

**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 goals, objectives and purposes of the Comprehensive plan and this Title

**2. Zoning Districts Established**

The following zoning districts are established.

- a. The NMU District will be either an overlay with B-1A and B-1B or a permitted use in this district; the RMU will be either an overlay in B-3 or a permitted use in this district.

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

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Other Districts <sup>1</sup>	A	Airport DELETE
	AF	Antenna Farm
	DR	Development Reserve
	PCD	Planned Community Development
	PLI	Public Lands and Institutions
	PR	Parks and Recreation
	TA	Turnagain Arm
	WS	Watershed
Overlay Zoning Districts	AHO	Airport Height Overlay
	FHO	Flood Hazard Overlay
Girdwood Districts	Girdwood Districts are set forth in chapter 21.09, <i>Girdwood</i> .	

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**3. 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, *Rezoning (Zoning Map Amendments)*.

**B. Relationship to Overlay Districts**

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

**21.04.020 RESIDENTIAL DISTRICTS**

**A. General Purpose/Intent**

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

1. Provide appropriately located areas for residential development that are consistent with the standards established by this code;
2. Designate areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;
3. Conserve residential lands for housing by limiting conversion of residential land to non-residential uses, and by encouraging residential development to occur at or near zoned densities.

<sup>1</sup> If the amendment to bring the T district forward is accepted, add T district to this table. See Amendment #17.

- 1           4.     Allow for a variety of housing types that meet the diverse economic and social  
2           needs of residents;
- 3           5.     Where appropriate, protect the scale and character and unique appeal of existing  
4           residential neighborhoods and of community areas generally;
- 5           6.     Protect residents from the harmful effects of excessive noise, excessive glare  
6           and light pollution, traffic congestion, and other significant adverse effects;
- 7           7.     Protect residential areas from commercial and industrial hazards such as fires,  
8           explosions, and toxic fumes and substances;
- 9           8.     Where appropriate, minimize the location of residences in high natural hazard  
10          areas, and mitigate the risk in those areas where development may be allowed;
- 11          9.     Allow for appropriate public and institutional services and facilities, such as  
12          schools, parks and recreation uses, religious assembly, utility substations, and  
13          telecommunications and transportation infrastructure, which are needed to  
14          accommodate the densities provided for in this code while maintaining the  
15          residential character of the district;
- 16          10.    Protect stream corridors, wetlands, and other important natural resources from  
17          the adverse impacts of residential development; and
- 18          11.    Designate areas for residential living that support neighborhood identity and  
19          economic vitality and thus give predictability to residential settings and  
20          encourage investments and enhancements.

21    **B.     R-1: Single-Family Residential District**

22          1.     **Purpose**

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

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

28          1.     **Purpose**

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

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

34          1.     **Purpose**

35                 The R-2A district is intended primarily for single- and two-family residential areas  
36                 with gross densities between five and seven dwelling units per acre. The  
37                 minimum lot size is larger than the R-2D district. These areas are intended to  
38                 have well-developed infrastructure, and municipal services are intended to be  
39                 provided.

40    **E.     R-2D: Two-Family Residential District**

41          1.     **Purpose**

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

1 F. **R-2M: Mixed Residential**

2 1. **Purpose**

3 The R-2M district is intended primarily for residential areas that allow for a variety  
4 of single-family, two-family, and multifamily dwellings, with gross densities  
5 between eight and 15 dwelling units per acre. The R-2M district provides  
6 residential neighborhoods with a greater diversity of housing by allowing a mix of  
7 both detached and a variety of attached dwelling types in close proximity to each  
8 other, rather than separated into different zoning districts. The R-2M district is to  
9 be located in established or redeveloping residential neighborhoods. The design  
10 of new development, such as building scale and setbacks, parking facility size  
11 and location, and yard landscaping, should be complementary to the existing  
12 neighborhood and mix of dwelling types.

13 G. **R-3: Multifamily Residential**

14 1. **Purpose**

15 The R-3 district is a multifamily residential district with gross densities between  
16 15 and 40 dwelling units per acre, provided, however, that housing allowed in the  
17 R-1, R-1a and R-2DA, R-2D are also a permitted use. It is intended primarily for  
18 multifamily and townhouse dwellings characterized by low-rise multistory  
19 buildings. It allows a higher percentage of lot coverage than the R-2M zone,  
20 while also maintaining the residential living environment with landscaping,  
21 private/common open spaces, and other amenities for residents. This district  
22 provides greater housing opportunities and efficient use of residential land near  
23 commercial, community activity centers, town centers, and areas well served by  
24 transit.

25 H. **R-4: Multifamily Residential**

26 1. **Purpose**

27 The R-4 district is a multifamily residential district that allows for a limited mix of  
28 commercial uses. It is intended primarily for multifamily dwellings characterized  
29 by multi story residential buildings. The maximum size of buildings and intensity  
30 of use is regulated by height limits and other site development standards. This  
31 district is intended to be applied in areas well served by transit and/or arterial  
32 streets, and by supportive commercial services near the major  
33 commercial/mixed-use and employment and to result in high density housing  
34 concentrations. Although commercial developments and mixed use  
35 developments are allowed within this district, the district is intended to be a  
36 primarily residential. Development is intended to be oriented to the sidewalk with  
37 windows, entrances, and walkways to provide pedestrian connections to nearby  
38 services commercial districts.

39 2. **District-Specific Standards**

40 a. ***Mixed Use Development Standards***

41 Mixed use developments in the R-4 district shall comply with the mixed-  
42 use district standards in subsection 21.04.050D.

43 b. ***Allowed Commercial Uses***

44 The commercial uses listed below are permitted, but shall only be  
45 developed in conjunction with multifamily or mixed use dwellings and are  
46 limited to the percentages of the gross floor area set out in subsection  
47 (C) below:

- 1 i. Fitness and recreational centers which need not be located on  
2 the ground floor in all circumstances;
- 3 ii. Restaurants with alcohol service limited to that permitted under a  
4 restaurant/eating place license as defined in Alaska statutes,  
5 Title 4. All other alcohol sales are prohibited;
- 6 iii. Convenience stores without alcohol sales;
- 7 iv. Grocery or food stores;
- 8 v. Coffee shops serving limited food items;
- 9 vi. Beauty and personal care salons
- 10 vii. Child care centers
- 11 d. Non-residential uses allowed in the R-4 district shall be mixed with  
12 residential according to the provisions that follow. (The uses "parks and  
13 open space," "community gardens," "utility substations,"  
14 "telecommunications towers", "parking lot, principal use," and "parking  
15 structure, principal use" are exempt from the mixed-use requirement.)
- 16 (A) If residential uses occupy at least 90 percent of the  
17 gross floor area depicted on a site plan, no review  
18 beyond that required by table 21.05-1 is required.
- 19 (B) An administrative site plan review is required for non-  
20 residential uses proposed to occupy greater than 10 and  
21 less than or equal to 20 percent of the gross floor area of  
22 the development as depicted on a site plan.
- 23 (C) A major site plan review is required for non-residential  
24 uses proposed to occupy greater than 20 and less than  
25 or equal to 49 percent of the gross floor area of the  
26 development as depicted on a site plan.
- 27 (D) Major site plan reviews shall meet the following criteria.  
28 This shall be in addition to the general site plan approval  
29 criteria (21.03.180E.) and conditional use approval  
30 criteria (21.03.080C.).
- 31 (1) The development shall result in a net increase in  
32 dwelling units over pre-development density, or  
33 shall be at least 20 dwelling units per acre,  
34 whichever is greater.
- 35 (2) Stipulations may be imposed relating to building  
36 design, traffic, privacy, floor area restrictions,  
37 restrictions against commercial above the  
38 ground floor, and other conditions necessary to  
39 maintain a residential character and  
40 compatibility with adjacent residential districts.
- 41 (E) The non-residential portion of the development shall not  
42 be given a certificate of zoning compliance or a  
43 conditional certificate of zoning compliance until all of the  
44 residential portion of the development is given a  
45 certificate of zoning compliance.



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

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

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

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

18 Three square feet of additional floor area is allowed per each  
19 square foot of ground-floor space which is to be occupied by a  
20 *pedestrian-active use* that meets the standards of  
21 21.07.060F.16.

22 **I. R-5: Low Density Residential District**

23 **1. Purpose**

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

27 **J. R-6: Low-Density Residential District**

28 **1. Purpose**

29 The R-6 district is intended primarily for single- and two-family large-lot  
30 residential areas, with gross densities of up to one dwelling unit per acre. The R-  
31 6 is designed to encourage low-density residential development. This district is  
32 intended to protect and enhance those physical and environmental features that  
33 add to the desirability of large-lot residential living. The availability of  
34 infrastructure and municipal services is varied.

35 **K. R-7: Single-Family Residential District**

36 **1. Purpose**

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

41 **L. R-8: Low-Density Residential District**

42 **1. Purpose**

43 The R-8 district is intended primarily for single- and two-family large-lot  
44 residential areas with gross densities less than one dwelling unit per four acres,  
45 where topographic or other natural conditions are such that higher-density  
46 development would be unfeasible. In addition to topography, some of the natural  
47 conditions which could exist to render land desirable for the densities proposed in

1 this zone are wind hazards, marginal soils, landslide susceptibility, potential for  
2 groundwater pollution, and groundwater availability.

3 **M. R-9: Low-Density Residential District**

4 **1. Purpose**

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

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

14 **1. Purpose**

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

- 20 a. Protect natural features such as ponds, streams, wetlands, and springs,  
21 and incorporate such features into the development of the site design;
- 22 b. Ensure the use of site design techniques that take into consideration  
23 topographic constraints and other physical features;
- 24 c. Avoid natural hazards including snow avalanche and mass wasting  
25 areas;
- 26 d. Retain the natural flow and storage capacity of any watercourse and  
27 wetland, to minimize the possibility of flooding or alteration of water  
28 boundaries;
- 29 e. Assure that soil and subsoil conditions are suitable for excavations, site  
30 preparation, and on-site waste water disposal;
- 31 f. Provide adequate site drainage to avoid erosion and to control the  
32 surface runoff in compliance with the federal clean water act;
- 33 g. Assure an adequate supply of potable water for the site development;  
34 and
- 35 h. Minimize the grading operations, including cut and fill, consistent with the  
36 retention of the natural character of the site.

37 **2. District-Specific Standards**

38 **b. Lot and Site Requirements**

39 Table 21.04-2 provides the lot and site requirements for the R-10 district.  
40 This table applies in addition to the dimensional standards stated in table  
41 21.06-1.

**TABLE 21.04-2:  
 LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT**

Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage of All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01--30.00	5.00	300	5	10
20.01--25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20

Average slope is calculated by the following formula:

$$S = \frac{I * L}{A} * 0.0023$$

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

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**b. Bedrock**

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

**21.04.030 COMMERCIAL DISTRICTS**

**A. General Purpose/Intent of Commercial Districts**

The commercial and office zoning districts established in this section generally are intended to:

1. Provide appropriately located areas that provide a full range of retail and service establishments and convenience and office serving the community, and protect such uses from the adverse effects of incompatible uses;
2. Provide adequate areas 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 into residential districts except for the residential mixed use districts;
4. Reduce vehicle miles traveled and promote alternative transportation choices through the concentration of commercial areas;

- 1 5. Promote the location of higher intensity commercial uses and traffic into those  
2 areas of the municipality that are best developed for traffic and access;
- 3 6. Strengthen the municipality's economic base and provide employment  
4 opportunities;
- 5 7. Provide for commercial land uses that meet the needs of and attract regional and  
6 statewide populations, in addition to local residents;
- 7 8. Allow and encourage residential development in conjunction with commercial  
8 development in order to provide more housing choices and more efficient use of  
9 land through the use of the mixed use overlay districts;
- 10 9. Constrain land use impacts of commercial development on adjacent residential  
11 districts;
- 12 10. Protect stream corridors, wetlands, and other important natural resources from  
13 the adverse impacts of commercial development; and
- 14 11. Provide sites for public and semi-public uses such as utilities and  
15 telecommunications infrastructure needed to complement commercial  
16 development.

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

18 **1. Purpose**

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

28 **2. District-Specific Standards**

29 **a. Ground-Floor**

30 At least 75% percent of the street-facing building elevation at the ground  
31 level shall be a non-residential use.

32 **b. Prohibitions**

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

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

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

40 **c. Gross Floor Area Limitations**

41 i. The gross floor area of each allowed non-residential use is  
42 limited to 5,000 square feet per use, without any review beyond  
43 that required by table 21.05-2.



1 a. The minimum contiguous area for a B-1B district shall be 40,000 square  
2 feet.

3 b. The maximum contiguous area for a B-1B district shall be 200,000  
4 square feet.

5 **4. Mixed-Use Development Standards**

6 Mixed use development in the B-1A and B-1B districts shall comply with the  
7 following standards

8 a. **Maximum Building Size.** The gross floor area of each mixed use building  
9 constructed after [effective date] in the shall be no greater than 45,000  
10 square feet, except that buildings which contain a grocery or food store  
11 of at least 45,000 square feet, may have a gross floor area of up to  
12 85,000 square feet. Buildings or structures existing before [effective  
13 date] shall not be enlarged to a gross floor area over these limits.

14 **D. B-3: General Business and Commercial District**

15 **1. Purpose**

16 The B-3 district is intended primarily for uses that provide all types of commercial  
17 goods and services to residents of the community in areas that are located on  
18 arterials and have adequate public services and facilities. They are subject to  
19 the public view and should provide an attractive appearance with landscaping,  
20 sufficient parking, and controlled traffic movement. Environmental impacts  
21 should be minimized. Abutting residential areas should be protected from  
22 potentially negative impacts associated with commercial activity. While B-3  
23 district areas shall continue to meet the need for auto-related and other auto-  
24 oriented uses, it is the municipality's intent that the B-3 district also shall provide  
25 for safe and convenient personal mobility in other forms. Planning and design  
26 shall accommodate pedestrians and bicyclists.

27 **2. District Location Requirements**

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

32 b. Future rezonings to B-3 shall take into consideration the desirability of B-  
33 3 being located on arterials and being served with adequate public  
34 services and facilities.

35 **3. Mixed-Use Development Standards**

36 **a. Applicability**

37 All mixed use development in the B-3 district shall comply with the  
38 appropriate development standards in chapter 21.07, and also the  
39 standards in this subsection 21.04.050G. When the standards of this  
40 subsection and sections 21.07.110 and 21.07.120 are in conflict, the  
41 standards of this subsection shall control.

42 **b. Purpose**

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

- 1           4.       **Reduced Parking Ratios**
- 2                   Mixed use developments in the B-3 district have reduced minimum parking  
3                   requirements as provided in section 21.07.090, *Off-Street Parking and Loading*.
- 4           5.       **Building Placement and Orientation**
- 5           a.       ***Purpose***
- 6                   Buildings should be built and oriented to the street, lining sidewalks and  
7                   public spaces with frequent shops, entrances, windows with interior  
8                   views, and articulated ground-level façades. Comfortable, human-scale  
9                   transition spaces such as entrance areas, patios, or café seating may be  
10                  placed between the building and public sidewalk, as long as the building  
11                  remains close, accessible, and inviting from the sidewalk. Building  
12                  entrances should be emphasized and clearly visible so that patrons can  
13                  easily find them.
- 14          b.       ***Building Placement and Street Setbacks***
- 15                  In order to be closer to the sidewalk and to have a stronger interface with  
16                  the street, buildings shall comply with the maximum setbacks established  
17                  in 21.06.020, *Tables of Dimensional Standards*.
- 18          c.       ***Building Entrances***
- 19                  i.       Buildings located at or within the maximum setback line shall  
20                  have at least one primary entrance located within 20 feet of  
21                  the maximum setback line.
- 22                  ii.       Buildings not located at the maximum setback line shall have  
23                  at least one primary entrance located within 20 feet of a  
24                  public right-of-way, a circulation aisle with adjoining  
25                  walkway, or a primary pedestrian walkway.
- 26          d.       ***Sidewalks and Walkways***
- 27                  Sidewalks and walkways extending along public streets, primary  
28                  circulation drives, or commercial building storefronts shall have an  
29                  unobstructed clear width of at least six feet.
- 30   E.       **RO: Residential Office District**
- 31          1.       **Purpose**
- 32                  The RO district is intended to provide areas for professional, business, and  
33                  medical service (outpatient) office uses, or areas with a compatible mix of office  
34                  and residential uses. The district provides for small- to medium-sized office  
35                  buildings, often in transition locations between residential areas and more  
36                  intense commercial uses and road traffic, or in commercial locations  
37                  inappropriate for auto-oriented retail uses or intense mixed-uses. The district  
38                  allows multifamily residential, group living, and visitor accommodations.
- 39          2.       **District-Specific Standards**
- 40          a.       ***Limitations on Retail Uses***
- 41                  Any uses allowed by table 21.05-2 and categorized by this code as  
42                  “entertainment and recreation,” “personal services, repair, and rental,” or  
43                  “food and beverage service” may be located in the RO district only within  
44                  a building that also contains office, health services, and/or residential  
45                  uses, except that “food and beverage kiosk” may be located in a stand-

1 alone building on those lots with frontage on a street of collector  
2 classification or higher. Such commercial uses shall be limited to 25  
3 percent of the gross floor area of the building. No outdoor storage or  
4 merchandise display is allowed.

5 **b. Limitations on Visitor Accommodations**

6 Any uses categorized by this code as "visitor accommodations" and  
7 allowed by table 21.05-2 shall comply with the multifamily residential  
8 design standards set forth in subsection 21.07.110C.

9 **3. District Location Requirements**

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

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

16 **b.** Where a new or enlarged RO district is adjacent to existing residentially  
17 zoned areas L3 landscaping shall be required on adjacent property lines.

18 **F. MC: Marine Commercial District**

19 **1. Purpose**

20 The MC district is intended primarily for commercial water-dependent and water-  
21 related uses. Water-related uses may be allowed as conditional uses. Emphasis  
22 is on development flexibility of water-dependent and water-related commercial  
23 uses and on public access to the waterfront and Ship Creek.

24 **2. District-Specific Standards**

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

28 **21.04.040 DOWNTOWN DISTRICTS**

29 **A. DT-1: Downtown Core**

30 **B. DT-2: Downtown Mixed-Use**

31 **C. DT-3: Downtown Mixed-Use Residential**

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

34 **21.04.050 INDUSTRIAL DISTRICTS**

35 **A. General Purpose/Intent**

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

37 **1.** Create suitable environments for various types of industrial and commercial  
38 uses;

39 **2.** Provide adequate space to meet the needs of future industrial development,  
40 including off-street parking and loading;

- 1           3.       Strengthen and diversify the municipality's economic base and provide  
2           employment opportunities;
- 3           4.       Minimize land use impacts of industrial and commercial development in these  
4           zones on abutting non-industrial and non-commercial districts; and
- 5           5.       Protect stream corridors, wetlands, and other important natural resources from  
6           the adverse impacts of industrial and commercial development.

7   **B.    I-1: Light Industrial District**

8           1.       **Purpose**

9           The I-1 district is intended primarily for public and private light manufacturing,  
10          processing, fabrication service, storage facilities, wholesale, and distribution  
11          operations, utility installations as well as commercial uses that are permitted in  
12          the B-3 district including, but not limited to offices, business/industrial parks, large  
13          and small retail and wholesale sales, nurseries, commercial and industrial  
14          services, laboratories, motor vehicle display and storage lots, lumberyards, motor  
15          freight terminals, warehouses, storage facilities.

16   **C.    I-2: Heavy Industrial District**

- 17          1.       **Purpose** The I-2 district is intended primarily as an industrial activity area and  
18          reserve for public and private heavy manufacturing, warehousing and  
19          distribution, equipment and materials storage, vehicle and equipment repair,  
20          major freight terminals, waste and salvage, resource extraction and processing,  
21          and other related uses. However, any legal business, commercial or industrial  
22          land use is permitted other than residential uses all of which are prohibited.

23   **D.    MI: Marine Industrial District**

24          1.       **Purpose**

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

28          2.       **District-Specific Standards**

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

32   **21.04.060   OTHER DISTRICTS**

33   **A.    Airport District**

34          [RESERVED]

35   **B.    AF: Antenna Farm District**

36          1.       **Purpose**

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

40          2.       **District-Specific Standards**

41          The Planning and Zoning Commission and the assembly shall consider the  
42          following factors when deciding on a request to rezone to the AF district:

- 43               a.       Compatibility with surrounding land uses;

- 1                   b.       Potential adverse impacts on environmentally sensitive areas and wildlife
- 2                   corridors;
- 3                   c.       Visual impacts on views, particularly with regard to ridgelines;
- 4                   d.       Availability of alternative sites and alternative towers (collocation); and
- 5                   e.       Potential noise impacts on neighboring uses.

6   **C.     DR: Development Reserve District**

7       **1.     Purpose**

8                   The DR district may be applied to lands intended for future development,

9                   undesigned municipally owned lands, and municipal and state tidelands and

10                  waters, and military lands.

11   **D.     PCD: Planned Community Development District**

12       **1.     Purpose**

13                  The planned community development district (PCD) is intended to accommodate

14                  large-scale acreage for residential, commercial, industrial, or other land use

15                  developments and activities, including combinations of uses. It allows for

16                  flexibility under controlled conditions not possible with the other defined districts.

17                  The flexibility permitted must demonstrate that the final development will be

18                  compatible with the intents and purposes of this Title and the goals and policies

19                  of the comprehensive plan, and do not compromise public health, safety, and

20                  welfare. A PCD should include design features to ensure that the PCD is

21                  integrated with the surrounding neighborhood through features such as transition

22                  densities, external boundary buffering, and pedestrian and street connectivity,

23                  where the Planning and Zoning Commission makes the specific finding that

24                  street connectivity is necessary to support traffic projections or necessary for

25                  emergency responders. The PCD district is limited to unified, comprehensive

26                  planned developments which are of substantial public benefit, consistent with the

27                  holding capacity of the land, and conform with and enhance the policies of the

28                  comprehensive plan.

29       **2.     Application**

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

31       **3.     Record-Keeping**

32                  The regulatory zoning provisions for each PCD district shall be kept on file in the

33                  department.

34   **E.     PLI: Public Lands and Institutions District**

35       **1.     Purpose**

36                  The PLI district is intended to include major public and quasi-public civic,

37                  administrative, and institutional uses and activities.

38   **F.     PR: Parks and Recreation District**

39       **1.     Purpose**

40                  The PR district is intended to include municipal lands dedicated by the assembly

41                  as parks in accordance with AMC 25.10.080.

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

5     **G.     TA: Turnagain Arm District**

6           1.     **Purpose**

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

18          2.     **District-Specific Standards**

19           a.     **Permitted Uses**

20                i.     Residential and accessory uses and structures that conform to  
21                the *Turnagain Arm Comprehensive Plan*.

22                ii.    Commercial structures under 4,000 square feet in gross building  
23                area in areas designated "Turnagain mixed use" in the *Turnagain*  
24                *Arm Comprehensive Plan*.

25                iii.   Non-structural commercial uses occupying an area of 14,400  
26                square feet or less in areas designated "Turnagain mixed use" in  
27                the *Turnagain Comprehensive Area Plan*.

28                iv.   Industrial uses and structures in areas designated "industrial" in  
29                the *Turnagain Arm Comprehensive Plan*.

30                v.     Institutional uses and structures under 4,000 square feet in gross  
31                building area in areas designated "community facility" in the  
32                *Turnagain Arm Comprehensive Plan*.

33                vi.    Traditional homestead uses and activities in areas designated  
34                "rural homestead" in the *Turnagain Arm Comprehensive Plan*.

35                vii.   Only one principal structure is allowed per lot, unless a  
36                conditional use approval is obtained for additional principal  
37                structures.

38           b.     **Conditional Uses**

39                Any use or structure that does not meet the requirements for a permitted  
40                use above, may be allowed through the issuance of a conditional use  
41                approval subject to the requirements of section 21.03.080, *Conditional*  
42                *Uses*, and the following additional approval criteria:

43                i.     Conforms to the goals and policies of the *Turnagain Arm*  
44                *Comprehensive Plan*;

- 1                                   ii.     Protects the unique scenic and environmental features of the  
2   area; and
- 3                                   iii.     Minimizes impacts to adjacent properties, particularly those  
4   adjacent properties in a different land use category.

5   **H.     WS: Watershed District**

6       **1.     Purpose**

7                             The WS district is intended to preserve and protect the potable water reserves  
8                             available to the municipality in the Chugach range. The major responsibility in  
9                             the management of watershed areas is the control of factors that may  
10                            contaminate or pollute the water. Agricultural, residential, commercial, industrial,  
11                            or other urban land uses are incompatible with the concept of watershed  
12                            conservation. All uses of land within the watershed district permitted by table  
13                            21.05-2 shall be subject to the provisions of section 21.07.040, *Drainage, Storm*  
14                            *Water Treatment, Erosion Control, and Prohibited Discharges.*

15   **21.04.070    OVERLAY ZONING DISTRICTS**

16   **A.     General Purpose/Intent**

17                             As noted in subsection 21.04.010B., the overlay zoning districts of this section apply in  
18                             combination with the underlying base zoning districts and impose regulations and  
19                             standards for specific areas in addition to what is required by the base districts. The  
20                             requirements of an overlay district shall apply whenever they are in conflict with those in  
21                             the base district. The following overlay districts are established: REDUNDANT  
22                             (21.04.010B)

- 23       1.     Airport height overlay district; and
- 24       2.     Flood hazard overlay district.

25   **B.     Creation, Alteration, or Elimination of Overlay Districts**

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

29   **C.     AHO: Airport Height Overlay District**

30       **2.     Purpose**

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

34       **3.     Specific Airport Height Maps Adopted**

35                             The following airport height zone maps are adopted and thus the referenced  
36                             areas are located within the airport height overlay district:

- 37                            a.     The airport height zoning map prepared for the Birchwood Airport in the  
38   municipality (most recently adopted version).
- 39                            b.     The airport height zoning map prepared for the Girdwood Airport in the  
40   municipality (most recently adopted version).
- 41                            c.     The airport height zoning map prepared for the Ted Stevens Anchorage  
42   International Airport in the municipality (most recently adopted version).

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

3 **4. Establishment or Modification**

4 In addition to the standard submittals required to initiate an overlay map  
5 amendment pursuant to section 21.03.160H., establishment of an airport height  
6 overlay district also shall require preparation of an airport height map as set forth  
7 in this section:

8 a. The owner or manager of any airport may prepare an airport height map  
9 in accordance with the provisions of this subsection and the stipulations  
10 of FAR part 77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25.  
11 The owner or manager of a governmentally operated airport shall  
12 prepare and maintain an airport height map in accordance with FAR part  
13 77, subpart C, paragraph 77.25. The map shall be filed with the  
14 department.

15 b. The map shall be to scale and shall accurately reference the following:

16 i. Existing subdivisions.

17 ii. Current zoning districts.

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

19 iv. Existing topography, if available.

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

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

32 d. Before submission to the department any optional map depicting  
33 airspace zones provided in FAR part 77, subpart C, paragraph  
34 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation  
35 Administration indicating that it accurately depicts the requirements of  
36 FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3).

37 **5. Additional Height Limitations in Airport Height Overlay District**

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

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

44 i. Thirty-five feet above ground elevation; or



- 1 i. Considered as minimum requirements;  
2 ii. Liberally construed in favor of the governing body; and  
3 iii. Deemed neither to limit nor repeal any other powers granted  
4 under state statutes.
- 5 b. The degree of flood protection required by this section is considered  
6 reasonable for regulatory purposes and is based on scientific and  
7 engineering considerations. Larger floods can and will occur on rare  
8 occasions. Flood heights may be increased by manmade or natural  
9 causes. This section does not imply that land outside the areas of flood  
10 hazard or uses permitted within such area will be free from flooding or  
11 flood damages. This section shall not create liability on the part of the  
12 municipality, any officer or employee thereof, or the Federal Insurance  
13 Administration for any flood damages that result from reliance on this  
14 section or any administrative decision lawfully made thereunder.

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

17 **a. Creation of District; Adoption of Reports and Maps**

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

- 20 i. Flood insurance study for the municipality of Anchorage,  
21 prepared by the Federal Insurance Administration, Federal  
22 Emergency Management Agency (FEMA).
- 23 ii. Flood insurance rate map (FIRM) prepared by the Federal  
24 Insurance Administration, FEMA, including the current digital  
25 flood insurance rate map (DFIRM) prepared by the Federal  
26 Insurance Administration.
- 27 iii. Flood boundary and floodway map, prepared by the Federal  
28 Insurance Administration, FEMA, including the current digital  
29 flood boundary and floodway map prepared by the Federal  
30 Insurance Administration.
- 31 iv. Flood hazard boundary map (FHBM), prepared by the  
32 Federal Insurance Administration, FEMA, including the current  
33 digital flood hazard boundary map (DFHBM) prepared by the  
34 Federal Insurance Administration.

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

43 **b. Flood Hazard Areas**

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

- 1 i. Areas within the limit of the boundary of the base flood;
- 2 ii. Areas within the highest extreme tide;
- 3 iii. Areas covered in flood hazard studies prepared for the  
4 public works department that supplement the information  
5 prepared by FEMA; and
- 6 iv. The stream setback area defined in subsection  
7 21.07.020B.4.

8 c. ***Review of Maps***

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

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

17 The boundaries of the flood hazard areas established by this chapter  
18 shall be determined from the cited maps and reports. Where  
19 interpretation is needed as to the exact location of the boundaries, the  
20 public works department, upon advice from the U.S. corps of engineers  
21 or FEMA, shall make the necessary interpretation.

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

23 a. ***Applicability***

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

26 b. ***Prohibited Development***

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

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

35 c. ***Standards for Issuance of Building or Land Use Permit***

36 No building permits, encroachment permits, manufactured home permits,  
37 or other land use permits shall be issued for any development activity  
38 within the flood hazard overlay district unless the plans show that, in  
39 addition to compliance with all other ordinances, regulations and permit  
40 requirements, the development shall meet the following requirements:

41 i. Prior to final approval of a permit it must be demonstrated  
42 that all necessary permits have been received from those  
43 governmental agencies from which approval is required by

- 1 federal or state law, including section 404 of the Federal Water  
2 Pollution Control Act amendments of 1972.
- 3 ii. It must be demonstrated that structures will be reasonably  
4 safe from flooding. If a proposed building site is in a floodplain,  
5 all new construction and improvements shall be designed and  
6 adequately anchored to prevent flotation, collapse or lateral  
7 movement of the structure, be constructed with materials and  
8 utility equipment resistant to flood damage, and be constructed  
9 by methods and practices that minimize flood damage.
- 10 iii. The approval of a subdivision application or multi-unit  
11 development shall require proof that:
- 12 (A) The proposed construction is consistent with the need to  
13 minimize flood damage within the floodplain;
- 14 (B) All public utilities and facilities such as sewer, gas,  
15 electrical and water systems are to be located and  
16 constructed to minimize or eliminate flood damage;
- 17 (C) Adequate drainage, as required by the *Design Criteria*  
18 *Manual* (current approved edition), is provided to reduce  
19 exposure to flood hazards. The actions of one project  
20 shall not adversely impact the receiving waters and the  
21 rights of other property owners, as measured by  
22 increased flood peaks, flood stage, flood erosion, and  
23 sedimentation through storm waters or drainage  
24 systems; and
- 25 (D) Base flood elevation data has been provided for  
26 subdivision proposals and other proposed development  
27 that contains at least 50 lots or five acres, whichever is  
28 fewer.
- 29 iv. Construction within floodplains shall require that new and  
30 replacement water supply systems be designed to minimize or  
31 eliminate infiltration of floodwaters into the systems.
- 32 v. Construction within floodplains shall require that:
- 33 (A) New and replacement sewage systems shall be  
34 designed to minimize or eliminate infiltration of  
35 floodwaters into the systems and discharges from the  
36 systems into floodwaters; and
- 37 (A) On-site waste disposal systems to be located to avoid  
38 impairment to them or contamination from them during  
39 flooding.
- 40 d. ***Storage of Materials or Equipment in the Floodplain***
- 41 The storage or processing of equipment or materials that are buoyant,  
42 flammable, explosive or injurious to safety, or which would cause a  
43 violation of state water quality standards upon contact with water, are  
44 prohibited in the floodplain.

1           **6. Regulations Applicable to Subdistricts**

2           **a. Floodway Area**

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

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

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

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

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

27          **b. Floodway Fringe Area**

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

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

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

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

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

1           7.       **Construction Requirements**

2                   a.       *Generally*

3                               All new construction and substantial improvements in areas designated  
4                               on the flood insurance rate map as zones A, A1-30, AE, and AH shall  
5                               meet the following conditions:

6                               i.           The lowest floor, including basement or crawl space, of  
7                               residential structures shall be elevated to at least one foot above  
8                               the base flood level. Within the structure, attendant utility and  
9                               sanitary facilities shall be elevated to at least one foot above the  
10                              base flood or completely floodproofed.

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

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

27                             iv.        Where floodproofing is utilized a registered professional  
28                             engineer or architect shall certify that the floodproofing methods  
29                             are adequate.

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

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

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

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

- 1 (D) Lots must be large enough to permit steps.
- 2 vi. All manufactured homes to be placed or substantially  
3 improved shall be elevated on a permanent foundation such that  
4 the lowest floor of the manufactured home is at least one foot  
5 above the base flood elevation, and be securely anchored to an  
6 adequately anchored foundation system.
- 7 vii. All manufactured homes must likewise be anchored to  
8 prevent flotation, collapse or lateral movement, and shall be  
9 installed using methods and practices that minimize flood  
10 damage. Anchoring methods may include but are not limited to  
11 use of over-the-top or frame ties to ground anchors.
- 12 b. **Standards for Shallow Flood Areas (AO Zones)**
- 13 Shallow flooding areas appear on the flood insurance rate maps as AO  
14 zones with depth designations. The base flood depths in these zones  
15 range from one to three feet where a clearly defined channel does not  
16 exist, or where the path of flooding is unpredictable and where velocity  
17 flow may be evident. Such flooding is usually characterized as sheet  
18 flow. In these areas, the following provisions apply:
- 19 i. New construction and substantial improvements of  
20 residential structures within AO zones shall have the lowest floor,  
21 including basement or crawl space, elevated above the highest  
22 adjacent grade of the building site, to at least one foot above the  
23 depth number specified on the flood insurance rate map (at least  
24 two feet if no depth number is specified).
- 25 ii. New construction and substantial improvements of  
26 nonresidential structures within AO zones shall either:
- 27 (A) Have the lowest floor, including basement, elevated  
28 above the highest adjacent grade of the building site, to  
29 at least one foot above the depth number specified on  
30 the flood insurance rate map (at least two feet if no  
31 depth number is specified); or
- 32 (B) Together with attendant utility and sanitary facilities, be  
33 completely floodproofed to or above that level so that  
34 any space below that level is watertight with walls  
35 substantially impermeable to the passage of water and  
36 with structural components having the capability of  
37 resisting hydrostatic and hydrodynamic loads and effects  
38 of buoyancy. If this method is used, compliance shall be  
39 certified by a registered professional engineer or  
40 architect.
- 41 iii. Adequate drainage paths are required around structures on  
42 slopes to guide floodwaters around and away from proposed  
43 structures.
- 44 8. **Flood Hazard Permit**
- 45 a. **Required**

1 No person shall engage in development within the flood hazard overlay  
2 district unless a flood hazard permit is first issued, pursuant to section  
3 21.03.090, *Flood Hazard Permits*.

4 **b. Conditions**

5 Special conditions may be attached as a condition to the issuance of a  
6 flood hazard permit. Conditions shall include any floodproofing  
7 measures deemed necessary by the issuing official to further the  
8 purposes of this chapter. Floodproofing measures may include  
9 requirements that:

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

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

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

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

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

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

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

40 **9. Nonconforming Uses**

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

- 1 a. No such use shall be expanded, changed, enlarged, or altered in any  
2 way which increases its nonconformity with respect to the provisions of  
3 this chapter.
- 4 b. If such use is discontinued for 12 consecutive months, any future use of  
5 the structure or premises shall conform to this chapter.
- 6 c. Uses or adjuncts thereof which are or have become nuisances shall not  
7 be entitled to continuance as nonconforming uses.
- 8 d. Any permitted alteration, addition, or repair to any nonconforming  
9 structure the cost of which equals or exceeds 50 percent of the fair  
10 market value of the structure which would result in substantially  
11 increasing the flood damage potential shall be adequately floodproofed  
12 in accordance with subsection 8.b.

13 **10. Duties of the Director of the Public Works**

- 14 a. The director of the public works] department shall grant or deny  
15 development permit applications in accordance with the provisions of this  
16 chapter, except that the platting board is directed and authorized to  
17 consider this chapter in relation to any matter brought before that board.
- 18 b. The director of the public works department shall maintain all records  
19 required by the Federal Insurance Administration and shall file an annual  
20 report with the federal insurance administrator.
- 21 c. Additional duties and responsibilities of the director of the public works  
22 department are as follows:
- 23 i. **Permit Review**
- 24 The director of the public works department shall:
- 25 (A) Review all flood hazard permits to determine that the  
26 permit requirements of this chapter have been satisfied.
- 27 (B) Review all flood hazard permits to determine that all  
28 necessary permits have been obtained from those  
29 federal, state, or local governmental agencies from  
30 which prior approval is required.
- 31 (C) Review all flood hazard permits to determine if the  
32 proposed development is located in the floodway, and, if  
33 located in the floodway, ensure that the encroachment  
34 provisions of subsection 6.a. above are met.
- 35 ii. **Use of Other Base Flood Data**
- 36 When base flood elevation data have not been provided in  
37 accordance with subsection D.3. above, the director of the public  
38 works department shall obtain, review and reasonably utilize any  
39 base flood elevation data available from a federal, state or other  
40 source in order to administer subsections D.6. through D.9.  
41 above.
- 42 iii. **Information to be Obtained and Maintained**

- 1 The director of the public works department shall:
- 2 (A) Obtain and record the actual elevation, in relation to  
3 mean sea level, of the lowest habitable floor, including  
4 basement, of all new or substantially improved  
5 structures, and whether or not the structure contains a  
6 basement.
- 7 (B) For all new or substantially improved floodproofed  
8 structures:
- 9 (1) Verify and record the actual elevation, in relation  
10 to mean sea level; and
- 11 (2) Maintain the floodproofing certifications required  
12 in subsection 7.a.iv. above.
- 13 (C) Maintain for public inspection all records pertaining to  
14 the provisions of this section.

15 **iv. Duties Regarding Alteration of Watercourses**

- 16 The director of the public works department shall:
- 17 (A) Notify adjacent communities and the state coordinating  
18 agency prior to any alteration or relocation of a  
19 watercourse and submit evidence of such notification to  
20 the Federal Insurance Administration.
- 21 (B) Require that maintenance is provided within the altered  
22 or relocated portion of the watercourse so that the flood-  
23 carrying capacity is not diminished.

24 **v. Interpretation of FIRM Boundaries**

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

32 **11. Appeal Procedure**

33 Appeals alleging error by the director of the public works department charged  
34 with the enforcement or interpretation of this chapter may be taken to the zoning  
35 board of examiners and appeals in accordance with the provisions of section  
36 21.03.050, *Appeals*.

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

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

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

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- 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 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.

