollution, or traffic that will unduly
35 impact surrounding land uses.
- 36 (G) The restoration plan for the site ensures that, after reclamation
37 operations cease, the site will be left in a safe, stable, and
38 aesthetically acceptable condition.
- 39 (H) The proposed use meets such additional standards for land
40 reclamation conditional uses as the director may establish by
41 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.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 vi. The planning and zoning commission may attach such conditions to the
2 approval of a land reclamation conditional use as it finds are necessary
3 to mitigate potential negative impacts on adjacent uses.
- 4 **6. Landfill**
- 5 a. **Definition**
- 6 The burial of hazardous or non-hazardous agricultural, residential, institutional,
7 commercial, or industrial waste, including AREAS FOR THE DISPOSAL OF
8 BUILDING AND ORGANIC MATERIAL AND solid waste processing. This use
9 does not include land reclamation.
- 10 b. **Use-Specific Standards**
- 11 i. Landfills (operational area, excavated or filled area) shall be set back at
12 least 200 feet from the property boundary, and at least 500 [660] feet
13 from the lot line of any academic school, hospital, religious assembly, or
14 residential zoning district. [NON-INDUSTRIAL USE, AND THAT
15 REQUIRED SETBACK SHALL BE PLANTED WITH] L3 [L4] screening
16 landscaping is required along all lot lines.
- 17 ii. Landfills shall contain and treat [ON-SITE] all run-off that comes into
18 contact with the waste material, in such manner that the run-off will not
19 contaminate surface or ground water.
- 20 iii. Landfills shall comply with the requirements of 18 AAC 60 [NOT BE
21 LOCATED IN ANY FLOODWAY].
- 22 iv. Applications for a conditional use for a landfill shall [NO LANDFILL
23 SHALL COMMENCE OPERATION UNTIL A NUISANCE CONTROL
24 PLAN,] specify[ING] all measures to be taken to control nuisance
25 conditions (such as odor, noise, scattered solid waste, wildlife) [HAS
26 BEEN APPROVED BY THE DIRECTOR].
- 27 **7. Recycling Drop-Off**
- 28 a. **Definition**
- 29 A lot or portion of a lot where containers are located to collect various materials
30 for recycling. This use includes drop-off and collection of materials for recycling,
31 but not processing of such materials.
- 32 b. **Use-Specific Standards**
- 33 i. No recycling drop-off area shall be located in required parking for any
34 other uses on the same lot, required landscaping, or pedestrian facilities.
- 35 ii. Recycling drop-off areas that are on a lot with another principal use such
36 as a school or retail store shall, to the extent reasonably feasible, be
37 placed to the side of the principal structure and/or site, and not abutting
38 the street that provides primary access to the site.
- 39 iii. Recycling drop-offs that are the sole or principal use on a lot, and are not
40 placed on a lot with another principal use such as a school or retail store,
41 shall be fenced. The fencing shall be interior to any landscaping
42 required by section 21.07.080. Recycling drop-offs adjacent to
43 residential districts shall have a screening fence. [CONTAINERS SHALL
44 BE SCREENED IN ACCORDANCE WITH THE STANDARDS OF
45 SUBSECTION 21.07.080H.2.]

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.

Page 250 ANNOTATION

See annotation for page 248.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1
2
3
4
5
6
7
8
9
10
11
- 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.
- 12
13
14
15
16
- 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.
- 17
18
19
20
21
22
23
24
25
- 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.
- 26
27
28
29
30
- 31 **9. Solid Waste and/or Recycling Transfer Facility**
- 32 a. **Definition**
- 33 An establishment for the processing, transfer, and/or disposal of hazardous or
34 non-hazardous solid waste and/or materials for recycling.
- 35 b. **Use-Specific Standards**
- 36 **[ALL SUCH USES SHALL COMPLY WITH THE FOLLOWING STANDARDS:]**
- 37 i. **[LOCATION OF SITE]**
- 38 A solid waste transfer facility (structures, operations, outdoor storage)
39 shall not be located within 500 feet of any academic school, hospital,
40 [GOVERNMENTAL FACILITY (EXCEPT GOVERNMENTAL SERVICE),]
41 or residential zoning district [SUBDIVISION, OR PLACE OF PUBLIC
42 ASSEMBLY].
- 43 ii. **[MINIMUM LOT SIZE AND WIDTH]**
- 44 Notwithstanding the general dimensional standards set forth in chapter
45 21.06, the minimum lot size for a solid waste and/or recycling transfer
46 facility shall be two acres and the minimum lot width shall be 150 feet,
47 unless otherwise established by the planning and zoning commission.

Page 251 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

1 iii. **[LIMITS ON OUTDOOR STORAGE]**

2 Outdoor storage shall not exceed 35 feet in height. No outdoor storage,
3 operations, or donations shall occur within the required front or side
4 setback as set forth in chapter 21.06.

5 iv. **[SCREENING]**

6 In addition to any landscaping required under section 21.07.080,
7 *Landscaping, Screening, and Fences*, the facility shall be surrounded by
8 a **[SOLID, OPAQUE]** fence that is at least eight feet high, **except that**
9 **public drop-off areas need not be fenced unless they are adjacent to a**
10 **residential district. [LOCATED NO LESS THAN 100 FEET FROM ANY**
11 **PUBLIC RIGHT-OF-WAY, AND LOCATED NO LESS THAN 50 FEET**
12 **FROM AN ADJACENT PROPERTY.]** Such fencing that is adjacent to a
13 residential district shall be screening fencing; such fencing that is
14 adjacent to other non-industrial districts or to streets shall be sight-
15 obscuring fencing.

16 **21.05.070 ACCESSORY USES AND STRUCTURES**

17 **A. Purpose**

18 This section authorizes the establishment of accessory uses that are incidental and customarily
19 subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a
20 principal use if it complies with the standards set forth in this section.

21 **B. General Standards**

22 All accessory uses shall comply with the general standards in this subsection B.

23 1. **Approval of Accessory Uses and Structures**

24 a. All principal uses allowed in a zoning district shall be deemed to include the
25 accessory uses, structures, and activities set forth in this section, unless
26 specifically prohibited.

27 b. See also sections 21.05.030 through 21.05.060 above, in which incidental or
28 accessory uses are sometimes included in the description of a specific principal
29 use category or use type. When a definition does include permitted accessory or
30 incidental uses, such accessory or incidental uses shall be subject to the general
31 standards set forth in this subsection B., ***the zoning district limitations in***
32 ***subsection C. below***, as well as any use-specific standards set forth in
33 subsections D. and E. below.

34 2. **Compliance with Ordinance Requirements**

35 a. All accessory uses and structures shall be subject to the standards set forth in
36 this section and the dimensional standards of chapter 21.06. In the case of any
37 conflict between the standards of this section and any other requirement of this
38 title, the standards of this section shall control.

39 b. Any use listed in subsections 21.05.030 through 21.05.060 is allowed as an
40 accessory use to a residential use if the accessory use meets the standards of a
41 “home occupation” at subsection 21.05.070D.11[12]. If the use exceeds the
42 standards of a “home occupation”, then the use is no longer considered
43 accessory and shall meet any applicable standards of subsections 21.05.010
44 through 21.05.060[070], which dictate in which districts the use is allowed, and
45 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
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 c. Accessory uses shall comply with all standards of this title applicable to the
2 principal use with which they are associated. Parking requirements shall be met
3 for both the principal use, as specified in section 21.07.090, and any additional
4 requirements for the accessory use, if applicable and specified in this section.

5 **3. Dimensional Standards for Accessory Buildings and Structures**

6 a. **Same Lot**

7 The accessory use or structure shall be conducted and/or located on the same
8 lot as the principal use.

9 b. **Location of Accessory Structures**

10 No accessory structure shall be erected or maintained in any required setback,
11 except that:

12 i. Buildings accessory to a residential use and allowed by this section
13 21.05.070 may be erected in a required **side or** rear setback that is
14 adjacent to an alley;

15 ii. Two sheds or greenhouses, each 150 square feet or less, a maximum of
16 12 feet in height, and not attached to a foundation, may be erected in a
17 required side or rear setback; and

18 iii. Dog runs and dog houses not attached to a foundation **[AND ALLOWED**
19 **BY THIS SECTION 21.05.070]** may be erected in a required side or rear
20 setback.

21 **4. Same Ownership Required**

22 The principal use and the accessory use shall be under the same ownership.

23 **5. Temporary Accessory Uses and Structures**

24 Temporary accessory uses and structures shall be governed by the temporary use
25 standards set forth in section 21.05.080 of this title.

26 **C. Table of Allowed Accessory Uses**

27 Table **[S]** 21.05-3**[4 AND 21.05-5]** below lists the accessory uses allowed within all base zoning
28 districts. Each of the listed uses is defined in subsection D. below.

29 **1. Explanation of Table Abbreviations**

30 a. **Permitted Uses**

31 "P" in a cell indicates that the accessory use is allowed by right in the respective
32 zoning district. Permitted uses are subject to all other applicable regulations of
33 this title, including the use-specific standards in subsection D. below and the
34 development and design standards set forth in chapter 21.07.

35 b. **Administrative Site Plan Review**

36 "S" in a cell indicates that the accessory use requires administrative site plan
37 review in the respective zoning district in accordance with the procedures of
38 section 21.03.180**[190]B**, *Administrative Site Plan Review*.

39 c. **Conditional Uses**

40 "C" in a cell indicates that, in the respective zoning district, the accessory use is
41 allowed only if reviewed and approved as a conditional use in accordance with
42 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]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

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
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

g. Table[S] of Permitted Accessory Uses and Structures

Accessory Uses	TABLE 21.05-3: TABLE OF ACCESSORY USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS														Definitions and Use-Specific Standards														
	RESIDENTIAL											COMMERCIAL				INDUST.			OTHER										
	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	PL	M	
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												21.05.070.D.2.	
Bed and breakfast (4 or 5 guestrooms)	S	S	S	S	S	S			S	S	S	S	S	S	P	P	P											21.05.070.D.2.	
Beekeeping	P	P	P	P	P	P			P	P	P	P	P	P										P	P			21.05.070.D.3.	
Caretaker's residence																					P	P		P	P			21.05.070.D.4.	
Dormitory						S	S	S	S	S	S	S	S	S			P			C	P				P			21.05.070.D.5.	
Drive-through service																	P	P	P	P	P							21.05.070.D.6.	
Family self-sufficiency Service																	P											21.05.070.D.7.	
Farm, hobby									P	P	P	P	P	P														21.05.070.D.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			21.05.070.D.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			21.05.070.D.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			21.05.070.D.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		21.05.070.D.12.	
Large domestic animal facility									P	P	P	P	P	P														21.05.070.D.13.	
Outdoor keeping of animals	P	P	P	P	P	P	P	P	P	P	P	P	P	P										P	P	P		21.05.070.D.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

Accessory Uses	RESIDENTIAL												COMMERCIAL					INDUST.					OTHER					Definitions and Use-Specific Standards	
	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	PL	W		
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												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															21.05.070D.18.
Vehicle repair/rebuilding, outdoor, hobby	P	P	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
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 (D) The department shall receive a fee from the applicant pursuant to the title 21 user's guide.
- 2
- 3 (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.
- 4
- 5
- 6
- 7
- 8 iii. *Requirements*
- 9 All ADUs shall meet the following requirements:
- 10 (A) *Purpose*
- 11 Requirements for accessory dwelling units address the following purposes:
- 12
- 13 (1) Ensure that accessory dwelling units maintain and are compatible with the single-family appearance and character of the principal residence, lot, and neighborhood;
- 14
- 15
- 16
- 17 (2) Ensure that accessory dwelling units are smaller in size than the principal dwelling on the lot, and preserve yards and open space;
- 18
- 19
- 20 (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
- 21
- 22
- 23
- 24 (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.
- 25
- 26
- 27
- 28 (B) Allowed Zoning Districts
- 29 (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.
- 30
- 31
- 32 (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.
- 33
- 34
- 35
- 36
- 37 (C) *Requirements for Developing an ADU*
- 38 [ADUS SHALL BE ALLOWED IN ALL RESIDENTIAL ZONING DISTRICTS EXCEPT R-1, R-1A, R-3, R-4, AND R-4A.]
- 39
- 40 (1) One Principal Structure
- 41 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.
- 42
- 43
- 44

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
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

- (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

[PZC DELETION]

Assy Cmte Addition

[ASSY CMTE DELETION]

Tech Edit Addition

[TECH EDIT DELETION]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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

- 1 PRIMARY FRONT LOT LINE], or be at least 10 feet
2 behind the street facing PRIMARY façade of the
3 principal dwelling unit.
- 4 (2) The maximum height of a detached ADU shall be 25
5 feet.
- 6 (E) *Density*
7 ADUs are not included in the density calculations for a site.
- 8 (F) *Expiration of Approval of an ADU*
9 Approval of an ADU expires when:
- 10 (1) The ADU is altered and is no longer in conformance with
11 this code;
- 12 (2) The property ceases to maintain all required off-street
13 parking spaces;
- 14 (3) A landowner of the property does not reside in either the
15 principal or the accessory dwelling unit;
- 16 (4) The ADU is abandoned by the landowner through written
17 notification to the municipality on a form provided by the
18 municipality; or,
- 19 (5) The property with an ADU changes ownership.
- 20 (G) *Transfer*
21 An ADU permit is not transferable to any other property or any
22 other person. When a property with an ADU is sold or otherwise
23 transferred, the new landowner shall file an affidavit of owner-
24 occupancy with the department within 30 days of the transfer,
25 and pay a processing fee. Failure to file an affidavit by the due
26 date constitutes failure to have a permit, in violation of this
27 section. Transfers from one landowner to another landowner do
28 not require a new affidavit so long as the recipient landowner
29 signed the original affidavit.
- 30 (H) *Prior Illegal Use*
31 (1) All structures which meet the definition of accessory
32 dwelling unit which are not recognized as legal
33 nonconforming structures or uses of structures under
34 chapter 21.12 shall comply with this subsection. Such
35 structures may continue in existence provided the
36 following requirements are met:
- 37 (a) A permit application for an ADU is submitted to
38 the building safety division within six months of
39 [effective date].
- 40 (b) The unit complies with the requirements of this
41 section.
- 42 (2) If the unit does not comply with the requirements of this
43 section at the time the permit application is filed, the
44 building official may grant six months to bring the unit
45 into conformance.

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
- (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
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 (H) Every bed and breakfast shall meet the off-street parking
2 requirements stated [IN SECTION 21.07.090 AND] in its
3 administrative permit.
- 4 (I) Every bed and breakfast supported by on-site well and
5 wastewater disposal systems shall conform to the requirements
6 of AMC chapter 15.65, pertaining to wastewater disposal
7 regulations, and shall obtain a one-time only health authority
8 certificate.
- 9 ii. *Administrative Permit*
10 A bed and breakfast shall require an administrative permit pursuant to
11 section 21.03.030. An application for a bed and breakfast permit shall
12 not be complete unless it is accompanied by proof of a current business
13 license, a certificate of on-site systems approval (for on-site systems
14 only), and a site plan and building floor plans meeting the requirements
15 of this title.
- 16 3. **Beekeeping**
17 a. **Definition**
18 Keeping honey bees, *Apis mellifera*, for the purpose of education and/or
19 producing honey or other products related to bees.
- 20 b. **Use-Specific Standards**
21 i. Colonies of *Apis mellifera* shall be managed in such a manner that their
22 flight path to and from the hive will not bring them into contact with
23 people on adjacent property. To accomplish this, colonies shall be:
- 24 (A) At least 25 feet from any lot line not in common ownership; or
25 (B) Oriented with entrances facing away from adjacent property; or
26 (C) Placed behind a fence at least six feet in height and extending at
27 least ten feet beyond the hive in all directions.
- 28 ii. No more than four hives shall be placed on lots smaller than 10,000
29 square feet.
- 30 4. **Caretaker's Residence**
31 a. **Definition**
32 A dwelling unit on the site of a non-residential use and occupied only by a guard
33 or the person who oversees the operation of the non-residential facility (and
34 his/her family).
- 35 5. **Dormitory**
36 a. **Definition**
37 A facility intended or used as group living quarters for students, religious orders,
38 employees, and the like, directly affiliated with a permitted principal use such as
39 a school, college, convent, or similar institutional use.
- 40 b. **Use-Specific Standards**
41 i. Dormitories in non-industrial [RESIDENTIAL AND MIXED-USE] districts
42 shall comply with the [APPLICABLE] multifamily residential design
43 standards in subsection 21.07.110C[100].
- 44 ii. L1 L2 visual enhancement landscaping is required when dormitories
45 abut residential lots in a residential district.

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]

1 **6. Drive-Through Service**

2 **a. Definition**

3 The physical facilities of an establishment that encourage or permit customers to
4 receive services or obtain goods while remaining in their motor vehicles. A drive-
5 through facility consists of two parts—the queuing lane and a service station
6 where the service occurs. The queuing and service facilities of motor vehicle-
7 related uses such as fueling stations, car washes, and vehicle service and repair
8 are not included in the definition “drive-through service” as an accessory use,
9 and are addressed elsewhere in this title.

10 **b. Use-Specific Standards**

11 The purpose of these standards is to allow for drive-through facilities by reducing
12 the impacts they may create, such as noise, glare, and fumes from idling cars,
13 noise from voice amplification equipment, or traffic interferences with vehicle and
14 pedestrian circulation. Drive-through services are allowed as accessory uses to
15 the following primary uses: restaurant, pharmacy, financial institution, general
16 personal services and food and beverage kiosk. The following standards apply
17 to all drive-through services:

18 **i. Queuing Spaces**

19 Vehicle queuing spaces shall be provided pursuant to section
20 21.07.090L.

21 **ii. Impact on Adjacent Uses**

22 **(A)** A drive-through that abuts a residential or NMU zoned property
23 shall be located, sized, and designed to minimize traffic, noise,
24 air emissions, and glare impacts on surrounding properties,
25 based on the findings of an administrative site plan review.

26 **(B)** No drive-through queuing spaces shall be located directly
27 between the building and an abutting right-of-way unless
28 otherwise allowed by the director.

29 **(C)** When a drive-through service facility abuts a residential or NMU
30 zoned lot, a six-foot high screening fence or wall shall be
31 provided along that lot line between the drive-through facility and
32 required perimeter landscaping.

33 **(D)** To the maximum extent feasible, talk boxes shall be located so
34 that the principal structure on the site is between the talk box and
35 any abutting residential zoning district, and shall meet the noise
36 control standards in AMC section 15.70.

37 **iii. Change of Use**

38 The physical addition or removal of a drive-through is a change of use.

39 **7. Family Self-Sufficiency Service**

40 **a. Definition**

41 A governmentally operated or sponsored social service agency that provides
42 aide to economically disadvantaged families in finding training, employment, and
43 housing and/or access to personal computer equipment for use in self-
44 instruction. The use is accessory to housing facilities run by public or non-profit
45 agencies.

46 **b. Use-Specific Standards**

47 **i. General Standards**

48 The following general standards apply to these uses in all districts:

- 1 (A) *Building*
2 The structure used to house the facility shall maintain at least
3 twenty residential units and devote at least 85 percent of the
4 building's maximum gross floor area to residential use.
- 5 (B) *Ownership*
6 The operating agency shall have ownership of the structure. No
7 other entity may rent, lease, buy, or otherwise obtain space in
8 the building for the purposes of operating facilities regulated
9 under this subsection.
- 10 (C) *Staff*
11 During the **hours of** operation [HOURS], there shall be at least
12 one instructor/monitor on-site and responsible to the operating
13 agency.
- 14 (D) *Clients*
15 Facility users are not required to be residents of the building
16 housing the facility. The facility users shall be restricted to the
17 tenants of the operating agency or beneficiaries of assisted
18 housing from the operating agency.

19 8. **Farm, Hobby**
20 a. *Definition*
21 The production of crops for sale. This may include a temporary stand for sales
22 on the premises.

23 9. **Garage or Carport, Private Residential**
24 a. *Definition*
25 A detached accessory or portion of a principal structure that is used for the
26 parking and storage of vehicles owned and operated by the residents thereof.

- 27 b. *Use-Specific Standards*
28 i. Garages may encroach into the rear or side setback when that setback
29 abuts an alley.
30 ii. Such accessory uses shall serve only the residents of the property and
31 shall not be used for commercial purposes except as part of a home
32 occupation approved under subsection D.11[12]. below.
33 iii. In class A improvement areas and in the R-7 district, all garages or
34 carports accessory to a single residential use, whether attached to or
35 detached from the principal structure, shall cumulatively be no larger
36 than 50 percent of the total gross floor area of the principal structure.
- 37 iv. In class B improvement areas, except for the R-7 district, all garages or
38 carports accessory to a single residential use, whether attached to or
39 detached from the principal structure, shall cumulatively be no larger
40 than five percent of the lot area, up to a maximum of 5,000 square feet.

41 10. **Home- and Garden-Related Use**
42 a. *Definition*
43 Accessory uses subordinate to the use of a residential dwelling. Examples
44 include, but are not limited to, greenhouses, gardens, storage sheds, garden
45 sheds, tool sheds, workshops, private barbeque pits, spas, and hot tubs.

46 b. *Use-Specific Standards*

- 1 i. All spas and hot tubs shall be set back a minimum of 10 feet from all
2 property lines, and shall not be counted in calculating lot coverage.
- 3 ii. In class A improvement areas and in the R-7 district, all detached
4 accessory structures under this use shall cumulatively be no larger than
5 50 percent of the total gross floor area of the principal structure.
- 6 iii. In class B improvement areas, except for the R-7 district, all detached
7 accessory structures under this use shall cumulatively be no larger than
8 five percent of the lot area, up to a maximum of 5,000 square feet.

9 **11. Home Occupation**

10 a. **Definition**

11 An activity that results in a product or service, carried out for consideration or not,
12 and conducted as a customary, incidental, and accessory use in a dwelling unit.
13 This use expressly does not include bed and breakfasts, hobby farms, **large**
14 **domestic animal facilities**, small and large assisted living facilities, or adult or
15 child care homes.

16 b. **Use-Specific Standards**

17 A home occupation may be conducted in a dwelling unit or in a building
18 accessory to a dwelling unit provided that:

- 19 i. A permanent resident of the dwelling unit is engaged in the home
20 occupation on the premises;
- 21 ii. Only one nonresident may be engaged in the home occupation on the
22 premises;
- 23 iii. The use of a dwelling unit for a home occupation shall be clearly
24 incidental and subordinate to its residential use. This standard is met by
25 and limited to one of the following in class A areas:
 - 26 (A) No more than the lesser of 25 percent or 500 square feet of the
27 floor area of the principal dwelling is devoted to any home
28 occupation; or
 - 29 (B) No more than 300 square feet of an accessory building is
30 devoted to any home occupation; or
 - 31 (C) No more than 250 square feet of the principal dwelling and 250
32 square feet of the accessory building are devoted to any home
33 occupation.
- 34 iv. The use of a dwelling unit for a home occupation shall be clearly
35 incidental and subordinate to its residential use. This standard is
36 met by and limited to one of the following in class B areas:
 - 37 (A) No more than the lesser of 40 **percent** [%] or 650 square feet of
38 the gross floor area of the primary structure is devoted to the
39 home occupation use; or
 - 40 (B) No more than 600 square feet of an accessory structure is
41 devoted to the home occupation; or
 - 42 (C) No more than 325 square feet of the principal dwelling and 350
43 square feet of the accessory building are devoted to any home
44 occupation.

Page 266 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 v. Except for as provided [IN B.VII. BELOW AND] in chapter 21.11, *Signs*,
2 there shall be no change to the outside of the building or premises, nor
3 shall there be other visible evidence of the conduct of such home
4 occupation;
- 5 vi. Vehicles making deliveries shall not be parked at the site for a period
6 exceeding one hour;
- 7 vii. No traffic or deliveries shall be generated by such home occupation in
8 greater volume than would normally be expected in a residential
9 neighborhood;
- 10 viii. All vehicles used in connection with the home occupation shall, except
11 for delivery vehicles allowed above, be of the type commonly used for
12 personal non-commercial transportation. Home occupations shall
13 comply with the requirements of subsection D.17. below;
- 14 ix. The peace and quiet of the neighborhood shall not be disturbed. No
15 equipment or process shall be used in such home occupation that
16 creates noise, vibration, glare, fumes, or odors detectable to the normal
17 senses at the property line. No equipment or process shall be used
18 which creates visual or audible interference in any radio or television
19 receivers off the premises, or causes a fluctuation in line voltage off the
20 premises. No hazardous or toxic materials shall be stored on the
21 property as part of the home occupation;
- 22 x. The hours of operation during which an employee or co-worker, clients,
23 or customers are allowed to come to the home in connection with the
24 business activity are limited to between 7:00 a.m. and 10:00 p.m.
25 Monday through Saturday. Care and feeding of animals is exempted
26 from this provision;
- 27 xi. A home occupation shall not be permitted on any lot with an adult or
28 child care facility, or assisted living facility; and
- 29 xii. Any storage of wholesale or retail stock in trade in conjunction with the
30 home occupation shall not exceed 10 [TEN] percent of the area devoted
31 to the home occupation, except on lots 40,000 sf or larger in class B
32 districts as defined in 21.08.050B. On lots meeting this exception,
33 storage of stock in trade may equal the area devoted to the home
34 occupation, if the storage is screened from neighboring lots and
35 separated from the neighboring lot line by at least the established district
36 setback.
- 37 c. **Uses Prohibited as Home Occupations**
38 A home occupation shall not include, but is not limited to excluding, the following:
39 veterinary or animal hospital; restaurant; and vehicle repair, unless allowed
40 below under “vehicle repair/rebuilding, outdoor, hobby.”
- 41 12. **Intermodal Shipping Container (Connex Unit)**
42 a. **Definition**
43 A pre-fabricated, standardized, reusable, metal container designed and intended
44 for transporting cargo on ocean-going ships, trains, or tractor trailers, also
45 commonly called cargo containers, transport containers, or marine cargo
46 containers. This use includes similar structures, such as railroad cars.
- 47 b. **Use-Specific Standards**
48 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.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 i. Except in the industrial, commercial, and airport districts, connex
2 units shall be screened on sides facing abutting public streets and
3 residential properties [ALL SIDES] by structures, landscaping, and/or
4 fences at least as high as the unit, or alternately, shall be sided and
5 roofed using [WITH] materials and colors which are similar to
6 materials and/or colors [SUBSTANTIALLY SIMILAR TO THE
7 SIDING] of the primary structure. If the connex unit is placed and
8 used for seasonal purposes subject to the provisions of section
9 21.05.080, Temporary Uses and Structures, it may instead be
10 painted with paint that matches the color scheme of the principal
11 building or blends the connex with the surroundings.
- 12 ii. In commercial districts, connex units shall be located to the rear of all
13 principal structures or alternately, meet either the screening or the
14 siding and roofing requirements of section b.i. above.
- 15 iii. In residential districts, connex units are only permitted on lots equal
16 to or greater than 40,000 square feet. Except as restricted in b.vii.
17 below, connex units existing as of [effective date] on any size lot may
18 continue as long as the screening requirements of b.i. above and the
19 number limitations of b.iv. below are met within one year of [effective
20 date], in which case such connex unit(s) shall be deemed
21 conforming. Failure to comply with this provision shall not result in a
22 legal nonconformity, but rather shall result in an illegal structure.
- 23 iv. In residential districts where the primary use of the lot is residential,
24 no more than one unit is allowed per every 40,000 square feet of
25 property up to a maximum of three units. In conjunction with
26 nonresidential uses in residential districts, no more than three units
27 are allowed.
- 28 v. Self-storage establishments in compliance with the development
29 standards of 21.05.060D.4., *Self-Storage Facility*, are exempt from
30 this section.
- 31 vi. Loading or unloading a connex unit, or the use of a connex during
32 construction is exempt from this section, as long as the connex unit
33 is removed promptly at the finish of the loading/unloading or
34 construction activity.
- 35 vii. In residential districts on lots of less than 40,000 square feet, connex
36 units existing on [effective date] that are located between the front
37 plane of the principal structure and the front property line shall be
38 removed or relocated within one year of [effective date].

39 **13. Large Domestic Animal Facility (4 or more animals)**

40 a. **Definition**

41 The keeping, harboring, riding, boarding, stabling, training, exercising, breeding,
42 or related use of four or more large domestic animals regardless of animal
43 ownership, and the associated structure(s) such as a paddock, stable, or barn.
44 Operation of a large domestic animal facility is not a home occupation.

45 b. **Use-Specific Standards**

46 i. **Lot Size**

47 The minimum lot size for a large domestic animal facility of four animals
48 is 40,000 square feet. An additional 10,000 square feet is required for
49 each animal over four. Application for an administrative variance from
50 the minimum lot size may be made to the planning department pursuant

Page 268 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

1 to subsection 21.03.240L. [THROUGH THE ADMINISTRATIVE
2 VARIANCE PROCESS, THE DIRECTOR MAY APPROVE A
3 DEVIATION OF NO MORE THAN 10 PERCENT, WITH THE
4 CONCURRENCE OF THE DEPARTMENT OF HEALTH AND HUMAN
5 SERVICES AND THE DEVELOPMENT SERVICES DEPARTMENT.]

6 ii. *Adjacent Lots*

7 Adjacent lots may be used in square footage calculations for site size
8 only. If the adjacent lots are not under single ownership, the lot owners
9 shall submit a recorded joint usage agreement for review and approval
10 by the director. In such cases, setback requirements shall not apply to
11 the interior lot lines between the applicable lots, and a primary use need
12 not be located on the adjacent lot.

13 iii. *Setbacks*

14 Notwithstanding the setbacks of the underlying zoning district, covered
15 structures associated with a large domestic animal facility, such as a
16 stable or barn, shall be set back at least 25 feet from any abutting lot
17 line, not including interior lot lines between lots in common ownership.
18 Uncovered enclosures shall meet one of the following setback options:

19 (A) Seventy-five feet from residences existing on February 28, 2006,
20 not including any residence in common ownership with the large
21 domestic animal facility; or

22 (B) Ten feet from any abutting lot line, not including interior lot lines
23 of lots in common ownership, if the separation area is vegetated
24 with L2 L3 buffer landscaping.

25 iv. *Structures*

26 The square footage of any single large domestic animal facility structure
27 shall not exceed 10 percent of the lot size, up to a maximum of 8,000
28 square feet.

29 v. *Fences*

30 Barbed wire shall not be used for fencing of any large domestic animal
31 facility.

32 vi. *Commercial Activity*

33 Commercial activity associated with large domestic animal facilities, such
34 as boarding or riding lessons, is permitted.

35 vii. *Other Requirements*

36 Large domestic animal facilities shall:

37 (A) Meet the requirements of AMC chapter 15.20 regarding animal
38 waste, AMC subsection 15.55.060B. concerning separation
39 requirements from water supply wells, and section 21.07.020
40 concerning stream protection setbacks;

41 (B) Obtain an animal control facility license;

42 (C) Obtain certification of compliance with a state of Alaska,
43 Anchorage soil and water conservation district conservation plan,
44 or obtain a letter from the district showing demonstrated intent to
45 come into compliance with a conservation plan within one year;
46 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.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 (D) Comply with licensing and other laws concerning the keeping of
2 animals as set forth in AMC titles 15, 17, and 21.
- 3 c. **Large Domestic Animal Facilities That Do Not Meet These Standards**
4 Large domestic animal facilities that exceed the use-specific standards listed
5 above for site area, structure size, or number of animals, may be allowed by
6 conditional use, pursuant to subsection 21.03.080. In such case, the facility shall
7 be considered a second principal use on the lot and shall comply with subsection
8 21.05.050B.3.
- 9 **14. Outdoor Keeping of Animals**
- 10 a. **Definition**
11 Restraining or restricting the movement of animals outside of a principal
12 structure, by any means not involving the continued presence and/or participation
13 of a human being.
- 14 b. **Use-Specific Standards**
- 15 i. One to three large domestic animals may be kept outdoors on lots of
16 20,000 square feet or greater, but any structures or enclosures for
17 keeping such animals shall meet the setback standards of subsection
18 21.05.070D.13.b.iii.
- 19 ii. The following standards apply to the outdoor keeping of all animals
20 except for dogs, domestic cats, and large domestic animals:
- 21 (A) Animals kept outdoors in accordance with this section shall be
22 contained by a structure, fenced enclosure, or pen at all times.
- 23 (B) Animals under this section shall not be kept outdoors in
24 manufactured home communities, except for when the following
25 standards are met:
- 26 (1) Any structure, fenced enclosure, or pen for the outdoor
27 keeping of animals shall be at least 20 feet from any
28 residence, not including the residence of the owner of
29 the animal(s).
- 30 (2) No nonconforming rights for the outdoor keeping of
31 animals in a manufactured home community shall be
32 established. If at any time the separation distance of
33 subsection ii.(B).(1). is no longer achieved, the animal(s)
34 shall no longer be kept outside.
- 35 (C) On lots of 40,000 square feet or greater, structures for the
36 outdoor keeping of animals shall not encroach into the setbacks
37 of the zoning district and shall be at least 10 feet from any lot
38 line.
- 39 (D) On lots smaller than 40,000 square feet, the following shall
40 apply:
- 41 (1) The outdoor keeping of roosters, turkeys, guinea fowl,
42 peacocks, or geese is prohibited.
- 43 (2) Up to five animals may be kept on lots of 6,000 square
44 feet or less, with an additional one animal per additional
45 1,000 square feet of lot area. A facility license may be
46 required pursuant to title 17.

- 1 (3) Structures for the outdoor keeping of animals shall not
- 2 encroach into the setbacks of the zoning district and
- 3 shall be at least 10 feet from any lot line.

- 4 (4) It shall be unlawful for any owner or custodian of an
- 5 animal under this section to permit it to make chronic
- 6 animal noise, as defined in AMC section 17.05.010.

7 **15. Outdoor Display Accessory to a Commercial Use**

- 8 a. **Definition**
- 9 Outdoor display of goods and/or materials for sale, accessory to a commercial
- 10 principal use. Merchandise may be directly available to the consumer for
- 11 purchase.

- 12 b. **Use-Specific Standards**
- 13 No materials may be displayed in areas intended for vehicular circulation,
- 14 required parking, required open space, required unobstructed clear width of
- 15 pedestrian walkways, or required landscaping.

16 **16. Outdoor Storage Accessory to a Commercial Use**

- 17 a. **Definition**
- 18 Outdoor storage, but not display for sale, of goods, equipment, and/or materials
- 19 accessory to a commercial principal use. Merchandise in outdoor storage shall
- 20 not be directly available to the consumer without the assistance of an employee.

- 21 b. **Use-Specific Standards**
- 22 Except in industrial districts and except for outdoor storage associated with a
- 23 large commercial establishment which is governed by subsection
- 24 21.07.130A.5.m.[120E.10.], outdoor storage of goods, equipment, and/or
- 25 materials accessory to a commercial principal use shall be allowed subject to the
- 26 following standards:

- 27 i. Each outdoor storage area shall not be located closer to the front
- 28 property line than the front façade of the principal building.

- 29 ii. Goods stored in an approved outdoor storage area shall be limited to
- 30 those sold or used on the premises as part of an associated primary use.

- 31 iii. Equipment stored in an approved outdoor storage area shall be limited to
- 32 equipment used for property maintenance, such as snow removal
- 33 equipment. The number of pieces of equipment shall not exceed three.
- 34 Such equipment storage is only allowed on lots of three acres or greater.

- 35 iv. Each outdoor storage area shall be screened from view from all property
- 36 lines and adjacent rights-of-way by an opaque fence or wall between six
- 37 and eight feet in height that incorporates at least one of the predominant
- 38 materials used in the principal structure. The fence or wall may exceed
- 39 eight feet in height where the difference in grade between the right-of-
- 40 way and the outdoor storage area makes a taller fence or wall necessary
- 41 to effectively screen the area. Materials may not be stored higher than
- 42 the height of the principal structure. The outer perimeter of the fence or
- 43 wall shall be landscaped with L1 L2 visual enhancement landscaping.
- 44 A landscaped earth berm may be used instead of or in combination with
- 45 a required fence or wall, provided it meets the same height requirements.

- 46 v. If the outdoor storage area is covered, then the covering shall include at
- 47 least one of the predominant roofing materials and exposed roofing
- 48 colors on the principal structure.

- 1 vi. Flammable liquids or gases in excess of 1,000 gallons shall be stored
2 underground.
- 3 vii. No goods, equipment, and/or materials may be stored in areas **required**
4 **[INTENDED]** for vehicular or pedestrian circulation or parking.
- 5 **17. Parking of Business Vehicles, Outdoors, Accessory to a Residential Use**
- 6 a. **Definition**
- 7 The outdoor storage or parking of a vehicle used for and/or bearing visible
8 evidence of a commercial/business purpose, but not regulated by subsection
9 21.05.070E.7[8].
- 10 b. **Use-Specific Standard**
- 11 Only two vehicles bearing visible evidence of a business/commercial purpose are
12 permitted per residence.
- 13 **18. Private Outdoor Storage of Noncommercial Equipment Accessory to a Residential**
14 **Use**
- 15 a. **Definition**
- 16 The private outdoor storage of noncommercial equipment, including
17 noncommercial trucks, boats, aircraft, off-road vehicles, recreational vehicles
18 (RVs), or travel trailers.
- 19 b. **Use-Specific Standard**
- 20 The private outdoor storage of noncommercial equipment is permitted in the front
21 setback only in the driveway, but not within five feet of any property line, and is
22 prohibited in any side or rear setback, except in a side or rear setback abutting
23 an alley. In class B districts, the setback shall be 25 feet from any property line
24 where the adjacent property is not in common ownership.
- 25 **19. Vehicle Repair/Rebuilding, Outdoor, Hobby**
- 26 a. **Definition**
- 27 The repair or rebuilding of an inoperative motor vehicle as an accessory use, not
28 for commercial purposes.
- 29 b. **Use-Specific Standards**
- 30 i. Only one inoperative vehicle may stored outdoors on the site at any
31 given time.
- 32 ii. Any vehicle being rebuilt or repaired shall be the property of the resident
33 of the principal structure.
- 34 iii. Repair or rebuilding work shall take place to the rear or side of the
35 principal structure and shall be screened from view from all property lines
36 and adjacent rights-of-way by an opaque fence between six and eight
37 feet in height, or by opaque landscaping of an equivalent height.
- 38 **E. Prohibited Accessory Uses and Structures**
- 39 **1. Operation of Particle Accelerators, including Cyclotrons**
- 40 Operation of particle accelerator systems, including cyclotrons, is prohibited in all
41 residential districts, whether or not such system is associated with a home occupation.
- 42 **2. Fabric Structures**
- 43 Frame-supported, arch-supported, or inflated tension fabric or membrane structures,
44 fabricated off-site and assembled on-site, and typically used for garages, sheds,
45 warehouses, or temporary or permanent shelters for automobiles, boats, or other items,

1 are prohibited in all class A residential districts. In class B residential districts, setbacks
2 for fabric structures shall be twice that otherwise required.

3 **3. Outdoor Storage of Inoperative Vehicles**

4 In all zoning districts, the outdoor storage of any vehicle that meets the definition of “junk
5 vehicle” at AMC section 15.20.010 is prohibited except as provided in section
6 21.05.070D.19, *Vehicle Repair/Rebuilding, Outdoor, Hobby*; section 21.05.060E.4.,
7 *Junkyard or Salvage Yard*; and section 21.05.050I.7. or I.8., *Vehicle Repair, Major and*
8 *Minor*.

9 **4. Use of Mobile Home, Recreational Vehicle, or Travel Trailer as Residence**

10 Except as allowed by 21.05.080B.3.e., in all zoning districts, mobile homes, recreational
11 vehicles, and travel trailers may not be used as an accessory use for a permanent or
12 temporary residence. However, an RV or travel trailer may be used as visitor
13 accommodation for not more than 90 days in any calendar year.

14 **5. Use of Motor Vehicle for Sales**

15 In all zoning districts, the use of any motor vehicle or trailer as a structure in which, out of
16 which, or from which any goods are sold or stored, any services performed, or other
17 businesses conducted is prohibited. However, the following shall not be prohibited by
18 this subsection:

- 19 a. The sale of food products at a municipal-approved or -sponsored event;
- 20 b. Use of a motor vehicle in connection with an approved recycling operation;
- 21 c. Approved food and beverage kiosks that comply with the use-specific standards
22 in section 21.05.050E.2., *Food and Beverage Kiosk*; and
- 23 d. Use of a trailer in connection with an approved vehicle sales use.

24 **6. Commercial Motor Vehicle Repair**

25 Commercial motor vehicle repair, including engine, body, or other repair or repainting of
26 more than one vehicle at any one time or owned by a person not residing at that address,
27 is prohibited in all residential districts.

28 **7. Parking of Commercial Vehicles, Outdoor**

29 The outdoor storage or parking of a vehicle or trailer is prohibited in all residential
30 districts, for a period of one or more nights, if the vehicle or trailer is licensed or regularly
31 used for business purposes, and is either:

- 32 a. A vehicle for which a commercial driver's license is required by state law;
- 33 b. A vehicle or trailer having more than two axles;
- 34 c. Any trailer bearing commercial signage, logo, or carrying commercial or industrial
35 equipment or materials;
- 36 d. A vehicle or trailer having a height in excess of 90 inches; or
- 37 e. A vehicle with a gross vehicle weight rating (GVWR) of more than 12,000 lbs.

38 **21.05.080 TEMPORARY USES AND STRUCTURES**

39 **B. Purpose**

40 This section allows for the establishment of certain temporary uses of limited duration, provided
41 that such uses do not negatively affect adjacent properties or municipal facilities, and provided

1 that such uses are discontinued upon the expiration of a set time period. The construction or
2 alteration of any permanent building or structure is not considered a temporary use.

3 **C. General Temporary Use Standards**

4 **1. Required Permits**

5 All temporary uses shall obtain any permits required by other municipal departments,
6 such as the clerk's office, the health department, the building safety department, or the
7 police department.

8 **2. Uses Allowed**

9 Except as specified below, any use allowed in a district, pursuant to table[S] 21.05-1
10 [AND 21.05-2], is allowed on a temporary basis in that district. Such temporary uses
11 shall comply with the requirements of subsection D. below. Any such temporary use that
12 is established for more than the allowed time limit as determined in subsection
13 21.05.080D.3[4]. shall be considered a permanent use and shall make all improvements
14 required by this title.

15 **3. Other Uses and Structures Allowed**

16 The following temporary uses and structures shall be allowed in any zoning district or as
17 specified below, in accordance with the standards of this section.

18 **a. Licensed Commercial Uses**

19 Temporary licensed commercial uses and associated temporary structures are
20 allowed in any non-residential zoning district, for not more than 90 days total
21 (consecutive or intermittent) within a 12 month period.

22 **b. Real Estate Sales Offices**

23 Sales offices are allowed on residential development sites in any zoning district
24 until all lots or houses are sold. Use of the sales office to market sites outside of
25 the project is prohibited.

26 **c. Special Events**

27 Amusement, athletic, charitable, cultural, entertainment, and/or political events or
28 similar temporary and transitory gatherings are allowed in all zoning districts,
29 subject to the standards of this section.

30 **d. Temporary Parking of Construction Equipment During Construction**

31 Temporary use of non-loading areas for tractor trailers, office trailers,
32 construction equipment or materials, construction worker parking, or intermodal
33 shipping container (connex) trailers, during construction or renovation is allowed
34 in all zoning districts, subject to the standards of this section.

35 **e. Temporary Living in a Mobile Home, Motor Home, or Other Recreational**
36 **Vehicle**

37 Notwithstanding title 23, one mobile home, motor home, or other recreational
38 vehicle with a fully operable self-contained sanitation system may be used on a
39 lot in the R-5, R-6, R-7, R-8, R-9, R-10, and TA districts as temporary living
40 quarters for not more than 18 months while a permanent dwelling is being
41 constructed or repaired, if the following requirements are met:

- 42 i. The property owner or person intending to occupy the temporary living
43 quarters during construction or repair of the permanent dwelling shall
44 secure a permit from the building official before a motor home or other
45 recreational vehicle is used on site as temporary living quarters. A
46 permit issued under this subsection shall not be renewed and only one
47 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.

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

1 The permit may be granted only upon the applicant's written certification,
2 with attachments, that:

3 (A) The self-contained sanitation system is fully operable and shall
4 be used with zero on-site discharge, including no on-site gray
5 water discharge, except through an approved septic system;

6 (B) Site access is sufficient and shall be used to transport refuse and
7 excess waste year-round for proper off-site disposal;

8 (C) Electrical utility service is on-site for use during the permit period
9 and no generators shall be used;

10 (D) The applicant has a current building or land use permit, a copy of
11 which shall be attached to the certification; and

12 (E) If temporary connection to an on-site septic system is to be used,
13 proof is attached that an approved septic system is in place.

14 ii. Only one motor home or other recreational vehicle shall be permitted for
15 use as temporary living quarters on any parcel of land during the
16 construction or repair of a permanent dwelling.

17 iii. The motor home or recreational vehicle placement on the lot shall
18 comply with the setbacks of the underlying zoning district.

19 f. **Other Allowed Temporary Uses**

20 i. Up to nine one-day garage/yard sales per year per dwelling unit.

21 ii. Gatherings of less than 100 people, such as block parties, nonprofit
22 bazaars, and fundraisers; and

23 iii. Temporary uses that occur wholly within an enclosed permanent
24 building.

25 **iv. Frame-supported, arch-supported, or inflated tension fabric or membrane**
26 **structures, fabricated off-site and assembled on-site, and typically used**
27 **for garages, sheds, warehouses, or temporary or permanent shelters for**
28 **automobiles, boats, or other items, shall be allowed for 30 days within a**
29 **12 month period in all residential districts.**

30 **D. Prohibited Temporary Uses and Structures**

31 The following temporary uses and structures are prohibited:

32 **1. [RESERVED] [FABRIC STRUCTURES**

33 FRAME-SUPPORTED, ARCH-SUPPORTED, OR INFLATED TENSION FABRIC OR
34 MEMBRANE STRUCTURES, FABRICATED OFF-SITE AND ASSEMBLED ON-SITE,
35 AND TYPICALLY USED FOR GARAGES, SHEDS, WAREHOUSES, OR TEMPORARY
36 OR PERMANENT SHELTERS FOR AUTOMOBILES, BOATS, OR OTHER ITEMS,
37 SHALL BE ALLOWED FOR 30 DAYS WITHIN A 12 MONTH PERIOD IN ALL
38 RESIDENTIAL DISTRICTS.]

39 **E. General Requirements for All Temporary Uses and Structures**

40 All temporary uses or structures shall meet the following general requirements, unless otherwise
41 specified in this title:

Page 275 ANNOTATION

Administration Addition
[ADMINISTRATION DELETION]

PZC Addition
[PZC DELETION]

Assy Cmte Addition
[ASSY CMTE DELETION]

Tech Edit Addition
[TECH EDIT DELETION]

- 1 1. The temporary use or structure shall not have substantial adverse or noise impacts on
2 nearby residential neighborhoods.
- 3 2. The temporary use shall comply with all applicable general and specific regulations of this
4 section unless otherwise expressly stated.
- 5 3. Unless otherwise stated in this title, temporary uses in residential districts shall last no
6 longer than 90 days. Temporary uses in nonresidential districts shall last no longer than
7 180 days, with a possible 180 day extension, in accordance with AMC 23.10.104.
- 8 4. All temporary signs associated with the temporary use or structure shall be removed
9 when the activity ends.
- 10 5. The temporary use or structure shall not violate any applicable conditions of approval that
11 apply to a principal use on the site.
- 12 6. The temporary use regulations of this section do not exempt the applicant or operator
13 from any other required permits, such as health department permits.
- 14 7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary
15 use or structure to occur, as well as any parking and traffic movement that may be
16 associated with the temporary use, without disturbing sensitive or protected resources,
17 including required buffers, 100-year floodplains, stream protection setbacks, wetlands,
18 areas of slope greater than 20 percent, and required landscaping.
- 19 8. If the property is developed, the temporary use shall be located in an area that is not
20 actively used by an existing approved principal use, and that would support the proposed
21 temporary use without encroaching or creating a negative impact on existing buffers,
22 open space, landscaping, traffic movement, pedestrian circulation, or parking space
23 availability.
- 24 9. Tents and other temporary structures shall be located so as not to interfere with the
25 normal operations of any permanent use located on the property.
- 26 10. Off-street parking shall be adequate to accommodate the proposed temporary use.
- 27 11. Applications for temporary structures to be located in or near the 100-year floodplain shall
28 be required to submit a plan to the director for the removal of such structure(s) in the
29 event of a flood notification. The plan shall include the following information:
 - 30 a. The name, address, and phone number of the individual responsible for the
31 removal of the temporary structures;
 - 32 b. The time frame prior to the event at which a structure will be removed;
 - 33 c. A copy of the contract or other suitable instrument with a trucking company to
34 insure availability of removal equipment when needed; and
 - 35 d. Designation, accompanied by documentation, of a location outside the floodplain
36 to which the temporary structure will be moved.

37

38