CHAPTER 4 – ZONING DISTRICTS

GENERAL OVERVIEW

• Provisionally adopted code makes changes to the existing zoning districts and creates mixed use districts.
• The impact of the changes is not known.
• There could be unintended economic consequences resulting from the new zoning schemes.
• New zoning districts should not be adopted until the land use plan map has been updated and a proper economic impact study performed.
• A negative impact on property values can adversely affect the tax base.
• It is difficult to finance mixed use.
• The code should retain the existing zoning districts and allow mixed use in the existing zones subject to mixed use standards.
## PZC’S PROPOSED AMENDMENTS TO CHAPTER 4: ZONING DISTRICTS

<table>
<thead>
<tr>
<th>Number</th>
<th>Section</th>
<th>Amendment</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Table 21.04-1</td>
<td>Amend to delete R-2F Mixed Residential 1, R-4A Multi-Family Residential Mixed-Use, NMU Neighborhood Mixed-Use, CMU Community Mixed-Use, RMU Regional Mixed Use, MT-1 Midtown Core, and MT-2 Midtown General, and to add B-1B Community Business. Change the name of R-3 and R-4 to Mixed Residential. Move RO from Commercial and Mixed Use Districts to Residential districts (under R-10).</td>
<td>The provisionally adopted code makes major changes to the current zoning districts and creates new mixed use zoning districts. For the reasons set forth herein, the Planning and Zoning Commission believes that the impact of doing so has not been adequately addressed and therefore the new districts should not be created.</td>
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<tr>
<td>2</td>
<td>21-04.020 A.1</td>
<td>Amend to provide as follows: “Provide appropriately located areas for residential development that are consistent with the comprehensive plan and with the standards established by this code”</td>
<td>Before creating new districts, the land use plan map should be updated and a proper economic impact study should be performed.</td>
</tr>
<tr>
<td>3</td>
<td>21.04.020 A.3</td>
<td>Amend to delete “and by encouraging residential development to occur at or near zoned densities; and at locations and densities in the adopted comprehensive plan.”</td>
<td>The impact of the new zoning on existing properties should be studied and the corresponding effect on the tax base should be</td>
</tr>
<tr>
<td>4</td>
<td>21.04.020 A.5</td>
<td>Amend to add at the beginning of the sentence “Where appropriate.”</td>
<td>There may be severe unintended consequences arising from the new zoning provisions.</td>
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<td>5</td>
<td>21.04.020 A.6</td>
<td>Delete this provision.</td>
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<td>6</td>
<td>21.04.020 A.9</td>
<td>Change “Facilitate the provision of” to “allow for.” Delete “which are needed to accommodate densities recommended in the comprehensive plan.”</td>
<td>The existing zoning districts should be retained and mixed use can be used in the existing zoning districts subject to the standards for mixed use. This results in an economically driven mixed use and not a mandated one.</td>
</tr>
<tr>
<td>7</td>
<td>21.04.020 A.10</td>
<td>Delete this provision. “Protect streams…”</td>
<td>It is difficult to finance mixed use.</td>
</tr>
<tr>
<td>8</td>
<td>21.04.020 F</td>
<td>Delete this section as it relates to Mixed Residential District 1. Re-letter remaining paragraphs.</td>
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<td>10</td>
<td>21.04.020 G.1</td>
<td>Change “eight” in the first sentence to “four”. Change “use districts” to “zoning” districts in the second sentence. Amend the third sentence to read as follows: “The R-2M district is to be located in established or redeveloping residential neighborhoods or is to create a transition between single family, two family, and higher density multi-family and mixed use.</td>
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<td></td>
<td>21.04.020 G.2.c</td>
<td>Delete existing G.2.c and replace with the following: “Buildings with three or more dwelling units shall comply with the multifamily standards in subsection 21.07.110 C, except that any primary entrance is exempt from subsection 21.07.110 C, Primary Entrance Treatment.”</td>
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<tr>
<td>11</td>
<td>21.04.020 H.1</td>
<td>Change the name of this section to “R-3 Mixed Residential District”. At the end of the first sentence add the following: “provided, however, that housing allowed in the R1, R1A, R2A and R2D are a permitted use.”</td>
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<td>12</td>
<td>21.04.020 H.2</td>
<td>Delete this paragraph</td>
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<tr>
<td>13</td>
<td>21.04.020 I</td>
<td>Change the name of this section to “R-4 Mixed Residential District”. Revise to read as follows: The R-4 District is a multi-family medium to high density residential district which allows for a limited mix of commercial uses, although a majority of the gross floor area shall be a residential use. It is intended to allow single family, duplex, townhouse and multi-family as well as multi-story residential buildings. For multi-story buildings, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) and other site development standards. Multi-story development is intended to be applied in areas well served by transit and/or arterial streets</td>
<td></td>
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</table>
|   | 21.04.020 I.2.a | Amend to read as follows: “The commercial uses listed below are permitted, but shall only be developed in conjunction with multifamily or mixed use dwellings:”

|   | 21.04.020 I.2.a.i | Add the following after sports center: “which need not be located on the ground level in all circumstances.”

|   | 21.04.020 2.a.ii | After restaurants, add “without alcohol service.”

|   | 21.04.020 I.2.a.iii | After convenience store add “without alcohol sales.”

|   | 21.04.020 I.2.a | Add the following: (v.) coffee shops, (vi.) beauty, barber and personal care salons and (vii.) child care centers.’

|   | 21.04.020 I.2.c | Revise to provide as follows: “The maximum floor area ratio (FAR) in the R-4 district is 2.0 but may be increased through the bonus provisions of section 21.04.020 H.3.”

|   | 21.04.020 I.2.d | Delete this provision.

|   | 21.04.020 I.2.d | Add a new paragraph d which is entitled “Non-residential Uses” and provides as follows: “Non-residential uses allowed in the R-4 district shall be developed in accordance with the provisions that follow: (The uses “parks and open space”, “community gardens”, “utility substation”, “telecommunications towers”, “parking lot, principle use”, and
“parking structure, principle use” are permitted subject to the other requirements of this Title.)

i. If residential uses occupy at least 90 percent of the gross floor area depicted on a site plan, no review beyond that required by table 21.05-1 is required.

ii. An administrative site plan review is required for nonresidential uses proposed to occupy greater than 10 and less than or equal to 20 percent of the gross floor area of the development as depicted on a site plan.

iii. A major site plan review is required for nonresidential uses proposed to occupy greater than 20 and less than or equal to 49 percent of the gross floor area of the development as depicted on a site plan.

iv. Major site plan review shall meet the following criteria. This shall be in addition to the general site plan approval criteria (21.03.180 E) and conditional use approval criteria (21.03.080 C).

(a) The development shall result in a net increase in dwelling units over pre-development density, or shall be at least 20 dwelling units per acre, whichever is greater.

(b) Stipulations may be imposed relating to building design, traffic, privacy, floor area restrictions, restrictions
against commercial above the ground floor, and other conditions necessary to maintain a residential character and compatibility with adjacent residential districts.

| 23  | 21.04.020 I.2 | Add a new paragraph e which provides as follows: “The non-residential portion of the development shall not be given a certificate of zoning compliance or a conditional certificate of zoning compliance until all of the residential portion of the development is given a certificate of zoning compliance.” |
| 24  | 21.04.020 I.2 | Add a new paragraph f which provides as follows: “All commercial uses shall be conducted entirely within a completely enclosed building except for parking and loading facilities and outdoor restaurant seating. Outdoor storage of goods accessory to a commercial use is prohibited.” |
| 26  | 21.04.020 I | Amended to add a new paragraph 3 which provides as follows:

“Floor Area Ratio (FAR) incentives for the R-4 district.”

The maximum floor area ratio (FAR) within the R-4 district is 2.0 FAR, but may be increased up to a maximum total of FAR of 4.0 in the R-4 district through the following bonus provisions, subject to the provisions in chapter 6 for this zoning district. Increases in the FAR may be achieved through the use of one or more of the following:

a. Bonus for Open Space. One square foot of additional floor area is allowed per square foot of additional open space area. This space shall meet the requirements of 21.07.030 D.
and be in addition to any open space required by section 21.07.030. The floor area bonus increases to two square feet for open space that meets the standards for high quality spaces in 21.07.030 D.6.

b. Bonus for Below Grade Parking. Two square feet of additional floor area is allowed per gross square foot of covered below grade parking floor area, up to a maximum increase of 1.0 FAR. The floor area bonus increases to three square feet on the second parking level below grade.

c. Bonus for Affordable Housing. Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.100 H., Standards for Affordable Housing.

d. Bonus for Sidewalk/Walkway Widening. One square foot of additional floor area is allowed per square foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060 F.4.

e. Bonus for Upper Level Setbacks/Step back for Sunlight Access. A floor area bonus equal to one-third of the sum of step back areas on each upper floor where the step back is at least 16 feet from the face of the building at the floor immediately below, such that the floors existence does not increase the amount of shadowing on surrounding residences,
private open spaces, sidewalks, schools, or parks on March 21st through September 21st from 9:00 a.m. to 3:00 p.m. solar time.

f. Bonus for Ambient Daylight for Residences. A floor area bonus equal to 10 percent of the lot area (0.10 FAR) but not to exceed 4,000 square feet is allowed for preservation of daylight for all dwellings in the development and facing the development, using the standards of 21.07.100 C.8.g. To receive credit, the building shall not exceed a daylight plane rising up over the building at an angle of five feet of run per every three feet of rise and starting from a height of five feet above finished grade at the foundation of surrounding residential buildings.

g. Bonus for Pedestrian-Interactive Use. Three square feet of additional floor area is allowed per each square foot of ground-floor space which is to be occupied by a pedestrian-active use that meets the standards of 21.07.060 F.16.

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<td>27</td>
<td>21.04.020 I</td>
<td>Amended to add a new section 4 which provides as follows: “District Location Requirement” The subject property shall be in an area designated in the comprehensive plan for residential city center intensity, and adjacent to a designated community activity center, major city center, or along a collector or arterial with adequate transit services in the vicinity of Downtown or Midtown.</td>
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<td>29</td>
<td>21.04.020 K</td>
<td>Amend to re-letter as paragraph J and the remaining paragraphs shall also be correspondingly re-lettered.</td>
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<td>30</td>
<td>21.04.020</td>
<td>Add a new paragraph which will be entitled “RO: Residential Office District” and move all of the provisions related to RO which are in 21.04.030 here and delete from 21.04.030.</td>
</tr>
<tr>
<td>31</td>
<td>21.04.030 B.1</td>
<td>Amend to delete the third sentence which provides: “The B-1A district provides for smaller commercial sites and ensures a smaller scale of development than does the NMU district.”</td>
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<td>32</td>
<td>21.04.030 B.2.a</td>
<td>Delete this section and re-letter paragraphs.</td>
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<tr>
<td>33</td>
<td>21.04.030 B.2.c. iii</td>
<td>Change the reference “c.i. and c.ii.” to “b.i. and b.ii”</td>
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<tr>
<td>34</td>
<td>21.04.030 B.2</td>
<td>Add a new section “d” which is now “c” which provides as follows: “Outdoor storage is prohibited in the B-1A district.”</td>
</tr>
<tr>
<td>35</td>
<td>21.04.030 B.2</td>
<td>Add a new section “e” which is now “d” which provides as follows: “Mixed use development in this district shall follow the standards of subsection E below.”</td>
</tr>
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<td>36</td>
<td>21.04.030</td>
<td>Amended to add a new subparagraph C which provides as follows:</td>
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<td>“B-1B Community Business District”</td>
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<td>1. Purpose. The B-1B district is intended for consumer-oriented business uses which serve the needs of the surrounding community. The district is intended for small, compact sites at or near the intersection of streets designated for collector (industrial-commercial), arterial or greater capacity on the official streets and highways plan.”</td>
</tr>
</tbody>
</table>
2. District-specific standards.

   a. Prohibitions.

      i. Drive-throughs are allowed only on those lots with frontage on and access to an arterial street.

      ii. Outdoor storage is prohibited in the B-1B district.

      iii. Nonresidential development that does not have access from a street of collector class or greater on the Official Streets and Highways Plan shall not be open to the public between 10:00 p.m and 7:00 a.m.

   b. Gross Floor Area Limitations.

      i. The gross floor area of each allowed non-residential use is limited to 10,000 square feet per use, without any review beyond that required by table 21.05-2.

      ii. Gross floor area of allowed non-residential uses between 5,001 and 20,000 square feet may be requested through an administrative site plan review.

      iii. Notwithstanding b.i and b.ii, the maximum gross floor area of grocery or food stores is 40,000 square feet without any review beyond that required by table 21.05-2.
c. Mixed use development in this district shall follow the standards of subsection F below.

3. District Location Requirements. In addition to the general rezoning criteria, the following requirements shall apply in the creation or expansion of the B-1B district:

a. The minimum contiguous area for a B-1B district shall be two acres.

b. The maximum contiguous area for a B-1B district shall be 20 acres.

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<th>Code</th>
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<tr>
<td>37</td>
<td>21.04.030 C</td>
<td>B-3 General Business District shall be re-lettered as D and the other paragraphs shall be re-lettered</td>
</tr>
<tr>
<td>38</td>
<td>21.04.030 C (now D)</td>
<td>Add a new paragraph 3. which is entitled “District Specific Standards” and provides as follows: “Mixed use development in this district shall follow the standards of subsection F below.”</td>
</tr>
<tr>
<td>39</td>
<td>21.04.030 D.</td>
<td>RO: Residential Office District is amended to add a new paragraph 4 which is entitled “Standards for Mixed-Use Development in the RO Standard” and provides as follows: “For mixed-use developments in this district, the standards established for mixed-use in the R-4 district shall apply.”</td>
</tr>
<tr>
<td>40</td>
<td>21.04.030</td>
<td>Amend to add a new section E which is entitled “Standards for Mixed Use Development in the B-1A and B-1B Districts” and provides as follows:</td>
</tr>
</tbody>
</table>
1. Maximum Building Size. The square footage of the residential component of any mixed-use development shall be equal to or greater than the commercial component established in either of the commercial districts, but in no event shall the square footage of the residential component be more than twice the square footage of the commercial development in the building without an administrative site plan review.

2. The Floor Area Ratios (FAR) and the bonus provisions set out in 21.04.020 H.3 shall apply to mixed-use development in these districts.

3. The building height limitations in these districts may exceed the maximum height established in chapter 6, Table 21.06-2, up to a maximum height of 60 feet in the B-1A district and 70 feet in the B-1B district subject to all of the following requirements:

   a. The development shall participate and at least one of the FAR incentives provided in 21.04.020 H.3.

   b. The floor area of the building shall be a residential or commercial use for the full length of the street facing building elevation, except for vehicle and pedestrian entrances and exits. Where the site has two or more street facing elevations, this requirement shall be required to apply to only two of the street facing elevations.
c. The development requesting the height increase shall be subject to an administrative site plan review, unless a higher level of review is already required.

d. All floor area provided by the height increase shall be for residential uses or for uses that only serve the residents of the building.

e. The height increase shall adhere to the applicable design standards for tall buildings set out in 21.07.130 C.

| 41 | 21.04.030 | Amend to add a new section F which is entitled “Standards for Mixed-Use Development in the B-3 District” which provides as follows:

1. The Floor Area Ratios (FAR) and the bonus provisions set out in 21.04.020 H.3 shall apply to mixed use development in these districts.

2. Building Placement and Orientation.

   a. Buildings shall be built and oriented to the street, lining sidewalks and public spaces with frequent shops, entrances, windows and interior views and articulated ground-level facades. Building entrances shall be clearly visible.

   b. Buildings shall comply with the maximum setback established in 21.06.020 Table of Dimensional Standards.
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<tr>
<td>3.</td>
<td>Sidewalks extending along public streets, primary circulation drives or commercial building storefronts shall have an unobstructed clear width of at least six feet.</td>
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<tr>
<td>42</td>
<td>21.04.050</td>
<td>Mixed-Use District shall be deleted in its entirety.</td>
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<tr>
<td>43</td>
<td>21.04.060 C.1.</td>
<td>Amend to add the following after the first sentence: “However, any legal business, commercial, manufacturing or industrial land use is permitted; provided, however, that residential uses, including dwellings, rooming houses, boarding houses or lodging houses, apartment buildings, hotels or motels are prohibited.” Delete the remainder of the paragraph.</td>
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<td>15.</td>
<td>21.03.200E.1 + Designation of commercial tracts shall be allowed only in the B-3, RO, NIU, CMU, MU, [MT-1, MT-2] I-1, I-2, PCD, MC [AND] MI, GC-1 through GC-10, GI-1, GI-2, GRST-1, and GRST-2 zoning districts.</td>
<td>At the Mayor's direction, the MT-1 and MT-2 districts (midtown districts) are proposed for deletion. ACCEPT BUT REVISE PER AMENDMENT 21</td>
</tr>
<tr>
<td>16.</td>
<td>21.03.210B.5 + Add new subsection b. as follows; and re-letter subsequent subsection as c.</td>
<td>To implement existing policy and ensure enough public review time for Title 21 amendments. ACCEPT</td>
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<td></td>
<td>a. Notice shall be provided in accordance with section 21.03.020H.</td>
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<td>b. Title 21 text amendments to be considered by the planning and zoning commission shall be available for public review at least 21 days in advance of the public hearing.</td>
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<td>17.</td>
<td>21.03.210B.5 + Add new subsection d. as follows:</td>
<td>At the Mayor's direction, this allows for rapid amendments to Title 21 in the first two years after adoption to fix conflicts and unintended consequences. This rapid process would continue to be allowed two times per year for errors that are discovered in later years. ACCEPT BUT REVISE TO 3 YEARS PER AMENDMENT 22</td>
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<td>d. If, during the first two years after effective date, the director determines that an amendment to title 21 is needed to address conflicting provisions, inconsistencies, or unintended consequences associated with the Title 21 Rewrite Project (2002-2012), the director may forward a corrective amendment to the assembly, which may adopt the amendment without planning and zoning commission review. After the first two years, the director may apply this provision twice per year.</td>
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<td>18.</td>
<td>21.04.010A.2 + Table 21.04-1 Delete the MT-1 and MT-2 districts from the table.</td>
<td>At the Mayor's direction, the MT-1 and MT-2 districts (midtown districts) are proposed for deletion. ACCEPT</td>
</tr>
<tr>
<td>19.</td>
<td>21.04.020F.2 + Delete 21.04.020F.2.b. and F.2.b.i.</td>
<td>At the Mayor's direction, the design standards for single-family structures are proposed for deletion. DON'T ACCEPT R-2F ZONE HAS BEEN DELETED</td>
</tr>
<tr>
<td>20.</td>
<td>21.04.020F.2 + Buildings with three or four dwelling units shall [ALSO] comply with the multifamily design standards in subsection 21.07.110C., except that any primary entrance serving just one individual dwelling unit is exempt from subsection 21.07.110C.7., Primary Entrance Treatment.</td>
<td>This amendment deletes unnecessary language, due to the proposed deletion of the single-family design standards. DON'T ACCEPT R-2F ZONE HAS BEEN DELETED</td>
</tr>
</tbody>
</table>

* = Some of the proposed amendments #1 - 106 have been available for public review since May 2010. These are marked with an asterisk*. † = Amendments numbered R1 through R29 were already recommended for approval by PZC through two cases in the first quarter of 2010.
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</table>
| 21. 21.04.020H. | Add new H.2. as follows:  
2. District-Specific Standards  
Single-family dwellings are permitted in the R-3 district only in parts of the Fairview community council east of Ingra Street, in parts of the Mountain View community council north of Mountain View Drive, and in other R-3 zoned areas that are designated as low intensity or low/medium intensity residential in the comprehensive plan. When a single-family dwelling is proposed where a designation boundary on the comprehensive plan map appears generalized or uncertain, the director shall interpret the boundary location and make a determination as to the land use designation of the subject property. | At the Mayor's direction, single-family attached and detached dwellings are proposed to be allowed in certain areas zoned R-3 medium density multifamily (including Mountain View and eastern Fairview) that are designated for lower density residential in the city's future land use plan. DON'T ACCEPT |
| R6 21.04.020J.2 (.c.) | Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts  
The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR, but may be increased up to a maximum total FAR of 2.0 FAR in the R-4 district and 3.0 FAR in the R-4A district through the following bonus provisions subject to section 21.06.030C. These incentives provide for an incremental increase in the floor area of a development in exchange for incremental increases in any of following special features deemed of benefit to the community. Increases in the FAR may be achieved through the use of one or more of the following:  
   i. Bonus for Open Space [BONUS.]  
      One square foot of additional floor area is allowed per square foot of additional open space. This space shall meet the standards of 21.07.030D and be in addition to any open space required by section 21.07.030. The floor area bonus increases to two square feet per open space that meets the standards for high quality spaces in 21.07.030D.  
   ii. Bonus for Below Grade Parking [BONUS.]  
      Two square feet of additional floor area is allowed per gross square foot of covered below grade parking floor area, up to a maximum increase of 1.0 FAR. The floor area bonus increases to three square feet on the second parking level below grade.  
   iii. Bonus for Affordable Housing [BONUS.]  
      Three[TWO] square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.110, [100H., STANDARDS FOR] Affordable Housing.  
      One square foot[FIVE SQUARE FEET] of additional floor is allowed per foot[LINEAR] of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.  
   v. Bonus for Upper Level Setbacks / Step Backs for Sunlight Access | Approved by PZC in 2010 ACCEPT BUT FOR R-4 ONLY |

* = Some of the proposed amendments #1 - 106 have been available for public review since May 2010. These are marked with an asterisk*.  
† = Amendments numbered R1 through R29 were already recommended for approval by PZC through two cases in the first quarter of 2010. Community Development Department, Planning Division  
March 12, 2012  
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### Proposed Amendments to Title 21 from 2010 and 2011

#### Section Amendment

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| 22.     | 21.04.030B.2.a. **Non-Residential Commercial Use [GROUND-FLOOR]**  
At least 60 percent of the total length of all ground floor street facing building elevations on a site shall be a non-residential use that occupies habitable floor area at least 20 feet deep. [80 PERCENT OF THE STREET-FACING BUILDING ELEVATION AT THE GROUND LEVEL SHALL BE A NON-RESIDENTIAL USE OCCUPYING A SPACE AT LEAST 25 FEET DEEP FROM THE STREET FAÇADE OF THE BUILDING.] | **Purpose/Origin/Notes**  
This amendment increases the flexibility of the B-1A district to allow mixed-use sites with multiple buildings, while still ensuring that some of the limited space in B-1A sites is neighborhood-facing commercial (and not just residential) use. This amendment arose from public comments and the West Anchorage District Plan process.  
**DON'T ACCEPT** |
| 23.     | 21.04.030B.3.a. The minimum contiguous area for a B-1A district shall be **11,500 [20,000]** square feet. | **Purpose/Origin/Notes**  
Allows a B-1A district to be as small as two adjoining 6,000 square foot lots, to reflect existing and intended future small-scale, neighborhood commercial sites. This amendment arose from public comments and the West Anchorage District Plan process.  
**ACCEPT** |
| R7†     | 21.04.030C.2. **Add new subsection c.**  
Residential household living uses in the B-3 district shall be subject to the R-4 related FAR provisions in subsection 21.04.020J.2.c. | **Purpose/Origin/Notes**  
Approved by PZC in 2010  
**ACCEPT BUT IN DIFFERENT SECTION NOW** |

* = Some of the proposed amendments #1 – 106 have been available for public review since May 2010. These are marked with an asterisk*.  
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<table>
<thead>
<tr>
<th>Section</th>
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</tr>
</thead>
<tbody>
<tr>
<td>R8: 21.04.030D.2</td>
<td>Add new subsection c.</td>
<td>Approved by PZC in 2010</td>
</tr>
<tr>
<td>c. Residential in RO</td>
<td>Residential household living uses in the RO district shall be subject to the R-4 related FAR provisions in subsection 21.04.020J.2.c.</td>
<td>DON'T ACCEPT</td>
</tr>
<tr>
<td>24. 21.04.050D.1</td>
<td>a. General Purpose. The RMU district is intended primarily for regional-scale commercial activity centers that may have long-term potential to develop at greater intensities or as mixed-use urban environments. The area is typically defined by conglomerations of medium-to-large scale commercial uses, located near intersections of major arterial streets and/or freeways, serving a metropolitan region-scale trade area. The market area is larger and less oriented to one certain part of town than in the CMU district. Shopping malls and/or large retail establishments typically anchor the center. Supporting uses include low-medium rise offices, hotels, transit hubs, entertainment, and residential uses that provide potential for the area to grow into a more physically integrated and mixed-use center. The RMU district is appropriate for regional commercial centers such as the Dimond Center area, and permits land-intensive and/or auto-oriented uses such as automobile dealerships that may not be appropriate for more compact mixed-use.</td>
<td>At the Mayor's direction, the RMU district intent statement is proposed to be amended to make the RMU also available as a zoning option in Midtown, for property owners who want to rezone to a mixed-use district. DON'T ACCEPT RELATES TO MIXED USE DISTRICT WHICH HAS BEEN DELETED</td>
</tr>
<tr>
<td>25. 21.04.050D.4</td>
<td>a. The subject property shall be in an area designated for regional-scale commercial mixed-use center or major city center in the comprehensive plan.</td>
<td>At the Mayor’s direction, the RMU district is proposed to be amended to make it available as a zoning option in Midtown, which is designated as a major city center on the draft land use plan map. DON'T ACCEPT</td>
</tr>
<tr>
<td>26. 21.04.050E. and F.</td>
<td>Delete 21.04.050E. and 21.04.050F.; re-letter remaining section.</td>
<td>At the Mayor's direction, the MT-1 and MT-2 districts (midtown districts) are proposed for deletion. ACCEPT</td>
</tr>
<tr>
<td>27. 21.04.050G.1</td>
<td>All development in the NMU, CMU, and RMU[1, MT-1; AND MT-2] districts shall comply with the appropriate development standards in chapter 21.07, and also the standards in this subsection 21.04.050G.</td>
<td>At the Mayor's direction, the MT-1 and MT-2 districts (midtown districts) are proposed for deletion. ACCEPT</td>
</tr>
</tbody>
</table>

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</thead>
</table>
| R9†     | 21.04.050G. 2.b. | Floor Area Ratio (FAR) Incentives (b) floor area ratio (FAR) incentives are offered to encourage residential development and other features of benefit to the public in mixed-use districts. The maximum floor area ratio (FAR) established by table 21.06-3 may be increased by up to two times through the following provisions subject to section 21.06.030C. These incentives provide for an incremental increase in the floor area of a development in exchange for increases in one or more of the following special features:

i. **Bonus for Housing [BONUS]**
   - Two square feet of additional floor area is allowed per gross square foot of housing unit floor area, up to a maximum increase of 0.5 FAR.

ii. **Bonus for Open Space [BONUS]**
   - One square foot of additional floor area is allowed per square foot of additional open space. This space shall meet the standards of 21.07.030D and be in addition to any open space required by section 21.07.030. The floor area bonus increases to two square feet for open space that meets the standards for high quality spaces in 21.07.030D.6.

iii. **Bonus for Below Grade Parking [BONUS]**
   - Two square feet of additional floor area is allowed per gross square foot of below grade parking floor area, up to a maximum increase of 0.5 FAR. The floor area bonus increases to three square feet for the second parking level below grade.

iv. **Bonus for Affordable Housing [BONUS]**
   - Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.110I.100H.1, "Standards for Affordable Housing." A housing unit receives this affordable housing bonus instead of the housing bonus in b.i.

v. **Bonus for Sidewalk Widening**
   - One square foot of additional floor area is allowed per square [LINEAR] foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.

vi. **Bonus for Pedestrian-Interactive Use**
   - Three square feet of additional floor area is allowed per square foot of ground-floor space which is to be occupied by a pedestrian-active use that meets the standards of 21.07.060F.16.

vii. **Bonus for Upper Level Setbacks / Step backs for Sunlight Access**
    - A floor area bonus equal to one-third of the sum of step back areas on each upper floor where the step back is at least 16 feet from the face of the building at the floor immediately below, such that the floor’s existence does not increase the amount of shadowing on surrounding residences, private open spaces.

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</thead>
</table>
| 10      | R1        | Sidewalks [AND WALKWAYS]
|         | 5.        | [SIDEWALKS AND WALKWAYS EXTENDING ALONG PUBLIC STREETS, PRIMARY CIRCULATION DRIVES, OR COMMERCIAL BUILDING STOREFRONTS SHALL HAVE AN UNOBSTRUCTED CLEAR WIDTH OF AT LEAST SIX FEET.] |
|         |           | Approved by PZC in 2010 |
|         |           | DON'T ACCEPT |

This section promotes sidewalk widening and streetscape enhancements to support higher levels of pedestrian activity and access in mixed-use districts. An enhanced sidewalk environment with "main street" style amenities may be provided in lieu of required site perimeter landscaping where it is logical to support a pedestrian zone as determined by the department through an administrative site plan review, and subject to the following:

a. The sidewalk width shall be at least 12 feet, and include a pedestrian movement zone, building interface zone, and street interface zone. The street interface zone shall be at least four feet wide along major arterials. A pedestrian-interactive use meeting the standards of 21.07.060F.16 shall be provided in the building next to the designated sidewalk.

[iLLUSTRATION]

i. A public use easement shall be recorded for any part of the designated sidewalk to be located within the subject parcel.

ii. Physical obstructions within the sidewalk's building interface zone, such as landscape plantings, entry stoops, or seating, shall extend no more than two feet into the minimum required 12 foot width, so that at least 10 feet remain.

b. The enhanced sidewalk shall provide at least two-thirds the total number of landscaping units and two-thirds the tree units that would be required for site perimeter landscaping.

c. The enhanced sidewalk may be placed wholly or in part within a right-of-way, subject to approval of the traffic engineer and municipal engineer.

i. The enhanced sidewalk shall be subject to the applicable requirements of title 24 including sections 24.30.020, Permit to Use Public Places, and 24.50, Encroachment Permit.

ii. Improvements within the public right of way shall be consistent with the D.C.M and M.A.S.S.

iii. Existing improvements that meet the standards of the enhanced sidewalk may be counted toward

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</tr>
</thead>
<tbody>
<tr>
<td>28.</td>
<td>21.04.060B.1.1</td>
<td>The I-1 district is intended primarily for public and private light manufacturing, processing, service, storage, wholesale, and distribution operations along with limited commercial uses that support and/or are compatible with industrial uses. Office business parks and single-commodity bulk retail sales and building supply stores and services are allowed. This district is applied in areas designated as industrial/commercial by the comprehensive plan. This proposed change is consistent with other proposed amendments that allow more commercial use in the I-1 district at the Mayor's direction. ACCEPT</td>
</tr>
<tr>
<td>29.</td>
<td>21.04.070G.2c.1</td>
<td>Add new subsection c. as follows: Number of Structures Allowed Only one principal structure is allowed per lot, unless a conditional use approval is obtained for additional principal structures. To clarify the number of principal structures allowed on a single lot in the Turnagain Arm district. ACCEPT</td>
</tr>
<tr>
<td>30.</td>
<td>21.04.070H.1</td>
<td>Add new subsection H. as follows: re-letter remaining subsection: 21.04.070H, TR: Transition district Purpose a. This district is intended to include suburban and rural areas that, because of location in relationship to other development, topography or soil conditions, are not developing and are not expected to develop in the immediate future along definitive land use lines. The permitted uses in these districts are intended to be as flexible as possible consistent with protection from noxious, injurious, hazardous or incompatible uses. b. It is intended that interim development shall proceed in accordance with the applicable comprehensive development plan for the property being developed. c. As development patterns start to emerge within these areas and the sophistication of their protection becomes more critical to the general public interest. It is anticipated that such lands within the TR districts. This existing zoning district must remain in code until there are appropriate districts to replace all existing T zones. Until the Airport District issues are resolved, staff recommends retaining the Transition (T) district, as the TR district. ACCEPT</td>
</tr>
</tbody>
</table>

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</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td><strong>District-Specific Standards</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. <strong>Permitted Uses</strong></td>
<td>All uses in the residential, public/institutional, commercial, and industrial use categories are permitted, except those uses specifically prohibited in subsection 2.e. below, and those permitted only by conditional use in subsection 2.d. below.</td>
</tr>
<tr>
<td></td>
<td>b. <strong>Sale of Alcohol</strong></td>
<td>Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see subsection 21.05.020A.</td>
</tr>
<tr>
<td></td>
<td>c. <strong>Accessory Uses</strong></td>
<td>Accessory uses and structures customarily incidental to any permitted principal use are permitted, as well as all antennas without tower structures, and type 1, 3, and 4, local interest towers that meet the conditions of subsections 21.05.040K.2.a, through 2.c. and 2.e. through 2.o.</td>
</tr>
<tr>
<td></td>
<td>d. <strong>Conditional Uses</strong></td>
<td>The following uses require conditional use approval in the TR district: mobile home park; junkyard or salvage yard; natural resource extraction; cemetery; roominghouse; unlicensed nightclub; types 1, 2, 3, and 4 community interest towers; types 1, 2, 3, and 4 local interest towers that fail to meet the conditions of subsections 21.05.040K.2.a, through 2.c. and/or 2.e. through 2.o.</td>
</tr>
<tr>
<td></td>
<td>e. <strong>Prohibited Uses</strong></td>
<td>The following uses are prohibited in the TR district: hospital/health care facility, nursing facilities, adult care facility, assisted living facility, production or storage of explosive materials, types 2 and 3 local interest towers as principal uses that meet the conditions of subsections 21.05.040K.2.a. through 2.c. and 2.e through 2.o., any use or structure which is likely to be incompatible with established permanent uses within the area to be affected by the proposed use or structure.</td>
</tr>
<tr>
<td></td>
<td>f. <strong>Dimensional Standards</strong></td>
<td>Minimum lot size in the TR district is 7,000 square feet. Except as required in subsection 2.g. below, there are no setbacks, lot coverage maximums, or height limits in the TR district.</td>
</tr>
<tr>
<td></td>
<td>g. <strong>Abutting Residential</strong></td>
<td>Land zoned TR lying contiguous to residentially-zoned land shall be permitted to be used only in accordance with provisions and standards less intense or equal to provisions and standards allowed under this title for the least intensive land use zone within a 1,000-foot radius of the</td>
</tr>
</tbody>
</table>

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<tr>
<td></td>
<td>boundary of existing TR-zoned property for which a building permit or land use permit has been requested. Permitted uses must conform to the standards of this title listed in order from lowest to highest intensity: W, R-10, R-9, R-8, R-6, R-5A, R-7, R-1A, R-1, R-2A, R-5, R-2F, R-2M, R-2D, R-3, R-4, R-4A, R-0, B-4A, CMJ, CMJ, RMJ, B-3, NJ, J-1, I-2, T.</td>
</tr>
<tr>
<td>i.</td>
<td>Property owners of residential-zoned land within 1,000 feet of a TR-zoned property shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing a TR zone land use determination notification.</td>
</tr>
<tr>
<td>i.</td>
<td>Conformance With Comprehensive Plan</td>
</tr>
<tr>
<td></td>
<td>Notwithstanding any provision of this title, no building or land use permit shall be issued in the TR zone authorizing uses and structures that do not conform to the land use plan maps in the applicable comprehensive development plan for the area in which the property is located.</td>
</tr>
<tr>
<td>i.</td>
<td>Appeals</td>
</tr>
<tr>
<td></td>
<td>The assembly shall hear and decide TR zone use determination appeals. Any TR zone landowner or any landowner of residential-zoned land within a 1,000-foot radius of the TR-zoned property may appeal a TR zone land use determination. Any written communication received by the municipal clerk is an appeal of the TR zone use determination if it objects to the TR zone use determination, contains a legal description of the property on behalf of which the appeal is made, is signed by the person making the appeal, and is made within 30 days of mailing of a TR zone land use determination notification. The effective date of any TR zone building or land use permit is automatically suspended upon the filing of an appeal until assembly action as provided in this section has been concluded.</td>
</tr>
<tr>
<td>i.</td>
<td>If an appeal is filed, any assembly approval of a TR zone use shall be as submitted or with special limitations or other modifications at least as restrictive, with reference to the standards listed in subsection 2.a. of this section, as those submitted in the proposed use. Assembly action approving a TR zone use shall be by an affirmative vote of eight assembly members if the TR zone land use determination is protested by the owners of at least one-third in the area, excluding rights-of-way, of:</td>
</tr>
<tr>
<td></td>
<td>(A) The land to which the use determination applies; or</td>
</tr>
<tr>
<td></td>
<td>(B) The land within 300 feet of the outer boundary of the land to which the use applies, excluding land owned by the municipality, except where the municipality joins the protest or the use was initiated by the state or the United States.</td>
</tr>
</tbody>
</table>

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<tbody>
<tr>
<td>31.</td>
<td>21.05.010E. Table 21.05-1</td>
<td>The assembly may disapprove the TR-zone use, or remand the determination to the planning and zoning commission with instructions for its consideration. Re-letter remaining section; add district to Table 21.04-1; add district to Table 21.08-1 into last box on left (along with AF, DR, PCD, PL, and PR districts)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>As the approval process for parks is specifically listed in the parks section of chapter 5, parks should be allowed by right in all zones. At the Mayor's direction, single-family attached and detached dwellings are proposed to be allowed in the R-3, with certain restrictions.</td>
</tr>
<tr>
<td>R11:</td>
<td>21.05.010F. Table 21.05-2</td>
<td>Amend the following uses in the I-1 District: Instructional Services Amusement Establishment Fitness and Recreational Sports Center Marine wholesaling Change from prohibited to &quot;C&quot; in I-1 District Change from &quot;P&quot; (permitted) to &quot;C&quot; in I-1 District Change from prohibited to &quot;C&quot; in I-1 District Change from prohibited to &quot;P&quot; in I-1 District</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Approved by PZC in 2010</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Amendment the following uses in the PLI District: Add &quot;Assisted Living Facility (9 or more residents) as &quot;C&quot; Add &quot;Nursing Facility&quot; as &quot;C&quot; Delete &quot;Amusement Establishment&quot; (ie., delete the &quot;C&quot;) Delete &quot;Fitness and Recreational Sports Center&quot; (ie., delete the &quot;S&quot;) Delete &quot;Bar&quot; (ie., delete the &quot;P&quot;) Delete &quot;Food and Beverage Kiosk&quot; (ie., delete the &quot;P&quot;) Delete &quot;Restaurant&quot; (ie., delete the &quot;P&quot;)</td>
</tr>
<tr>
<td>32.</td>
<td>21.05.010F. Table 21.05-2*</td>
<td>Add &quot;Townhouse&quot; as &quot;S&quot; in B-3 and RO districts Add &quot;Parking lot or structure (less than 50 spaces)&quot; as &quot;P&quot; in NMU district Make &quot;Park, public or private&quot; a &quot;P&quot; in all zoning districts in the table. Make &quot;Railroad passenger terminal&quot; an &quot;M&quot; in the NMU district, and an &quot;S&quot; in the B-3, I-1, I-2, and MI districts. Add the following uses as &quot;P&quot; in the I-1 district: &quot;Financial institution&quot;, &quot;Funeral services&quot;, &quot;General personal services&quot;, &quot;Convenience store&quot;, &quot;Farmers market&quot;, &quot;General retail&quot;, &quot;Grocery or food store&quot;, &quot;Liquor store&quot;, &quot;Pawnshop&quot;, &quot;Extended –</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Several additional uses are proposed to be allowed in certain districts to improve consistency within the table of allowed uses. At the Mayor’s direction, all of the commercial uses to be allowed in the B-3 district are proposed to also be allowed in</td>
</tr>
</tbody>
</table>

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CHAPTER 21.04: ZONING DISTRICTS

21.04.010 GENERAL PROVISIONS

This chapter establishes the zoning districts and contains basic information pertaining to zoning districts, including statements of purpose and district-specific regulations. The following chapters 21.05 and 21.06 set forth the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively.

A. Districts Established; Zoning Map

1. Purpose

The municipality is divided into zoning districts in order to achieve the purposes of this Title established in chapter 21.01, which include implementation of the comprehensive plan, and [PARTICULARLY] its land use plan map [AND OTHER RELEVANT ELEMENTS OF THIS PLAN].

2. Zoning Districts Established

The following zoning districts are established:

<table>
<thead>
<tr>
<th>District Type</th>
<th>Abbreviation</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Districts</td>
<td>R-1</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td></td>
<td>R-1A</td>
<td>Single-Family Residential (larger lot)</td>
</tr>
<tr>
<td></td>
<td>R-2A</td>
<td>Two-Family Residential (larger lot)</td>
</tr>
<tr>
<td></td>
<td>R-2D</td>
<td>Two-Family Residential</td>
</tr>
<tr>
<td></td>
<td>R-2E</td>
<td>Mixed Residential 1</td>
</tr>
<tr>
<td></td>
<td>R-2M</td>
<td>Mixed Residential 2</td>
</tr>
<tr>
<td></td>
<td>R-3</td>
<td>Multifamily Residential-1 Mixed Residential</td>
</tr>
<tr>
<td></td>
<td>R-4</td>
<td>Multifamily Residential-2 Mixed Residential</td>
</tr>
<tr>
<td></td>
<td>R-4A</td>
<td>Multifamily Residential-Mixed-Use</td>
</tr>
<tr>
<td></td>
<td>R-5</td>
<td>Low Density Residential</td>
</tr>
<tr>
<td></td>
<td>R-6</td>
<td>Low-Density Residential (1 acre)</td>
</tr>
<tr>
<td></td>
<td>R-7</td>
<td>Single-Family Residential (20K)</td>
</tr>
<tr>
<td></td>
<td>R-8</td>
<td>Low-Density Residential (4 acres)</td>
</tr>
<tr>
<td></td>
<td>R-9</td>
<td>Low-Density Residential (2 acres)</td>
</tr>
<tr>
<td></td>
<td>R-10</td>
<td>Low-Density Residential, Alpine/Slope</td>
</tr>
<tr>
<td></td>
<td>RO</td>
<td>Residential Office</td>
</tr>
<tr>
<td>Commercial and Mixed-Use Districts</td>
<td>B-1A</td>
<td>Local and Neighborhood Business</td>
</tr>
<tr>
<td></td>
<td>B-1B</td>
<td>Commercial-Community Business</td>
</tr>
<tr>
<td></td>
<td>B-3</td>
<td>General Business</td>
</tr>
<tr>
<td></td>
<td>DT-1</td>
<td>Downtown-Core</td>
</tr>
<tr>
<td></td>
<td>DT-2</td>
<td>Downtown-Mixed-Use</td>
</tr>
<tr>
<td></td>
<td>DT-3</td>
<td>Downtown-Mixed-Use Residential</td>
</tr>
<tr>
<td></td>
<td>RO</td>
<td>Residential-Office</td>
</tr>
<tr>
<td></td>
<td>MC</td>
<td>Marine Commercial</td>
</tr>
<tr>
<td></td>
<td>NMU</td>
<td>Neighborhood-Mixed-Use</td>
</tr>
</tbody>
</table>
### TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED

<table>
<thead>
<tr>
<th>District Type</th>
<th>Abbreviation</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMU</td>
<td>Community Mixed-Use</td>
<td></td>
</tr>
<tr>
<td>RMU</td>
<td>Regional Mixed-Use</td>
<td></td>
</tr>
<tr>
<td>[MT-1]</td>
<td>Midtown Core</td>
<td></td>
</tr>
<tr>
<td>[MT-2]</td>
<td>Midtown General</td>
<td></td>
</tr>
<tr>
<td>I-1</td>
<td>Light Industrial</td>
<td></td>
</tr>
<tr>
<td>I-2</td>
<td>Heavy Industrial</td>
<td></td>
</tr>
<tr>
<td>MI</td>
<td>Marine Industrial</td>
<td></td>
</tr>
<tr>
<td>A[D]</td>
<td>Airport</td>
<td></td>
</tr>
<tr>
<td>AF</td>
<td>Antenna Farm</td>
<td></td>
</tr>
<tr>
<td>DR</td>
<td>Development Reserve</td>
<td></td>
</tr>
<tr>
<td>PCD</td>
<td>Planned Community Development</td>
<td></td>
</tr>
<tr>
<td>PLI</td>
<td>Public Lands and Institutions</td>
<td></td>
</tr>
<tr>
<td>PR</td>
<td>Parks and Recreation</td>
<td></td>
</tr>
<tr>
<td>TA</td>
<td>Turnagain Arm</td>
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</tr>
<tr>
<td>TR</td>
<td>Transition</td>
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<tr>
<td>WS</td>
<td>Watershed</td>
<td></td>
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<tr>
<td>AHO</td>
<td>Airport Height Overlay</td>
<td></td>
</tr>
<tr>
<td>FHO</td>
<td>Flood Hazard Overlay</td>
<td></td>
</tr>
<tr>
<td>Girdwood Districts</td>
<td>Girdwood Districts are set forth in chapter 21.09, Girdwood.</td>
<td></td>
</tr>
</tbody>
</table>

### Zoning Map

The zoning districts are shown on the official zoning map (see section 21.01.050). Procedures for amending the zoning map are in section 21.03.160, Rezonings (Zoning Map Amendments).

### Relationship to Overlay Districts

All lands within the municipality shall be designated as one of the base zoning districts set forth in sections 21.04.020 through 21.04.070. In addition, some lands may be designated as one or more of the overlay districts set forth in section 21.04.080. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

### RESIDENTIAL DISTRICTS

#### A. General Purpose/Intent

The residential zoning districts established in this section generally are intended to:

1. Provide appropriately located areas for residential development that are consistent with the comprehensive plan and with the standards established by public health and safety this code;
2. Designate areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;

3. Conserve residential lands for housing by limiting conversion of the residential land base to non-residential uses, and by encouraging residential development to occur at or near zoned densities, and at locations and densities in the adopted comprehensive plan;

4. Allow for a variety of housing types that meet the diverse economic and social needs of residents;

5. Where appropriate, protect the scale and character and unique appeal of existing residential neighborhoods and of community areas generally;

6. Provide light, air, privacy, and open space for each residential dwelling, and protect residents from the harmful effects of excessive noise, glare and light pollution, traffic congestion, and other significant adverse effects;

7. Protect residential areas from commercial and industrial hazards such as fires, explosions, and toxic fumes and substances;

8. Where appropriate, minimize the location of residences in high natural hazard areas, and mitigate the risk in those areas where development may be allowed;

9. Facilitate the provision of and protect residential areas from the harmful effects of excessive noise, glare and light pollution, traffic congestion, and other significant adverse effects; and

10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of residential development; and

11. Designate areas for residential living that support neighborhood identity and economic vitality and thus give predictability to residential settings and encourage investments and enhancements.

B. R-1: Single-Family Residential District

1. Purpose
The R-1 district is intended primarily for detached single-family residential areas with gross densities up to five dwelling units per acre. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

C. R-1A: Single-Family Residential District (larger lot)

1. Purpose
The R-1A district is intended primarily for detached single-family residential areas with gross densities up to four dwelling units per acre. The minimum lot size is slightly larger than the R-1 district. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

D. R-2A: Two-Family Residential District (larger lot)

1. Purpose
The R-2A district is intended primarily for single- and two-family residential areas with gross densities between five and seven dwelling units per acre. The minimum lot size is slightly larger than the R-2D district. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.
E. R-2D: Two-Family Residential District

1. Purpose
The R-2D district is intended primarily for single- and two-family residential areas with gross densities between five and eight dwelling units per acre. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

F. R-2F: Mixed Residential District

1. Purpose
The R-2F district is intended primarily for residential areas that allow for a variety of single-family, two-family, and three- and four-unit multifamily dwellings, with gross densities between eight and 12 dwelling units per acre. The design of multifamily development, including building appearance, location of parking, setbacks, and landscaping, should be complementary to the existing neighborhood and mix of dwelling types. This district may be applied to existing neighborhoods to create a transition between single- and two-family areas and higher density mixed residential or multifamily areas. It is not intended to be used in areas either zoned for or designated in the comprehensive plan to provide multifamily housing near designated town centers, community activity centers, or major city centers.

2. District-Specific Standards
   a. Multifamily buildings shall contain no more than four dwelling units.

   b. In order to create compatible neighborhoods and retain a predominantly single-family environment, buildings with three or four dwelling units shall maintain detached single-family style architectural features by complying with the single-family design standards in subsections 21.07.110E. and F.(100E.2.b.], with the following adjustments:

      i. Notwithstanding subsection 21.07.110F.3.b.(100E.2.b.iii.), each residence need not have its own entrance. However, common entrances shall meet the requirements of the subsection.

   b. Buildings with three or four dwelling units shall comply with the multifamily design standards in subsection 21.07.110C.(100G.), except that any primary entrance serving just one individual dwelling unit is exempt from subsection 21.07.110C.7., Primary Entrance Treatment (100G.9., ENTRANCE FEATURE CHOICES).

   c. No more than 40 percent of the land area between any street-facing building elevation and the street lot line may be paved or used for vehicle driveway or parking.

F. R-2M: Mixed Residential District

1. Purpose
The R-2M district is intended primarily for residential areas that allow for a variety of single-family, two-family, and multifamily dwellings, with gross densities between eight and 15 dwelling units per acre. The R-2M district provides residential neighborhoods with a greater diversity of housing by allowing a mix of both detached and a variety of attached dwelling types in close proximity to each other, rather than separated into different use zoning districts. The R-2M district is to be located in established or redeveloping residential neighborhoods or is to create a transition between single family, two family, and higher density multi-family and mixed use areas. The design of new development, such as building scale and setbacks, parking facility size and location, and yard landscaping, should be complementary to the existing neighborhood and mix of dwelling types. It is not intended to be used in areas either zoned for or designated in the
comprehensive plan for multi-family housing near designated town centers, community activity centers, or major city centers within high densities of employment. The R-3 and R-4 districts are intended to provide residential units in these areas.

2. **District-Specific Standards**
   
a. Multifamily buildings shall contain no more than eight dwelling units.

b. On lots where more than one principal structure is allowed (see table 21.06-1), the development of more than one principal structure on a lot requires an administrative site plan review.

c. No more than 40 percent of the land area between any street facing building elevation and the street lot line may be paved or used for vehicle driveway or parking.

Buildings with three or more dwelling units shall comply with the multifamily standards in subsection 21.07.110 C, except that any primary entrance is exempt from subsection 21.07.110 C, Primary Entrance Treatment.

G. **R-3: Multifamily Mixed Residential District**

1. **Purpose**
The R-3 district is a multifamily residential district with gross densities between 15 and 40 dwelling units per acre, provided, however, that housing allowed in the R1, R1A, R2A and R2D are a permitted use. It is intended primarily for multifamily and townhouse dwellings characterized by low-rise multistory buildings. It allows a higher percentage of lot coverage than the R-2M zone, while also maintaining the residential living environment with landscaping, private/common open spaces, and other amenities for residents. This district provides greater housing opportunities and efficient use of residential land near commercial, community activity centers, town centers, and areas well served by transit.

2. **District-Specific Standards**
Single-family dwellings are permitted in the R-3 district only in parts of the Fairview community council east of Ingra Street, in parts of the Mountain View community council north of Mountain View Drive, and in other R-3 zoned areas that are designated as low intensity or low/medium intensity residential in the comprehensive plan. When a single-family dwelling is proposed where a designation boundary on the comprehensive plan map appears generalized or uncertain, the director shall interpret the boundary location and make a determination as to the land use designation of the subject property.

H. **R-4: Multifamily Mixed Residential District**

1. **Purpose**
The R-4 district is a multifamily medium to high density residential district with gross densities intended to be greater than 35 dwelling units per acre, but which allows for a limited mix of commercial uses, although a majority of the gross floor area shall be a residential use. It is intended primarily for multifamily, duplex, townhouse and multifamily as well as multi-story residential buildings characterized by two to six multi-story residential buildings. For multi-story buildings, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) and by height limits and other site development standards. Multi-story development is intended to be applied in areas well served by transit and/or arterial streets, and by supportive commercial services near the major commercial/mixed-use and employment centers in downtown and midtown, and to result in high density housing concentrations. Although small amounts of commercial development are allowed within a residential development, the district is intended to protect and retain a primarily residential character. Although some commercial development is allowed within a residential development, the district is intended to be primarily residential. For multi-story buildings, development is intended to
be oriented to the sidewalk with windows, entrances, and walkways to provide strong pedestrian connections to nearby services and mixed-use districts.

2. District-Specific Standards

a. **Allowed Commercial Uses**

The commercial uses listed below are allowed through the approval process shown in table 21.05-1, shall only be developed in conjunction with multifamily or mixed-use dwellings, and are limited to five percent of the gross floor area of the development on a site, or 1,500 square feet, whichever is less.

The commercial uses listed below are permitted, but shall only be developed in conjunction with multifamily or mixed use dwellings.

i. Fitness and recreational sports center; which need not be located on the ground level in all circumstances.

ii. Restaurant, without alcohol service;

iii. Convenience store, without alcohol sales;

iv. Grocery or food store;

v. Coffee shops;

vi. Beauty, barber and personal care salons and

vii. Child care centers

b. **Alcohol Sales Prohibited**

Special land use permits for alcohol shall not be authorized for uses in the R-4 district.

c. **Floor Area Ratio (FAR)**

The maximum floor area ratio (FAR) in the R-4 district is 1.0, but may be increased through the bonus provisions in subsection 21.04.020J.2.c. below.

The maximum floor area ratio (FAR) in the R-4 district is 2.0 but may be increased through the bonus provisions of section 21.04.020 H.3.

d. **Building Height Increase**

Buildings in the R-4 district may exceed the maximum height established in table 21.06-1, up to a maximum total height of 60 feet, subject to all of the following requirements to encourage the provision of light and air at the ground level, and active uses on the ground floor facing the street[...AND OTHER FEATURES].

Non-residential uses allowed in the R-4 district shall be developed in accordance with the provisions that follow: (The uses “parks and open space”, “community gardens”, “utility substations”, “telecommunications towers”, “parking lot, principle use”, and “parking structure, principle use” are permitted subject to the other requirements of this Title.)

i. If residential uses occupy at least 90 percent of the gross floor area depicted on a site plan, no review beyond that required by table 21.05-1 is required.

ii. An administrative site plan review is required for nonresidential uses proposed to occupy greater than 10 and less than or equal to 20 percent of the gross floor area of the development as depicted on a site plan.
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iii. A major site plan review is required for non-residential uses proposed to occupy greater than 20 and less than or equal to 49 percent of the gross floor area of the development as depicted on a site plan.

iv. Major site plan review shall meet the following criteria. This shall be in addition to the general site plan approval criteria (21.03.180 E) and conditional use approval criteria (21.03.080 C).

(A) The development shall result in a net increase in dwelling units over pre-development density, or shall be at least 20 dwelling units per acre, whichever is greater.

(B) Stipulations may be imposed relating to building design, traffic, privacy, floor area restrictions, restrictions against commercial above the ground floor, and other conditions necessary to maintain a residential character and compatibility with adjacent residential districts.

v. The development shall participate in the FAR incentives provided in subsection 21.04.020J.2.c. below;

vi. The ground floor of the building shall be residential or other permitted non-parking use, for at least 25 feet of depth facing the street for the full length of the street facing building elevation, except for vehicle entrances and exits. Where the site has two or more frontages, the standard shall be met on two frontages;

vii. The height increase shall adhere to the height transitions provisions of subsection 21.06.030D.8.; and

viii. Development requesting the height increase shall be subject to administrative site plan review, unless a higher level of review is already required.

d. Non-residential Uses

Non-residential uses allowed in the R-4 district shall be developed in accordance with the provisions that follow: (The uses “parks and open space”, “community gardens”, “utility substations”, “telecommunication towers”, “parking lot, principle use”, and “parking structure, principle use” are permitted subject to the other requirements of this Title.).

i. If residential uses occupy at least 90 percent of the gross floor area depicted on a site plan, no review beyond that required by table 21.05-1 is required.

ii. An administrative site plan review is required for nonresidential uses proposed to occupy greater than 10 and less than or equal to 20 percent of the gross floor area of the development as depicted on a site plan.

iii. A major site plan review is required for non-residential uses proposed to occupy greater than 20 and less than or equal to 49 percent of the gross floor area of the development as depicted on a site plan.

iv. Major site plan review shall meet the following criteria. This shall be in addition to the general site plan approval criteria (21.03.180 E) and conditional use approval criteria (21.03.080 C).

(A) The development shall result in a net increase in dwelling units over pre-development density, or shall be at least 20 dwelling units per acre, whichever is greater.
Stipulations may be imposed relating to building design, traffic, privacy, floor area restrictions, restrictions against commercial above the ground floor, and other conditions necessary to maintain a residential character and compatibility with adjacent residential districts.

e. The non-residential portion of the development shall not be given a certificate of zoning compliance or a conditional certificate of zoning compliance until all of the residential portion of the development is given a certificate of zoning compliance.

f. All commercial uses shall be conducted entirely within a completely enclosed building except for parking and loading facilities and outdoor restaurant seating. Outdoor storage of goods accessory to a commercial use is prohibited.

3. Floor Ratio (FAR) Incentives for the R-4 District

The maximum floor area ratio (FAR) within the R-4 district is 2.0 FAR, but may be increased up to a maximum total of FAR of 4.0 in the R-4 district through the following bonus provisions, subject to the provisions in chapter 6 for this zoning district. Increases in the FAR may be achieved through the use of one or more of the following:

a. Bonus for Open Space
   One square foot of additional floor area is allowed per square foot of additional open space area. This space shall meet the requirements of 21.07.030 D. and be in addition to any open space required by section 21.07.030. The floor area bonus increases to two square feet for open space that meets the standards for high quality spaces in 21.07.030 D.6

b. Bonus for Below Grade Parking
   Two square feet of additional floor area is allowed per gross square foot of covered below grade parking floor area, up to a maximum increase of 1.0 FAR. The floor area bonus increases to three square feet on the second parking level below grade.

c. Bonus for Affordable Housing
   Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.100 H., Standards for Affordable Housing.

d. Bonus for Sidewalk/Walkway Widening
   One square foot of additional floor area is allowed per square foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060 F.4.

e. Bonus for Upper Level Setbacks/Step back for Sunlight Access
   A floor area bonus equal to one-third of the sum of step back areas on each upper floor where the step back is at least 16 feet from the face of the building at the floor immediately below, such that the floors existence does not increase the amount of shadowing on surrounding residences, private open spaces, sidewalks, schools, or parks on March 21st through September 21st from 9:00 a.m. to 3:00 p.m. solar time.

f. Bonus for Ambient Daylight for Residences
   A floor area bonus equal to 10 percent of the lot area (0.10 FAR) but not to exceed 4,000 square feet is allowed for preservation of daylight for all dwellings in the development and facing the development, using the standards of 21.07.100 C.8.g. To receive credit, the building shall not exceed a daylight plane...
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rising up over the building at an angle of five feet of run per every three feet of
rise and starting from a height of five feet above finished grade at the foundation
of surrounding residential buildings.

g. **Bonus for Pedestrian-Interactive Use**
Three square feet of additional floor area is allowed per each square foot of
ground-floor space which is to be occupied by a pedestrian-active use that meets
the standards of 21.07.060 F.16.

4. **District Location Requirement**
The subject property shall be in an area designated in the comprehensive plan for
residential city center intensity, and adjacent to a designated community activity center,
major city center, or along a collector or arterial with adequate transit services in the
vicinity of Downtown or Midtown.

<table>
<thead>
<tr>
<th>R-4A: Multifamily Residential Mixed-Use District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Purpose</strong></td>
</tr>
</tbody>
</table>
The R-4A district is a primarily residential district intended for high-density multifamily
dwellings, with gross densities intended to be greater than 35 dwelling units per acre.
Commercial retail, services, and office uses are also allowed in combination with housing
to create a truly mixed-use neighborhood environment, although a majority of the gross
floor area of the development shall be a residential use. This district is to be applied in
areas near downtown and midtown, in order to provide housing densities which support these city centers, efficient use of residential land, and residential living
opportunities near employment and services. By providing the flexibility for integrated
mixed-use site development, the R-4A district facilitates reinvestment and
revitalization within areas in transition. New mixed-use development should facilitate
strong pedestrian and bicycle connections with nearby neighborhoods and city centers.

<table>
<thead>
<tr>
<th><strong>2. District-Specific Standards</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. Mixed-Use Development Standards</strong></td>
</tr>
</tbody>
</table>
Development in the R-4A district shall comply with the mixed-use district
standards in subsection 21.04.050G., except for the FAR incentives of
subsection 21.04.050G.2.

| **b. Maintaining Residential Character** |
Development shall be primarily residential. The following standards and
exceptions apply:

i. Non-residential uses allowed in the R-4A district shall be mixed with
residential according to the provisions that follow. (The uses "parks and
open space," "community gardens," "utility substations,"
telecommunications towers, "parking lot, principal use," and "parking
structure, principal use" are exempt from the mixed-use requirement.)

(A) If residential uses occupy at least 90 percent of the gross floor
area depicted on a site plan, no review beyond that required by
table 21.05-1 is required.

(B) A major site plan review is required for non-residential uses
proposed to occupy greater than 10 and less than or equal to 20
percent of the gross floor area of the development as depicted
on a site plan.

(C) A conditional use permit is required for non-residential uses
proposed to occupy greater than 20 and less than or equal to 49
percent of the gross floor area of the development as depicted on a site plan.

(D) Major site plan reviews or conditional use reviews under b.i.(B) and b.i.(C) shall meet the following criteria. This shall be in addition to the general site plan approval criteria (21.03.180E.) and conditional use approval criteria (21.03.080C.).

(1) The development shall result in a net increase in dwelling units over pre-development density, or shall be at least 20 dwelling units per acre, whichever is greater. The total gross floor area of household living uses shall be equal to or greater than any prior residential development.

(2) Stipulations may be imposed relating to building design, traffic, privacy, floor area restrictions, restrictions against commercial above the ground floor, and other conditions necessary to maintain a residential character and compatibility with adjacent residential districts.

i. The non-residential portion of the development shall not be given a certificate of zoning compliance or a conditional certificate of zoning compliance until all of the residential portion of the development is given a certificate of zoning compliance.

ii. Ground floor building facades facing and within 100 feet of public streets, primary circulation drives, or primary pedestrian walkways shall meet the following window standards on those facades:

(A) Non-residential uses: At least 50 percent of the length and 25 percent of the area of ground-level walls shall be windows providing visual access to the interior of the building.

(B) Residential uses: At least 25 percent of the length and 12 percent of the area of ground-level walls shall be windows.

(C) All uses: Blank walls shall not exceed 30 feet in length.

iv. All commercial uses shall be conducted entirely within a completely enclosed building except for parking and loading facilities and outdoor restaurant seating. Outdoor storage of goods accessory to a commercial use is prohibited.

c. **Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts**

The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR, but may be increased up to a maximum total FAR of 2.0 in the R-4 district and 3.0 in the R-4A district through the following bonus provisions, subject to section 21.06.030E[C]. These incentives provide for an incremental increase in the floor area of a development in exchange for incremental increases in any of the following special features deemed of benefit to the community. Increases in the FAR may be achieved through the use of one or more of the following:

i. **Bonus For Open Space [Bonus]**

One square foot of additional floor area is allowed per square foot of additional open space area. This space shall meet the standards of 21.07.030D and be in addition to any open space required by section
21.07.030. The floor area bonus increases to two square feet for open space that meets the standards for high-quality spaces in 21.07.030D.6.

ii. **Bonus For Below-Grade Parking [Bonus]**

Two square feet of additional floor area is allowed per gross square foot of covered below grade parking floor area, up to a maximum increase of 1.0 FAR. The floor area bonus increases to three square feet on the second parking level below grade.

iii. **Bonus For Affordable Housing [Bonus]**

Three (Two) square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.100H., Standards for Affordable Housing.

iv. **Bonus for Sidewalk/Walkway Widening**

One square foot (Five square feet) of additional floor area is allowed per square (linear) foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.

v. **Bonus for Upper Level Setbacks / Step Backs for Sunlight Access**

A floor area bonus equal to one-third of the sum of step back areas on each upper floor where the step back is at least 16 feet from the face of the building at the floor immediately below, such that the floor’s existence does not increase the amount of shadowing on surrounding residences, private open spaces, sidewalks, schools, or parks on March/September 21, from 9:00 a.m. to 3:00 p.m. solar time.

vi. **Bonus for Ambient Daylight for Residences**

A floor area bonus equal to 10 percent of the lot area (0.10 FAR) but not to exceed 4,000 square feet is allowed for preservation of daylight for all dwellings in the development and facing the development, using the standards of 21.07.100C.8.g. To receive credit, the building shall not exceed a daylight plane rising up over the building at an angle of five feet of run for every three feet of rise, and starting from a height of 5 feet above finished grade at the foundation of surrounding residential buildings.

vii. **Bonus for Pedestrian-Interactive Use**

Three square feet of additional floor area is allowed per each square foot of ground-floor space which is to be occupied by a pedestrian-active use that meets the standards of 21.07.060F.16.

d. **Building Height Increase**

Buildings in the R-4A district may exceed the maximum height established in table 21.06-1, up to a maximum total height of 90 feet, subject to all of the following conditions. These conditions encourage slender towers with condensed floor plates, light and air at the pedestrian level, and active uses on the ground floor facing the street, AND OTHER FEATURES:

i. The development shall participate in the FAR incentives provided for the R-4A district in subsection 21.04.020J.2.c. above;

ii. The ground floor of the building shall be residential or other permitted non-parking use for at least 25 feet of depth facing the street for the full length of the building, except for vehicle entrances and exits. Where the
site has two or more frontages, the standard shall be met on two
frontages;

iii. All floor area provided by the height increase shall be for residential
uses[1];

iv. The height increase shall adhere to the height transitions of subsection
21.06.030D[7];

v. The height increase shall adhere to the applicable design standards for
tall buildings in subsection 21.07.130C[110]; and

vi. Unless a major site plan review or a conditional use is required by other
parts of this section, all developments requesting the height increase
shall be subject to administrative site plan review.

3. District Location Requirement

The subject property shall be in an area designated in the comprehensive plan for
residential city center intensity, and adjacent to a designated community activity center,
major city center, or along a collector or arterial with adequate transit services in the
vicinity of Downtown and Midtown.

I. R-5: Low Density Residential District

1. Purpose

The R-5 district is intended primarily for single- and two-family residential areas with
gross densities up to five dwelling units per acre. Mobile homes on individual lots are
allowed in this district.

J. R-6: Low-Density Residential (1 acre) District

1. Purpose

The R-6 district is intended primarily for single- and two-family large-lot residential areas,
with gross densities of up to one dwelling unit per acre. The R-6 is designed to
encourage low-density residential development. This district is intended to protect and
enhance those physical and environmental features that add to the desirability of large-lot
residential living. The availability of infrastructure and municipal services is varied.

K. R-7: Single-Family Residential (20K) District

1. Purpose

The R-7 district is intended primarily for single- and two-family residential areas with
gross densities between one and two dwelling units per acre. This district may also be
applied to areas between larger lot districts and higher density districts.

L. R-8: Low-Density Residential (4 acres) District

1. Purpose

The R-8 district is intended primarily for single- and two-family large-lot residential areas
with gross densities less than one dwelling unit per four acres, where topographic or
other natural conditions are such that higher-density development would be unfeasible.
In addition to topography, some of the natural conditions which could exist to render land
desirable for the densities proposed in this zone are wind hazards, marginal soils,
landslide susceptibility, potential for groundwater pollution, and groundwater availability.

M. R-9: Low-Density Residential (2 acres) District

1. Purpose

The R-9 district is intended primarily for single- and two-family large lot residential areas
with gross densities less than one dwelling unit per two acres, where public sewer and
water are unlikely to be provided or where topographic or other natural conditions are such that higher-density development would be unfeasible. Where public facilities may be provided in the distant future, the regulations are intended to ensure that development during the interim period does not exceed geological and hydrological capacities for safe and healthful maintenance of human habitation.

N. R-10: Low-Density Residential, Alpine/Slope District

1. Purpose

The R-10 district is intended for use in those areas where natural physical features and environmental factors such as slopes, alpine and forest vegetation, soils, slope stability, and geologic hazards require unique and creative design for development. Creative site design and site engineering are essential to ensure that the development of these lands will:

a. Protect natural features such as ponds, streams, wetlands, and springs, and incorporate such features into the development of the site design;

b. Ensure the use of site design techniques that take into consideration topographic constraints and other physical features;

c. Avoid natural hazards including snow avalanche and mass wasting areas;

d. Retain the natural flow and storage capacity of any watercourse and wetland, to minimize the possibility of flooding or alteration of water boundaries;

e. Assure that soil and subsoil conditions are suitable for excavations, site preparation, and on-site waste water disposal;

f. Provide adequate site drainage to avoid erosion and to control the surface runoff in compliance with the federal clean water act;

g. Assure an adequate supply of potable water for the site development; and

h. Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.

2. District-Specific Standards

a. Lot and Site Requirements

Table 21.04-2 provides the lot and site requirements for the R-10 district. This table applies in addition to the dimensional standards stated in table 21.06-1.

<table>
<thead>
<tr>
<th>Average Slope of Lot (percent)</th>
<th>Minimum Lot Area (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Maximum Lot Coverage of All Buildings (percent)</th>
<th>Coverage Impervious Surfaces (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 30.00</td>
<td>7.50</td>
<td>300</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>25.01–30.00</td>
<td>5.00</td>
<td>300</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>20.01–25.00</td>
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<td>20.00 or less</td>
<td>1.25</td>
<td>100</td>
<td>10</td>
<td>20</td>
</tr>
</tbody>
</table>

Slope is calculated by the following formula:

\[ S = \frac{I \times L \times 0.0023}{A} \]
TABLE 21.04-2:
LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT

<table>
<thead>
<tr>
<th>Average Slope of Lot (percent)</th>
<th>Minimum Lot Area (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Maximum Lot Coverage of All Buildings (percent)</th>
<th>Coverage Impervious Surfaces (percent)</th>
</tr>
</thead>
</table>

Where:
S = Average slope of lot or tract in percent
I = Contour interval (20 feet or less)
L = Sum of length of all contours on lot or tract in feet
A = Area of the lot or tract in acres

a. **Bedrock**

When one-third or more of required soils borings reveal bedrock at a depth of less than 16 feet on the lot or tract, lot and site requirements shall be determined as if the average slope were in the next steeper percentage range shown on the table in this subsection [PARAGRAPH]. Any required soil boring that does not extend to a depth of at least 16 feet shall be deemed for the purposes of this subsection to have encountered bedrock.

O. **R-O: Residential Office District**

1. **Purpose**

The RO district is intended to provide areas for professional, business, and medical service (outpatient) office uses, or areas with a compatible mix of office and residential uses. The district provides for small- to medium-sized office buildings, often in transition locations between residential areas and more intense commercial uses and road traffic, or in commercial locations inappropriate for auto-oriented retail uses or intense mixed-use areas. The district allows multifamily residential, group living, and visitor accommodations.

2. **District-Specific Standards**

   a. **Limitations on Retail Uses**

   Any uses allowed by table 21.05-2 and categorized by this code as “entertainment and recreation,” “personal services, repair, and rental,” or “food and beverage service” may be located in the RO district only within a building that also contains office, health services, and/or residential uses, except that “food and beverage kiosk” may be located in a stand-alone building on those lots with frontage on a street of collector classification or higher. Such commercial uses shall be limited to 25 percent of the gross floor area of the building. No outdoor storage or merchandise display is allowed.

   b. **Limitations on Visitor Accommodations**

   Any uses categorized by this code as “visitor accommodations” and allowed by Table 21.05-2 shall comply with the multifamily residential design standards set forth in subsection[S] 21.07.110.C., 110.G. AND H.

3. **District Location Requirements**

In addition to the general rezoning approval criteria, the following requirements shall apply to the creation or expansion of the RO district:

   a. New RO zones shall be located in areas intended principally for low-intensity office uses, or in locations where the development buffers residential neighborhoods from heavy volumes of traffic or more intense commercial retail activity.
b. Where a new or enlarged RO district is adjacent to existing residentially zoned areas, adequate area shall be provided for buffering or other site design requirements necessary to achieve compatibility.

c. The RO District shall not be located in or expand into areas that are designated residential in the comprehensive plan.

4. Standards for Mixed-Use Development in the RO Standard
For mixed-use developments in this district, the standards established for mixed-use in the R-4 district shall apply.

21.04.030 COMMERCIAL DISTRICTS

A. General Purpose/Intent of Commercial Districts
The commercial and office zoning districts established in this section generally are intended to:

1. Provide appropriately located areas consistent with the comprehensive plan that provide a full range of retail and service establishments and convenience and office uses needed by the municipality, and protect such uses from the adverse effects of incompatible uses;

2. Provide adequate area to meet the needs of future commercial development;

3. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage further geographic expansion of commercial areas not designated in the comprehensive plan;

4. Minimize vehicle miles traveled and promote alternative transportation choices through the concentration of commercial areas as designated in the comprehensive plan;

5. Promote the location of higher intensity commercial uses and traffic into those areas of the municipality that are best developed for traffic and access;

6. Strengthen the municipality's economic base and provide employment opportunities;

7. Provide for commercial land uses that meet the needs of and attract regional and statewide populations, in addition to local residents;

8. Allow and encourage residential development in conjunction with commercial development in order to provide more housing choices and more efficient use of land;

9. Minimize land use impacts of commercial development on adjacent residential districts;

10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of commercial development; and

11. Provide sites for public and semi-public uses such as utilities and telecommunications infrastructure needed to complement commercial development.

B. B-1A: Local and Neighborhood Business District

1. Purpose
The B-1A district is intended for small, compact commercial sites or areas within or surrounded by residential areas. The district is applied to encourage the provision of small-scale retail, office, and service uses compatible in scale and character with adjacent residential uses, and providing services to the surrounding neighborhood. B-1A centers are between one-half and two acres in size. The B-1A district provides for smaller commercial sites and ensures a smaller scale of development than does the NMU district. Continuous retail frontages, largely uninterrupted by driveways and
parking, are encouraged. Uses are to be limited in intensity to promote their local orientation, promote pedestrian access, reduce vehicle trips, and limit adverse impacts on the surrounding area. Upper story residential uses are also allowed.

2. District-Specific Standards
   a. **Non-Residential Commercial Use [Ground-Floor]**
      At least 50 percent of the total length of all ground floor street facing building elevations on a site shall be a non-residential use that occupies habitable floor area at least 20 feet deep. [80 percent of the street-facing building elevation at the ground level shall be a non-residential use occupying a space at least 25 feet deep from the street façade of the building].

   a. **Prohibitions**
      i. Drive-throughs are allowed only on those lots with frontage on and access to an arterial street.
      ii. Outdoor storage is prohibited in the B-1A district.
      iii. Nonresidential development that does not have access from a street of collector class or greater on the **Official Streets and Highways Plan** shall not be open to the public between 10:00 p.m. and 7:00 a.m.

   b. **Gross Floor Area Limitations**
      i. The gross floor area of each allowed non-residential use is limited to 5,000 square feet per use, without any review beyond that required by table 21.05-2.
      ii. Gross floor area of allowed non-residential uses between 5,001 and 10,000 square feet may be requested through a major site plan review.
      iii. Notwithstanding e–b.i. and e–b.ii., the maximum gross floor area of grocery or food stores is 20,000 square feet without any review beyond that required by table 21.05-2, provided that the overall site has a floor area ratio of at least 0.35.

   c. Outdoor storage is prohibited in the B-1A district
   d. Mixed use development in this district shall fall under the standards of subsection E below.

3. District Location Requirements
   In addition to the general rezoning criteria, the following requirements shall apply in the creation or expansion of the B-1A district:

   a. The minimum contiguous area for a B-1A district shall be 11,500[20,000] square feet.
   b. The maximum contiguous area for a B-1A district shall be 2.0 acres.
   c. The subject property shall be in an established neighborhood commercial area or an area designated in the comprehensive plan for neighborhood-scale commercial.

C. **B-1B Community Business District**

1. **Purpose**
   The B-1B district is intended for consumer-oriented business uses which serve the needs of the surrounding community. The district is intended for small, compact sites at or near
the intersection of streets designated for collector (industrial-commercial), arterial or greater capacity on the official streets and highways plan.

2. District Specific Standards

a. Prohibitions

i. Drive-throughs are allowed only on those lots with frontage on and access to an arterial street.

ii. Outdoor storage is prohibited in the B-1B district

iii. Nonresidential development that does not have access from a street of collector class or greater on the Official Streets and Highways Plan shall not be open to the public between 10:00 p.m. and 7:00 a.m.

b. Gross Floor Area Limitations

i. The gross floor area of each allowed non-residential use is limited to 10,000 square feet per use, without any review beyond that required by table 21.05-2.

ii. Gross floor area of allowed non-residential uses between 5,001 and 20,000 square feet may be requested through an administrative site plan review.

iii. Notwithstanding b.i and b.ii, the maximum gross floor area of grocery or food stores is 40,000 square feet without any review beyond that required by table 21.05-2.

c. Mixed use development in this district shall follow the standards of subsection F below.

3. District Location Requirements

In addition to the general rezoning criteria, the following requirements shall apply in the creation or expansion of the B-1B district:

a. The minimum contiguous area for a B-1B district shall be two acres.

b. The maximum contiguous area for a B-1B district shall be 20 acres.

D. B-3: General Business District

1. Purpose

The B-3 district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are intended to be located on arterials and to be provided with adequate public services and facilities. They are subject to the public view and should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Environmental impacts should be minimized. Abutting residential areas should be protected from potentially negative impacts associated with commercial activity. While B-3 district areas shall continue to meet the need for auto-related and other auto-oriented uses, it is the municipality’s intent that the B-3 district also shall provide for safe and convenient personal mobility in other forms. Planning and design shall accommodate pedestrians and bicyclists.

2. District Location Requirements

a. Establishment of the B-3 district or changes to existing B-3 district boundaries shall meet the general rezoning criteria of this code and shall not be expanded.
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along street corridors or into surrounding neighborhoods unless consistent with the comprehensive plan.

b. Future rezonings to B-3 shall take into consideration the desirability of B-3 being located on arterials and being served with adequate public services and facilities.

c. Residential household living uses in the B-3 district shall be subject to the R-4 related FAR provisions in subsection 21.04.020.J.2.c.

3. District Specific Standards

Mixed use development in this district shall follow the standards of subsection F below.

E. RO: Residential Office District

4. Purpose

The RO district is intended to provide areas for professional, business, and medical service (outpatient) office uses, or areas with a compatible mix of office and residential uses. The district provides for small- to medium-sized office buildings, often in transition locations between residential areas and more intense commercial uses and road traffic, or in commercial locations inappropriate for auto-oriented retail uses or intense mixed-use uses. The district allows multifamily residential, group living, and visitor accommodations.

5. District-Specific Standards

a. Limitations on Retail Uses

Any uses allowed by Table 21.05-2 and categorized by this code as “entertainment and recreation,” “personal services, repair, and rental,” or “food and beverage service” may be located in the RO district only within a building that also contains office, health services, and/or residential uses, except that “food and beverage kiosk” may be located in a stand-alone building on those lots with frontage on a street of collector classification or higher. Such commercial uses shall be limited to 25 percent of the gross floor area of the building. No outdoor storage or merchandise display is allowed.

b. Limitations on Visitor Accommodations

Any uses categorized by this code as “visitor accommodations” and allowed by Table 21.05-2 shall comply with the multifamily residential design standards set forth in subsection(s) 21.07.110C.100.G. AND H.

6. District Location Requirements

In addition to the general rezoning approval criteria, the following requirements shall apply to the creation or expansion of the RO district:

a. New RO zones shall be located in areas intended principally for low-intensity office uses, or in locations where the development buffers residential neighborhoods from heavy volumes of traffic or more intense commercial retail activity.

b. Where a new or enlarged RO district is adjacent to existing residentially zoned areas, adequate area shall be provided for buffering or other site design requirements necessary to achieve compatibility.

c. The RO district shall not be located in or expand into areas that are designated residential in the comprehensive plan.

7. Standards for Mixed-Use Development in the RO Standard

For mixed-use developments in this district, the standards established for mixed-use in the R-4 district shall apply.
E. Standards for Mixed Use Development in the B-1A and B-1B Districts

1. Maximum Building Size. The square footage of the residential component of any mixed-use development shall be equal to or greater than the commercial component established in either of the commercial districts, but in no event shall the square footage of the residential component be more than twice the square footage of the commercial development in the building without an administrative site plan review.

2. The Floor Area Ratios (FAR) and the bonus provisions set out in 21.04.020 H.3 shall apply to mixed-use development in these districts.

3. The building height limitations in these districts may exceed the maximum height established in chapter 6, Table 21.06-2, up to a maximum height of 60 feet in the B-1A district and 70 feet in the B-1B district subject to all of the following requirements:
   a. The development shall participate and at least one of the FAR incentives provided in 21.04.020 H.3.
   b. The floor area of the building shall be a residential or commercial use for the full length of the street facing building elevation, except for vehicle and pedestrian entrances and exits. Where the site has two or more street facing elevations, this requirement shall be required to apply to only two of the street facing elevations.
   c. The development requesting the height increase shall be subject to an administrative site plan review, unless a higher level of review is already required.
   d. All floor area provided by the height increase shall be for residential uses or for uses that only serve the residents of the building.
   e. The height increase shall adhere to the applicable design standards for tall buildings set out in 21.07.130 C.

F. Standards for Mixed Use Development in the B-3 District

1. The Floor Area Ratios (FAR) and the bonus provisions set out in 21.04.020 H.3 shall apply to mixed use development in these districts.

2. Building Placement and Orientation
   a. Buildings shall be built and oriented to the street, lining sidewalks and public spaces with frequent shops, entrances, windows and interior views and articulated ground-level facades. Building entrances shall be clearly visible.
   b. Buildings shall comply with the maximum setback established in 21.06.020 Table of Dimensional Standards.

3. Sidewalks extending along public streets, primary circulation drives or commercial building storefronts shall have an unobstructed clear width of at least six feet.

G. MC: Marine Commercial District

1. Purpose
   The MC district is intended primarily for commercial water-dependent uses and is located as designated in the comprehensive plan. Water-related uses may be allowed as
conditional uses. Emphasis is on development flexibility of water-dependent and water-related commercial uses and on public access to the waterfront and Ship Creek.

2. District-Specific Standards

Applicants for allowed uses as listed in table 21.05-2 shall demonstrate, to the satisfaction of the director, that they are water-dependent and/or water-related, before applying for any required permits or entitlements.

21.04.040 DOWNTOWN DISTRICTS

A. DT-1: Downtown Core
B. DT-2: Downtown Mixed-Use
C. DT-3: Downtown Mixed-Use Residential

(New downtown districts and regulations will be proposed separately through the Downtown Plan project.)

21.04.050 MIXED-USE DISTRICTS

A. General Purpose/Intent of Mixed-Use Districts

The mixed-use districts are intended to provide for and encourage development and redevelopment of a mix of residential and nonresidential uses within close proximity to each other within areas so designated in the comprehensive plan. A key feature of all the mixed-use districts is a pedestrian- and bicycle-friendly network of streets and sidewalks connecting the nonresidential uses, residential neighborhoods, and transit facilities. The mixed-use districts specifically are intended to:

1. Concentrate higher-density residential development and commercial and office employment efficiently in and around major employment centers, town centers, and other centers of community activity designated in the comprehensive plan;

2. Encourage mixed-use and higher-density redevelopment, conversion, and reuse of aging and underutilized areas, and increase the efficient use of available land in the municipality;

3. Provide a transportation network (road, bicycle, pedestrian) designed to provide the opportunity for direct access to adjacent areas, in lieu of entering and exiting through arterials and/or collector streets;

4. Create compact, pedestrian-oriented environments that are safe, convenient, and attractive for transit and pedestrian use and access;

5. Concentrate a variety of commercial retail/services and public facilities that serve the surrounding community;

6. Encourage the appearance and function of development in mixed-use areas to be complementary to surrounding residential areas designated in the comprehensive plan;

7. Promote physical development in mixed-use areas that provides pedestrian scale and interest through articulation, detail elements, and windows at the ground floor level; and

8. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of mixed-use development.

B. NMU: Neighborhood Mixed-Use District

1. Purpose

The NMU district is intended for neighborhood retail service centers at a larger scale than allowed by the B-1A district. NMU centers are intended to be generally between two and
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15 acres in size, and are primarily applied to existing commercial areas to encourage mixed-use housing opportunities, compact redevelopment, and mixed-use urban design. The emphasis of the district is on commercial uses that primarily serve the daily needs of nearby neighborhoods (e.g., small-to-medium size grocery/convenience store, drug store, religious assembly, service station) located in close proximity to one another. This district typically serves more neighborhoods and can provide a greater collection of commercial services at a larger scale than does the B-1A district. Multifamily residential and limited office uses are also allowed. Siting and architectural design and scale of structures in this district should limit adverse impacts on nearby residential areas. The NMU district may be used for designated neighborhood centers, commercial corridors, and transit-supportive development corridors, and may also be used for the “neighborhood commercial centers” identified in the Anchorage 2020 Anchorage Bowl Comprehensive Plan.

2. District-Specific Standards
   a. Mixed-Use Development Standards
   Development in the NMU district shall comply with section 21.04.050G., Mixed-Use District Development Standards.

   b. Maximum Building Size
   The gross floor area of each building and/or structure constructed after [effective date] in the NMU district shall be no greater than 45,000 square feet, except that buildings which contain a grocery or food store of at least 45,000 square feet, may have a gross floor area of up to 85,000 square feet. Buildings or structures existing before [effective date] shall not be enlarged to a gross floor area over these limits.

3. District Location Requirements
   In addition to meeting the general rezoning criteria, the following requirements apply in the establishment or enlargement of NMU districts:

   a. New NMU districts and NMU districts proposed for expansion shall be located at the intersection of two arterials or an arterial and a collector street (or streets of greater classification on the OSHP).

   b. The maximum size of an NMU district shall be 15 acres, unless a larger area is consistent with the comprehensive plan.

   c. The NMU district shall not be expanded along street corridors or into adjacent residentially zoned areas unless consistent with the comprehensive plan.

   d. The subject property shall be in an area intended for neighborhood scale commercial mixed-use center, or transit-oriented development corridor in [ON] the comprehensive plan.

C. CMU: Community Mixed-Use District

1. Purpose
   The CMU district is intended primarily to facilitate the development of mixed-use centers at the town center or sub-regional scale. The CMU district is designed for areas designated in adopted plans as “town centers”, community activity centers, or other medium-density mixed-use areas. The CMU area is intended to include commercial, residential, institutional, recreational, and service facilities needed to support the surrounding neighborhoods (e.g., large grocery store, large drug store, specialty shops, and community park). Medium- to higher-density housing should be located in and around the district, and development should facilitate pedestrian and bicycle connections between residential and nonresidential uses. The CMU district may also be used for
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2. Relationship to Town Centers
   Town center overlay districts may be applied in combination with the CMU/RMU district, pursuant to section 21.04.080. A town center overlay would establish development standards and incentives in addition to what is required by the CMU/RMU district, and may increase the priority for public investment in an area, to more fully implement comprehensive plan policies for compact, mixed-use centers. It is intended that the municipality phase the development of town center overlay districts.

3. District-Specific Standards
   Development in the CMU district shall comply with section 21.04.050G., Mixed-Use District Development Standards.

4. District Location Requirements
   In addition to the general rezoning approval criteria, the following requirements shall apply to the creation or expansion of the CMU district.
   a. The subject property shall be in an area designated by the comprehensive plan as a community activity center, town center, or transit-supportive development corridor that has a commercial or mixed-use designation on the comprehensive plan map.
   b. The CMU district shall not be expanded along street corridors or into adjacent residentially or industrially zoned areas unless consistent with the comprehensive plan.

D. RMU: Regional Mixed-Use District
   1. Purpose
      a. General Purpose
         The RMU district is intended primarily for regional-scale commercial activity centers that may have long-term potential to develop at greater intensities or as mixed-use urban environments. The area is typically defined by conglomerations of medium-to-large scale commercial uses, located near intersections of major arterial streets and/or freeways, serving a metropolitan region-scale trade area. The market area is larger and less oriented to one certain part of town than in the CMU district. Shopping malls and/or large retail establishments typically anchor the center. Supporting uses include low-medium rise offices, hotels, transit hubs, entertainment, and residential uses that provide potential for the area to grow into a more physically integrated and mixed-use center. The RMU district is appropriate for regional commercial centers such as the Dimond Center area, and permits land-intensive and/or auto-oriented uses such as automobile dealerships that may not be appropriate for more compact mixed-use zones.
      b. Midtown Area Purpose
         The RMU district also provides a mixed-use rezoning option for property owners in the midtown area, which has the highest employment densities and tallest building heights outside of the downtown. The RMU in midtown is intended to facilitate the development of a broad mix of complementary uses at higher intensities, including office employment, a variety of commercial uses, and civic and public facilities. The district is also intended to contain and be surrounded by medium to high density housing. Development should facilitate compatibility and connectivity between uses, and facilitate pedestrian travel and transit along with traditional vehicular access.
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2. Relationship to Town Centers

   Town center overlay districts may be applied in combination with the [CMU]/RMU district, pursuant to section 21.04.080. A town center overlay would establish development standards and incentives in addition to what is required by the [CMU]/RMU district, and may increase the priority for public investment in an area, to more fully implement comprehensive plan policies for compact, mixed-use centers. It is intended that the municipality phase the development of town center overlay districts.

3. District-Specific Standards


   b. Development in the Midtown area bounded by the Seward Highway, Tudor Road, Arctic Boulevard, and Fireweed Lane may have greater building height and bulk (FAR) than elsewhere in the RMU district, as provided in section 21.04.050G.2.c and Table 21.06-3.

4. District Location Requirement

   a. The subject property shall be in an area designated for regional-scale commercial mixed-use center or major city center in the comprehensive plan.

   b. RMU districts shall be located where there is sufficient transportation and related infrastructure adequate to accommodate projected needs.

E. MT-1: Midtown District Core

   [RESERVED]

F. MT-2: Midtown District General

   [RESERVED]

E. Mixed-Use District Development Standards

1. Applicability

   All development in the NMU, CMU, and [RMU, MT-1, and MT-2] districts shall comply with the appropriate development standards in chapter 21.07, and also the standards in this subsection 21.04.050G. All development in the R-4A district shall comply with the standards in the subsection 21.04.050G., with the exception of subsection C.2. When the standards of this subsection and sections 21.07.110[100] and 21.07.120[110] are in conflict, the standards of this subsection shall control.

2. Mix and Intensity of Land Uses and Activities

   a. Purpose

      The purpose of this section is to help integrate public/institutional, residential, and commercial activities around the same shared public streets and spaces. All uses should be located and convenient to each other by walking. People who work, shop, and live in the different buildings share the same public sidewalks and spaces.

   b. Floor Area Ratio (FAR) Incentives

      Floor area ratio (FAR) incentives are offered to encourage residential development and other features of benefit to the public in mixed-use areas. The maximum floor area ratio established by table 21.06-3 may be increased by up to two times through the following provisions, subject to section 21.06.030[C]. These incentives provide for an incremental increase in the floor area of a development in exchange for increases in one or more of the following special features:
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i. **Bonus For Housing [Bonus]**
   Two square feet of additional floor area is allowed per gross square foot of dwelling (HOUSING) unit floor area, up to a maximum increase of 0.5 FAR.

ii. **Bonus For Open Space [Bonus]**
   One square foot of additional floor area is allowed per square foot of additional open space. This space shall meet the standards of 21.07.030D and be in addition to any open space required by section 21.07.030. The floor area bonus increases to two square feet for open space that meets the standards for high quality spaces in 21.07.030D.6.

iii. **Bonus For Below Grade Parking [Bonus]**
   Two square feet of additional floor area is allowed per gross square foot of below grade parking floor area, up to a maximum increase of 0.5 FAR. The floor area bonus increases to three square feet on the second parking level below grade.

iv. **Bonus For Affordable Housing [Bonus]**
   Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.110I.[100H.], Standards for Affordable Housing. A housing unit receives this affordable housing bonus instead of the housing bonus in b.1.

v. **Bonus for Sidewalk/Walkway Widening**
   One square foot of additional floor area is allowed per square foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.

vi. **Bonus for Pedestrian-Interactive Use**
   Three square feet of additional floor area is allowed per each square foot of ground floor space which is to be occupied by a pedestrian-active use that meets the standards of 21.07.060F.16.

vii. **Bonus for Upper Level Setbacks/Step Backs for Sunlight Access**
   A floor area bonus equal to one-third of the sum of step back areas on each upper floor where the step back is at least 16 feet from the face of the building at the floor immediately below, such that the floor's existence does not increase the amount of shadowing on surrounding residences, private open spaces, sidewalks, schools, or parks on March/September 21, from 9:00 a.m. to 3:00 p.m. solar time.

c. **Floor Area Ratio (FAR) Incentives – Midtown RMU**
   Notwithstanding the limits to the amount of FAR increase established in subsection b., the maximum FAR for development in the RMU district within the Midtown area bounded by the Seward Highway, Tudor Road, Arctic Boulevard, and Fireweed Lane may be increased to a total of 7.0 FAR through the bonus provisions in subsection b. The development may exceed the maximum floor area bonus per each special feature. In addition, the following public benefit features are also available in this Midtown area:

i. **Bonus for Public Parking**
   Five square feet of additional floor area is allowed per square foot of public parking available for public use in the district in addition to the
parking spaces for the development required by this title, and which is establised by a recorded covenant running with the land.

ii. **Bonus for Public Benefit Facilities**

10 square feet of additional floor area is allowed per square foot of public restroom, sheltered public transit or bicycle parking area, child care use, parks and open area use (not credited by this Title as private-open space), or lockers and showers for bicycle commuters, which is located at or visually accessible to the ground floor level for public use and established by a recorded covenant running with the land.

3. **Reduced Parking Ratios**

Development in the mixed-use districts have reduced minimum parking requirements as provided in section 21.07.090, Off-Street Parking and Loading.

4. **Building Placement and Orientation**

   a. **Purpose**

   Buildings should be built and oriented to the street, lining sidewalks and public spaces with frequent shops, entrances, windows with interior views, and articulated ground-level façades. Comfortable, human-scale transition spaces such as entrance areas, patios, or café seating may be placed between the building and public sidewalk, as long as the building remains close, accessible, and inviting from the sidewalk. Building entrances should be emphasized and clearly visible so that patrons can easily find them.

   b. **Building Placement and Street Setbacks**

   In order to be closer to the sidewalk and to have a stronger interface with the street, buildings shall comply with the maximum setbacks established in 21.06.020, Tables of Dimensional Standards.

   c. **Building Entrances**

      i. Buildings located at or within the maximum setback line shall have at least one primary entrance located within 20 feet of the maximum setback line.

      ii. Buildings not located at the maximum setback line shall have at least one primary entrance located within 20 feet of a public right-of-way, a primary circulation aisle with adjoining walkway, or a primary pedestrian walkway.

5. **Sidewalks [and Walkways]**

Sidewalks and walkways extending along public streets, primary circulation drives, or commercial building storefronts shall have an unobstructed clear width of at least six feet. This section promotes sidewalk widening and streetscape enhancements to support higher levels of pedestrian activity and access in mixed-use districts. An enhanced sidewalk environment with “main street” style amenities may be provided in lieu of required site perimeter landscaping where it is logical to support a pedestrian zone as determined by the department through an administrative site plan review, and subject to the following:

   a. The sidewalk width shall be at least 12 feet, and include a pedestrian movement zone, building interface zone, and street interface zone. The street interface zone shall be at least four feet wide along major arterials. A pedestrian interactive use meeting the standards of 21.07.060F.16 shall be provided in the building next to the designated sidewalk.
21.04.050 INDUSTRIAL DISTRICTS

A. General Purpose/Intent

The industrial zoning districts established in this section generally are intended to:

1. Create suitable environments for various types of industrial uses;
2. Reserve appropriately located areas for industrial purposes, and limit non-industrial uses that may erode the supply of industrial lands;
3. Provide adequate space to meet the needs of future industrial development, including off-street parking and loading;
4. Strengthen and diversify the municipality’s economic industrial base and provide employment opportunities;
5. Minimize land use impacts of industrial development on abutting non-industrial districts; and
6. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of industrial development.
B. I-1: Light Industrial District

1. **Purpose**
   The I-1 district is intended primarily for public and private light manufacturing, processing, service, storage, wholesale, and distribution operations along with limited commercial uses that support and/or are compatible with industrial uses. Office Business-industrial parks and single-commodity bulk retail sales and building supply stores and services are allowed. This district is applied in areas designated as industrial/commercial by the comprehensive plan.

C. I-2: Heavy Industrial District

1. **Purpose**
   The I-2 district is intended primarily as an industrial activity area and reserve for public and private heavy manufacturing, warehousing and distribution, equipment and materials storage, vehicle and equipment repair, major freight terminals, waste and salvage, resource extraction and processing, and other related uses. However, any legal business, commercial, manufacturing or industrial land use is permitted; provided, however that residential uses, including dwellings, rooming houses, boarding houses or lodging houses, apartment buildings, hotels or motels are prohibited. Non-industrial uses are limited to prevent land use and traffic conflicts and to maintain and protect the supply of industrial lands within the municipality. This district is applied to areas designated as industrial/industrial reserve by the comprehensive plan.

D. MI: Marine Industrial District

1. **Purpose**
   The MI district is intended primarily for a mix of marine commercial and industrial manufacturing, processing, storage, wholesale, and distribution operations that are water-dependent and/or water-related.

2. **District-Specific Standards**
   Applicants for allowed uses as listed in table 21.05-2 shall demonstrate, to the satisfaction of the director, that they are water-dependent and/or water-related, before applying for any required permits or entitlements.

21.04.060 OTHER DISTRICTS

A. A: Airport District

[RESERVED]

B. AF: Antenna Farm District

1. **Purpose**
   The AF district is intended to create areas dedicated to the erection and maintenance of communication equipment at reasonable cost and to encourage the concentration of such equipment in a few sites throughout the municipality.

2. **District-Specific Standards**
   The Planning and Zoning Commission and the assembly shall consider the following factors when deciding on a request to rezone to the AF district:

   a. Compatibility with surrounding land uses;

   b. Potential adverse impacts on environmentally sensitive areas and wildlife corridors;

   c. Visual impacts on views, particularly with regard to ridgelines;
d. Availability of alternative sites and alternative towers (collocation); and

e. Potential noise impacts on neighboring uses.

C. DR: Development Reserve District

1. Purpose
The DR district may be applied to lands intended for future development, undesignated municipally owned lands, and municipal and state tidelands and waters, and military lands.

D. PCD: Planned Community Development District

1. Purpose
The planned community development district (PCD) is intended to accommodate large-scale acreage for residential, commercial, industrial, or other land use developments and activities, including combinations of uses. It allows for flexibility under controlled conditions not possible with the other defined districts. The flexibility permitted must demonstrate that the final development will be compatible with the intents and purposes of this Title and the goals and policies of the comprehensive plan, and do not compromise public health, safety, and welfare. A PCD should include design features to ensure that the PCD is integrated with the surrounding neighborhood through features such as transition densities, external boundary buffering, and pedestrian and street connectivity, where the Planning and Zoning Commission makes the specific finding that street connectivity is necessary to support traffic projections or necessary for emergency responders. The PCD district is limited to unified, comprehensive planned developments which are of substantial public benefit, consistent with the holding capacity of the land, and conform with and enhance the policies of the comprehensive plan.

2. Application
The PCD district may be applied as described in subsection 21.03.160I.

3. Record-Keeping
The regulatory zoning provisions for each PCD district shall be kept on file in the department.

E. PLI: Public Lands and Institutions District

1. Purpose
The PLI district is intended to include major public and quasi-public civic, administrative, and institutional uses and activities.

F. PR: Parks and Recreation District

1. Purpose
The PR district is intended to include municipal lands dedicated by the assembly as parks in accordance with AMC 25.10.080.

2. District-Specific Standards
Recreational areas developed for spectator sports, such as soccer and softball fields, shall have Level 3 buffer landscaping between such areas and abutting residential uses.

G. TA: Turnagain Arm District

1. Purpose
The TA district is intended to govern the land uses for the area known as Turnagain Arm south of Potter Marsh, including but not limited to Rainbow, Indian, Bird Creek, and Portage/Twenty Mile River. Areas within Girdwood are not included in the TA district and are covered by chapter 21.09, Girdwood. The permitted uses and densities within the TA district are to conform to the land use plan map, policies, land use definitions, and
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residential densities of the adopted Turnagain Arm Comprehensive [AREA] Plan. The TA
district regulations employ the conditional use process to provide review for major
development activities. By providing a public review process and by requiring submission
of detailed site plans, greater compatibility between the proposed uses and adjacent
existing uses can be obtained.

2. District-Specific Standards
   a. Permitted Uses
      i. Residential and accessory uses and structures that conform to the
         Turnagain Arm Comprehensive [AREA] Plan.
      ii. Commercial structures under 4,000 square feet in gross building area in
          areas designated "Turnagain mixed use [COMMERCIAL]" in the
          Turnagain Arm Comprehensive [AREA] Plan.
      iii. Non-structural commercial uses occupying an area of 14,400 square feet
           or less in areas designated "Turnagain mixed use [COMMERCIAL]" in
           the Turnagain Arm Comprehensive [AREA] Area Plan.
      iv. Industrial uses and structures in areas designated "industrial" in the
          Turnagain Arm Comprehensive [AREA] Plan.
      v. Institutional uses and structures under 4,000 square feet in gross
          building area in areas designated "community facility" in the
          Turnagain Arm Comprehensive [AREA] Plan.
      vi. Traditional homestead uses and activities in areas designated "rural
          homestead" in the Turnagain Arm Comprehensive Plan.

   b. Conditional Uses
      Any use or structure that does not meet the requirements for a permitted use
      above, may be allowed through the issuance of a conditional use approval
      [PERMIT] subject to the requirements of section 21.03.080, Conditional Uses;
      and the following additional approval criteria:
      i. Conforms to the goals and policies of the Turnagain Arm Comprehensive
         [AREA] Plan;
      ii. Protects the unique scenic and environmental features of the area; and
      iii. Minimizes impacts to adjacent properties, particularly those adjacent
           properties in a different land use category.

   c. Number of Structures Allowed
      Only one principal structure is allowed per lot, unless a conditional use approval
      is obtained for additional principal structures.

H. TR: Transition District
   1. Purpose
      a. This district is intended to include suburban and rural areas that, because of
         location in relationship to other development, topography or soil conditions, are
         not developing and are not expected to develop in the immediate future along
         definitive land use lines. The permitted uses in these districts are intended to be
         as flexible as possible consistent with protection from noxious, injurious,
         hazardous or incompatible uses.
b. It is intended that interim development shall proceed in accordance with the applicable comprehensive development plan for the property being developed.

c. As development patterns start to emerge within these areas and the sophistication of their protection becomes more critical to the general public interest, it is anticipated that such lands within the TR districts will be proposed for more restrictive zoning classifications.

2. District-Specific Standards

a. Permitted Uses
All uses in the residential, public/institutional, commercial, and industrial use categories are permitted, except those uses specifically prohibited in subsection 2.e. below, and those permitted only by conditional use in subsection 2.d. below.

b. Sale of Alcohol
Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see subsection 21.05.020A.

c. Accessory Uses
Accessory uses and structures customarily incidental to any permitted principal use are permitted, as well as all antennas without tower structures, and type 1, 3, and 4, local interest towers that meet the conditions of subsections 21.05.040K.2.a. through 2.c. and 2.e. through 2.o.

d. Conditional Uses
The following uses require conditional use approval in the TR district: mobile home park; junkyard or salvage yard; natural resource extraction; cemetery; roominghouse; unlicensed nightclub; types 1, 2, 3, and 4 community interest towers; types 1, 2, 3, and 4 local interest towers that fail to meet the conditions of subsections 21.05.040K.2.a. through 2.c. and/or 2.e. through 2.o.

e. Prohibited Uses
The following uses are prohibited in the TR district: hospital/health care facility, nursing facilities, adult care facility, assisted living facility, production or storage of explosive materials, types 2 and 3 local interest towers as principal uses that meet the conditions of subsections 21.05.040K.2.a. through 2.c. and 2.e through 2.o., any use or structure which is likely to be incompatible with established permanent uses within the area to be affected by the proposed use or structure.

f. Dimensional Standards
Minimum lot size in the TR district is 7,000 square feet. Except as required in subsection 2.g. below, there are no setbacks, lot coverage maximums, or height limits in the TR district.

Abutting Residential

i. Land zoned TR lying contiguous to residentially-zoned land shall be permitted to be used only in accordance with provisions and standards less intense or equal to provisions and standards allowed under this Title for the least intensive land use zone within a 1,000-foot radius of the boundary of existing TR-zoned property for which a building permit or land use permit has been requested. Permitted uses must conform to the standards of this Title listed in order from lowest to highest intensity: W, R-10, R-9, R-8, R-6, R-5A, R-7, R-1A, R-1, R-2A, R-5, R-2F, R-2M, R-2D, R-3, R-4, R-4A, R-O, B-1A, NMU, CMU, RMU, B-3, PLI, I-1, I-2, T.
ii. Property owners of residential-zoned land within 1,000 feet of a TR-zoned property shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing a TR zone land use determination notification.

h. Conformance With Comprehensive Plan

Notwithstanding any other provision of this Title, no building or land use permit shall be issued in the TR zone authorizing uses and structures that do not conform to the land use plan maps in the applicable comprehensive development plan for the area in which the property is located.

i. Appeals

i. The assembly shall hear and decide TR zone use determination appeals. Any TR zone landowner or any landowner of residential-zoned land within a 1,000-foot radius of the TR-zoned property may appeal a TR zone land use determination. Any written communication received by the municipal clerk is an appeal of the TR zone use determination if it objects to the TR zone use determination, contains a legal description of the property on behalf of which the appeal is made, is signed by the person making the appeal, and is made within 30 days of mailing of a TR zone land use determination notification. The effective date of any TR zone building or land use permit is automatically suspended upon the filing of an appeal until assembly action as provided in this section has been concluded.

ii. If an appeal is filed, any assembly approval of a TR zone use shall be as submitted or with special limitations or other modifications at least as restrictive, with reference to the standards listed in subsection 2.g. of this section, as those submitted in the proposed use. Assembly action approving a TR zone use shall be by an affirmative vote of eight assembly members if the TR zone land use determination is protested by the owners of at least one-third in the area, excluding rights-of-way, of:

(A) The land to which the use determination applies; or

(B) The land within 300 feet of the outer boundary of the land to which the use applies, excluding land owned by the municipality, except where the municipality joins the protest or the use was initiated by the state or the United States.

The assembly may disapprove the TR-zone use, or remand the determination to the Planning and Zoning Commission with instructions for its consideration.

I. WS: Watershed District

1. Purpose

The WS district is intended to preserve and protect the potable water reserves available to the municipality in the Chugach range. The major responsibility in the management of watershed areas is the control of factors that may contaminate or pollute the water. Agricultural, residential, commercial, industrial, or other urban land uses are incompatible with the concept of watershed conservation. All uses of land within the watershed district
permitted by table 21.05-2 shall be subject to the provisions of section 21.07.040, Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges.

### 21.04.070 OVERLAY ZONING DISTRICTS

#### A. General Purpose/Intent

As noted in subsection 21.04.010B., the overlay zoning districts of this section apply in combination with the underlying base zoning districts and impose regulations and standards for specific areas in addition to what is required by the base districts. The requirements of an overlay district shall apply whenever they are in conflict with those in the base district. The following overlay districts are established:

1. Airport height overlay district; and
2. Flood hazard overlay district.

#### B. Creation, Alteration, or Elimination of Overlay Districts

The creation, alteration, or elimination of an overlay district is a rezoning and is governed by the provisions of section 21.03.160H., Rezonings to Create, Alter, or Eliminate Overlay Districts.

#### C. AHO: Airport Height Overlay District

1. **Purpose**
   
The purpose of the airport height overlay district is to regulate the height of buildings and structures to prevent interference between land uses and air traffic. It is intended to be in accordance with the Federal Aviation Regulations (FAR).

2. **Specific Airport Height Maps Adopted**
   
The following airport height zone maps are adopted and thus the referenced areas are located within the airport height overlay district:
   
a. The airport height zoning map prepared for the Birchwood Airport in the municipality (most recently adopted version).

b. The airport height zoning map prepared for the Girdwood Airport in the municipality (most recently adopted version).

c. The airport height zoning map prepared for the Ted Stevens Anchorage International Airport in the municipality (most recently adopted version).

d. The Airport Height Zoning Map prepared for the Merrill Field Airport in the municipality (most recently adopted version).

3. **Establishment or Modification**
   
In addition to the standard submittals required to initiate an overlay map amendment pursuant to section 21.03.160H., establishment of an airport height overlay district also shall require preparation of an airport height map as set forth in this section:

a. The owner or manager of any airport may prepare an airport height map in accordance with the provisions of this subsection and the stipulations of FAR part 77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25. The owner or manager of a governmentally operated airport shall prepare and maintain an airport height map in accordance with FAR part 77, subpart C, paragraph 77.25. The map shall be filed with the department.
   
i. Existing subdivisions.
ii. Current zoning districts.

iii. Major reference points in the vicinity of the airstrip or airport.

iv. Existing topography, if available.

v. The airport elevation that shall be the official elevation of the airport or airstrip upon approval of the map.

c. The map required by paragraph a. above, shall accurately depict airspace zones as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical increments. Before submission to the Department the map shall be certified by the Federal Aviation Administration that it depicts the requirements of FAR part 77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in any way from the requirements of the FAR, each such deviation shall be indicated in writing on the map and shall be accompanied by a letter of nonobjection by the Federal Aviation Administration. Any such deviation is subject to approval of the department.

d. Before submission to the department any optional map depicting airspace zones provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation Administration indicating that it accurately depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3).

4. Additional Height Limitations in Airport Height Overlay District

Notwithstanding the height limitations in section 21.06.020, Dimensional Standards Tables, and in section 21.09.060B, Dimensional Standards Tables (Girdwood), all development within the airport height overlay district shall comply with the following height limitations:

a. No structure shall be constructed or maintained so that it exceeds the greater of:

i. Thirty-five feet above ground elevation; or

ii. The maximum height permitted under FAR part 77, subpart C, as depicted on any airport height zone map adopted under section 21.04.080.C., Airport Height Overlay District.

b. Any structure within three nautical miles of an airport reference point established by federal regulation, the height of which exceeds the level of that reference point by more than 200 feet, shall present to the building official the results of an airspace determination conducted by the Federal Aviation Administration pursuant to its regulations.

c. The height restrictions of this district do not apply to buildings for which building or land use permits were issued prior to June 17, 1986.

d. Vegetation shall not be affected by the height limitation of this section.

D. FHO: Flood Hazard Overlay District

1. Purpose and Intent

The purpose of the flood hazard overlay district is to promote the public health, safety, and general welfare, and to minimize loss due to flood. The provisions of this section are intended to be an addition to all other land use regulations and to:

a. Restrict or prohibit uses and structures that are dangerous to health, safety, or property in time of flood, or that cause increased flood heights or velocities;
b. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection or flood proofing at the time of initial construction;

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

d. Minimize prolonged business interruptions;

e. Minimize damages to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of flood hazard;

f. Help maintain a stable tax base by providing for the sound use and development of areas of flood hazard so as to minimize future flood blight areas;

g. Ensure that potential buyers are notified that property is in an area of flood hazard; and

h. Ensure that those who occupy the areas of flood hazard assume responsibility for their actions.

2. Notice

Property owners affected by changes to the boundaries of the flood hazard area or by changes in the base flood elevations shall be noticed by mail.

3. Interpretation of Section; Disclaimer of Liability

a. In the interpretation and application of this section, all provisions shall be:

i. Considered as minimum requirements;

ii. Liberally construed in favor of the governing body; and

iii. Deemed neither to limit nor repeal any other powers granted under state statutes.

b. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of flood hazard or uses permitted within such area will be free from flooding or flood damages. This section shall not create liability on the part of the municipality, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

4. Creation of Flood Hazard Overlay District; Official Flood Hazard Reports and Maps

a. Creation of District; Adoption of Reports and Maps

There is hereby created a flood hazard overlay district. This district shall be defined in its territorial extent by the following reports and maps:

i. Flood insurance study for the municipality of Anchorage, prepared by the Federal Insurance Administration, Federal Emergency Management Agency (FEMA).

ii. Flood insurance rate map (FIRM) prepared by the Federal Insurance Administration, FEMA, including the current digital flood insurance rate map (DFIRM) prepared by the Federal Insurance Administration.
iii. Flood boundary and floodway map, prepared by the Federal Insurance Administration, FEMA, including the current digital flood boundary and floodway map prepared by the Federal Insurance Administration.

iv. Flood hazard boundary map (FHBM), prepared by the Federal Insurance Administration, FEMA, including the current digital flood hazard boundary map (DFHBM) prepared by the Federal Insurance Administration.

The current editions of each of the maps and reports listed in this subsection are made a part of this section. Subsequent maps and reports prepared by the Federal Insurance Administration or the municipality delineating the flood hazard overlay district, floodway and floodplain areas within the municipality shall become part of this chapter upon publication. A copy of the reports and maps cited in this subsection shall be on file in the department. Definitions of terms appearing on the maps and reports appear in 41 CFR 19.09.1.

b. **Flood Hazard Areas**

Within the flood hazard overlay district, areas at a hazard for flooding include:

i. Areas within the limit of the boundary of the base flood;

ii. Areas within the highest extreme tide;

iii. Areas covered in flood hazard studies prepared for the public works [PROJECT MANAGEMENT AND ENGINEERING] department that supplement the information prepared by FEMA; and


c. **Review of Maps**

As necessitated by FEMA or the municipal engineer, the flood hazard district maps will be reviewed. The review may be conducted by the municipality, the U.S. corps of engineers, or the Federal Insurance Administration, and any new map panels or restudies affecting the boundaries of the flood hazard district, floodway, or floodway fringe area shall then be submitted to the Planning and Zoning Commission for a recommendation and assembly for final adoption as part of this chapter.

d. **Rules for Interpretation of Flood Hazard Area Boundaries**

The boundaries of the flood hazard areas established by this chapter shall be determined from the cited maps and reports. Where interpretation is needed as to the exact location of the boundaries, the public works [PROJECT MANAGEMENT AND ENGINEERING] department, upon advice from the U.S. corps of engineers or FEMA, shall make the necessary interpretation.

5. **Regulations Applicable to Flood Hazard Overlay District**

a. **Applicability**

The regulations within this section shall apply to all areas of the flood hazard overlay district.

b. **Prohibited Development**

i. Any encroachments, new construction, fill, obstructions, substantial improvements and other development or action within the regulatory floodway that would result in any increase in flood levels during the occurrence of a base flood are prohibited.

ii. Critical facilities shall not be located in the flood hazard area. For the purposes of this subsection only, critical facilities are defined as fire
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stations, police stations, hospitals, emergency shelters, schools, and emergency operations centers.

c. Standards for Issuance of Building or Land Use Permit
No building permits, encroachment permits, manufactured home permits, or other land use permits shall be issued for any development activity within the flood hazard overlay district unless the plans show that, in addition to compliance with all other ordinances, regulations and permit requirements, the development shall meet the following requirements:

i. Prior to final approval of a permit it must be demonstrated that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act amendments of 1972.

ii. It must be demonstrated that structures will be reasonably safe from flooding. If a proposed building site is in a floodplain, all new construction and improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage.

iii. The approval of a subdivision application or multi-unit development shall require proof that:

(A) The proposed construction is consistent with the need to minimize flood damage within the floodplain;

(B) All public utilities and facilities such as sewer, gas, electrical and water systems are to be located and constructed to minimize or eliminate flood damage;

(C) Adequate drainage, as required by the Design Criteria Manual (current approved edition), is provided to reduce exposure to flood hazards. The actions of one project shall not adversely impact the receiving waters and the rights of other property owners, as measured by increased flood peaks, flood stage, flood erosion, and sedimentation through storm waters or drainage systems; and

(D) Base flood elevation data has been provided for subdivision proposals and other proposed development that contains at least 50 lots or five acres, whichever is fewer.

iv. Construction within floodplains shall require that new and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems.

v. Construction within floodplains shall require that:

(A) New and replacement sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and

(B) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
d. **Storage of Materials or Equipment in the Floodplain**

The storage or processing of equipment or materials that are buoyant, flammable, explosive or injurious to safety, or which would cause a violation of state water quality standards upon contact with water, are prohibited in the floodplain.

6. **Regulations Applicable to Subdistricts**

   a. **Floodway Area**

   Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris and potential projectiles and have erosion potential, the following provisions apply:

   i. Permitted uses and structures are parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields, and related facilities.

   ii. Permitted accessory uses and structures are picnic tables, playground equipment, outdoor cooking facilities and like structures.

   iii. The following structures and activities are permitted only by flood hazard permit including certification by a registered professional engineer demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge or result in violation of the state water quality standards: excavation of sand, gravel and other natural resources, railroad and tramway tracks, streets, bridges, utility installations and pipelines, storage yards for equipment and materials, commercial farming, and land reclamation.

   iv. The following uses are prohibited: landfills, storage yards containing hazardous materials (as defined by the EPA), encroachments not otherwise excepted in this section, including fill, new construction, substantial improvements and other development.

   b. **Floodway Fringe Area**

   The regulations listed in this subsection are applicable to the floodway fringe area:

   i. Permitted uses and structures are parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields and related facilities.

   ii. Permitted accessory uses and structures are picnic tables, playground equipment, outdoor cooking facilities and like structures.

   iii. The following uses, structures and activities are permitted only by flood hazard permit: any use permitted by flood hazard permit as set forth in subsection a. of this section, and all other uses, structures and activities which are in accordance with all other land use regulations provided they are adequately flood proofed as set forth in subsection D.8. below, Flood Hazard Permit.

   iv. The following uses are prohibited: uses, structures and activities which are not permitted under subsections 6.b.i. through iii. of this section or which would cause violations of state water quality standards.

7. **Construction Requirements**

   a. **Generally**

   All new construction and substantial improvements in areas designated on the flood insurance rate map as zones A, A1-30, AE, and AH shall meet the following conditions:
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i. The lowest floor, including basement or crawl space, of residential structures shall be elevated to at least one foot above the base flood level. Within the structure, attendant utility and sanitary facilities shall be elevated to at least one foot above the base flood or completely flood proofed.

ii. The lowest floor, including basement, of nonresidential structures shall be elevated to at least one foot above the base flood level, unless the structure, with all utility and sanitary facilities, is designed so that below base flood level the structure is watertight with walls substantially impermeable to the passage of water and so that it is capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

iii. All fully enclosed areas below the lowest floor that are usable solely for parking, building access, or storage in an area other than a basement or crawlspace shall have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area according to FEMA specifications. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

iv. Where flood proofing is utilized a registered professional engineer or architect shall certify that the flood proofing methods are adequate.

v. For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, require that the repair, and on all property not within a manufactured home park or subdivision stands or lots are elevated on compacted fill or on pilings so that:

(A) The lowest floor of each manufactured home must be at least one foot above the base flood level.

(B) Adequate surface drainage and access for a hauler must be provided.

(C) For manufactured homes placed on pilings, pilings must be stable and no more than ten feet apart and reinforced if more than six feet above the ground level.

(D) Lots must be large enough to permit steps.

vi. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation, and be securely anchored to an adequately anchored foundation system.

vii. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include but are not limited to use of over-the-top or frame ties to ground anchors.
b. **Standards for Shallow Flood Areas (AO Zones)**

Shallow flooding areas appear on the flood insurance rate maps as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

i. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor, including basement or crawl space, elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the flood insurance rate map (at least two feet if no depth number is specified).

ii. New construction and substantial improvements of nonresidential structures within AO zones shall either:

   (A) Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the flood insurance rate map (at least two feet if no depth number is specified); or

   (B) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

iii. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

8. **Flood Hazard Permit**

   a. **Required**

   No person shall engage in development within the flood hazard overlay district unless a flood hazard permit is first issued, pursuant to section 21.03.090, *Flood Hazard Permits*.

   b. **Conditions**

   Special conditions may be attached as a condition to the issuance of a flood hazard permit. Conditions shall include any flood proofing measures deemed necessary by the issuing official to further the purposes of this chapter. Flood proofing measures may include requirements that:

   i. The finished surface of the first or main floor shall be at least one foot above the level of the regulatory flood protection elevation.

   ii. Structures or uses below the level of the regulatory flood shall be restricted to those not involving habitual human habitation, such as working space, living space, sleeping space, etc.

   iii. The anchorage shall be suitable to resist flotation and lateral movement.

   iv. For all construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by
allowing for the entry and exits of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided to FEMA specifications. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exits of floodwaters.

v. All areas below the level of the regulatory flood protection levels shall be coated with paint, membranes, or mortars substantially impermeable to the passage of water.

vi. Water supply and waste treatment systems must prevent infiltration of water.

vii. All interior drains must be connected to the sanitary sewer system.

9. **Nonconforming Uses**

A structure or the use of a structure or premises located within the flood hazard overlay district that was lawful before the original passage of applicable regulations, but that is not in conformity of the provisions of such regulations, may be continued subject to the following conditions:

a. No such use shall be expanded, changed, enlarged, or altered in any way which increases its nonconformity with respect to the provisions of this chapter.

b. If such use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to this chapter.

c. Uses or adjuncts thereof which are or have become nuisances shall not be entitled to continuance as nonconforming uses.

d. Any permitted alteration, addition, or repair to any nonconforming structure the cost of which equals or exceeds 50 percent of the fair market value of the structure which would result in substantially increasing the flood damage potential shall be adequately flood proofed in accordance with subsection 8.b.

10. **Duties of the Director of the Public Works [PROJECT MANAGEMENT AND ENGINEERING DEPARTMENT]**

a. The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall grant or deny development permit applications in accordance with the provisions of this chapter, except that the platting board is directed and authorized to consider this chapter in relation to any matter brought before that board.

b. The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall maintain all records required by the Federal Insurance Administration and shall file an annual report with the federal insurance administrator.

c. Additional duties and responsibilities of the director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department are as follows:

   i. **Permit Review**

   The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall:
(A) Review all flood hazard permits to determine that the permit requirements of this chapter have been satisfied.

(B) Review all flood hazard permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

(C) Review all flood hazard permits to determine if the proposed development is located in the floodway, and, if located in the floodway, ensure that the encroachment provisions of subsection 6.a. above are met.

ii. **Use of Other Base Flood Data**

When base flood elevation data have not been provided in accordance with subsection D.3. above, the director of the [public works] department shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer subsections D.6. through D.9. above.

iii. **Information to be Obtained and Maintained**

The director of the [public works] department shall:

(A) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

(B) For all new or substantially improved flood proofed structures:

1. Verify and record the actual elevation, in relation to mean sea level; and

2. Maintain the flood proofing certifications required in subsection 7.a.iv. above.

(C) Maintain for public inspection all records pertaining to the provisions of this section.

iv. **Duties Regarding Alteration of Watercourses**

The director of the [public works] department shall:

(A) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(B) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

v. **Interpretation of FIRM Boundaries**

The director of the [public works] department shall make interpretations, where needed, as to exact location of the boundaries of the areas of flood hazard, for example, where there appears to be a conflict between a mapped...
boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection D.11. below.

11. **Appeal Procedure**

Appeals alleging error by the director of the public works department charged with the enforcement or interpretation of this chapter may be taken to the zoning board of examiners and appeals in accordance with the provisions of section 21.03.050, Appeals.

12. **Standards and Conditions for Variances and Appeals**

a. In passing upon variances or appeals, the zoning board of examiners and appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section and:

i. The danger that materials may be swept onto other lands to the injury of others;

ii. The danger to life and property due to flooding or erosion damage;

iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iv. The importance of the services provided by the proposed facility to the community;

v. The necessity of the facility of a waterfront location, where applicable;

vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

vii. The compatibility of the proposed use with existing and anticipated development;

viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

ix. The safety of access to the property in time of flood for ordinary and emergency vehicles;

x. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

b. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsections 12.a.i. through xi. of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
c. The zoning board of examiners and appeals may attach such conditions to the granting of variances or appeals as it deems necessary to further the purposes of this chapter.

d. The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall maintain the records of all variance and appeal actions and report any variances to the Federal Insurance Administration upon request.

e. Conditions for variances are as follows:
   i. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the national register of historic places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
   ii. Variances shall not be issued within any designated floodway if any increase in flood levels during the basic flood discharge would result.
   iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
   iv. Variances shall only be issued upon:
      (A) A showing of good and sufficient cause;
      (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
      (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
   v. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.