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# CHAPTER 21.04: ZONING DISTRICTS

## 21.04.010 GENERAL PROVISIONS

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

### A. Districts Established; Zoning Map

#### 1. Purpose

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

#### 2. Zoning Districts Established

The following zoning districts are established:

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

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
	MT-2	Midtown General
Industrial Districts	I-1	Light Industrial
	I-2	Heavy Industrial
	MI	Marine Industrial
Other Districts <sup>8</sup>	A[D]	Airport
	AF	Antenna Farm
	DR	Development Reserve
	PCD	Planned Community Development
	PLI	Public Lands and Institutions
	PR	Parks and Recreation
	TA	Turnagain Arm
	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> .	

### 3. Zoning Map

The zoning [USE] districts are shown on the official zoning map (see section 21.01.050). Procedures for amending the zoning map are in section 21.03.160, *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 comprehensive plan and with standards of public health and safety established by this code;
2. Designate areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;

<sup>8</sup> If the amendment to bring the T district forward is accepted, add T district to this table. See Amendment #17.

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. 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 appropriate public and institutional services and facilities, such as schools, parks and recreation uses, religious assembly, utility substations, and telecommunications and transportation infrastructure, which are needed to accommodate densities recommended in the comprehensive plan, while maintaining the residential character of the district;
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**

**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.
- c. Buildings with three or four dwelling units shall also 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*].
- d. No more than 40 percent of the land area between any street facing building elevation and the street lot line may be paved or used for vehicle driveway or parking.

**G. R-2M: Mixed Residential District 2**

**1. Purpose**

The R-2M district is intended primarily for residential areas that allow for a variety of single-family, two-family, and multifamily dwellings, with gross densities between 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 districts. The R-2M district is to be located in established or redeveloping residential neighborhoods. The design of new development, such as building scale and setbacks, parking facility size and location, and yard landscaping, should be complementary to the existing neighborhood and mix of dwelling types.



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.<sup>9</sup>
- 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.

H. **R-3: Multifamily Residential District 1**

1. **Purpose**

The R-3 district is a multifamily residential district with gross densities between 15 and 40 dwelling units per acre. 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.

I. **R-4: Multifamily Residential District 2**

1. **Purpose**

The R-4 district is a multifamily residential district with gross densities intended to be greater than 35 dwelling units per acre. It is intended primarily for multifamily dwellings characterized by two to six story residential 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. This district is intended to be applied in areas well served by transit and/or arterial streets, and by supportive commercial services near the major commercial/mixed-use and employment centers in downtown and midtown, and to result in high density housing concentrations. Although small amounts of commercial development are allowed within a residential development, the district is intended to protect and retain a primarily residential character. 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.

- i. Fitness and recreational sports center;
- ii. Restaurant;
- iii. Convenience store;
- iv. Grocery or food store.

b. ***Alcohol Sales Prohibited***

<sup>9</sup> If the site condo proposal is adopted (see amendment #65), this should be deleted. Also change in table in chapter 5.

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.

**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]:

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

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

iii. The height increase shall adhere to the height transitions provisions of subsection 21.06.030D.8[7].; and

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

**J. R-4A: Multifamily Residential Mixed-Use District**

**1. Purpose**

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

**2. District-Specific Standards**

**a. Mixed-Use Development Standards**

Development in the R-4A district shall comply with the mixed-use 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.

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

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

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

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

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

iv. All commercial uses shall be conducted entirely within a completely enclosed building except for parking and loading facilities and outdoor

restaurant seating. Outdoor storage of goods accessory to a commercial use is prohibited.

c. **Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts<sup>10</sup>**

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. **Open Space Bonus**

One square foot of additional floor area is allowed per square foot of additional open space area. This space shall be in addition to any open space required by section 21.07.030.

ii. **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.

iii. **Affordable Housing Bonus**

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**

Five square feet of additional floor area is allowed per linear foot of primary pedestrian walkway.

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[.];

iv. The height increase shall adhere to the height transitions of subsection 21.06.030D.8[7].;

<sup>10</sup> See Amendment #10.

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.

**K. 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.

**L. 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.

**M. 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.

**N. 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.

**O. 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.

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

**1. Purpose**

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

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

**2. District-Specific Standards**

**a. Lot and Site Requirements**

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

TABLE 21.04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage of All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01--30.00	5.00	300	5	10
20.01--25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20
Average slope is calculated by the following formula:  $S = \frac{I * L}{A} * 0.0023$ Where; S = Average slope of lot or tract in percent I = Contour interval (20 feet or less) L = Sum of length of all contours on lot or tract in feet A = Area of the lot or tract in acres				

b. **Bedrock**

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

**21.04.030 COMMERCIAL DISTRICTS**

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

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

1. Provide appropriately located areas consistent with the comprehensive plan that provide a full range of retail and service establishments and convenience and office uses needed by the municipality, and protect such uses from the adverse effects of incompatible uses;
2. Provide adequate area to meet the needs of future commercial development;
3. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage further geographic expansion of commercial areas not designated in the comprehensive plan;
4. Minimize vehicle miles traveled and promote alternative transportation choices through the concentration of commercial areas as designated in the comprehensive plan;
5. Promote the location of higher intensity commercial uses and traffic into those areas of the municipality that are best developed for traffic and access;
6. Strengthen the municipality's economic base and provide employment opportunities;
7. Provide for commercial land uses that meet the needs of and attract regional and statewide populations, in addition to local residents;
8. Allow and encourage residential development in conjunction with commercial development in order to provide more housing choices and more efficient use of land;
9. Minimize land use impacts of commercial development on adjacent residential districts;
10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of commercial development; and
11. Provide sites for public and semi-public uses such as utilities and telecommunications infrastructure needed to complement commercial development.

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

**1. Purpose**

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

orientation, promote pedestrian access, reduce vehicle trips, and limit adverse impacts on the surrounding area. Upper story residential uses are also allowed.

**2. District-Specific Standards**

**a. Ground-Floor**

At least 80 percent of the street-facing building elevation at the ground level shall be a non-residential use occupying a space at least 25 feet deep from the street façade of the building.

**b. 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.

**c. 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 c.i. and c.ii., the maximum gross floor area of grocery or food stores is 20,000 square feet without any review beyond that required by table 21.05-2, provided that the overall site has a floor area ratio of at least 0.35.

**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 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-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<sup>11</sup>**

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

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

**D. RO: Residential Office District**

**1. Purpose**

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

**2. District-Specific Standards<sup>12</sup>**

**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.]

**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.

<sup>11</sup> See Amendment #11.

<sup>12</sup> See Amendment #12.

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

**2. District-Specific Standards**

**a. *Mixed-Use Development Standards***

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

**b. *Maximum Building Size***

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

**3. District Location Requirements**

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

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

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

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

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 commercial retail segments of linear transit-supportive development corridors, in addition to nodal centers.

**2. Relationship to Town Centers**

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

**3. District-Specific Standards**

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

**4. District Location Requirements**

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

- a. The subject property shall be in an area designated by the comprehensive plan as a community activity center, town center, or transit-supportive development corridor that has a commercial or mixed-use designation on the comprehensive plan map.
- b. The CMU district shall not be expanded along street corridors or into adjacent residentially or industrially zoned areas unless consistent with the comprehensive plan.

**D. RMU: Regional Mixed-Use District**

**1. Purpose**

The RMU district is intended primarily for regional-scale commercial activity centers that may have long-term potential to develop at greater intensities or as mixed-use urban environments. The area is typically defined by conglomerations of medium-to-large scale commercial uses, located near intersections of major arterial streets and/or freeways, serving a metropolitan region-scale trade area. The market area is larger and less oriented to one certain part of town than in the CMU district. Shopping malls and/or large retail establishments typically anchor the center. Supporting uses include low-medium rise offices, hotels, transit hubs, entertainment, and residential uses that provide potential for the area to grow into a more physically integrated and mixed-use center. The RMU district is appropriate for regional commercial centers such as the Dimond Center area, and permits land-intensive and/or auto-oriented uses such as automobile dealerships that may not be appropriate for more compact mixed-use zones.

**2. Relationship to Town Centers**

Town center overlay districts may be applied in combination with the [CMU]/RMU district, pursuant to section 21.04.080. A town center overlay would establish development

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

**3. District-Specific Standards**

Development in the RMU district shall comply with section 21.04.050G., *Mixed-Use District Development Standards*.

**4. District Location Requirement**

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

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

**E. MT-1: Midtown District Core**

[RESERVED]

**F. MT-2: Midtown District General**

[RESERVED]

**G. Mixed-Use District Development Standards**

**1. Applicability**

All development in the NMU, CMU, RMU, MT-1, and MT-2 districts shall comply with the appropriate development standards in chapter 21.07, and also the standards in this subsection 21.04.050G. All development in the R-4A district shall comply with the standards in the subsection 21.04.050G., with the exception of subsection G.2. When the standards of this subsection and sections 21.07.110[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<sup>13</sup>**

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 21.06.030E[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:

**i. 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.

<sup>13</sup> See Amendment #13.

ii. **Open Space Bonus**

One square foot of additional floor area is allowed per square foot of additional open space. This space shall be in addition to any open space required by section 21.07.030.

iii. **Below Grade Parking Bonus**

Two square feet of additional floor area is allowed per gross square foot of below grade parking floor area, up to a maximum increase of 0.5 FAR.

iv. **Affordable Housing Bonus**

Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.110L [100H.], *Standards for Affordable Housing*.

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

Five square feet of additional floor area is allowed per linear foot of primary pedestrian walkway.

3. **Reduced Parking Ratios**

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

4. **Building Placement and Orientation**

a. **Purpose**

Buildings [FRONTAGES] should be built and oriented to the street, lining sidewalks and public spaces with frequent shops, entrances, windows with interior views, and articulated ground-level façades. Comfortable, human-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 [DRIVE], or a primary pedestrian walkway.

5. **Sidewalks and Walkways<sup>14</sup>**

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.

<sup>14</sup> See Amendment #14.

**21.04.060 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<sup>15</sup>**

**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 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. 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.

<sup>15</sup> See Amendment #15.



**21.04.070 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 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 Comprehensive [AREA] Area Plan*.

iv. Industrial uses and structures in areas designated "industrial" in the *Turnagain Arm Comprehensive [AREA] Plan*.

v. Institutional uses and structures under 4,000 square feet in gross building area **in areas designated "community facility" in [THAT CONFORM TO] the Turnagain Arm Comprehensive [AREA] Plan.**

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

**b. Conditional Uses**

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

- i. Conforms to the goals and policies of the *Turnagain Arm Comprehensive [AREA] Plan*;
- ii. Protects the unique scenic and environmental features of the area; and
- iii. Minimizes impacts to adjacent properties, particularly those adjacent properties in a different land use category.

<sup>16</sup>

<sup>17</sup>

**H. 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*.

**21.04.080 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., *Rezoning 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).

<sup>16</sup> See Amendment #16.

<sup>17</sup> See Amendment #17.

**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.
- b. The map shall be to scale and shall accurately reference the following:
  - i. Existing subdivisions.
  - ii. Current zoning districts.
  - iii. Major reference points in the vicinity of the airstrip or airport.
  - iv. Existing topography, if available.
  - v. The airport elevation that shall be the official elevation of the airport or airstrip upon approval of the map.
- c. The map required by paragraph a. above, shall accurately depict airspace zones as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical increments. Before submission to the Department the map shall be certified by the Federal Aviation Administration that it depicts the requirements of FAR part 77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in any way from the requirements of the FAR, each such deviation shall be indicated in writing on the map and shall be accompanied by a letter of nonobjection by the Federal Aviation Administration. Any such deviation is subject to approval of the department.
- d. Before submission to the department any optional map depicting airspace zones provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation Administration indicating that it accurately depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3).

4. **Additional Height Limitations in Airport Height Overlay District**

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

- a. No structure shall be constructed or maintained so that it exceeds the greater of:
  - i. Thirty-five feet above ground elevation; or
  - ii. The maximum height permitted under FAR part 77, subpart C, as depicted on any airport height zone map adopted under section 21.04.080.C., *Airport Height Overlay District*.
- b. Any structure within three nautical miles of an airport reference point established by federal regulation, the height of which exceeds the level of that reference point by more than 200 feet, shall present to the building official the results of an 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
- iv. The stream setback area defined in subsection 21.07.020B.4.

c. **Review of Maps**

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

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

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

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

a. **Applicability**

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

b. **Prohibited Development**

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

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

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

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

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

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

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

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

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

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

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

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 floodproofed as set forth in subsection D.8. below, *Flood Hazard Permit*.
- iv. The following uses are prohibited: uses, structures and activities which are not permitted under subsections 6.b.i. through iii. of this section or which would cause violations of state water quality standards.

**7. Construction Requirements**

**a. Generally**

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

- i. The lowest floor, including basement or crawl space, of residential structures shall be elevated to at least one foot above the base flood level. Within the structure, attendant utility and sanitary facilities shall be elevated to at least one foot above the base flood or completely floodproofed.
- ii. The lowest floor, including basement, of nonresidential structures shall be elevated to at least one foot above the base flood level, unless the structure, with all utility and sanitary facilities, is designed so that below



base flood level the structure is watertight with walls substantially impermeable to the passage of water and so that it is capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

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

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

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

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

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

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

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

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

b. ***Standards for Shallow Flood Areas (AO Zones)***

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

is usually characterized as sheet flow. In these areas, the following provisions apply:

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

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

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

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

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

**8. Flood Hazard Permit**

**a. Required**

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

**b. Conditions**

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

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

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

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

iv. For all construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exits of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum

criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided to FEMA specifications. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exits of floodwaters.

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

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

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

**9. Nonconforming Uses**

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

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

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

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

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

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

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

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

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

**i. Permit Review**

The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall:

- (A) Review all flood hazard permits to determine that the permit requirements of this chapter have been satisfied.
- (B) Review all flood hazard permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- (C) Review all flood hazard permits to determine if the proposed development is located in the floodway, and, if located in the floodway, ensure that the encroachment provisions of subsection 6.a. above are met.

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

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

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

The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall:

- (A) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.
- (B) For all new or substantially improved floodproofed structures:
- (1) Verify and record the actual elevation, in relation to mean sea level; and
- (2) Maintain the floodproofing certifications required in subsection 7.a.iv. above.
- (C) Maintain for public inspection all records pertaining to the provisions of this section.

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

The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall:

- (A) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
- (B) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

v. ***Interpretation of FIRM Boundaries***

The director of the public works [PROJECT MANAGEMENT AND ENGINEERING] department shall make interpretations, where needed,

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

**11. Appeal Procedure**

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

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

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

- i. The danger that materials may be swept onto other lands to the injury of others;
- ii. The danger to life and property due to flooding or erosion damage;
- iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iv. The importance of the services provided by the proposed facility to the community;
- v. The necessity of the facility of a waterfront location, where applicable;
- vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- vii. The compatibility of the proposed use with existing and anticipated development;
- viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 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.

## CHAPTER 21.05: USE REGULATIONS

### 21.05.010 TABLES OF ALLOWED USES

Tables 21.05-1 and 21.05-2 below list the uses allowed within all base zoning districts. Each of the listed uses is defined in sections 21.05.030 through 21.05.060.

#### A. Explanation of Table Abbreviations

The abbreviations in the tables indicate the type of review process required for a use within a zoning district. District-specific standards in chapter 21.04, use-specific standards in chapter 21.05, or design and development standards in chapter 21.07 may require a higher level of review than indicated in the tables under specific circumstances. For example, many commercial uses are allowed by right ("P" for permitted use) in various zoning districts as indicated in the tables, but are required to be approved by major site plan review if the gross floor area of the use is over the size threshold for a large commercial establishment. That threshold and requirement for a higher level of review are found in subsection 21.07.130A[120].

##### 1. Permitted Uses

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

##### 2. Administrative Site Plan Review

"S" in a cell indicates that the use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.180[190]B., *Administrative Site Plan Review*. The site plan review process is intended to determine compliance with the development standards of this title, not to review the appropriateness of the use itself.

##### 3. Major Site Plan Review

"M" in a cell indicates that the use requires major site plan review in the respective zoning district, in accordance with the procedures of section 21.03.180[190]C., *Major Site Plan Review*. The site plan review process is intended to determine compliance with the development standards of this title, not to review the appropriateness of the use itself.

##### 4. Conditional Uses

"C" in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*. Throughout this title, the term "conditionally allowed" means that approval through the conditional use process is required.

##### 5. Multiple Abbreviations

Where table 21.05-1 or table 21.05-2 indicates more than one abbreviation for a particular use, such as "P/M" or "S/M," then the applicable review procedure is determined by size, geographic location, or other characteristic of the use as specified in this code.

##### 6. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

##### 7. Definitions and Use-Specific Standards

Each use listed in tables 21.05-1 and 21.05-2 is defined in this chapter. Regardless of whether a use is allowed by right, subject to major or administrative site plan review, or

permitted as a conditional use, there may be additional standards that are applicable to the use. The [EXISTENCE OF THESE USE-SPECIFIC STANDARDS IS NOTED THROUGH A] cross-reference in the last column of the table identifies the code location of the definition and any use-specific standards. Any [THESE] standards apply in all districts unless otherwise specified.

**B. Table Organization**

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

**C. Unlisted Uses**

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

**D. Use for Other Purposes Prohibited**

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



E. Table of Allowed Uses – Residential Districts

<b>TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS</b> This table shows only those uses allowed in the residential districts. All other uses not shown are prohibited. P = Permitted Use      S = Administrative Site Plan Review C = Conditional Use      M = Major Site Plan Review																	
Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R-2F	R-2-M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
<b>RESIDENTIAL USES</b>																	
Household Living	Dwelling, mixed-use								P	P							21.05.030A.1.
	Dwelling, multifamily					S	P / S <sup>18</sup>	P	P	P							21.05.030A.2.
	Dwelling, single-family attached			P	P	P	P										21.05.030A.3.
	Dwelling, single-family detached	P	P	P	P	P	P				P	P	P	P	P	P	21.05.030A.4.
	Dwelling, townhouse					S	S	S	S	S							21.05.030A.5.
	Dwelling, two-family			P	P	P	P	P			P	P	P	P	P		21.05.030A.6.
	Dwelling, mobile home										P						21.05.030A.7.
	Manufactured home community					C	C	C	C		C						21.05.030A.8.
Group Living	Assisted living facility (3-8 residents)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.030B.1.
	Assisted living facility (9 or more residents)	C	C	C	C	P	P	P	P	P	P	C	C				21.05.030B.1.
	Habilitative care facility	C	C	C	C	C	C	C	C	C	C	C	C				21.05.030B.3.
	Roominghouse					C	C	P	P	P	C	C	C	C	C		21.05.030B.4.
	Transitional living facility							P	P	P							21.05.030B.5.
<b>PUBLIC / INSTITUTIONAL USES</b>																	
Adult Care	Adult care (3 to 8 persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040A.
	Adult care (9 or more persons)	C	C	C	C	C	C	C	C	C	C						21.05.040A.
Child Care	Child care center (9 or more children)	C	C	C	C	C	S	S	S	S	S	S	S	S	S	S	21.05.040B.1.

<sup>18</sup> See footnote 9 for possible amendment.

**TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS**

This table shows only those uses allowed in the residential districts. All other uses not shown are prohibited.

P = Permitted Use

S = Administrative Site Plan Review

C = Conditional Use

M = Major Site Plan Review

Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R-2F	R2-M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
	Child care home (up to 8 children)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040B.2.
Community Service	Community center							S	S	S							21.05.040C.2.
	Neighborhood recreation center	S	S	S	S	S	S	S	S	S	S	S	S	S	S		21.05.040C.6.
	Religious assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040C.7.
Cultural Facility	Library	P	P	P	P	P	P	P	P	P	P						21.05.040D.3.
Educational Facility	Boarding school							M	M	M							21.05.040E.1.
	College or university									M							21.05.040E.2.
	Elementary or middle school	M	M	M	M	M	M	M	M	M	M	M	M				21.05.040E.3.
	High school	M	M	M	M	M	M	M	M	M	M	M	M				21.05.040E.4.
	Instructional services	C	C	C	C	C	C	C	C	P	C	C	C	C	C		21.05.040E.5.
Health Care Facility	Health services									P							21.05.040F.1.
	Nursing facility							C	C								21.05.040F.3.
Parks and Open Area	Community garden					P	P	P	P	P							21.05.040G.1.
	Park and open space, public or private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040G.2.
Public Safety Facility	Community or police substation					P	P	P	P	P							21.05.040H.1.
Transportation Facility	Airstrip, private	C	C	C	C	C	C				C	C	C				21.05.040I.2.
Utility Facility	Utility substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040J.2.
Telecommunication Facilities	Type 1 tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040K.
	Type 2 tower																21.05.040K.
	Type 3 tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	21.05.040K.
	Type 4 tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040K.
<b>COMMERCIAL USES</b>																	
Agricultural Uses	Commercial horticulture	C	C	C	C	C	C				C	C	C	C	C		21.05.050A.1.

**TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL DISTRICTS**

This table shows only those uses allowed in the residential districts. All other uses not shown are prohibited.

P = Permitted Use      S = Administrative Site Plan Review  
C = Conditional Use      M = Major Site Plan Review

Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R-2F	R2-M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
Animal Sales, Service & Care	Kennel, commercial													C	C		21.05.050B.2.
	Large domestic animal facility, principal use										C	C	C	C	C		21.05.050B.3.
	Retail and pet services									P							21.05.050B.4.
	Veterinary clinic									P		C	C	C	C		21.05.050B.5.
Assembly	Club / lodge / meeting hall							C	S	S							21.05.050C.2. 21.05.020A.
Entertainment and Recreation	Fitness and recreational sports center								S	P							21.05.050D.3.
	General outdoor recreation, commercial															C	21.05.050D.4.
	Skiing facility, alpine															C	21.05.050D.10.
Food and Beverage Service	Restaurant								S	P							21.05.050E.3. 21.05.020A.
Office	Financial institution									P							21.05.050F.2.
	Office, business or professional									P							21.05.050F.3
Personal Services	General personal services									P							21.05.050G.3.
Retail Sales	Convenience store							C	S	P							21.05.050H.3.
	General retail									P							21.05.050H.6.
	Grocery or food store								S	S							21.05.050H.7. 21.05.020A
Vehicles and Equipment	Parking lot, principal use							C	C	C	C						21.05.050I.4.
	Parking structure, principal use							C	C	C	C						21.05.050I.5.
Visitor Accommodations	Camper park							C	C								21.05.050J.1.
	Extended-stay lodgings								C	S							21.05.050J.2.
	Hostel					C	C	S	S	S							21.05.050J.3.
	Hotel/motel								C	S							21.05.050J.4.

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Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R-2F	R2-M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
	Inn									S							21.05.050J.5. 21.05.020A.
	Recreational and vacation camp											C		C	C	C	21.05.050J.6.
<b>INDUSTRIAL USES</b>																	
Manufacturing and Production	Natural resource extraction, organic and inorganic	C	C	C	C	C	C	C			C	C	C	C	C		21.05.060B.5.
Waste and Salvage	Land reclamation	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S / C	S/ C	21.05.060E.4.
	Snow disposal site	C	C	C	C	C	C	C			C	C	C				20.05.060E.6.

F. Table of Allowed Uses – Commercial, Industrial, Mixed-Use, and Other Districts

**TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**  
P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review  
For uses allowed in the A and TA districts, see section 21.04.050.  
This table shows only those uses allowed in the non-residential districts. All other uses not shown are prohibited.

		COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER						
Use Category	Use Type	B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	Definitions and Use-Specific Standards	
RESIDENTIAL USES																							
Household Living	Dwelling, mixed-use	P	P				P	C	P	P	P											21.05.030A.1.	
	Dwelling, multifamily		P				P		P	P	P											21.05.030A.2.	
	Dwelling, single-family detached																	P				21.05.030A.4.	
	Dwelling, townhouse		19				19		S	S	S												21.05.030A.5.
Group Living	Assisted living facility (3-8 residents)						P		P	P	P												21.05.030B.1.
	Assisted living facility (9 or more residents)		P				P		P	P	P									20			21.05.030B.1.
	Correctional community residential center		C							C	C			C							C		21.05.030B.2.
	Habilitative care facility		C				C														C		21.05.030B.3.
	Roominghouse	P	P				P		S	S	S												21.05.030B.4.
	Transitional living facility		P																		C		21.05.030B.5.

<sup>19</sup> See Amendment #19.

<sup>20</sup> See Amendment #20.

**TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**

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		COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER					
Use Category	Use Type	B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	Definitions and Use-Specific Standards
PUBLIC / INSTITUTIONAL USES																						
Adult Care	Adult care facility	P	P				P		P	P	P									P		21.05.040A.
Child Care	Child care center	P	P				P		P	P	P									P		21.05.040B.1.
	Child care home	P	P				P		P	P	P											21.05.040B.2.
Community Service	Cemetery or mausoleum																			P		21.05.040C.1.
	Community center		S				S		S	S	S								C	S		21.05.040C.2.
	Crematorium		P											P	P					C		21.05.040C.3.
	Government administration and civic buildings	P/ S/ M	P/ S/ M				P/ S/ M	C	P/ S/ M	P/ S/ M	P/ S/ M					C			M	P/ S/ M		21.05.040C.4
	Homeless and transient shelter																			C		21.05.040C.5.
	Neighborhood recreation center	S							S	S										S		21.05.040C.6.
	Religious assembly	P	P				P		P	P	P									P		21.05.040C.7.
Cultural Facility	Aquarium							M			M					M			M	M		21.05.040D.1.
	Botanical gardens																		S	S		21.05.040D.2.

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This table shows only those uses allowed in the non-residential districts. All other uses not shown are prohibited.

Use Category	Use Type	COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER					Definitions and Use-Specific Standards
		B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
	Library	[S/ ]M	[S/ ]M				[S/ ]M		[S/ ]M	[S/ ]M	[S/ ]M									[S/ ]M		21.05.040D.3.
	Museum or cultural center							[S/ ]M		[S/ ]M	[S/ ]M								[S/ ]M	[S/ ]M		21.05.040D.4.
	Zoo																		C	C		21.05.040D.5.
Educational Facility	Boarding school		P							M	M									M		21.05.040E.1.
	College or university		M					M		M	M									M		21.05.040E.2.
	Elementary school		M				M		M	M	M									M		21.05.040E.3.
	High school or middle school		M				M			M	M									M		21.05.040E.4.
	Instructional services		P				P		P	P	P			20						C		21.05.040E.5.
	Vocational or trade school		C					C		C	C			P	P	C				M		21.05.040E.6.
Health Care Facility	Health services	P	P				P		S	S	S									C		21.05.040F.1.
	Hospital/Health care facility		P				P		S	S	S									C		21.05.040F.2.
	Nursing facility		P				C			S	S									20		21.05.040F.3.
Parks and Open Area	Community garden																		P	P		21.05.040G.1.
	Park and open space, public or private	S	S				S	S	S	S	S			S	S	S	S	S	S	S	S	21.05.040G.2.

**TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**

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This table shows only those uses allowed in the non-residential districts. All other uses not shown are prohibited.

Use Category	Use Type	COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER					Definitions and Use-Specific Standards
		B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
Public Safety Facility	Community or police substation	P	P				P	P	P	P	P									P		21.05.040H.1.
	Correctional institution																			C		21.05.040H.2.
	Fire station	M	M				M	M	M	M	M			M	M	M				M		21.05.040H.3.
	Public safety facility		C											P						C		21.05.040H.4.
Transportation Facility	Airport																			C		21.05.040I.1.
	Airstrip, private																			C		21.05.040I.2.
	Heliport		21											21	21					C		21.05.040I.3.
	Rail yard													P	P	P						21.05.040I.4.
	Railroad freight terminal							P						P	P	P						21.05.040I.5.
	Railroad passenger terminal									M	M									M		21.05.040I.6.
	Transit center		S						S	S	S									S		21.05.040I.7.
Utility Facility	Utility facility													C	P	P				C	C	21.05.040J.1.
	Utility substation	S	S				S	S	S	S	S			P	P	P	S	S		S	S	21.05.040J.2.
Telecommunication Facilities	Type 1 tower	P	P				P	P	P	P	P			P	P	P	P	P	S	S	P	21.05.040K.



**TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**  
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Use Category	Use Type	COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER					Definitions and Use-Specific Standards
		B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
	Type 2 tower	C	P				C	P	P	P	P			P	P	P	S	C	S	S	S	21.05.040K.
	Type 3 tower	P	P				P	P	P	P	P			P	P	P	P	P	S	S	P	21.05.040K.
	Type 4 tower	P	P				P	P	P	P	P			P	P	P	P	P	P	P	P	21.05.040K.
<b>COMMERCIAL USES</b>																						
Agricultural Uses	Commercial horticulture		P							P	P			P	P					C		21.05.050A.1.
Animal Sales, Service & Care <sup>9</sup>	Animal shelter <sup>9</sup>		S											P	P					[S/M]		21.05.050B.1.
	Kennel, commercial <sup>9</sup>		P						P	C	C			P	P							21.05.050B.2.
	Large domestic animal facility, principal use <sup>9</sup>		C											P	C				C	C		21.05.050B.3.
	Retail and pet services <sup>9</sup>	P	P						P	P	P			C								21.05.050B.4.
	Veterinary clinic <sup>9</sup>	P	P				P		P	P	P			P								21.05.050B.5.
Assembly	Civic / convention center																			C		21.05.050C.1. 21.05.020A.
	Club / lodge / meeting hall		P				P			P	P			P						S		21.05.050C.2. 21.05.020A.
Entertainment and recreation <sup>9</sup>	Amusement establishment <sup>9</sup>		P							P	P			P <sup>20</sup>						C <sup>20</sup>		21.05.050D.1. 21.05.020A.

**TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**

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Use Category	Use Type	COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER					Definitions and Use-Specific Standards
		B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
Entertainment and recreation cont. <sup>9</sup>	Entertainment facility, major <sup>9</sup>		C								C			C					C	C		21.05.050D.2. 21.05.020A.
	Fitness and recreational sports center <sup>9</sup>	P	P				P		P	P	P			19						S <sup>2</sup> <sub>0</sub>		21.05.050D.3.
	General outdoor recreation, commercial <sup>9</sup>		P								S			P					M	C		21.05.050D.4.
	Golf course <sup>9</sup>																		C	C		21.05.050D.5.
	Motorized sports facility <sup>9</sup>													C					C	C		21.05.050D.6. 21.05.020A.
	Movie theater <sup>9</sup>		M							S	S											21.05.050D.7. 21.05.020A.
	Nightclub <sup>9</sup>		P							P	P			P								21.05.050D.8. 21.05.020A.
	Shooting range, outdoor <sup>9</sup>																		C	C		21.05.050D.9.
	Skiing facility, alpine <sup>9</sup>																		C	C		21.05.050D.10.
	Theater company or dinner theater <sup>9</sup>		C							S	S											21.05.050D.11. 21.05.020A.
Food and Beverage Service <sup>9</sup>	Bar <sup>9</sup>		P					P	P	P	P			P						P <sup>2</sup> <sub>0</sub>		21.05.050E.1. 21.05.020A.
	Food and beverage kiosk <sup>9</sup>	P	P				P	P		S	S			P	P	P			P	P <sup>2</sup> <sub>0</sub>		21.05.050E.2. 21.05.020A.
	Restaurant <sup>9</sup>	P	P				P	P	P	P	P			P					P	P <sup>2</sup> <sub>0</sub>		21.05.050E.3. 21.05.020A.

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Office	Broadcasting facility		P				C			C	P			P						P		21.05.050F.1.
	Financial institution	P	P				P		P	P	P											21.05.050F.2.
	Office, business or professional	P	P				P	P	P	P	P			P						P		21.05.050F.3.
Personal Services, Repair, and Rental	Business service establishment		P				P		P	P	P			P								21.05.050G.1.
	Funeral services		P				P			S	S											21.05.050G.2.
	General personal services	P	P				P		P	P	P											21.05.050G.3.
	Small equipment rental		P					P		P	P			P								21.05.050G.4.
Retail Sales <sup>9</sup>	Auction house <sup>9</sup>		P											P	P							21.05.050H.1.
	Building materials store <sup>9</sup>		P								M			P	C							21.05.050H.2.
	Convenience store <sup>9</sup>	P	P						P	P	P											21.05.050H.3. 21.05.020A.
	Farmers market <sup>9</sup>		P							P	P									P		21.05.050H.4.
	Fueling station <sup>9</sup>	C	P					C	C	S	S			P	P	P						21.05.050H.5. 21.05.020A.
	General retail <sup>9</sup>	P	P					P	P	P	P											21.05.050H.6.
	Grocery or food store <sup>9</sup>	P	P						S	S	S											21.05.050H.7. 21.05.020A.

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Use Category	Use Type	COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER					Definitions and Use-Specific Standards
		B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
	Liquor store <sup>9</sup>	P	P						P	P	P											21.05.050H.8. 21.05.020A.
	Pawnshop <sup>9</sup>		P							P	P											21.05.050H.9.
Vehicles and Equipment	Aircraft and marine vessel sales		P					P						P	P	P						21.05.050I.1.
	Parking lot or structure (50+ spaces)	C	P				C	C		M	M			P	P					C		21.05.050I.2. or I.3.
	Parking lot or structure (less than 50 spaces)	C	P				C	C	19	S	S			P	P					P		21.05.050I.2. or I.3.
	Vehicle parts and supplies		P							P	P			P								21.05.050I.4.
	Vehicle-large, sales and rental		P								S			P								21.05.050I.5.
	Vehicle-small, sales and rental		P					C			S			P								21.05.050I.6.
	Vehicle service and repair, major		P											P	P							21.05.050I.7.
	Vehicle service and repair, minor	C	P						C	S	P			P	P							21.05.050I.8.
Visitor Accommodations	Camper park		C																	C		21.05.050J.1.
	Extended-stay lodgings		P				S			P	P											21.05.050J.2.
	Hostel		P				S			P	P											21.05.050J.3.

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This table shows only those uses allowed in the non-residential districts. All other uses not shown are prohibited.

Use Category	Use Type	COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER					Definitions and Use-Specific Standards
		B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
	Hotel/motel		P				M			S	S											21.05.050J.4. 21.05.020A.
	Inn		P				S		P	P	P											21.05.050J.5. 21.05.020A.
	Recreational and vacation camp		P																	C		21.05.050J.6.
<b>INDUSTRIAL USES</b>																						
Industrial Service	Data processing facility		P				P				P			P	C					P		21.05.060A.1.
	Dry cleaning establishment		P							P	P			P	P							21.05.060A.2.
	General industrial service													P	P							21.05.060A.3.
	Governmental Service													P	P					C		21.05.060A.4.
	Heavy equipment sales and rental													P	P							21.05.060A.5.
	Research laboratory		P					P			C			P	P	P				S		21.05.060A.6.
Manufacturing and Production	Commercial Food Production		C								C			P	P					P		21.05.060B.1.
	Cottage crafts	P	P						P	P	P			P								21.05.060B.2.
	Manufacturing, heavy													C	P	C						21.05.060B.3.
	Manufacturing, light							C						P	P	C						21.05.060B.4.

**TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**

P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review

For uses allowed in the A and TA districts, see section 21.04.050.

This table shows only those uses allowed in the non-residential districts. All other uses not shown are prohibited.

Use Category	Use Type	COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER					Definitions and Use-Specific Standards
		B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
	Natural resource extraction, organic and inorganic	C	C				C	C	C	C	C			C	C	C	C	C	C	C		21.05.060B.5.
	Natural resource extraction, placer mining														C					C	C	21.05.060B.6.
Marine Facility	Aquaculture							C							C	P				C		21.05.060C.1.
	Facility for combined marine and general construction													P	P	P						21.05.060C.2.
	Marine operations							P							P	P						21.05.060C.3.
	Marine wholesaling							P						20	P	P						21.05.060C.4.
Warehouse and Storage	Bulk storage of hazardous materials													C	C	C						21.05.060D.1.
	Impound yard													P	P					C		21.05.060D.2.
	Motor freight terminal													P	P	P						21.05.060D.3.
	Self-storage facility		P											P	P							21.05.060D.4.
	Storage yard							P						P	P	P						21.05.060D.5.

**TABLE 21.05-2: TABLE OF ALLOWED USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**

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Use Category	Use Type	COMMERCIAL AND MIXED-USE												INDUSTRIAL			OTHER					Definitions and Use-Specific Standards
		B-1A	B-3	DT-1	DT-2	DT-3	RO	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	
Waste and Salvage	Warehouse													P	P	P				C		21.05.060D.6.
	Wholesale establishment							P						P	P	P						21.05.060D.7.
	Composting facility														P					C		21.05.060E.1.
	Incinerator or thermal desorption unit														C					C		21.05.060E.3.
	Junkyard or salvage yard														C							21.05.060E.4.
	Land reclamation	S/C	S/C				S/C	S/C	S/C	S/C	S/C			S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	21.05.060E.5.
	Landfill														C					C		21.05.060E.6.
	Recycling Drop-Off	P	P						P	P	P			P	P					P		21.05.060E.7.
	Snow disposal site		C											S	S	S				C		21.05.060E.8.
	Solid waste transfer facility													C	P					C		21.05.060E.9.

<sup>9</sup> Uses with structures with a gross floor area over 20,000 square feet require a major site plan review through subsection 21.07.130A., *Large Commercial Establishments*.

**21.05.020 GENERALLY APPLICABLE USE STANDARDS**

**A. Uses Involving the Retail Sale of Alcoholic Beverages**

Any use that involves the retail sale of alcoholic beverages is subject to the special land use permit for alcohol review process in section 21.03.040[050], *Alcohol—Special Land Use Permit [FOR ALCOHOL]*. That process shall apply to any such use regardless of whether it is listed in table[S] 21.05-1, table [OR] 21.05-2, or chapter 21.09 as being permitted as a matter of right or subject to site plan or conditional use review. The applicant shall be required to obtain approval through both the special land use permit for alcohol process and the separate process referenced in table[S] 21.05-1, table [OR] 21.05-2, or chapter 21.09. A cross-reference to this section 21.05.020A. in table[S] 21.05-1, table [OR] 21.05-2, or chapter 21.09 is not required for the operator of a use to request approval under section 21.03.040[050].

**B. Premises Containing Uses Where Children are Not Allowed**

Premises containing uses where children are not allowed are defined in AMC section 10.40.050. Any premises containing uses where children are not allowed, regardless of whether it is listed in table[S] 21.05-1, table [OR] 21.05-2, or chapter 21.09 as being permitted as a matter of right or subject to site plan or conditional review, shall comply with the requirements of this subsection 21.05.020B. The applicant shall be required to obtain approval through the process referenced in table[S] 21.05-1, table [OR] 21.05-2, or chapter 21.09 and also to comply with the standards of this subsection 21.05.020B.

**1. Purpose**

Certain types of enterprises are places where children unaccompanied by an adult guardian or parent are prohibited. These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values; an increase in the level of criminal activity, including prostitution, rape, and assaults, in the vicinity of these types of enterprises; and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships. The purpose of this section is to segregate such enterprises from places frequented by minors in order to reduce the influence of these enterprises on minors.

**2. Minimum Distance from Certain Uses**

Except as provided in subsection B.3. below, permitted principal uses, accessory uses, or conditional uses that are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than sale of liquor, shall be located so that all portions of the lot on which the use is located shall be 1,000 feet or more from the property line of:

- a. A school or instructional service serving any combination of grades kindergarten through 12;
- b. A public park;
- c. A religious assembly;
- d. Property zoned residential;
- e. Property in the TA district designated as “residential” in the *Turnagain Arm Comprehensive [AREA] Plan*;
- f. A community center;



- g. A neighborhood recreation center;
- h. Child care centers; or
- i. Public libraries.

**3. Compliance with State Standards**

Where the state has provided specific standards for determining an enterprise's permissible location, the state's means of measurement shall apply. Such enterprises shall also comply with subsection B.2. above if the enterprise engages in other activities not regulated by the state for which AMC title 8 prohibits the presence of minors or unaccompanied minors on the premises.

**4. Administrative Permit Required**

An administrative permit **is required and** shall be on display in a prominent place. This permit shall certify that the enterprise is in compliance with subsection B.2. or **B.3.** of this section, as applicable. This permit shall be obtained from the director, pursuant to section 21.03.030, *Administrative Permits*. This permit shall remain valid so long as the enterprise remains in continuous operation at that location and does not physically expand. In addition, a permit granted under subsection B.3. shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under subsection B.2.

**5. Premises Without Permit**

An enterprise not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required.

**21.05.030 RESIDENTIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

This section defines the general residential use categories and specific residential use types listed in tables 21.05-1 and 21.05-2. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, or subject to a site plan or conditional use review process.

**A. Household Living**

This category is characterized by residential occupancy of a dwelling unit by a "household," which is defined in chapter 21.14. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Specific use types include:

**1. Dwelling, Mixed-Use**

**a. Definition**

A dwelling that is located on the same lot or in the same building as a non-residential use, in a single environment in which both residential and non-residential amenities are provided.

**b. Use-Specific Standards**

The residential portion of a mixed-use building or development shall comply with section 21.07.**110C**[100G]., *Standards for Multifamily Residential*. The nonresidential portion of a mixed-use building or development shall comply with the public/institutional and commercial design standards in section 21.07.**120**[110] and/or the large commercial establishment standards of 21.07.**130A**[120]. In case of overlap and/or conflict, the more stringent standard shall control.

**2. Dwelling, Multifamily**

a. **Definition**

A residential building or multiple residential buildings comprising three or more dwelling units on one lot. The definition includes the terms “apartment” or “apartment building.”

b. **Use-Specific Standards**

- i. Multifamily developments that consist of three or more units in one building shall comply with section 21.07.110C[100G]., *Standards for Multifamily Residential*, except as provided in subsection b.iii. below.
- ii. Dwellings with single-family style and two-family style construction in multifamily developments shall comply with the residential design standards in subsections 21.07.110E. and F.[100E., STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLINGS.]
- iii. Dwellings with townhouse style construction in multifamily developments shall comply with section 21.07.110D[100F]., *Standards for Townhouse Residential*.

3. **Dwelling, Single-Family Attached**

a. **Definition**

One dwelling unit in a building on its own lot, with one or more walls abutting the wall or walls of one other single-family dwelling unit on an adjacent lot.

b. **Use-Specific Standards**

- i. *Residential design standards*  
Single-family attached dwellings shall comply with the applicable residential design standards in section 21.07.110[100], *Residential Design Standards*.
- ii. *Common Party Wall Agreement*  
A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the structure and other improvements in good condition, and for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping.
- iii. *Access; No Vertical Stacking*  
Each unit shall have its own access to the outside, and no unit may be located over another unit in whole or in part.
- iv. *Side Setback Requirement*  
Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.

4. **Dwelling, Single-Family Detached**

a. **Definition**

One detached building on its own lot, erected on a permanent foundation, designed for long-term human habitation exclusively by one household, having complete living facilities, and constituting one dwelling unit.

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

Single-family detached dwellings shall comply with the applicable residential design standards in section 21.07.110[100], *Residential Design Standards*.

5. Dwelling, Townhouse

a. **Definition**

A [ATTACHED] building containing three or more single-family dwelling units erected in a single row, with each unit on its own lot and having its own separate entrance.

b. **Use-Specific Standards**

i. **Residential Design Standards**

Townhouse dwellings shall comply with the applicable residential design standards in section 21.07.110[100], *Residential Design Standards*.

ii. **Common Party Wall Agreement**

A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the structure and other improvements in good condition, and for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping.

iii. **Access; No Vertical Stacking**

Each unit shall have its own access to the outside, and no unit may be located over another unit in whole or in part.

iv. **Side Setback Requirement**

Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.

6. Dwelling, Two-Family

a. **Definition**

One detached building on one lot designed for and constituting two dwelling units. The definition includes the term “duplex.”

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

Two-family dwellings shall comply with the applicable residential design standards in section 21.07.110[100], *Residential Design Standards*.

7. Dwelling, Mobile Home

a. **Definition**

A transportable, factory-built dwelling unit designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1976.

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

Only one mobile home is allowed per lot in the R-5 district, unless the lot is within a manufactured home community. A mobile home shall be placed on a permanent foundation unless it is located within a manufactured home community.

8. Manufactured Home Community (MHC)

a. **Definition**

Any parcel or adjacent parcels of land in the same ownership that are [IS] utilized for occupancy by more than two mobile homes or manufactured homes. This term shall not be construed to mean tourist facilities for parking of travel trailers or campers, which are classified under “camper park.”

b. **Use-Specific Standards**

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

**i. Compliance with Applicable Regulations**

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

**ii. Responsibility for Compliance**

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

**iii. Minimum Site Size**

MHCs shall be on sites of at least two acres.

**iv. Maximum Site Density**

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

**v. Impermanent Foundations**

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

**vi. Mobile Home or Manufactured Home Spaces**

**(A) Occupancy**

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

**(B) Minimum Size**

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

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

**(1)** No part of any mobile home, manufactured home, accessory building, or its addition shall be placed closer than 15 feet from any other mobile home, manufactured home, or its addition, or no closer than ten feet if that mobile home, manufactured home, accessory building, or its addition being placed meets NFPA 501A and HUD #24 CFR 328O standards.

**(2)** The requirements of sections 21.06.030[A].2., *Projections into Required Setbacks* and 21.05.070, *Accessory Uses and Structures*, shall not apply to MHCs. All mobile homes, manufactured homes, and accessory structures shall be placed at least five feet from the front space line. Steps shall not be considered

in determining the separations required by this subsection.

**(D) Access**

Each mobile home or manufactured home space shall have direct access to an internal street. Direct access to exterior public streets is prohibited.

**vii. Streets and Drainage Facilities**

All streets within an MHC shall comply with the following standards:

**(A) Street Surface**

All streets shall be surfaced with all-weather materials, such as asphalt or concrete, to a minimum surface width of 33 feet.

**(B) Right-of-Way Width**

Any street that services 100 spaces or more shall be classified as a major street. Major streets shall have a minimum right-of-way width of 50 feet. All other streets shall have a minimum right-of-way width of 40 feet. Streets are not required to be dedicated as public rights-of-way.

**(C) Cul-De-Sac Streets**

No street shall dead end except for cul-de-sac streets that are no more than 650 feet in length and have a minimum turning radius of 50 feet at the termination point of the cul-de-sac.

**(D) Intersections**

No street shall extend more than 650 feet in length between street intersections. Intersecting streets shall cross at 90-degree angles from an alignment point 100 feet from the point of intersection. No street intersection shall be closer than 130 feet to any other street intersection.

**(E) Street Frontage**

Double-frontage spaces are prohibited, except that reverse-frontage spaces may back against streets bordering the MHC.

**(F) Street Layout**

Streets shall be laid out so that their use by through traffic will be discouraged.

**(G) Street Grades**

Street grades shall not exceed six percent. Street grades within 100 feet of intersections shall not exceed four percent.

**(H) Street Curves and Visibility**

The radius of street curves (between intersections) shall exceed 100 feet. Streets shall be constructed to provide clear visibility as measured along a centerline of the street for a minimum distance of 150 feet.

**(I) Crosswalks**

Pedestrian crosswalks not less than ten feet in width may be required in blocks longer than 330 feet when deemed essential to provide reasonable circulation or access to schools,

playgrounds, shopping centers, convenience establishments, service buildings or other community facilities. Signs approved by the traffic department shall be provided at crossing locations.

**viii. Water and Sewage Systems**

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

**ix. Landscaping**

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

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

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

**(A) Generally**

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

**(B) Height**

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

**(C) Exits**

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

**xi. Refuse Collection**

A MHC operator shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and maintained in accordance with all municipal health regulations and shall be designed to bar animals from access to refuse. Refuse shall be removed from refuse

collection sites at least once a week. Refuse facilities shall be screened pursuant to section 21.07.080 **G[H]**., *Screening*.

**xii. Fuel Tanks**

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

**xiii. Campers and Travel Trailers**

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

**xiv. Animals in MHCs**

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

**xv. Convenience Establishments in MHCs**

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

**xvi. Sites in Flood Hazard Area**

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

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

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

(C) All components of the anchorage system shall be capable of carrying a force of 4,800 pounds.

(D) Any additions to the mobile home or manufactured home shall be similarly anchored.

(E) All applications for a conditional use for a MHC shall include an evacuation plan indicating alternate vehicular access and escape routes during times of flooding.

**xvii. Sites in Floodplain**

No mobile homes or manufactured homes shall be placed within the regulatory floodplain, except that MHCs existing before September 25, 1979, shall be permitted to place mobile homes or manufactured homes within existing unit spaces.

**xviii. Nonconforming MHCs**

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

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

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

**B. Group Living**

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

**1. Assisted Living Facility**

**a. Definition**

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



residents. A large assisted living facility is defined as a group of nine or more residents.

**b. Use-Specific Standards for Small Assisted Living Facilities**

**i. Housekeeping Unit**

A small assisted living facility serving five or fewer residents shall be considered a single housekeeping unit.

**ii. Administrative Variance Needed**

In the R-1, R-1A, R-2A, and R-2D zones, a small assisted living facility serving five or fewer residents is permitted by right. An administrative variance pursuant to section 21.03.240[250]J. is required to serve six to eight residents.

**c. Use-Specific Standards for Large Assisted Living Facilities**

Large assisted living facilities shall comply with the use-specific standards set forth for “adult care facilities with **nine** [9] or more persons” below.

**2. Correctional Community Residential Center**

**a. Definition**

A community residential facility, other than a correctional institution, for the short-term or temporary detention of people in transition from a correctional institution, performing restitution, or undergoing rehabilitation and/or recovery from a legal infirmity. This does not include people who pose a threat or danger to the public for violent or sexual misconduct or who are imprisoned or physically confined under guard or 24-hour physical supervision.

**b. Use-Specific Standards**

**i. Standards for Centers Established After January 1, 1995**

The following standards apply to all correctional community residential centers established after January 1, 1995:

**(A)** No new correctional community residential center may be located within 1,250 feet of an existing center, a public park, or a school or instruction service serving any combination of grades kindergarten through 12, unless the planning and zoning commission determines that a reduction in separation distance is warranted based upon the program proposed and any other circumstances the commission deems appropriate. If the commission reduces the separation distance, it shall adopt findings of the facts upon which such reduction is based.

**(B)** Program occupancy limits shall be as determined by the state department of corrections.

**(C)** Maximum resident occupancy at a center shall be determined by requiring a minimum of 150 square feet of building area per resident. This measurement shall be calculated by including all bedroom, kitchen, bathroom, living, recreation, and other areas within the facility intended for common use by the residents.

**(D)** Each center shall have a minimum of 50 square feet of outdoor recreation area per maximum resident occupancy.

(E) Centers that house felons are only permitted by conditional use in the I-1 and PLI districts. Centers allowed in other districts may only house residents convicted of misdemeanors.

(F) No additional correctional community residential centers may be located in the DT zoning districts or in a B-3 zoning district in the area bounded on the north by Ship Creek, on the south by Chester Creek, on the east by Orca Street extended, and on the west by Cook Inlet.

(G) CCRCs shall not house sex offenders.

ii. ***Existing Centers Established Under Quasi-Institutional House Provisions***

The three correctional community residential centers that were established under the quasi-institutional house provisions of title 16 and title 21 of this code and that existed as of January 1, 1995, may continue to operate under the terms of their existing conditional use permits and at the occupancy level permitted as of that date. No other beds may be added to these centers.

3. **Habilitative Care Facility**

a. ***Definition***

A residential facility, other than a correctional center or transitional living facility, the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity, or any combination thereof, in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-help, or other treatment or assistance, including, but not limited to, substance abuse rehabilitation. Such care for persons age 18 and under, who are under the jurisdiction of the state division of juvenile justice, shall be considered habilitative care, and not a correctional community residential center.

4. **Roominghouse**

a. ***Definition***

Any dwelling or establishment in which four or more guestrooms are available for compensation that is paid on a daily, weekly, or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. This definition does not include bed-and-breakfast establishments, which are classified in this title as an accessory use under section 21.05.070, or a hostel, which is classified as a "visitor accommodation" under section 21.05.050.

b. ***Use-Specific Standards***

i. ***Administrative Permit***

Roominghouses shall require an administrative permit issued in accordance with section 21.03.030. An application for a roominghouse shall not be complete unless it is accompanied by proof of a current business license, health inspection for 25 occupants or more, a certificate of on-site systems approval (for on-site systems only), and a site plan and building floor plans meeting the requirements of this title.

ii. ***General Standards***

(A) In residential zones, the design standards for multi-family residential buildings shall apply.

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

## 5. Transitional Living Facility

### a. *Definition*

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

## 21.05.040 PUBLIC/INSTITUTIONAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general public/institutional use categories and specific public/institutional use types listed in tables 21.05-1 and 21.05-2. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

### A. Adult Care

#### 1. Definition

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

#### 2. Use-Specific Standards for Adult Care Facilities with One through Eight Persons

- a. These facilities are intended to be minor commercial activities, shall not detract from the principal use allowed in the district, and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.
- b. In all residential districts [AND IN THE R-O AND B-1A DISTRICTS,] these facilities shall be located only in a single family detached structure, excluding detached condominium units. These facilities shall be prohibited if the only direct street access is from a private street.

- c. These standards shall not apply to any use continuing as a lawful conditional use on April 18, 2006.

**3. Use-Specific Standards for Adult Care Facilities with Nine or More Persons (also apply to “Large Assisted Living Facilities” and “Nursing Facility”)**

**a. Access**

The site shall provide for direct access from a street constructed to class A improvement area standards.

**b. Minimum Lot Size**

- i. Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a nursing facility shall be:

(A) Six to 10 beds: 15,000 square feet.

(B) Eleven or more beds: 20,000 square feet.

- ii. The minimum lot size for adult care facilities with nine or more persons, and for large assisted living facilities shall be:

(A) Nine to 16 beds: the minimum lot size of the underlying district.

(B) Seventeen or more beds: 20,000 square feet.

**c. Vegetated Open Space**

A minimum of 15 percent (25 percent in the RO district) of the lot shall remain as a planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the decision-making body determines that retention of less than 15 percent (25 percent in the RO district) allows for sufficient buffering of adjacent uses.

**d. Parking and Setbacks**

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

**e. Adjacent Residential**

A facility in a non-residential district that is adjacent to a residential use or district shall provide L3 buffer landscaping along the lot line dividing the two.

**f. Ambulance and Delivery Areas**

Ambulance and delivery areas shall be screened from adjacent residential areas by L3 buffer landscaping or a fence no less than six feet high.

**g. Snow Storage**

Snow storage space adjacent to surface parking lots and pathways shall be identified on the site plan. In residential districts, to facilitate snow removal, snow storage areas equal to at least 15 percent of the total area of the site used for parking, access drives, walkways, and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have positive drainage away from structures and pavements. Except for facilities in single-family or two-family structures, storage of snow is not allowed in the front setback. Storage of snow may be in 50 percent of the side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, temporary snow storage areas shall be shown on the site plan.

h. ***Continuing Conditional Uses***

These standards shall not apply to any use continuing as a lawful conditional use on April 18, 2006.

4. **Additional Standards for Conditional Uses (also apply to “Nursing Facility” and “Large Assisted Living Facility”)**

a. ***Use-Specific Standards Apply***

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

b. ***Vegetated Open Space***

A minimum of 25 percent of the lot shall remain as open area, to include landscaping or natural vegetation. The open area shall not include buildings, driveways, parking lots [AREAS], sidewalks, or similar structures, unless the planning and zoning commission determines retention of less than 25 percent of the lot as open area allows for sufficient buffering of adjacent uses.

c. ***Factors for Consideration***

When a conditional use permit is required for these uses, the following factors shall be considered, as well as the approval criteria for conditional uses in subsection 21.03.080C.

i. The extent to which the facility and the applicant seek to protect and preserve the primarily residential character of the district. Factors may include traffic patterns, on-street parking patterns, the control exercised by the provider to mitigate environmental disturbance associated with ingress and egress of facility staff at shift change, and any other measures taken by the provider to ensure commercial aspects of the facility do not detract from its residential purpose (if applicable) and the primarily residential character of the district.

ii. Economic hardship on the intended occupants of the facility if the conditional use is denied. Cost and availability of other housing alternatives, including whether a shortage of other facilities exists, may be addressed in preparation and review of the application.

iii. Whether the requested facility and the applicant are implementing accident prevention and safety measures specific to the needs of the residents, including but not limited to safety measures in state law and regulation, and in municipal fire code adopted under title 23.

iv. Whether the conditional use advances housing opportunities for disabled individuals in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.

v. Whether the proposed size of the facility is necessary for the financial viability of the facility.

vi. External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes and on-street parking within the neighborhood, available street lighting, and sidewalks.

vii. Quantifiable risks to the health, safety, and quality of life of area residents and users.

viii. Administrative and economic burden on the municipality, in either approval or denial of the conditional use.

ix. Other factors deemed relevant to the applicant or the planning and zoning commission in review of the application.

**B. Child Care**

**1. Child Care Center**

**a. Definition**

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

**b. Use-Specific Standards**

**i. Access**

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

**ii. Usable Outdoor Space**

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

**iii. Vegetated Open Space**

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

**iv. Parking and Setbacks**

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

**v. Adjacent Residential**

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

**vi. Snow Storage**

In residential districts, snow storage areas equal to at least 15 percent of the total area of the site used for parking, drives, walkways, and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Snow storage is not allowed in front setbacks except in association with

single-family or two-family structures. Snow storage is allowed in 50 percent of side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, temporary snow storage areas shall be shown on the site plan.

**vii. Continuing Conditional Uses**

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

**c. Additional Standards for Conditional Uses**

**i. Use-Specific Standards Apply**

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

**ii. Additional Standards**

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

**iii. Vegetated Open Space**

A minimum of 25 percent of the lot shall remain as open area, to include landscaping or natural vegetation. The open area shall not include buildings, driveways, parking lots [AREAS], sidewalks, or similar structures, unless the planning and zoning commission determines retention of less than 25 percent of the lot as open area allows for sufficient buffering of adjacent uses.

**2. Child Care Home**

**a. Definition**

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

**b. Use-Specific Standards**

**i. Minor Commercial Activity**

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

**ii. Usable Outdoor Space**

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

**iii. Continuing Conditional Uses**

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

**C. Community Service**

This category includes uses of a public, non-profit, or charitable nature providing a local service to people of the community. Generally, such uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. The use may

provide special counseling, education, or training. Accessory uses may include offices, meeting, food preparation, parking, [HEALTH,] therapy areas, and athletic facilities. Specific use types include:

**1. Cemetery or Mausoleum**

**a. Definition**

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

**b. Use-Specific Standards**

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

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

**ii. Platting of Burial Plots**

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

**iii. Density of Burial Plots**

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

**iv. Interment Below Groundwater Table Prohibited**

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

**v. Traffic Access**

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

**vi. Dimensional Standards**

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

**(A) Minimum Site Area**

Five acres.

**(B) Minimum Setbacks**

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

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

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

**(C) Maximum Height of Structures**

35 feet.

**vii. Setbacks**

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

**viii. Parking, Driveways, and Streets**

Parking shall be provided according to section 21.07.090, *Off-Street Parking and Loading*, except that the traffic engineer may authorize a



pavement surface of gravel for drives and streets that provide direct access to graves and burial plots. Internal driveways and streets providing direct access to a public right-of-way or connecting to principal structures shall be paved with asphalt or concrete.

**2. Community Center**

**a. Definition**

A facility that is intended primarily to serve the meeting, cultural, social services, administrative, athletic, or entertainment needs of the community as a whole, operated by the government or as a non-profit facility, and generally open to the public.

**b. Use-Specific Standards (also apply to “Religious Assembly”)**

**i. Applicability**

The standards of this subsection shall apply to all community centers and religious assemblies within a residential zoning district.

**ii. Minimum Lot Area and Width**

Notwithstanding any smaller minimum lot area required by tables 21.06-1 and 21.06-2, [THE GENERAL DIMENSIONAL STANDARDS OF CHAPTER 21.06,] community centers and religious assemblies subject to this subsection shall have a minimum lot area of 14,000 square feet and a minimum lot width of 100 feet.

**iii. Traffic Access**

Community centers and religious assemblies shall have at least one property line of the site that is at least 50 feet in length, and it shall abut a street designated as a collector or greater on the Official Streets and Highways Plan. All ingress and egress traffic shall be directly onto such street.

**iv. Buffering Standards**

L3 buffer landscaping is required along all property lines where the community center or religious assembly site abuts a residential use in a residential zone.

**v. Vegetated Open Space**

In residential and PLI zoning districts a minimum of 25 percent of the lot area shall remain as planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the decision-making body determines that retention of less than 25 percent allows for sufficient buffering of adjacent uses.

**vi. Parking and Setbacks**

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

**3. Crematorium**

**a. Definition**

A furnace or establishment for the cremation of corpses, human and animal. A crematorium is never an accessory use.

b. **Use-Specific Standards**

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

4. **Governmental Administration and Civic Buildings**

a. **Definition**

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

b. **Use-Specific Standards**

- i. Unless otherwise indicated in table 21.05-2, government administration and civic buildings or additions to existing government administration and civic buildings shall have the following review process:
  - (A) Construction of less than 7,000 square feet is permitted.
  - (B) Construction of 7,000 to 25,000 square feet is subject to an administrative site plan review.
  - (C) Construction over 25,000 square feet is subject to a major site plan review.
  - (D) Lease of existing space is permitted.
- ii. The priority location for major federal, state, and municipal administrative offices and civic buildings is in the central business district. Satellite government offices and civic functions are intended to be located in other regional centers, mixed-use centers, or town centers designated in the comprehensive plan. When a government administrative and civic building use is proposed at another location, approval is contingent on a finding by the planning and zoning commission, using the approval criteria of a public facility site selection process (21.03.140), that locating the major use in the central business district or a satellite use in a designated center would not be feasible or would not serve the public interest.

5. **Homeless and Transient Shelter**

a. **Definition**

A facility designed to provide minimum necessities of life, including overnight accommodation, on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, and necessary medical and clothing needs, directly or by referral to appropriate agency; and planning for more permanent housing and employment, including contact with community resources.

6. **Neighborhood Recreation Center**

a. **Definition**

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

7. **Religious Assembly**

a. **Definition**

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

b. **Use-Specific Standards**

i. **Standards**

Religious assembly uses shall comply with the use-specific standards set forth above under "community center."

ii. **Columbaria**

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

iii. **Maximum Height**

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

D. **Cultural Facility**

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

1. **Aquarium**

a. **Definition**

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

2. **Botanical Gardens**

a. **Definition**

A facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, native, and/or ornamental plants.

3. **Library**

a. **Definition**

A facility for the use of literary, musical, artistic, and/or reference materials.

4. **Museum or Cultural Center**

a. **Definition**

A building or place serving as a repository for a collection of natural, scientific, cultural, historic, or literary curiosities or objects of interest, or works of art, or sites and buildings, and arranged, intended, and designed to be used by members of the public for viewing, and which may include demonstrations and teaching. This use includes planetariums.

**5. Zoo**

**a. Definition**

An area, building, or structures that contain wild animals on exhibition for viewing by the public.

**E. Educational Facility**

This category includes any public and private school at the elementary, middle, junior high, or high school level. This category also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. This category also includes vocational or trade schools. Accessory uses at schools may include play areas, meeting areas, cafeterias, recreational and sport facilities, auditoriums, parking, and before- or after-school day care. Accessory uses at colleges **may** include offices, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and ancillary supporting commercial activities. Specific use types include:

**1. Boarding School**

**a. Definition**

A school where students are provided with on-site meals and lodging.

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

Boarding schools shall comply with the use-specific standards set forth below for "elementary school." Any associated dormitories shall comply with the use-specific standards for "dormitory" in section 21.05.070, *Accessory Uses and Structures*.

**2. College or University**

**a. Definition**

A degree-granting institution, other than a vocational or trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories. Colleges tend to be in campus-like settings or on multiple blocks.

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

In accordance with section 21.03.110, colleges or universities with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-2 for projects developed under the auspices of the approved institutional master plan.

**3. Elementary or Middle School**

**a. Definition**

A public, private, parochial, or charter school offering academic instruction during the majority of the days of the week for students typically between the kindergarten and eighth grade levels, but not higher than the ninth grade. This classification includes the terms "junior high school" and "intermediate school." Pre-schools that are associated and co-located with elementary, middle, or high schools are considered to be part of the elementary, middle, or high school. Pre-schools without such association and co-location are categorized in this title as "child care facility."

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

i. **Purpose**

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

ii. **Site Size**

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

iii. **Setbacks**

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

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

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

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

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

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

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

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

(C) If the school is in close proximity to a park with usable open space, the park may count as the required outdoor open space play area. The decision-making body shall determine whether the nearby park is appropriate in terms of play space and access, using the following conditions as a guide:

(1) The park is between an eighth and a quarter mile from the school.

(2) The school and park are not separated by a street of arterial classification or greater on the Official Streets and Highways Plan.

v. **Vehicle and Pedestrian Access**

(A) In all residential districts, all middle and high schools, and schools without an Anchorage school district attendance boundary shall have at least 100 feet of frontage on a collector or greater classification street, if such schools have capacity of 100 or more students.

(B) In all districts, all schools with capacity for 100 or more students shall provide adequate on-site student pick-up and drop-off area to the satisfaction of the decision-making body.

(C) Paved pedestrian walkways and trails, exclusive of driveways, shall be provided between the principal buildings and each abutting public right-of-way or trail.

vi. **Temporary Structures for School Expansion Space (Relocatables)**

Temporary structures serving as expansion space for schools are allowed in all districts in which schools are allowed, subject to the following standards:

(A) Temporary structures shall not be placed in traffic circulation routes, in required parking, or in required landscaping areas.

(B) The temporary structures are exempt from the general requirements for all temporary uses contained in section 21.05.080, *Temporary Uses and Structures*.

The decision-making body may grant relief from these standards on a case-by-case basis.

vii. **Landscaping**

L2 visual enhancement landscaping is required along all property lines where the school site abuts a residential use in a residential zone.

4. **High School**

a. **Definition**

A public, private, parochial, or charter school offering academic instruction for students typically in the ninth through twelfth grades, but may include lower grades.

b. **Use-Specific Standards**

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

5. **Instructional Services**

a. **Definition**

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

6. **Vocational or Trade School**

a. **Definition**

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

**b. Use-Specific Standard**

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

**F. Health Care Facility**

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

**1. Health Services**

**a. Definition**

Establishments primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other licensed medical practitioners, medical and dental laboratories, outpatient care and outpatient care facilities, dispensaries, home health care agencies, and blood banks.

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

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

**2. Hospital/Health Care Facility**

**a. Definition**

A facility or institution, whether public or private, principally engaged in providing inpatient services for medical, surgical, or psychiatric care, and the treatment and housing of persons under the care of doctors and nurses. Examples include general or specialty hospitals, but exclude habilitative care facilities, assisted living facilities, and nursing facilities. Training, rehabilitation services, and health services may be permitted as accessory uses, if integral to the facility's function. Other accessory uses may include pharmacies and c[C]entral services facilities, such as kitchens and laboratories which serve the health care facility. [ARE PERMITTED ACCESSORY USES TO A HOSPITAL/HEALTH CARE FACILITY.]

**b. Use-Specific Standards**

**i. Minimum Lot Size**

Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a hospital/health care facility shall be as follows:

(A) Six to 10 beds: 21,780 square feet.

(B) Eleven to 20 beds: 43,560 square feet.

(C) Every 10 beds (or fraction thereof) over 20 beds: 21,780 square feet.

**ii. Vegetated Open Space**



A minimum of 15 percent of the lot shall remain as a planted open area, landscaped area, natural vegetation area, or usable yard, to exclude buildings, driveways, parking lots [AREAS], sidewalks, etc., unless the director determines that retention of less than 15 percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

iii. **Landscaping Buffer**

L3 buffer landscaping shall be provided along all lot lines adjacent to a residential use or district.

iv. **Institutional Master Plan**

In accordance with section 21.03.110, hospitals with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-2 for projects developed under the auspices of the approved institutional master plan.

v. **Accessible Parking**

Hospital/health care facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

3. **Nursing Facility**

a. **Definition**

A facility providing housing and nursing care for aged or chronically or incurably ill persons who are unable to function independently or with only limited assistance.

b. **Use-Specific Standards**

i. Nursing facilities allowed by right or by site plan review shall comply with the use-specific standards set forth for "adult care facilities with nine or more persons" above. Facilities allowed by conditional use shall comply with the additional standards for conditional uses set forth in "adult care facilities" above.

ii. Nursing facilities shall be subject to the multi-family building development and design standards in section 21.07.110C[100].

iii. Nursing facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

G. **Parks and Open Areas**

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

1. **Community Garden**

a. **Definition**

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

2. **Park and Open Space, Public or Private**

a. **Definition**



[RESERVED]<sup>21</sup>

## H. Public Safety Facility

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

### 1. Community or Police Substation

#### a. Definition

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

#### b. Use-Specific Standard[S]

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

### 2. Correctional Institution

#### a. Definition

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

#### b. Use-Specific Standards

##### i. Traffic Access

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

##### ii. Screening or Buffering

The planning and zoning commission may require fencing and landscaping.

### 3. Fire Station

#### a. Definition

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

### 4. Public Safety Facility

#### a. Definition

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

<sup>21</sup> See Amendment #21.

**I. Transportation Facility**

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

**1. Airport**

**a. Definition**

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

**2. Airstrip, Private<sup>22</sup>**

**a. Definition**

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

**b. Use-Specific Standard**

Private airstrips are allowed conditionally in residential districts only if approach and noise buffer areas are provided.

**3. Heliport**

**a. Definition**

An area designed to be used for the landing or takeoff of helicopters, which may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

**4. Rail Yard**

**a. Definition**

Lands reserved for typical railroad activities including, but not limited to, repair, maintenance, and servicing of rolling stock and railroad support equipment; fueling; inventory of equipment, tools, parts, and supplies in support of railroad activities; loading/unloading and transfer of freight; switching and classifying rail cars in support of train operations and intermodal activities; storage of rail cars and equipment supporting railroad activities; and crew operations, training, and other administrative support functions in support of railroad activities.

**5. Railroad Freight Terminal**

**a. Definition**

A rail facility for the loading and unloading of goods, merchandise, substances, materials, and commodities.

**6. Railroad Passenger Terminal**

**a. Definition**

A railroad facility for the boarding of passengers, but not including freight terminal operations. Accessory uses may include ticketing sales and offices, restaurants, and stores.

**7. Transit Center**

**a. Definition**

Any premises, located at the confluence of multiple established routes (of the same or different types of transit), for the loading and unloading of passengers on public transit. Accessory uses may include ticket purchase facilities, food and beverage kiosks, and convenience stores.

<sup>22</sup> See Amendment #22.

**J. Utility Facility**

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

**1. Utility Facility**

**a. Definition**

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

**2. Utility Substation**

**a. Definition**

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

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

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

**K. Telecommunication Facilities**

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

**1. Definitions**

**a. Type 1 Tower**

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

**b. Type 2 Tower**

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

**c. Type 3 Tower**

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

**d. Type 4 Tower**

A support structure, such as an existing building, steeple, spire, or utility pole that is not a type 1, 2, or 3 and is used for supporting a disguised, camouflaged, or hidden antenna array so that its principal or secondary function as an antenna and antenna support structure is imperceptible to an uneducated eye. The

antennas are mounted on the support structure so that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment. This definition shall include any antenna or antenna array complying with the objective of definition whether it is mounted on tower structure or not.

**2. Use-Specific Standards**

**a. Setbacks**

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

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

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

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

(D) Type 4: none.

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

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

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

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

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

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

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

**c. Tower Structure Height**

i. Height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and supporting structures.

ii. Height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower structure as set forth above exceed the height of the building multiplied by two or the base height, whichever is greater. Tower structures shall not exceed the height limits set forth in subsection 21.04.060C. of this title nor interfere with Federal Aviation Administration Regulations on airport approaches.

iii. Base height shall be as set forth below:

(A) Residential districts--65 feet

(B) Commercial and Mixed-Use districts--130 feet

(C) Industrial districts--150 feet

(D) AF district--200 feet

(E) All other districts--100 feet

iv. Co-location shall grant an additional 15 feet above the base height for each qualifying antenna to a maximum of 30 feet of additional height. Increases in tower structure height by operation of this paragraph shall not reclassify a tower structure from a local interest tower to a community interest tower.

d. ***Residential Zoning Districts, RO District, and AF District***

i. In all residential districts and in the RO district, type 1 and 3 towers, antennas without tower structures, and type 4 tower structures and antennas are permitted as a secondary and subordinate use with a permitted nonresidential use.

ii. In the R-3, R-4, R-4A, R-5, and RO districts, type 1 and 3 towers, antennas without tower structures, and type 4 tower structures are also permitted as a secondary and subordinate use with a residential use of six dwelling units or more.

iii. In the AF district, three towers per lot are permitted. More than three towers per lot require conditional use approval.

e. ***Notice of Site Selection and Site Plan Review***

i. ***B-1A and Watershed Zoning Districts***

(A) Prior to issuance of a building or land use permit for a type 1, 2, and 3 tower structures within B-1A and W zoning districts, property owners of residential-zoned land within 500 feet of the selected tower site and the local community council shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing of the notification.

(B) A decision to issue a building or land use permit is final unless appealed within the 30 day notice period to the planning and zoning commission. An appeal may be filed by the applicant or

by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the tower site. In the event of appeal, the planning and zoning commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with section 21.03.050A.

**ii. *PLI and Residential Districts***

All type 1, 2, and 3 tower structures within a residential district, as allowed by table 21.05-1, or PLI district shall be subject to a site plan review as set forth in this section, except when a conditional use permit is required.

**iii. *Other Zoning Districts***

All zoning districts not referenced in e.i. or e.ii. above are exempt from the notification requirements, the minimum separation distances from protected land uses, and the site plan review requirements set forth in this chapter.

**f. *Co-location***

i. The co-location tower structure, pole, monopole or any other similar facility, must be designed to accommodate no less than the following communications equipment: 12 antennas with a flat plate wind loading of not less than four square feet per antenna; a standard mounting structure, stand off arms, platform or other similar structure that is sufficient to hold the antennas; cable ports at the base and antenna levels of the tower structure; and, sufficient room within or on the tower structure for 12 runs of 7/8" coaxial cable from the base of the tower structure to the antennas.

ii. Applicants for co-location shall provide proof in a form found acceptable to the municipal attorney that more than one service provider is using the co-location facility.

iii. All community and local interest towers shall, for a reasonable compensation, be made available for use by as many other licensed carriers as can be technically co-located thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in co-locating additional facilities upon such towers. All licensed carriers shall exercise good faith in co-locating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location.

**g. *General Standards***

**i. *Installation***

All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission (FCC) as meeting the current American National Standards Institute (ANSI) standard for nonionizing electromagnetic radiation (NIER).

**ii. *Tower Lighting***

Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

**iii. Tower Color**

The tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.

**iv. Notice and Interference**

An operator proposing to install or modify an antenna shall provide notice to all property owners within 500 feet of the date of activation of the new or modified antenna. Within 90 days of activation the antenna, the operator shall resolve all reported occurrences of interference.

**v. Identification Placard**

An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:

- (A) The name and address of the tower structure owner;
- (B) The name and address of the tower structure manager, if different from the owner;
- (C) The date of erection of the tower structure; and
- (D) The owner's name and address of each antenna on the tower structure.

**h. Administrative Permit Required**

An administrative permit shall be obtained from the director. The application shall identify the antenna(s) on the tower, the legal description of the site, its zoning and its street address, if any. This permit shall certify that, when granted, the antenna, or tower structure was in compliance with this section. This permit shall remain valid so long as that antenna or tower structure remains in continuous operation or is revoked according to this title.

**i. Administrative Permit Revocation**

i. Unless cured, an administrative tower permit shall be revoked after notice and the opportunity to cure, for any of the following:

- (A) Construction, maintenance, and/or operation of a tower at an unauthorized location;
- (B) Construction or operation of a tower in violation of any of the terms and conditions of this chapter or the conditions attached to the permit;
- (C) Material misrepresentation by or on behalf of an applicant or permittee in any application or written statement upon which the administrative official substantially relies in making the decision

to grant, review, or amend any permit pursuant to this section and which materially changes the application of the standards of approval of the permit;

(D) Abandonment of a tower as set forth in this section; or

(E) Failure to relocate or remove facilities as required in this section.

ii. After having a tower permit revoked, no tower shall be re-permitted for that property or by that tower owner on any property within the municipality for a period of one year except through a conditional use permit. This subsection shall apply only with respect to community and local interest tower revocations pursuant to this title after the effective date of this ordinance.

j. ***Annual Inventory***

By January 31 of each year, each tower owner who is regulated by this section shall provide the municipality with an inventory of all additions and deletions of said provider's existing towers or approved sites for such facilities that are within the municipality or within one mile of the border thereof as of December 31 of the previous year. The first inventory from each provider shall be a comprehensive current list of their existing towers and approved sites.

k. ***Time Period for Construction***

Construction of a tower shall commence within one year from the date of the permit's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.

l. ***Administrative Site Plan Review***

i. ***Applicability***

When an administrative site plan is required by tables 21.05-1 or 21.05-2, this subsection shall apply. A site plan review is required of all such towers since they have aesthetic and visual impacts on their neighbors, and the public interest is best served by allowing these neighbors and the public at large a chance to comment on and provide input concerning the location and design of these towers. All such towers shall conform to the requirements of this section and to the requirements of the zoning district in which the tower is located.

ii. ***General***

(A) In approving a site plan, the director may impose conditions to the extent that he or she concludes are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.

(B) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

iii. ***Submittal Information***

Applicants for an administrative site plan review for a tower structure shall submit the information required in the user's guide.

iv. ***Public Participation Process***

Notwithstanding table 21.03-1, at least 35 days before acting on a tower site plan application under this section, the director shall publish notice of



the application in a newspaper of general circulation in the municipality. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the municipality for the expense of advertising and mailing such notice. The applicant shall also post the property with a notice pursuant to subsection 21.03.020H.5. Following notice of the site plan, the community council has 35 days from the date of the letter to respond.

**v. *Approval Period***

The director shall take action on the site plan within 50 days of the site plan application submittal. Upon action, the applicant will mail to all addressees on the original notice list, the written action of the director. The applicant shall document their public process including a list of who was notified, with what, and when as part of their permit application process.

**vi. *Factors Considered In Granting Site Plan Approval For Tower Structures***

In addition to the general standards for site plan approval at subsection 21.03.180[190]E., the director shall also consider the factors for conditional uses for tower structures in subsection p.iii. below.

**vii. *Appeals***

Notwithstanding section 21.03.050, a decision of the director under the authority set forth in this subsection is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the tower site. In the event of appeal, the planning and zoning commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in Superior Court.

**m. *Qualification of Type 4 Tower Structure and Antenna***

Each type 4 tower structure and antenna shall be qualified as meeting the design standard by the planning and zoning commission. A proponent of a type 4 tower structure and antenna design shall provide the commission with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the commission to find the design standard is satisfied. At completion of the construction of the first tower structure and antenna under a newly qualified design, it shall be reviewed by the commission to confirm the installation complies with the design standards. If the installation fails to comply, subsequent tower structure and antenna design and installation shall be amended or redesigned as directed by the commission.

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

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

**i. *Parking***

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

ii. **Security**

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

iii. **Separation Distance**

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

o. **Abandonment**

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

p. **Conditional Use Standards**

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

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

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

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

(C) In granting a conditional use permit, the planning and zoning commission may impose conditions to the extent the commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower structure or antenna on adjoining properties.

## Sec.21.05.040 Public/Institutional Uses: Definitions and Use-Specific Standards

- (D)** Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

## ii. Submittal Information

Applicants for conditional use for a tower structure shall submit the information required in the user's guide and a non-refundable fee to reimburse the municipality for the costs of reviewing the application.

iii. ***Factors Considered in Granting Conditional Use Permits for Antennas and Tower Structures.***

In addition to the general standards for a conditional use in subsection 21.03.080C., the planning and zoning commission shall consider the following factors in determining whether to issue a conditional use permit, although the commission may waive or reduce the burden on the applicant of one or more of these criteria if the commission concludes that the goals of this ordinance are better served thereby:

- (A) Height of the proposed tower structure;
- (B) Proximity of the tower structure to residential structures and residential district boundaries;
- (C) Nature of uses on adjacent and nearby properties;
- (D) Surrounding topography;
- (E) Surrounding tree coverage and foliage;
- (F) Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (G) Proposed ingress and egress; and
- (H) Availability of suitable existing tower structures, other structures, or alternative technologies not requiring the use of tower structures or structures.

**iv. Availability of Suitable Existing Tower Structures, Other Structures, or Alternative Technology**

No new tower structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning commission that no existing tower structure, structure, or alternative technology that does not require the use of tower structures, or alternative technology can accommodate or replace the applicant's proposed antenna. An applicant shall submit any additional information requested by the planning and zoning commission related to the availability of suitable existing tower structures, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower structure, structure, or alternative technology can accommodate the applicant's proposed antenna will consist of the following:

- 
- (A) No existing tower structures or structures are located within the geographic area which meet applicant's engineering requirements.
- (B) Existing tower structures or structures are not of sufficient height to meet applicant's engineering requirements.
- (C) Existing tower structures or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower structures or structures, or the antenna on the existing tower structures or structures would cause interference with the applicant's proposed antenna.
- (E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower structure or structure or to adapt an existing tower structure or structure for sharing are unreasonable. Costs exceeding new tower structure development are presumed to be unreasonable.
- (F) The applicant demonstrates that there are other limiting factors that render existing tower structures and structures unsuitable.
- (G) The applicant demonstrates that an alternative technology that does not require the use of tower structures or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower structure or antenna development shall not be presumed to render the technology unsuitable.

v. **Modifications**

Standards for modifications to community interest and local interest towers allowed as a conditional use are as follows:

- (A) Repairs and maintenance to the tower structure may be performed consistent with subsection 21.12.040F.
- (B) The replacement, repair or addition of antennas, dishes and other transmitting or receiving devices to a tower shall not be considered a modification of final approval as set forth in subsection 21.03.080D. and shall be considered a use contemplated within the original approved or de facto conditional use where the replacement, repair, or addition of antennas, dishes, and other transmitting or receiving devices:
- (1) Will serve the same user or successor entity under the original conditional use;
  - (2) Will serve the same general purpose as was served under the original conditional use;
  - (3) Is consistent with the original conditional use.

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

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

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

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

ii. The following are exempt from this title:

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

(B) Noncommercial receive only antennas.

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

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

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

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

**A. Agricultural Uses**

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

**1. Commercial Horticulture**

**a. Definition**

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

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

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

**1. Animal Shelter**

**a. Definition**

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

**b. Use-Specific Standards (also apply to “Retail and Pet Services”, “Kennel, Commercial”, and “Veterinary Clinic”)**

**i. General Standards when Use is within 100 Feet of a Residential or Mixed-Use District**

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

**ii. Standards When Use is Not within 100 Feet of a Residential or Mixed-Use District**

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

**iii. Waste Management**

Waste shall be managed in accordance with AMC section 15.20.020.

**2. Kennel, Commercial**

**a. Definition**

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

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

Commercial kennels shall comply with the use-specific standards above for “animal shelter.”

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

**a. Definition**

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

**b. Use-Specific Standards**

**i. Access**

Traffic access shall be from a street constructed to standards found by the traffic engineer to be appropriate to the intensity of the use proposed.

1                   ii.     **Lot Coverage**

2                   Lot coverage shall be that of the underlying zoning district except that the  
3                   planning and zoning commission may allow up to 10 percent additional  
4                   lot coverage above the maximum allowed in the district.

5                   iii.    **Adjacent Lots**

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

12                  iv.     **Setbacks**

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

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

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

24                  v.      **Fences**

25                  Barbed wire shall not be used for fencing of any large domestic animal  
26                  facilities.

27                  vi.     **Other Requirements**

28                  Large domestic animal facilities shall:

29                  (A)     Meet the requirements of AMC chapter 15.20 regarding animal  
30                  waste, AMC subsection 15.55.060B. concerning separation  
31                  requirements from water supply wells, and section 21.07.020  
32                  concerning stream protection setbacks;

33                  (B)     Obtain an animal control facility license;

34                  (C)     Obtain certification of compliance with a state of Alaska,  
35                  Anchorage soil and water conservation district conservation plan,  
36                  or obtain a letter from the district showing demonstrated intent to  
37                  come into compliance with a conservation plan within one year;  
38                  and

39                  (D)     Comply with licensing and other laws concerning the keeping of  
40                  animals as set forth in AMC titles 15, 17, and 21.

41                  vii.    **Additional Conditions**

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

4. **Retail and Pet Services**

a. **Definition**

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

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

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

5. **Veterinary Clinic**

a. **Definition**

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

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

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

C. **Assembly**

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

1. **Civic/Convention Center**

a. **Definition**

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

b. **Use-Specific Standard**

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

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

a. **Definition**

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

b. **Use-Specific Standard**

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

D. **Entertainment and Recreation**

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

1. **Amusement Establishment**

a. **Definition**



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

**b. Use-Specific Standard**

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

**2. Entertainment Facility, Major**

**a. Definition**

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

**b. Use-Specific Standard**

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

**3. Fitness and Recreational Sports Center**

**a. Definition**

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

**4. General Outdoor Recreation, Commercial**

**a. Definition**

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

**b. Use-Specific Standard**

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

**5. Golf Course**

**a. Definition**

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

**6. Motorized Sports Facility**

**a. Definition**

A facility for the racing of motorcycles, snow machines, race cars, or other motorized vehicles.

**b. Use-Specific Standards**

**i. Special Land Use Permit for Alcohol**

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

**ii. Hours of Operation**

The maximum hours of operation shall be from 8:00 a.m. to 10:00 p.m. Monday through Saturday, and from 12:00 p.m. to 10:00 p.m. on Sunday.

**iii. Additional Site Plan Requirements**

In all districts, as part of the site plan application, the applicant shall comply with the following requirements:

(A) If the projected or actual noise level exceeds the standards set at AMC section 15.70.080A., a noise analysis shall be prepared identifying noise mitigation measures.

(B) The applicant shall prepare an operation plan to monitor and enforce:

(1) Prohibition on consumption of alcoholic beverage on the premises; and

(2) Mandatory transportation of racing machines to the site.

(C) The applicant shall submit a dust and litter control plan and describe the methods to be used to collect trash on the site.

(D) The applicant shall identify one or more individuals who shall be responsible for enforcement of the noise, operation, and dust and litter control plans developed pursuant to this subsection.

**iv. Dimensional Standards**

Notwithstanding the general dimensional standards of chapter 21.06:

(A) The planning and zoning commission may designate minimum setback areas around the perimeter of the site as it deems necessary to minimize glare and noise impact on adjacent uses, to separate incompatible uses, and to restrict casual access to the site.

(B) The maximum height of structures shall be 35 feet.

**v. Site Location, Development, and Operation**

(A) No motorized facility shall be located within 500 feet of any residential or mixed-use district.

(B) In order to prevent casual access to and from the site or to mitigate adverse effects of the motorized sports facility upon adjacent uses, the planning and zoning commission may require the enclosure of the entire site by a screening structure and/or landscaping, as described in section 21.07.080.

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

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

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

7. **Movie Theater**

a. ***Definition***

An indoor theater for showing motion pictures.

8. **Nightclub**

a. ***Definition***

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

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

i. All facilities adjacent to a residential district shall be maintained within a completely enclosed building, and shall be sufficiently insulated so that the standards of AMC section 15.70.080A. are met.

ii. Licensed nightclubs are subject to the special land use permit for alcohol process to allow the retail sale of alcohol; see section 21.05.020A.

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

i. ***Purpose***

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

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

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

(A) A school or instructional service serving any combination of grades kindergarten through 12;

(B) Property zoned residential; or

(C) TA-zoned property designated as residential in the *Turnagain Arm Comprehensive [AREA] Plan*.

iii. ***Administrative Permit Required***

An administrative permit for each unlicensed nightclub shall be obtained from the department and be displayed in a prominent place inside the unlicensed nightclub. This permit shall certify that, when granted, the enterprise was in compliance with paragraph ii. of this subsection. This permit shall be obtained from the director, pursuant to section 21.03.030, *Administrative Permits*. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand.

9. **Shooting Range, Outdoor**

a. ***Definition***

An establishment engaged in the use of land for discharging of firearms for target practice, skeet, and trap shooting.

b. ***Use-Specific Standards***

i. ***Intent***

The intent of the following standards for shooting ranges is primarily safety and buffering for adjacent neighborhoods.

ii. ***Setbacks***

All shooting areas shall be set back a minimum distance of 100 feet from any public right-of-way. Buildings located behind the firing line are allowed to be located to the normal zone setback.

iii. ***Site Size***

The minimum site size shall be 20 acres.

iv. ***Shooting Area***

The backstop must be an earth mound or dugout of sufficient dimension to stop projectiles. Casual access into the line of fire shall be prevented through fencing or some equally effective equivalent.

v. ***On-Site Uses***

An accessory retail store, snack shop, ammunition storage, and short-term rental of firearms and equipment for use only on the premises are permitted. Sale of alcoholic beverages is prohibited.

vi. ***Noise Impact Analysis***

A noise impact analysis with a noise map based on the types of firing and layout of the range shall be submitted as part of the conditional use application.

10. **Skiing Facility, Alpine**

a. ***Definition***

A facility and related terrain utilized for alpine skiing, and uses and facilities typically associated with the use and operation of such facility, including but not limited to: ski and snowboard runs and trails; ski lifts and tows, including towers and structures, related to skiing and snowboarding patrons; snow-making equipment/facilities; ski patrol facilities; ski area administrative and ticketing offices; special events directly associated with ski areas such as ski races, snowboard races, snow machine races, bicycle races, and concerts; alpine slide; nordic ski trails and facilities; tubing hills; ski and equipment rental facilities and ski instruction facilities; ice skating rinks; ski bridges; and supporting accessory structures.

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

**11. Theater Company or Dinner Theater**

**a. Definition**

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

**b. Use-Specific Standard**

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

**E. Food and Beverage Services**

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

**1. Bar**

**a. Definition**

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

**b. Use-Specific Standard**

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

**2. Food and Beverage Kiosk**

**a. Definition**

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

**b. Use-Specific Standards**

Kiosks in all districts shall comply with the following standards:

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

ii. Kiosks shall be on wheels to facilitate movement onto and off the site, and may not be located on a permanent foundation. The wheels shall be screened with opaque skirting or screening so as to not be visible.

iii. Kiosks may be located on the same lot as another principal use.

[KIOSKS SHALL COMPLY WITH THE "DRIVE-THROUGH SERVICE" ACCESSORY USE STANDARDS IN SECTION 21.05.070D.7.]

iv. Kiosks that provide outdoor seating shall provide parking for that seating, as required by section 21.07.090, *Off-Street Parking and Loading*.

v. All signs shall comply with chapter 21.11, *Signs*.

**3. Restaurant**

**a. Definition**

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

**b. Use-Specific Standards**

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

ii. Any restaurant with drive-through service shall comply with the “drive-through service” accessory use standards in section 21.05.070D.6[7].

**F. Office**

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

**1. Broadcasting Facility**

**a. Definition**

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

**2. Financial Institution**

**a. Definition**

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

**b. Use-Specific Standards**

i. Financial institutions are permitted in the B-1A, NMU, and B-3 districts **only** if they are providing primarily retail services to walk-in customers, rather than primarily office and support services with few walk-in customers.

ii. Financial institutions in the B-3 district shall have a maximum gross floor area of 5,000 square feet.

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

**3. Office, Business or Professional<sup>23</sup>**

**a. Definition**

An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise, except as

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<sup>23</sup> See Amendment #23.

1 incidental to a permitted use. Typical examples include real estate, insurance,  
2 property management, investment, employment, travel, advertising, law,  
3 architecture, design, engineering, accounting, call centers, and similar offices.  
4 ~~[[Government offices are classified under “governmental administration and civic~~  
5 ~~buildings” above.]]~~

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

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

11 **1. Business Service Establishment**

12 **a. Definition**

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

16 **2. Funeral Services**

17 **a. Definition**

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

21 **3. General Personal Services<sup>24</sup>**

22 **a. Definition**

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

31 **4. Small Equipment Rental**

32 **a. Definition**

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

40 **b. Use-Specific Standard**

41 In mixed-use districts, all maintenance, display, and storage of equipment shall  
42 be conducted within an enclosed building, or within an area located in the rear of  
43 the building and screened by a sight-obscuring fence at least six feet in height.

<sup>24</sup> See Amendment #24.

**H. Retail Sales**

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

**1. Auction House**

**a. Definition**

A structure or enclosure where goods are sold by auction.

**2. Building Materials Store**

**a. Definition**

An establishment primarily engaged in the sale, distribution, and associated storage of lumber and other building materials such as brick, tile, cement, insulation, floor covering, roofing materials, and other improvement materials and associated tools; and/or the sale and service of plumbing, heating, and/or electrical equipment.

**3. Convenience Store**

**a. Definition**

An establishment engaged primarily in the sale of convenience goods, such as pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods.

**b. Use-Specific Standards**

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

ii. In the R-4, R-4A, and B-1A districts, a convenience store shall not sell alcoholic beverages.

**4. Farmers Market**

**a. Definition**

An occasional, periodic, or seasonal market for offering for sale fresh agricultural, fresh food, or arts and crafts products directly to the consumer at an open-air market, covered structure with multiple stalls, or other pre-designated area, where the vendors are generally individuals who have raised the produce or made the product, or have taken the same on consignment for retail sale.

**5. Fueling Station**

**a. Definition**

An establishment engaged in the retail dispensing or sale of gasoline or other vehicular fuel products. This use definition does not include convenience store or vehicle service and repair uses.

**6. General Retail<sup>25</sup>**

**a. Definition**

An establishment engaged primarily in the retail sale of goods or merchandise, and rendering services incidental to the sale of such goods. Examples may include, but are not limited to: general merchandise retailers; warehouse and

<sup>25</sup> See Amendment #25.

<sup>26</sup> See Amendment #26.



club retailers; superstores; discount stores; catalog showrooms; pharmacies; and specialty retail stores specializing in such goods as clothing, home furnishings, sporting goods, books, stationary, music, video rentals, or flowers.

**b. Use-Specific Standards**

Any general retail use, such as a pharmacy, with drive-through service shall comply with the “drive-through service” accessory use standards in subsection 21.05.070D.6[7].

**7. Grocery or Food Store**

**a. Definition**

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

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

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

**8. Liquor Store**

**a. Definition**

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

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

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

**9. Pawnshop**

**a. Definition**

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

**I. Vehicles and Equipment**

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

**1. Aircraft and Marine Vessel Sales**

**a. Definition**

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

**2. Parking Lot, Principal Use**

**a. Definition**

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

**b. Use-Specific Standard**

Principal use parking lots shall be designed in accordance with subsection 21.07.090H., *Parking and Loading Facility Design Standards*, and landscaped in accordance with subsection 21.07.080[F].6., *Parking Lot Landscaping*.

**3. Parking Structure, Principal Use**

**a. Definition**

A parking structure with two or more levels or stories where motor vehicles are parked for not more than 72 consecutive hours, and the spaces are not required parking for another use. The parking structure may be above and/or below grade, and the levels may be partially or fully enclosed. A parking structure may occupy a portion of a building which also includes commercial space, such as offices or retail on the ground floor.

**b. Use-Specific Standard**

Parking structures shall comply with the requirements of subsection 21.07.090K.

**4. Vehicle Parts and Supplies**

**a. Definition**

The display and sale of new, reconditioned, or rebuilt parts, supplies, or equipment for automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, mobile homes, or snowmobiles.

**b. Use-Specific Standard**

No dismantling or wrecking of vehicles or machinery may occur on site. Uses that include dismantling and wreckage are classified by this title as "junkyards."

**5. Vehicle-Large, Sales and Rental**

**a. Definition**

An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles. Vehicles include, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, and mobile homes.

**b. Use-Specific Standards**

i. This use may include the uses "vehicle service and repair, major" and "vehicle service and repair, minor", and repair of the vehicle inventory with a gross vehicular weight rating over 12,000 lbs, in accordance with subsection b.ii. below, is also allowed.

ii. At any given time, no more than five percent of the vehicle inventory on the lot, not including Class A and C recreational vehicles, shall have a gross vehicular weight rating (GVWR) of more than 12,000 lbs.

**6. Vehicle-Small, Sales and Rental**

**a. Definition**

An establishment engaged in the display, sale, leasing, or rental of small motor vehicles. Vehicles include, but are not limited to: motorcycles, personal watercraft (jet skis), utility trailers, snowmobiles, and all-terrain vehicles (ATVs).

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

This use may include the uses "vehicle service and repair, major" and "vehicle service and repair, minor".

**7. Vehicle Service and Repair, Major**

**a. Definition**

An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, or snowmobiles.

Vehicles served by this type of establishment, except for recreational vehicles, shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs. Services include all activities listed in "vehicle service and repair, minor", as well as engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.

**b. Use-Specific Standards**

i. Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.

ii. Noise generating equipment shall meet the noise control standards of AMC section 15.70.

**8. Vehicle Service and Repair, Minor**

**a. Definition**

An establishment engaged in light maintenance activities such as engine tune-ups; oil change and lubrication; carburetor cleaning; muffler replacement; brake repair; car washing; tire shops; and detailing and polishing. Vehicle parts are sold and are ordinarily installed on the premises. Vehicles served by this type of establishment, except for recreational vehicles, shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs.

**b. Use-Specific Standards for Carwash Bays and Vehicle Repair Bays**

i. Vehicle wash or service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.

ii. Noise generating equipment shall meet the noise control standards of AMC section 15.70.

**J. Visitor Accommodations**

This category includes visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices. Specific use types include:

**1. Camper Park**

**a. Definition**

A lot or parcel of land, or portion thereof, temporarily occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay, and containing a potable water source and washroom facilities. These establishments may provide laundry rooms, recreation halls, and playgrounds. These uses are not intended for vehicle storage.

**b. Use-Specific Standards**

**i. Location and Access**

No entrance to, or exit from, a camper park shall be through a residential district or shall provide access to any street other than a collector or street of greater capacity.

**ii. Occupancy and Length of Stay**

Spaces in camper parks may be used by campers, recreational vehicles, equivalent facilities constructed on automobiles, tents, or short-term housing or shelter arrangements or devices. The occupants of such space shall remain in that space a period not to exceed 30 days.

**2. Extended-Stay Lodgings**

**a. Definition**

A visitor lodging establishment with six or more guest rooms offering suites with kitchens, business traveler communications conveniences, and intended primarily for periods of stay of one week or more. This does not include bed-and-breakfasts, which are classified as an accessory use under section 21.05.070.

**b. Use-Specific Standards**

- i. A kitchen area shall be provided in all units.
- ii. The facility shall provide a lobby area with a minimum of 750 square feet.
- iii. In the R-4 district, extended-stay lodgings shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.

**3. Hostel**

**a. Definition**

An overnight lodging facility in which beds (pillows), rather than rooms, are rented. Sleeping accommodations are primarily dormitory-style and shared kitchen facilities may be available to the guests.

**b. Use-Specific Standards**

- i. Hostels in the R-2F and R-2M shall contain no more than 20 pillows. Hostels in the R-3, R-4, and R-4A shall contain no more than 40 pillows.
- ii. Hostels in residential zones require an administrative permit pursuant to subsection 21.03.030.

**4. Hotel/Motel**

**a. Definition**

Any building containing 20 or more guestrooms, rented for compensation by the day or week, and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants and meeting rooms. Meeting facilities designed to accommodate 1,500 or more persons shall constitute a separate principal use and be classified as "civic/convention center" under this title.

**b. Use-Specific Standards**

- i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.
- ii. Establishments in mixed-use districts shall have all their guestrooms accessible by means of interior corridors.
- iii. Establishments whose rooms are individually accessible from the outdoors shall have frontage on a major arterial or street of greater classification.

- iv. In the R-4 district, hotels shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.

5. Inn

a. **Definition**

A building or group of buildings containing between six and 19 guest rooms, or up to 60 pillows, for overnight lodging for compensation, where at least one meal per day may be provided to the guests, there is a central meeting room or lounge available to all of the guests, and there are no shared kitchen facilities.

b. **Use-Specific Standards**

- i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.
- ii. Inns in the R-4A district shall be subject to the [APPLICABLE] multifamily building [DEVELOPMENT AND] design standards in section 21.07.110C[100], and the multi-family building parking standards in section 21.07.090. In the R-4A district, inns shall adhere to the maximum floor area ratio permitted for multi-family dwellings.

6. Recreational and Vacation Camp

a. **Definition**

An overnight recreational camp, such as a children's camp, family vacation camp, or outdoor retreat. These establishments provide accommodation facilities, such as cabins and fixed camp sites, and incidental recreational and educational facilities.

**21.05.060 INDUSTRIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

This section defines the general industrial use categories and specific industrial use types listed in tables 21.05-1 and 21.05-2. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

**A. Industrial Service**

This category includes establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage. Specific use types include:

1. **Data Processing Facility**

a. **Definition**

An establishment where electronic data is processed by employees, including, without limitation, data entry, storage, conversion, or analysis, and subscription and credit card transaction processing.

2. **Dry-Cleaning Establishment**

a. **Definition**

An establishment maintained for on-site laundry and/or dry cleaning, including the use of [USING] a perchlorethylene process or similar nonflammable, non-aqueous solvent, of fabrics, textiles, wearing apparel, or articles of any sort, and also including related maintenance or operation of equipment and machinery.

3. **General Industrial Service**

a. **Definition**

Establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Examples include: welding shops; machine shops; tool repair; electric motor repair; repair of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping; exterminators; and vending machine sales and service. Accessory activities may include retail sales, offices, parking, and storage.

b. **Use-Specific Standard**

L4 screening landscaping is required where adjacent to residential zones.

4. **Governmental Service**

a. **Definition**

A facility housing government shops, maintenance, and repair centers, and equipment storage yards.

b. **Use-Specific Standard**

L4 screening landscaping is required where adjacent to residential zones.

5. **Heavy Equipment Sales and Rental**

a. **Definition**

An establishment engaged in the display, sale, leasing, or rental of construction equipment and other heavy equipment, including all heavy equipment of 12,000 or more pounds gross vehicular weight (GVW). This category does not include recreational vehicles or larger trucks that typically are sold at automobile dealerships; such vehicles are covered by "vehicle-large, sales and rental" above.

6. **Research Laboratory**

a. **Definition**

A facility that is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research, and including research and analysis facilities operated by public agencies and designed to assure public health and safety. The use does not include facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

B. **Manufacturing and Production**

This category includes industrial establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, **synthetic** [MAN-MADE], raw, secondary, or partially completed materials may be used in the manufacturing process. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Such uses may include industries furnishing labor in the case of the refinishing of manufactured articles. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of total sales. Accessory activities may include limited retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific uses types include:

1. **Commercial Food Production**

a. **Definition**

An establishment processing and/or producing food for human consumption, including facilities engaged in providing food and/or food services for institutional,

governmental, commercial, industrial, and other locations of other businesses; as well as facilities that process meat, game, and seafood. Examples include airline food services, CAFETERIAS, and catering companies that prepare food for consumption at an off-premise customer site.

## 2. Cottage Crafts

### a. Definition

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

### b. Use-Specific Standards

#### i. Production and Sale of Cottage Crafts

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

#### ii. Prohibitions

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

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

## 3. Manufacturing, Heavy

### a. Definition

An establishment engaged in the manufacture or compounding process of raw materials. Such activities may involve the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants, AND hot-mix plants, and RAP storage and processing; sawmills; manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products, or similar industrial uses; steel fabrication shops or yards; and manufacture, service, or repair of railroad equipment.

### b. Use-Specific Standard

L4 screening landscaping is required where adjacent to residential zones.

## 4. Manufacturing, Light

### a. Definition

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial



processing. Examples include, but are not limited to: airplane, automobile, or truck assembly; repair of railroad equipment; beverage manufacture and brewery; boatbuilding; cabinet shops; machine or blacksmith shops; metalworking or welding shops; paint shops; processing and/or dressing of skins; [STEEL FABRICATION SHOPS OR YARDS;] and printing, publishing, and lithography.

**b. Use-Specific Standard**

L4 screening landscaping is required where adjacent to residential zones.

**5. Natural Resource Extraction, Organic and Inorganic**

**a. Definition**

The development or extraction of organic and/or inorganic material from its natural occurrences on affected land. This use includes placer mining operations in which rock byproduct is removed from the premises. This use [SHALL] also includes commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, [OR] rock, or any other mineral, and other operations having similar characteristics. This use includes only operations of a scale involving 50,000 cubic yards or more of material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

**b. Use-Specific Standards (also apply to "Natural Resource Extraction, Placer Mining")**

**i. General Standards**

The following general standards apply in all districts:

**(A) Limit on Site Size**

Except for placer mining, general natural resource extraction is allowed only on sites of five acres or more.

**(B) Water Discharge Permit**

Placer mining operations are subject to a wastewater discharge permit issued by the state department of environmental conservation.

**(C) Use and Handling of Explosives**

In addition to the requirements of the fire code, the following shall govern the storage, handling, and use of explosive materials:

**(1)** In addition to the submittal requirements for a conditional use approval, a blasting plan and a safety plan shall be submitted.

**(2)** Blasting shall be conducted during daylight hours within the operating hours established by the planning and zoning commission.

**(3)** The handling and firing of explosives shall be performed only by the individual possessing a valid explosives certificate issued by the fire marshal.

**(4)** Whenever a new storage or magazine site is established the Anchorage police department, Anchorage fire



department and the emergency operations center shall be notified.

(5) Quantities of explosives shall be determined by the fire code at AMC title 23.

(6) Blasting operations shall be performed in accordance with the instructions of the manufacturer of the explosive materials being used.

(7) Rock fall mitigation methods may be required. When blasting is done in close proximity to a structure, railway, highway, or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.

(8) Property owners within 1,000 feet of the site shall be notified at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.

(9) All areas subject to blasting operations shall be fenced in a manner to secure the site and to prevent unauthorized access to the site.

(10) Notice of blasting operations shall be posted at all entrances to the site and on security fencing in areas subject to blasting operations. Posting shall occur at least 24 hours in advance of blasting.

(11) When blasting is being conducted in the vicinity of utilities (gas, water, electric, fire alarm, or telephone), the blaster shall notify the appropriate representatives of the agencies at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.

(12) Before a blast is fired, the individual in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover and a loud warning signal has been sounded.

(13) The operator of the site shall be responsible for all damages to persons or property which arise from, or are caused by the blasting operations.

**(D) Required Submittals**

In addition to the general submittal requirements applicable to all site plans specified in the title 21 user's guide, additional submittal requirements are specified in that guide for natural resource extraction. The site plan shall be subject to review and approval of the department of **public works** [PROJECT MANAGEMENT AND ENGINEERING] for drainage, erosion, and sedimentation control; for conformance with the requirements of the National Pollutant Discharge Elimination System (NPDES)

permit and other applicable EPA guidelines; and for compliance with generally accepted sound engineering principles.

**(E) Standards for Approval**

In addition to the conditional use standards of approval at 21.03.080C., the planning and zoning commission may approve a natural resource extraction conditional use only if the commission finds that the use also meets the following standards:

- (1) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner to make them dust free. Where access roads intersect collectors or arterials, suitable traffic controls shall be established.
- (2) The extraction operations will not pose a hazard to the public health and safety.
- (3) The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly interfere with surrounding land uses.
- (4) The restoration plan for the site ensures that, after extraction operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition. The site shall either be restored generally to its pre-excavation contours, or as appropriate for the future use of the land.
- (5) The proposed use meets such additional standards for natural resource extraction conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.

**6. Natural Resource Extraction, Placer Mining**

**a. Definition**

Natural resource extraction by means of the placer mining method that does not involve the removal of any natural resources other than small quantities of precious metals, such as gold, silver, and platinum, from the premises. Rock byproduct is not removed from the premises.

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

Placer mining shall comply with the use-specific standards set forth above for "natural resource extraction, organic and inorganic."

**C. Marine Facility**

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

**1. Aquaculture**

**a. Definition**

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

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

a. **Definition**

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

3. **Marine Operations**

a. **Definition**

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

4. **Marine Wholesaling**

a. **Definition**

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

D. **Warehouse and Storage<sup>27</sup>**

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

1. **Bulk Storage of Hazardous Materials**

a. **Definition**

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

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

Any new facilities for the storage and/or dispersion of hazardous materials, or expansion of existing facilities for the storage and/or dispersing of hazardous materials, shall occur at least 1,000 feet from a residential or mixed-use district, school, hospital, or park [PLACE OF PUBLIC ASSEMBLY].

2. **Impound Yard**

a. **Definition**

An area used for the storage of vehicles seized for any reason, including but not limited to traffic accidents, improper parking, and abandonment. No dismantling

<sup>27</sup> See Amendment #27.

or disassembly of vehicles is permitted in an impound yard. The vehicle so stored may be sold from the impound yard by auction or otherwise, in accordance with state law.

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

Impound yards shall comply with the use-specific standards set forth for “storage yard” below.

**3. Motor Freight Terminal**

**a. Definition**

A facility for freight pick-up, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

**b. Use-Specific Standards**

i. Loading, parking, and maneuvering space shall be entirely on private property, which includes private leasehold of public property.

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

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

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

**4. Self-Storage Facility**

**a. Definition**

A completely enclosed structure(s) containing three or more areas or rooms available for lease or rent for the purpose of the general storage of household goods and business or personal property, where the lessee of the unit is provided direct access to deposit or store items. Also known as a “ministorage facility.” A self-storage facility may have associated outdoor vehicle storage, but a stand-alone vehicle storage establishment is classified under “storage yard”.

**b. Use-Specific Standards**

The standards below are applicable to self-storage facilities in all districts.

**i. Size of Site**

The self-storage site shall contain no less than one-half acre and no more than ten acres.

**ii. Traffic Access and Curb Cuts**

The site shall have direct driveway access from a street constructed to appropriate municipal standards as described in chapter 21.08.

Location, number, and width of curb cuts shall be subject to the approval of the traffic engineer or the state department of transportation and public facilities.

iii. ***Dimensional Standards***

Notwithstanding the general dimensional standards in chapter 21.06, the following specific standards apply:

(A) ***Maximum Lot Coverage By All Buildings***

75 percent in industrial districts; 50 percent in all other districts.

(B) ***Maximum Height of Structures***

35 feet. Structures over 35 feet in height shall require conditional use approval.

iv. ***Paving and Drainage***

(A) All parking lots [AREAS] and driveways, interior aisles, and walkways shall be paved to municipal standards. In class B areas, the areas may be graveled with D-1.

(B) Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive or contaminated surface runoff from the site onto adjacent lands or streams. Drainage flow patterns shall be shown on the site plan or a separate approved map. [IF PLANS INDICATE THAT SURFACE DRAINAGE WILL BE CARRIED OFF SITE, THE SITE PLAN SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF PROJECT MANAGEMENT AND ENGINEERING.] Drainage shall comply with section 21.07.040.

v. ***Permitted Accessory Uses***

The facility may provide two on-site dwelling units for use by an on-site caretaker, manager, or owner of the site.

vi. ***Storage of Hazardous Substances***

The storage of explosives, radioactive materials, or any other hazardous chemicals, or flammable materials as defined by municipal code, is prohibited.

vii. ***Prohibited Uses Within Storage Units***

Except for work performed ancillary to the operation of the self-storage facility, the following uses are prohibited from occurring within a self-storage facility or vehicle storage rental unit or space:

(A) The servicing, repair, or fabrication of vehicles, boats, trailers, lawn mowers, appliances, or any other equipment with the exception of battery or tire removal and replacement. These must be conducted in accordance with all federal, state, and local laws. All hazardous materials must be disposed of properly by the owner of the vehicle.

(B) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

- (C) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

viii. **Fencing and Landscaping**

- (A) Except as noted below, all site boundaries shall be fenced with a sight-obscuring fence structure at least eight feet high. No fencing shall be required on the portion of site boundaries where a structure, excluding containerized storage units, abuts either side of the lot line.

- (B) The fence shall be constructed of concrete, solid wood, or chain link with a neutral color fabric screening or vinyl covering, and shall be approved by the department for compatibility with surrounding properties. The structure shall be maintained in a safe, sound, and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title. Only one foot of security wire, such as concertina, razor, or barbed wire, is permitted to be exposed and visible outside the fence.

- (C) Where a self storage or vehicle storage facility abuts a commercially zoned district or a street of collector classification or greater on the *Official Streets and Highways Plan*, L2 visual enhancement landscaping shall be required external to the sight-obscuring fence. Where lot lines for these facilities abut a residential district, L3 buffer landscaping shall be required. No landscaping shall be required *where a lot line abuts an industrial district, or* on the portion of site boundaries where a structure, excluding containerized storage units, abuts either side of the lot line [OR AN INDUSTRIAL DISTRICT], unless otherwise required by this title.

ix. **Vehicle Storage Yards**

The yard may not be used to display or advertise any merchandise for sale, including vehicles. No salvaging, dismantling, or disassembly of vehicles is permitted in a vehicle storage yard.

x. **Financial Guarantees**

The department may require a financial guarantee to ensure installation of required landscaping, fencing, paving, or mitigation of any environmental impacts or contamination to the site or surrounding land in accordance with section 21.08.060, *Subdivision Agreements*.

xi. **Existing Self Storage and Vehicle Storage Operations**

Self-storage and vehicle storage operations existing on or before October 26, 2004 shall be deemed to have approved site plans and not be nonconforming uses or structures. Notwithstanding the provisions of chapter 21.12, *Nonconformities*, where self-storage and vehicle storage operations exist and have been in continuous existence since October 26, 2004, that use may continue provided the owner thereof complies with the following:

(A) **Site Enhancement Plan Required**

Any self-storage or vehicle storage operation existing prior to October 26, 2004 that does not comply with the requirements of this section related to sight-obscuring fencing, required

landscaping external to said fencing, and elimination of security razor or concertina security wire at the top of a fence shall obtain approval by the director of, and agree to implement, a site enhancement plan for the property. This site enhancement plan shall be submitted to the director before April 26, 2014. The plan shall be fully implemented by October 26, 2014. The intent of this site enhancement plan is to bring the property as closely as reasonably possible into compliance with the above noted subsection without impeding existing operations.

**(B)** *Contents of Site Enhancement Plan*

The site enhancement plan shall include:

- (1)** A graphic and legal description of the plan area.
- (2)** Existing fencing and fencing types on the site.
- (3)** Current vegetation external to perimeter fencing, if any.
- (4)** Vehicular access points, including ingress and egress points, and queuing lanes.
- (5)** Proposed modifications to bring the property into compliance with the intent of the standards of this section, but only for the following items: sight-obscuring fencing; required landscaping external to said fencing on any side of the property abutting a residential zoning district or an arterial, if the side is not otherwise obscured from view by other landscaping, naturally-vegetated areas, natural features, or buildings located on adjoining properties; and in all instances elimination of barbed, razor, [AND] concertina, or other security wire, unless the security wire is placed in accordance with other sections of this title.
- (6)** It is the intent of this section that owners of existing facilities not be required to move existing fences or change existing operations.

**(C)** *Narrative Statement Required*

A narrative statement shall also be submitted with the site enhancement plan. The narrative shall be based on existing conditions and shall detail the following information:

- (1)** The method of securing the area to prevent casual access.
- (2)** A proposed schedule that specifies the date and methods by which the owner shall come into compliance with the intent of this section.
- (3)** A description of current operations and uses that take place on the site.

**(D)** *Implementation of Approved Site Enhancement Plan*

The director shall set a reasonable period of time for implementation of the approved site enhancement plan, but in all cases the implementation shall be complete by October 26, 2014. Adequacy of the site enhancement plan shall be based on evidence presented by the owner, which may include the following:

- (1) The location and size of the property and the self-storage and/or vehicle storage use, including topography and related physical constraints of the site.
- (2) History of the use of the property as a self-storage and/or vehicle storage use, including information about the length of time it has existed as that use and any relevant permits or other official regulatory documents related to the use of the property as a self-storage and/or vehicle storage use.
- (3) A map of the subject property indicating the location of all parcels of real property within a distance of 300 feet from the exterior boundary of the subject property, showing the zoning district boundaries.
- (4) The compatibility of the operation with surrounding neighborhoods, and with prevention of noise, dust, safety hazards, traffic congestion, aesthetic deterioration, and other adverse environmental effects.
- (5) Any other information the property owner may wish to submit in order to make his or her case.

**(E) *Decision by Director***

Upon receipt of a site enhancement plan pursuant to subsection xii.(A). above, the director shall make a determination within 60 days of submittal of the site enhancement plan. The decision of the director shall be in writing and sent by certified mail to the address listed in the owner's application.

**(F) *Appeals***

A decision of the director is final unless appealed within 30 days of its receipt by the owner of the property. Appeal is to the zoning board of examiners and appeals. Only the applicant may appeal the decision of the director. An appeal from a decision of the zoning board of examiners and appeals may be brought in superior court.

**5. Storage Yard**

**a. *Definition***

Any lot or portion of a lot that is used for the sole purpose of the outdoor storage of fully operable motor vehicles; construction equipment; construction materials; sand, gravel, topsoil, or the like; or other tangible materials and equipment.

**b. *Use-Specific Standards (also apply to "Impound Yard" and "Junkyard")***

**i. *Location of Site***

- (A) L4 screening landscaping shall be planted along all lot lines where a storage yard or impound yard abuts any academic



school, hospital, residential district, or government administration and civic building.

(B) A junkyard shall not be located within 500 feet of any academic school, hospital, residential district, or government administration and civic building[, OR RESIDENTIAL SUBDIVISION].

ii. ***Minimum Lot Size and Width for Junkyard***

Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a junkyard shall be two acres. The minimum lot width shall be 150 feet.

iii. ***Limits on Outdoor Storage***

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

iv. ***Containerized Storage Units***

The following standards shall apply to the use of containerized storage units:

(A) A containerized storage unit shall be a factory-built shipping container.

(B) A containerized storage unit shall be subject to the requirements for any required permitting, as set forth in the Anchorage municipal code of ordinances.

v. ***Screening***

L4 screening landscaping is required where adjacent to residential districts.

vi. ***Drainage; Protection of Water Supply***

Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams. [THE DRAINAGE PLAN THAT CARRIES WATER OFF THE SITE SHALL BE SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF PROJECT MANAGEMENT AND ENGINEERING.] Failure to prevent such contamination of the domestic water supply or to prevent excessive surface runoff from the site onto adjoining lands or streams shall be cause for the conditional use to be rescinded and the junkyard to be removed at the cost of the owner of the land upon which it is located.

vii. ***Existing Vehicle Storage Yards***

Storage yards in existence on October 26, 2004 and that fall under the definition of "vehicle storage yard", which means "the outdoor storage of vehicles (under 12,000 lbs. gross vehicle weight rating), boats, and recreational vehicles", may continue to exist pursuant to the requirements of subsection D.4.b.xii. above.

6. ***Warehouse***

a. ***Definition***

A structure containing an area available for the purpose of storing raw materials, goods, or property.

b. **Use-Specific Standard**

L3 buffer landscaping is required where adjacent to residential districts.

7. **Wholesale Establishment**

a. **Definition**

An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. This shall not include heavy manufacturing, resource extraction, scrap operations, bulk storage of hazardous materials, or salvage operations.

E. **Waste and Salvage**

This category includes uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include:

1. **Composting Facility**

a. **Definition**

A facility where organic matter, including leaves, grass, manures, and non-meat, non-biosolids waste, amassed primarily from off-site, is processed by composting and/or processing for commercial purposes. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of collected compost.

b. **Use-Specific Standards**

- i. Any composting storage area of a composting facility shall be set back at least 200 feet from any lot line abutting a residential district, mixed-use district, or any residential use (except a residential use occupied by the owner, operator, or any employee of such composting facility) that exists at the time of the establishment of the composting facility.
- ii. Composting facilities shall contain and treat on-site, all water run-off that comes into contact with the feedstocks or compost, in such manner that the run-off will not contaminate surface or ground water.
- iii. Composting facilities shall not be located in any floodway.
- iv. No composting facility shall commence operation until a nuisance condition control plan, specifying all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, dust) has been approved by the director.

2. **Hazardous Waste Treatment Facility**

a. **Definition**

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

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

Hazardous waste treatment facilities shall be located at least 1,000 feet from any residential or mixed-use district.

3. **Incinerator or Thermal Desorption Unit**

a. **Definition**

i. **Incinerator**

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

ii. **Thermal Desorption Unit**

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

iii. **Not Accessory Uses**

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

b. **Use-Specific Standards**

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

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

ii. **Standards for Incinerators**

(A) **Hazardous Waste Prohibited**

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

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

Separation distances between incinerator facilities shall be as follows:

**TABLE 21.05-3: MINIMUM SEPARATION DISTANCES BETWEEN INCINERATOR FACILITIES**

Rated Capacity (lbs./hour)	Distance from Nearest Emission Source (feet)			
	1315	2300	3280	3940
Under 500	X			
500--1,000		X		
1,001--1,500			X	
1,501--2,000				X
Facilities with unequal capacity: the largest capacity shall determine the minimum distance. Facilities with a rated capacity greater than 2,000 pounds per hour shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and shall meet the standards of subsection iv.(A).(2). below.				

iii. **Standards for Thermal Desorption Units (TDUs)**

TDUs with a rated capacity of under 100 tons per hour shall be 1315 feet from the nearest emission source of another TDU. TDUs with a rated capacity of 100 tons per hour or more shall perform an analysis of the

health risk pursuant to subsection iv.(B). below, and meet the standards of subsection iv.(A).(2). below.

**iv. Standards for Both Incinerators and Thermal Desorption Units**

**(A) Distance Requirements**

All new incinerator facilities shall be located at least 1315 feet from an existing TDU, and vice versa, unless one of the following two standards is met:

- (1) It can be demonstrated that the combined percentage rated capacity of all incinerator facilities and thermal desorption units, existing and proposed, does not exceed 100. The combined percentage rated capacity shall be calculated as follows:

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

Where  $I_1 + I_2 + \dots + I_N$  is the sum of the rated capacities of all incinerator facilities, in pounds per hour, within 1315 feet of the proposed facility, and  $T_1 + T_2 + \dots + T_N$  is the sum of the rated capacities of all thermal desorption units, in tons per hour, within 1315 feet of the proposed facility. The proposed incinerator facility or thermal desorption unit shall be included in the calculation of the combined percentage rated capacity; or

- (2) It can be demonstrated, through an analysis of the health risk described in subsection iv.(B). below, that the combined risk of all incinerators and thermal desorption units operating within 1315 feet of the proposed facility will not pose a lifetime health risk greater than one excess cancer case per 100,000 for individuals living within adjacent residentially zoned areas or attending elementary, middle, or high schools.

**(B) Analysis of Health Risk**

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

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

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

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

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

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

(C) *Standards for Facilities Not Meeting Separation Requirements*  
The planning and zoning commission may approve a conditional use for an incinerator facility or thermal desorption unit that is less than 1315 feet from an existing facility, but meets the standards of either (A).(1). or (A).(2). above, only if the commission finds that the storage plan for the material to be burned and the waste generated by the incineration activity is adequate to prevent any runoff, groundwater contamination, airborne dust, or other means for contaminants to migrate off the site.

(D) *Additional Submittal Requirements for a Conditional use Permit*  
In addition to standard materials required for all conditional use applications, all applicants for a conditional use for an incinerator facility or TDU shall submit the following information pertaining to the burning process:

(1) A description of the operation, including equipment to be used.

(2) The type and quantity of material that will be processed.

(3) Operating hours and conditions.

(4) Plans for storing the material to be burned.

(5) A disposal plan for waste generated from the process.

(6) The location of points of vehicular access to the site and projected traffic counts for each.

(7) A description of the federal or state permitting process required for operation of the incinerator or TDU.

(8) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.

(E) *Additional Conditions of Approval*

(1) The planning and zoning commission shall attach such conditions to the approval of a conditional use for an incinerator or TDU as it finds are necessary to conform the use to the standards set forth above.

(2) All conditional uses granted under this subsection are subject to revocation if the planning and zoning commission determines, based on a recommendation by the municipal department of health and human services, that the operator of the incinerator or TDU failed to operate according to the specifications shown in the plans approved by the planning and zoning commission, or operate in conformance with the state department of environmental conservation or municipal air quality regulations. In order to determine whether or not this condition is met, the director of the municipal department of health and human services shall have authority to require monitoring for compliance with the conditional use permit and to annually obtain copies of the operator's monitoring or testing records.

(3) The petitioner shall obtain all applicable permits from the U.S. Environmental Protection Agency, state department of environmental conservation, and municipal department of health and human services.

4. **Junkyard or Salvage Yard**

a. ***Definition***

Any lot, or portion of a lot, that is used for the purpose of the outdoor storage, handling, dismantling, salvage, wrecking, keeping, or sale of used, discarded, wrecked, or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery or equipment, or parts thereof, including but not limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials defined under "junk" (see general definitions in chapter 21.14). Auto wrecking yards and salvage or scrap yards are included in this use. This does not include a composting facility or "vehicle repair/rebuilding, outdoor, hobby".

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

Junkyards and salvage yards shall comply with the use-specific standards applicable to "storage yard" set forth above.

5. **Land Reclamation**

a. ***Definition***

An operation engaged primarily in increasing land-use capability by changing the land's character or environment through fill or regrading. Land reclamation shall include only operations at a scale involving 5,000 cubic yards or more of fill material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

b. ***Use-Specific Standards***

- i.** If the land reclamation operation will be completed within one year, the review and approval procedure shall be an administrative site plan review. If the operation will continue for more than one year, the review and approval procedure shall be the conditional use process. If an operation was approved under the administrative site plan review process but is not completed within one year, the operator must then apply for a conditional use permit.
- ii.** In addition to the submittal requirements in the user's guide, an applicant for a land reclamation use shall submit the following:

  - (A)** A site plan showing:

    - (1)** Drainage.
    - (2)** Existing and proposed topographical contours (ten-foot contour).
    - (3)** Water table information.
    - (4)** Points of vehicular access to the site.
  - (B)** An erosion and sediment control plan.
  - (C)** A description of the soil types encountered on the site.
  - (D)** A landscaping plan for the period of land reclamation operations and for final restoration of the site.
  - (E)** A security plan to prevent casual trespass.
  - (F)** Proposed hours of operation.
  - (G)** A description of land reclamation and processing operations proposed for the site.
  - (H)** Projected traffic counts for each point of vehicular access to the site.
  - (I)** An estimate of the quantity of materials to be imported to the site and timetable, with supporting calculations conforming to generally accepted engineering principles.
  - (J)** A statement of the types of materials that will be accepted at the site.
  - (K)** Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.
- iii.** The site plan and erosion and sediment control plan required in subsection ii. above shall be subject to review and approval for drainage, erosion and sedimentation control; for conformance with the *208 Areawide Water Quality Management Plan*; and for compliance with generally accepted sound engineering principles.
- iv.** A building or land use permit is required for land reclamation.

- v. In addition to the conditional use standards of approval at 21.03.080C., the planning and zoning commission may approve a land reclamation use only if the commission finds that the use also meets the following standards:
- (A) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free. Where access roads intersect arterials, suitable traffic controls shall be established.
  - (B) The site will not accept materials that are hazardous or flammable.
  - (C) The site will not accept junk as defined in chapter 21.14.
  - (D) The site will not accept soils contaminated with petroleum products or byproducts.
  - (E) The reclamation operations will not pose a hazard to the public health and safety.
  - (F) The reclamation operations will not generate noise, dust, surface water runoff, groundwater pollution, or traffic that will unduly impact surrounding land uses.
  - (G) The restoration plan for the site ensures that, after reclamation operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition.
  - (H) The proposed use meets such additional standards for land reclamation conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.
- vi. The planning and zoning commission may attach such conditions to the approval of a land reclamation conditional use as it finds are necessary to mitigate potential negative impacts on adjacent uses.

**6. Landfill<sup>28</sup>**

**a. Definition**

The burial of hazardous or non-hazardous agricultural, residential, institutional, commercial, or industrial waste, including areas for the disposal of building and organic material and solid waste processing. This use does not include land reclamation.

**b. Use-Specific Standards**

- i. Landfills shall be set back at least 660 feet from any non-industrial use, and that required setback shall be planted with L4 screening landscaping.
- ii. Landfills shall contain and treat on-site all run-off that comes into contact with the waste material, in such manner that the run-off will not contaminate surface or ground water.
- iii. Landfills shall not be located in any floodway.

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<sup>28</sup> See Amendment #28.



- iv. No landfill shall commence operation until a nuisance control plan, specifying all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, wildlife) has been approved by the director.

7. **Recycling Drop-Off<sup>29</sup>**

a. **Definition**

A lot or portion of a lot where containers are located to collect various materials for recycling. This use includes drop-off and collection of materials for recycling, but not processing of such materials.

b. **Use-Specific Standards**

- i. No recycling drop-off area shall be located in required parking for any other uses on the same lot, required landscaping, or pedestrian facilities.
- ii. Containers shall be screened in accordance with the standards of subsection 21.07.080H.2.
- iii. No collection/pick-up of the accumulated materials shall occur between the hours of 10:00 p.m. and 7:00 a.m.
- iv. If a recycling drop-off area is within 200 feet of a residential district, and the drop-off includes containers for collecting glass, the area shall be closed between the hours of 10:00 p.m. and 7:00 a.m.

8. **Snow Disposal Site**

a. **Definition**

An area used for the concentrated storage and disposal of snow transported to that site from other locations. For the purposes of this section, an entire Airport Management District is considered a single location.

b. **Use-Specific Standards**

i. **Location**

Snow disposal sites shall be located at least 25 feet from a class A or class B wetland, and at least 100 feet from a stream or water body.

ii. **Dimensional Standards**

Notwithstanding the general dimensional requirements of chapter 21.06, the following specific standards shall apply to this use.

(A) **Minimum Lot Size**

The minimum lot size shall be 36,000 square feet, unless otherwise established by the planning and zoning commission.

(B) **Maximum Height of Snow Piles**

The maximum height of snow piles shall be 35 feet.

(C) **Minimum Setback Requirement**

The minimum setback of snow piles shall be 25 feet if adjacent to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to a non-industrial zoning district.

iii. **Snow Storage Area**

<sup>29</sup> See Amendment #29.

The snow storage area shall be well defined on-site in order to prevent storage of snow on adjacent properties or landscaped areas. This may be accomplished through location, landscaping, fencing, and/or signs.

iv. **Screening Fence or Berm**

An earthen berm or a screening structure, either at least six feet high, shall be constructed within every setback adjacent to a public right-of-way or to a non-industrial zoning district. Site enhancement landscaping, or another ground cover acceptable to the planning and zoning commission, shall be planted on the berm and within the area between the berm and the lot line for the site. The planning and zoning commission may require construction of a berm or fence within other setback areas in order to restrict casual access, to confine the operations within the site, to reduce noise and glare, and to ensure compatibility of the operation with adjacent uses.

v. **Drainage and Water Quality Facilities**

The on-site and off-site drainage network shall handle water runoff and snow melt without impacting adjacent properties. Drainage and meltwater disposal shall comply with the municipal *Design Criteria Manual* sections regarding snow disposal sites and drainage.

vi. **Noise, Dust, and Litter**

(A) **Noise**

If the level of noise from the activity at the snow disposal site, measured at the property line of any residential zoning district or noise-sensitive use such as a public building, academic school, or hospital [OTHER PLACE OF PUBLIC ASSEMBLY] within one half mile of the snow disposal site, shall exceed the standards stated in AMC subsection 15.70.080A., then the site plan shall identify mitigation measures.

(B) **Dust and Litter Control**

A dust control and litter plan shall be established and implemented. Trash collection/removal shall be done in a manner so that there are no dust or litter impacts to adjacent properties or public rights-of-way.

9. **Solid Waste and/or Recycling Transfer Facility<sup>30</sup>**

a. **Definition**

An establishment for the processing, transfer, and/or disposal of hazardous or non-hazardous solid waste and/or materials for recycling.

b. **Use-Specific Standards**

All such uses shall comply with the following standards:

i. **Location of Site**

A solid waste transfer facility shall not be located within 500 feet of any academic school, hospital, governmental facility (except governmental service), residential subdivision, or place of public assembly.

ii. **Minimum Lot Size and Width**

Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a solid waste and/or recycling transfer

<sup>30</sup> See Amendment #30.

facility shall be two acres and the minimum lot width shall be 150 feet, unless otherwise established by the planning and zoning commission.

iii. ***Limits on Outdoor Storage***

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

iv. ***Screening***

In addition to any landscaping required under section 21.07.080, *Landscaping, Screening, and Fences*, the facility shall be surrounded by a solid, opaque fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from an adjacent property.

**21.05.070 ACCESSORY USES AND STRUCTURES**

**A. Purpose**

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

**B. General Standards**

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

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

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

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

**2. Compliance with Ordinance Requirements**

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

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

c. Accessory uses shall comply with all standards of this title applicable to the principal use with which they are associated. Parking requirements shall be met

for both the principal use, as specified in section 21.07.090, and any additional requirements for the accessory use, if applicable and specified in this section.

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

**a. Same Lot**

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

**b. Location of Accessory Structures**

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

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

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

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

**4. Same Ownership Required**

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

**5. Temporary Accessory Uses and Structures**

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

**C. Table of Allowed Accessory Uses**

Tables 21.05-4 and 21.05-5 below list the accessory uses allowed within all base zoning districts. Each of the listed uses is defined in subsection D. below.

**1. Explanation of Table Abbreviations**

**a. Permitted Uses**

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

**b. Administrative Site Plan Review**

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

**c. Conditional Uses**

"C" in a cell indicates that, in the respective zoning district, the accessory use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*.

**d. Prohibited Uses**

A blank cell indicates that the accessory use is prohibited in the respective zoning district.

- e. **Definitions and Use-Specific Standards**  
Each use listed in tables 21.05-4 and 21.05-5 is defined in this section. Regardless of whether an accessory use is allowed by right or subject to administrative site plan review or conditional use, there may be additional standards that are applicable to the use. The [EXISTENCE OF THESE USE-SPECIFIC STANDARDS IS NOTED THROUGH A SECTION] cross-reference in the last column of the table identifies the code location of the definition and any use-specific standards. [REFERENCES REFER TO SUBSECTION D. BELOW. THESE] Any standards apply in all districts unless otherwise specified.
- f. **Unlisted Accessory Uses or Structures**  
An accessory use or structure that is not listed in tables 21.05-4 and 21.05-5 shall comply with all standards set forth in subsection B. above.
- g. **Tables of Permitted Accessory Uses and Structures**

TABLE 21.05-4: TABLE OF ACCESSORY USES – RESIDENTIAL DISTRICTS																
P = Permitted								S = Administrative Site Plan Review								
Accessory Uses	R-1	R-1A	R-2A	R-2D	R-2F	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
Accessory dwelling unit (ADU)			P	P	P	P				P	P	P	P	P	P	21.05.070.D.1.
Bed and breakfast (up to 3 guestrooms)	P	P	P	P	P	P	P			P	P	P	P	P	P	21.05.070.D.2.
Bed and breakfast (4 or 5 guestrooms)	S	S	S	S	S	S	S			S	S	S	S	S	S	21.05.070.D.2.
Beekeeping	P	P	P	P	P	P	P	P		P	P	P	P	P	P	21.05.070.D.3.
Dormitory							S	S	S	S	S	S	S	S	S	21.05.070D.5.
Family self-sufficiency Service							P	P	P							21.05.070D.7.
Farm, hobby										P	P	P	P	P		21.05.070D.8.
Garage or carport, private residential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.9.
Home- and garden-related use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.10.
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.11.
Intermodal shipping container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.12
Large domestic animal facility										P	P	P	P	P	P	21.05.070D.13.
Outdoor keeping of animals	P	P	P	P	P	P	P			P	P	P	P	P	P	21.05.070D.14.
Parking of business vehicles, outdoors, accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.17.
Private outdoor storage of non-commercial equipment accessory to a	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070D.18.

**TABLE 21.05-4: TABLE OF ACCESSORY USES – RESIDENTIAL DISTRICTS**

**P = Permitted**

**S = Administrative Site Plan Review**

Accessory Uses	R-1	R-1A	R-2A	R-2D	R-2F	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	Definitions and Use-Specific Standards
residential use																
Vehicle repair/rebuilding, outdoor, hobby	P	P	P	P	P	P				P	P	P	P	P	P	21.05.070D.19.

**TABLE 21.05-5: TABLE OF ACCESSORY USES – COMMERCIAL, INDUSTRIAL, MIXED-USE, AND OTHER DISTRICTS**

**P = Permitted**

**S = Administrative Site Plan Review**

**C = Conditional Use Review**

Accessory Uses	B-1A	B-3	DT-1	DT-2	DT-3	R-	MC	NMU	CMU	RMU	MT-1	MT-2	I-1	I-2	MI	AF	DR	PR	PLI	W	Definitions and Use-Specific Standards
Bed and breakfast (up to 3 guestrooms)									P	P											21.05.070D.2.
Bed and breakfast (4 or 5 guestrooms)									S	S											21.05.070D.2.
Beekeeping																		P	P		21.05.070D.3.
Caretaker's residence													P	P				P	P		21.05.070D.4
Dormitory									S	S			C						P		21.05.070D.5.
Drive-through service	P	P				P	P		S	P			P	P	P						21.05.070D.6.
Family self-sufficiency Service								P													21.05.070D.7.
Garage or carport, private residential	P	P				P	P	P	P	P			P		P		P		P		21.05.070D.9.
Home- and garden-related use	P	P				P	P	P	P	P			P		P		P		P		21.05.070D.10.
Home occupation	P	P				P	P	P	P	P			P		P		P		P		21.05.070D.11.
Intermodal shipping container	P	P				P	P	P	P	P			P	P	P	P	P	P	P	P	21.05.070D.12
Outdoor keeping of animals																	P	<sup>31</sup>	<sup>31</sup>		21.05.070D.14.
Outdoor display accessory to a commercial use	P	P					P	P	P	P			P	P	P						21.05.070D.15.
Outdoor storage accessory to a commercial use		P					P						P	P	P						21.05.070D.16.
Private outdoor storage of non-commercial equipment accessory to a residential use																	P				21.05.070D.18.
Vehicle repair/rebuilding, outdoor, hobby																	P				21.05.070D.19.

<sup>31</sup> See Amendment #31.

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

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

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

**a. Definition**

A subordinate dwelling unit added to, created within, or detached from a detached single-family residence, which provides basic requirements for living, sleeping, cooking, and sanitation.

**b. Use-Specific Standards**

**i. Purpose and Intent**

The purpose and intent of this section is to:

- (A) Fulfill housing policy #15 of *Anchorage 2020: Anchorage Bowl Comprehensive Plan*, which provides that accessory housing units shall be allowed in certain residential zones;
- (B) Provide a means for homeowners, particularly the elderly, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- (C) Allow more efficient and flexible use of existing housing stock and infrastructure;
- (D) Respond to changing family needs and smaller households by providing a mix of housing;
- (E) Stabilize homeownership and enhance property values;
- (F) Provide a broader range of accessible and more affordable housing within the municipality; and
- (G) Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the provisions of this title.

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

- (A) Any landowner operating or seeking to establish an ADU shall obtain a building or land use permit from the building official. The permit shall constitute an ADU permit.
- (B) With the permit application, the landowner shall submit an affidavit on a form provided by the municipality, affirming that at least one landowner will occupy the principal dwelling or the accessory unit, and that the ADU will conform to the requirements of the permit and the requirements of this section.
- (C) The permit and the affidavit shall be filed as a deed restriction with the Anchorage recording district to indicate the presence of the ADU, the requirement of owner-occupancy, and conformity



with the requirements of the permit and the requirements of this chapter.

(D) The department shall receive a fee from the applicant pursuant to the title 21 user's guide.

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

iii. **Requirements**

All ADUs shall meet the following requirements:

(A) *Purpose*

Requirements for accessory dwelling units address the following purposes:

(1) Ensure that accessory dwelling units maintain and are compatible with the single-family appearance and character of the principal residence, lot, and neighborhood;

(2) Ensure that accessory dwelling units are smaller in size than the principal dwelling on the lot, and preserve yards and open space;

(3) Provide adequate parking while maintaining the single-family residential character of the neighborhood, avoiding negative impacts to on-street parking, and minimizing the amount of paved surface on a site; and

(4) Provide clear and flexible standards that make it practical and economical to develop accessory dwelling units that are in compliance with this code, and offer an accessible, affordable housing option to the community.

(B) *Requirements for Developing an ADU*<sup>32</sup>

ADUs shall be allowed in all residential zoning districts except R-1, R-1A, R-3, R-4, and R-4A.

(1) *One Principal Structure*

One ADU may be added to or created within a detached single family dwelling on a lot, tract, or parcel, but only if the detached single-family dwelling is the sole principal structure on that lot, tract, or parcel.

(2) *Detached ADU*

One ADU detached from a single-family dwelling is permitted on a lot, tract, or parcel, but only if:

(a) The lot, tract, or parcel is 20,000 square feet or greater and the ADU is attached to or above a

<sup>32</sup> See Amendment #32.

garage and the detached single-family dwelling is the only principal structure; or

(b) The lot, tract, or parcel abuts an alley; the ADU is above a detached garage, the ADU/garage abuts the alley, and the detached single-family dwelling is the only principal structure.

(3) *Lot Coverage*

The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.

(4) *Uses*

(a) An ADU shall not be permitted on any lot with a child care center.

(b) The landowner shall reside in either the principal dwelling unit or the ADU as his or her primary residence for more than six months of each year.

(c) No more than two persons may reside in an ADU.

(5) *Building Code Requirements*

To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted municipal building code standards for two-family dwellings.

(6) *Size*

(a) The gross floor area of the ADU, not including any related garage, shall be no more than 700 square feet, nor less than 300 square feet, nor have more than two bedrooms;

(b) In no case shall the total gross floor area of an ADU be more than 35 percent of the total gross floor area of the principal dwelling unit, excluding the ADU and garages.

(7) *Setbacks*

An ADU shall not encroach into any required setback, except that an ADU may encroach into the rear setback abutting an alley.

(8) *Parking*

One off-street parking space in addition to the parking spaces required for the principal dwelling unit is required for the accessory dwelling unit; but in no event shall there be fewer than three parking spaces per lot. Notwithstanding the provisions of chapter 21.12, *Nonconformities*, all off-street parking deficiencies shall be corrected.

**(9) Design and Appearance**

**(a)** All ADUs shall be designed to maintain the appearance of the primary unit as a single family dwelling. The accessory dwelling unit shall maintain the architectural style and character of the single-family residence. Exterior siding, roofing, and trim shall match the appearance of the materials on the principal dwelling unit. Roof style shall match the predominant style of the principal dwelling unit. Exterior window trim, window proportions (width to height), patterns, and orientation (horizontal to vertical) shall match those of the principal dwelling unit.

**(b)** The construction of an additional entry door on the side of a principal structure facing a street for entrance into an accessory dwelling unit is prohibited, unless no other entry door already exists on that side. Entrances are permitted on non-street-facing sides of the principal structure.

**(10) Utilities**

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

**(C) Additional Requirements for Detached ADUs<sup>33</sup>**

**(1)** The ADU shall be at least 60 feet from the primary front lot line, or at least 10 feet behind the primary façade of the principal dwelling unit.

**(2)** The maximum height of a detached ADU shall be 25 feet.

**(D) Density**

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

**(E) Expiration of Approval of an ADU**

Approval of an ADU expires when:

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

**(2)** The property ceases to maintain all required off-street parking spaces;

**(3)** A landowner of the property does not reside in either the principal or the accessory dwelling unit;

**(4)** The ADU is abandoned by the landowner through written notification to the municipality on a form provided by the municipality; or,

<sup>33</sup> See Amendment #33.

(5) The property with an ADU changes ownership.

(F) *Transfer*

An ADU permit is not transferable to any other property or any other person. When a property with an ADU is sold or otherwise transferred, the new landowner shall file an affidavit of owner-occupancy with the department within 30 days of the transfer, and pay a processing fee. Failure to file an affidavit by the due date constitutes failure to have a permit, in violation of this section. Transfers from one landowner to another landowner do not require a new affidavit so long as the recipient landowner signed the original affidavit.

(G) *Prior Illegal Use*

(1) All structures which meet the definition of accessory dwelling unit which are not recognized as legal nonconforming structures or uses of structures under chapter 21.12 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:

(a) A permit application for an ADU is submitted to the building safety division within six months of [effective date].

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

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

(3) In addition to any other remedies provided in this code, failure to legalize an existing unit under this subsection shall result in civil penalties as provided at AMC section 14.60.030. All landowners of illegal units shall also be required to either legalize the unit or remove it.

(4) This subsection does not apply to existing legal nonconforming uses of structures established pursuant to chapter 21.12.

(H) *Variances*

Nothing in this section guarantees any property landowner the right to create an ADU unless it conforms to all provisions in this section. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section. No variances shall be granted from the standards and provisions of this section.

2. **Bed and Breakfast**  
a. ***Definition***

A bed and breakfast is a private residence that offers overnight accommodations and limited food service to overnight guests, for which compensation is paid on a daily or weekly basis.

**b. Use-Specific Standards**

**i. General Standards**

(A) Bed and breakfast establishments are allowed only in attached or detached single-family and two-family dwellings, not including mobile homes.

(B) The host-operator of the bed and breakfast enterprise shall establish and maintain the single-family or the bed and breakfast unit of a two-family structure as his or her primary domicile at all times while it is operated as a bed and breakfast.

(C) A bed and breakfast may have up to five guestrooms, as allowed by tables 21.05-4 and 21.05-5. If an ADU also exists on the premises, the ADU shall count as one of the allowed guestrooms. No more than the permitted number of guestrooms shall be offered for use at any one time.

(D) Only one daily meal shall be offered to guests at any bed and breakfast establishment.

(E) Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than 30 consecutive days.

(F) A bed and breakfast shall not be permitted concurrently on any lot with an child or adult care facility, or assisted living facility.

(G) The accessory use shall protect and maintain the integrity of the residential neighborhood. A bed and breakfast shall not detract from the principal use in the district and shall not place a burden on any private or public infrastructure (i.e., streets or utilities) greater than anticipated from permitted development.

(H) Every bed and breakfast shall meet the off-street parking requirements stated [IN SECTION 21.07.090 AND] in its administrative permit.

(I) Every bed and breakfast supported by on-site well and wastewater disposal systems shall conform to the requirements of AMC chapter 15.65, pertaining to wastewater disposal regulations, and shall obtain a one-time only health authority certificate.

**ii. Administrative Permit**

A bed and breakfast shall require an administrative permit pursuant to section 21.03.030. An application for a bed and breakfast permit shall not be complete unless it is accompanied by proof of a current business license, a certificate of on-site systems approval (for on-site systems only), and a site plan and building floor plans meeting the requirements of this title.

**3. Beekeeping**

**a. Definition**

Keeping honey bees, *Apis mellifera*, for the purpose of education and/or producing honey or other products related to bees.

**b. Use-Specific Standards**

i. Colonies of *Apis mellifera* shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

(A) At least 25 feet from any lot line not in common ownership; or

(B) Oriented with entrances facing away from adjacent property; or

(C) Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in all directions.

ii. No more than four hives shall be placed on lots smaller than 10,000 square feet.

**4. Caretaker's Residence**

**a. Definition**

A dwelling unit on the site of a non-residential use and occupied only by a guard or the person who oversees the operation of the non-residential facility (and his/her family).

**5. Dormitory**

**a. Definition**

A facility intended or used as group living quarters for students, religious orders, employees, and the like, directly affiliated with a permitted principal use such as a school, college, convent, or similar institutional use.

**b. Use-Specific Standards**

i. Dormitories in residential and mixed-use districts shall comply with the [APPLICABLE] multifamily residential design standards in subsection 21.07.110C[100].

ii. L2 visual enhancement landscaping is required when dormitories abut residential lots in a residential district.

**6. Drive-Through Service**

**a. Definition**

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

**b. Use-Specific Standards<sup>34</sup>**

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

<sup>34</sup> See Amendment #34.

personal services and food and beverage kiosk. The following standards apply to all drive-through services:

i. **Queuing Spaces**

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

ii. **Impact on Adjacent Uses**

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

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

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

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

7. **Family Self-Sufficiency Service**

a. **Definition**

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

b. **Use-Specific Standards**

i. **General Standards**

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

(A) **Building**

The structure used to house the facility shall maintain at least twenty residential units and devote at least 85 percent of the building's maximum gross floor area to residential use.

(B) **Ownership**

The operating agency shall have ownership of the structure. No other entity may rent, lease, buy, or otherwise obtain space in the building for the purposes of operating facilities regulated under this subsection.

(C) **Staff**

During the **hours of** operation **[HOURS]**, there shall be at least one instructor/monitor on-site and responsible to the operating agency.

(D) **Clients**

Facility users are not required to be residents of the building housing the facility. The facility users shall be restricted to the tenants of the operating agency or beneficiaries of assisted housing from the operating agency.

**8. Farm, Hobby**

**a. Definition**

The production of crops for sale. This may include a temporary stand for sales on the premises.

**9. Garage or Carport, Private Residential**

**a. Definition**

A detached accessory or portion of a principal structure that is used for the parking and storage of vehicles owned and operated by the residents thereof.

**b. Use-Specific Standards**

i. Garages may encroach into the rear or side setback when that setback abuts an alley.

ii. Such accessory uses shall serve only the residents of the property and shall not be used for commercial purposes except as part of a home occupation approved under subsection D.11[12]. below.

iii. In class A improvement areas and in the R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure.

iv. In class B improvement areas, except for the R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than five percent of the lot area, up to a maximum of 5,000 square feet.

**10. Home- and Garden-Related Use**

**a. Definition**

Accessory uses subordinate to the use of a residential dwelling. Examples include, but are not limited to, greenhouses, gardens, storage sheds, garden sheds, tool sheds, workshops, private barbeque pits, spas, and hot tubs.

**b. Use-Specific Standards**

i. All spas and hot tubs shall be set back a minimum of 10 feet from all property lines, and shall not be counted in calculating lot coverage.

ii. In class A improvement areas and in the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure.

iii. In class B improvement areas, except for the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than five percent of the lot area, up to a maximum of 5,000 square feet.

**11. Home Occupation**

**a. Definition**

An activity that results in a product or service, carried out for consideration or not, and conducted as a customary, incidental, and accessory use in a dwelling unit. This use expressly does not include bed and breakfasts, hobby farms, large



**domestic animal facilities.** small and large assisted living facilities, or adult or child care homes.

**b. Use-Specific Standards**

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

i. A permanent resident of the dwelling unit is engaged in the home occupation on the premises;

ii. Only one nonresident may be engaged in the home occupation on the premises;

iii. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following in class A areas:

(A) No more than the lesser of 25 percent or 500 square feet of the floor area of the principal dwelling is devoted to any home occupation; or

(B) No more than 300 square feet of an accessory building is devoted to any home occupation; or

(C) No more than 250 square feet of the principal dwelling and 250 square feet of the accessory building are devoted to any home occupation.

iv. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following in class B areas:

(A) No more than the lesser of 40 percent [ ] or 650 square feet of the gross floor area of the primary structure is devoted to the home occupation use; or

(B) No more than 600 square feet of an accessory structure is devoted to the home occupation; or

(C) No more than 325 square feet of the principal dwelling and 350 square feet of the accessory building are devoted to any home occupation.

v. Except for as provided [IN B.VII. BELOW AND] in chapter 21.11, *Signs*, there shall be no change to the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation;

vi. Vehicles making deliveries shall not be parked at the site for a period exceeding one hour;

vii. No traffic or deliveries shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;

viii. All vehicles used in connection with the home occupation shall, except for delivery vehicles allowed above, be of the type commonly used for personal non-commercial transportation. Home occupations shall comply with the requirements of subsection D.17. below;

ix. The peace and quiet of the neighborhood shall not be disturbed. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, or odors detectable to the normal senses at the property line. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises. No hazardous or toxic materials shall be stored on the property as part of the home occupation;

x. The hours of operation during which an employee or co-worker, clients, or customers are allowed to come to the home in connection with the business activity are limited to between 7:00 a.m. and 10:00 p.m. Monday through Saturday. Care and feeding of animals is exempted from this provision;

xi. A home occupation shall not be permitted on any lot with an adult or child care facility, or assisted living facility; and

xii. Any storage of wholesale or retail stock in trade in conjunction with the home occupation shall not exceed 10 [TEN] percent of the area devoted to the home occupation, except on lots 40,000 sf or larger in class B districts as defined in 21.08.050B. On lots meeting this exception, storage of stock in trade may equal the area devoted to the home occupation, if the storage is screened from neighboring lots and separated from the neighboring lot line by at least the established district setback.

**c. Uses Prohibited as Home Occupations**

A home occupation shall not include, but is not limited to excluding, the following: veterinary or animal hospital; restaurant; and vehicle repair, unless allowed below under "vehicle repair/rebuilding, outdoor, hobby."

**12. Intermodal Shipping Container (Connex Unit)**

**a. Definition**

A pre-fabricated, standardized, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called cargo containers, transport containers, or marine cargo containers. This use includes similar structures, such as railroad cars.

**b. Use-Specific Standards**

The use of a connex unit is allowed in all zoning districts subject to the following:

i. Except in the industrial, commercial, and airport districts, connex units shall be screened on all sides by structures, landscaping, and/or fences at least as high as the unit, or alternately, shall be sided and roofed with materials substantially similar to the siding of the primary structure.

ii. In commercial districts, connex units shall be located to the rear of all principal structures or alternately, meet either the screening or the siding and roofing requirements of section b.i. above.

- 1                   iii.     In residential districts, connex units are only permitted on lots equal to or  
2                   greater than 40,000 square feet. Except as restricted in b.vii. below,  
3                   connex units existing as of [effective date] on any size lot may continue  
4                   as long as the screening requirements of b.i. above and the number  
5                   limitations of b.iv. below are met within one year of [effective date], in  
6                   which case such connex unit(s) shall be deemed conforming. Failure to  
7                   comply with this provision shall not result in a legal nonconformity, but  
8                   rather shall result in an illegal structure.
- 9                   iv.     In residential districts where the primary use of the lot is residential, no  
10                  more than one unit is allowed per every 40,000 square feet of property  
11                  up to a maximum of three units. In conjunction with nonresidential uses  
12                  in residential districts, no more than three units are allowed.
- 13                  v.     Self-storage establishments in compliance with the development  
14                  standards of 21.05.060D.4., *Self-Storage Facility*, are exempt from this  
15                  section.
- 16                  vi.     Loading or unloading a connex unit, or the use of a connex during  
17                  construction is exempt from this section.<sup>35</sup>
- 18                  vii.    In residential districts on lots of less than 40,000 square feet, connex  
19                  units existing on [effective date] that are located between the front plane  
20                  of the principal structure and the front property line shall be removed or  
21                  relocated within one year of [effective date].

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

23           a.     **Definition**

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

28           b.     **Use-Specific Standards**

29           i.     **Lot Size**

30           The minimum lot size for a large domestic animal facility of four animals  
31           is 40,000 square feet. An additional 10,000 square feet is required for  
32           each animal over four. Application for an administrative variance from  
33           the minimum lot size may be made to the planning department pursuant  
34           to subsection 21.03.240L. [THROUGH THE ADMINISTRATIVE  
35           VARIANCE PROCESS, THE DIRECTOR MAY APPROVE A  
36           DEVIATION OF NO MORE THAN 10 PERCENT, WITH THE  
37           CONCURRENCE OF THE DEPARTMENT OF HEALTH AND HUMAN  
38           SERVICES AND THE DEVELOPMENT SERVICES DEPARTMENT.]

39           ii.    **Adjacent Lots**

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

46           iii.   **Setbacks**

<sup>35</sup> See Amendment #35.

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

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

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

iv. **Structures**

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

v. **Fences**

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

vi. **Commercial Activity**

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

vii. **Other Requirements**

Large domestic animal facilities shall:

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

(B) Obtain an animal control facility license;

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

(D) Comply with licensing and other laws concerning the keeping of animals as set forth in AMC titles 15, 17, and 21.

c. **Large Domestic Animal Facilities That Do Not Meet These Standards**

Large domestic animal facilities that exceed the use-specific standards listed above for site area, structure size, or number of animals, may be allowed by conditional use, pursuant to subsection 21.03.080. In such case, the facility shall be considered a second principal use on the lot and shall comply with subsection 21.05.050B.3.

14. **Outdoor Keeping of Animals**

a. **Definition**

Restraining or restricting the movement of animals outside of a principal structure, by any means not involving the continued presence and/or participation of a human being.

**b. Use-Specific Standards**

i. One to three large domestic animals may be kept outdoors on lots of 20,000 square feet or greater, but any structures or enclosures for keeping such animals shall meet the setback standards of subsection 21.05.070D.13.b.iii.

ii. The following standards apply to the outdoor keeping of all animals except for dogs, domestic cats, and large domestic animals:

(A) On lots of 40,000 square feet or greater, structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.

(B) On lots smaller than 40,000 square feet, the following shall apply:

(1) The outdoor keeping of roosters, turkeys, guinea fowl, peacocks, or geese is prohibited.

(2) Up to five animals may be kept on lots of 6,000 square feet or less, with an additional one animal per additional 1,000 square feet of lot area. A facility license may be required pursuant to title 17.

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

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

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

**a. Definition**

Outdoor display of goods and/or materials for sale, accessory to a commercial principal use. Merchandise may be directly available to the consumer for purchase.

**b. Use-Specific Standards**

No materials may be displayed in areas intended for vehicular circulation, required parking, required open space, required unobstructed clear width of pedestrian walkways, or required landscaping.

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

**a. Definition**

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

**b. Use-Specific Standards**

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

- i. Each outdoor storage area shall not be located closer to the front property line than the front façade of the principal building.
- ii. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.
- iii. Equipment stored in an approved outdoor storage area shall be limited to equipment used for property maintenance, such as snow removal equipment. The number of pieces of equipment shall not exceed three. Such equipment storage is only allowed on lots of three acres or greater.
- iv. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials used in the principal structure. The fence or wall may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area. Materials may not be stored higher than the height of the principal structure. The outer perimeter of the fence or wall shall be landscaped with L2 visual enhancement landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.
- v. If the outdoor storage area is covered, then the covering shall include at least one of the predominant roofing materials and exposed roofing colors on the principal structure.
- vi. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
- vii. No goods, equipment, and/or materials may be stored in areas **required** [INTENDED] for vehicular or pedestrian circulation or parking.

**17. Parking of Business Vehicles, Outdoors, Accessory to a Residential Use**

**a. Definition**

The outdoor storage or parking of a vehicle used for and/or bearing visible evidence of a commercial/business purpose, but not regulated by subsection 21.05.070E.7[8].

**b. Use-Specific Standard**

Only two vehicles bearing visible evidence of a business/commercial purpose are permitted per residence.

**18. Private Outdoor Storage of Noncommercial Equipment Accessory to a Residential Use**

**a. Definition**

The private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, aircraft, off-road vehicles, recreational vehicles (RVs), or travel trailers.

**b. Use-Specific Standard**

The private outdoor storage of noncommercial equipment is permitted in the front setback only in the driveway, but not within five feet of any property line, and is prohibited in any side or rear setback, except in a side or rear setback abutting an alley. In class B districts, the setback shall be 25 feet from any property line where the adjacent property is not in common ownership.

**19. Vehicle Repair/Rebuilding, Outdoor, Hobby**

**a. Definition**

The repair or rebuilding of an inoperative motor vehicle as an accessory use, not for commercial purposes.

**b. Use-Specific Standards**

- i. Only one inoperative vehicle may stored outdoors on the site at any given time.
- ii. Any vehicle being rebuilt or repaired shall be the property of the resident of the principal structure.
- iii. Repair or rebuilding work shall take place to the rear or side of the principal structure and shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence between six and eight feet in height, or by opaque landscaping of an equivalent height.

**E. Prohibited Accessory Uses and Structures**

**1. Operation of Particle Accelerators, including Cyclotrons**

Operation of particle accelerator systems, including cyclotrons, is prohibited in all residential districts, whether or not such system is associated with a home occupation.

**2. Fabric Structures**

Frame-supported, arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items, are prohibited in all class A residential districts. In class B residential districts, setbacks for fabric structures shall be twice that otherwise required.

**3. Outdoor Storage of Inoperative Vehicles**

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

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

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

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

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

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

**6. Commercial Motor Vehicle Repair**

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

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

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

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

**21.05.080 TEMPORARY USES AND STRUCTURES**

**B. Purpose**

This section allows for the establishment of certain temporary uses of limited duration, provided that such uses do not negatively affect adjacent properties or municipal facilities, and provided that such uses are discontinued upon the expiration of a set time period. The construction or alteration of any permanent building or structure is not considered a temporary use.

**C. General Temporary Use Standards**

**1. Required Permits**

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

**2. Uses Allowed**

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

**3. Other Uses and Structures Allowed**

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



a. ***Licensed Commercial Uses***

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

b. ***Real Estate Sales Offices***

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

c. ***Special Events***

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

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

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

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

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

i. The property owner or person intending to occupy the temporary living quarters during construction or repair of the permanent dwelling shall secure a permit from the building official before a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under this subsection shall not be renewed and only one permit shall be issued for the same parcel within any 10 year period. The permit may be granted only upon the applicant's written certification, with attachments, that:

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

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

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

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

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

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

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

f. **Other Allowed Temporary Uses**

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

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

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

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

D. **Prohibited Temporary Uses and Structures**

The following temporary uses and structures are prohibited:

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

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

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

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

1. The temporary use or structure shall not have substantial adverse or noise impacts on nearby residential neighborhoods.

2. The temporary use shall comply with all applicable general and specific regulations of this section unless otherwise expressly stated.

3. Unless otherwise stated in this title, temporary uses in residential districts shall last no longer than 90 days. Temporary uses in nonresidential districts shall last no longer than 180 days, with a possible 180 day extension, in accordance with AMC 23.10.104.

4. All temporary signs associated with the temporary use or structure shall be removed when the activity ends.

5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.

6. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.

- 
- 1           **7.**       If the property is undeveloped, it shall contain sufficient land area to allow the temporary  
2                   use or structure to occur, as well as any parking and traffic movement that may be  
3                   associated with the temporary use, without disturbing sensitive or protected resources,  
4                   including required buffers, 100-year floodplains, stream protection setbacks, wetlands,  
5                   areas of slope greater than 20 percent, and required landscaping.
- 6           **8.**       If the property is developed, the temporary use shall be located in an area that is not  
7                   actively used by an existing approved principal use, and that would support the proposed  
8                   temporary use without encroaching or creating a negative impact on existing buffers,  
9                   open space, landscaping, traffic movement, pedestrian circulation, or parking space  
10                  availability.
- 11          **9.**       Tents and other temporary structures shall be located so as not to interfere with the  
12                  normal operations of any permanent use located on the property.
- 13          **10.**      Off-street parking shall be adequate to accommodate the proposed temporary use.
- 14          **11.**      Applications for temporary structures to be located in or near the 100-year floodplain shall  
15                  be required to submit a plan to the director for the removal of such structure(s) in the  
16                  event of a flood notification. The plan shall include the following information:
- 17                  **a.**       The name, address, and phone number of the individual responsible for the  
18                          removal of the temporary structures;
- 19                  **b.**       The time frame prior to the event at which a structure will be removed;
- 20                  **c.**       A copy of the contract or other suitable instrument with a trucking company to  
21                          insure availability of removal equipment when needed; and
- 22                  **d.**       Designation, accompanied by documentation, of a location outside the floodplain  
23                          to which the temporary structure will be moved.
- 24
- 25



## CHAPTER 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS

### 21.06.010 PURPOSE

#### A. Purpose

Specific purposes of this chapter include:

1. Preserving light and air, and avoiding congestion in residential zoning districts;
2. Promoting fire protection through appropriate separation of structures;
3. Ensuring setbacks which promote a reasonable relationship between residences and a consistent residential streetscape;
4. Promoting streetscapes that are consistent with the intended character of different commercial and mixed-use zones;
5. Promoting buildings close to the sidewalk in mixed-use districts, to reinforce a pedestrian oriented streetscape;
6. Controlling the overall building bulk and lot coverage to help define the character of different zones;
7. Promoting a reasonable building scale that is consistent with the function of local commercial areas and the character of surrounding neighborhoods; and
8. Promoting the efficient use of service capacity in areas with the highest levels of public services and intended development.

#### B. Applicability

This chapter applies to all development within the municipality.

### 21.06.020 DIMENSIONAL STANDARDS TABLES

A. This section contains tables that list the requirements for lot dimensions, [AND] building bulk, density, location, and height for all types of development. All primary and accessory structures are subject to the dimensional standards set forth in the following tables. <sup>Superscript</sup> [BRACKETED] numbers refer to notes at the bottom of each table. General rules for measurement and exceptions are set forth in section 21.06.030.

B. These general standards may be further limited or modified by other applicable sections of this title. In particular, some uses have use-specific standards in chapter 21.05 that impose stricter requirements than set forth in these tables.

**A. Table of Dimensional Standards: Residential Districts**

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS								
(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)								
Use	Minimum lot dimensions <sup>1</sup>		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-1: Single-Family Residential District								
Residential uses	6,000	50	30	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	6,000	50	30	20	5	10	N/A	
R-1A: Single-Family Residential District (larger lot)								
Residential uses	8,400	70	30	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	8,400	70	30	20	5	10	N/A	
R-2A: Two-Family Residential District (larger lot)								
Dwelling, single-family detached	7,200	60	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories  Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	8,400	70	40	20	5	10	1	
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
All other uses	7,200	60	40	20	5	10	N/A	
R-2D: Two-Family Residential District								
Dwelling, single-family detached	6,000	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories  Accessory
Dwelling, two-family	6,000	50	40	20	5	10	1	

**TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS**

*(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)*

Use	Minimum lot dimensions <sup>1</sup>		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	garages/carports: 25  Other accessory: 12
All other uses	6,000	50	40	20	5	10	N/A	
R-2F: Mixed Residential District 1								
Dwelling, single-family detached	6,000 min. 12,000 max.	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories  Accessory garages/carports: 25  Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		10	1	
Dwelling, multiple-family (up to 4 units permitted)	8,500 for 3 units; 11,000 for 4 units	50	40	20	10	10	1	
All other uses	6,000	50	40	20	5	10	N/A	
R-2M: Mixed Residential District 2								
Dwelling, single-family detached	6,000 min. 12,000 max.	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories  Accessory garages/carports: 25  Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		10	1	

**TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS***(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)*

Use	Minimum lot dimensions <sup>1</sup>		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, multiple-family (up to 8 units permitted per building)	8,500 + 2,300 for every unit over 3	50	40	20	10	10	More than one principal structure may be allowed on any lot or tract by administrative site plan review; no portion of any structure may be closer than 10 feet to any portion of any other structure	
Dwelling, multiple-family, with single- or two-family style construction of multiple buildings on a lot	3,000 per unit	50	40	20	10	10		
All other uses	6,000	50	40	20	5	10		
R-3: Multifamily Residential District 1								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	20	N/A on common lot line; otherwise 5	10	1	35
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, multi-family	6,000 +1,000 for every unit over 4 units	50	40	20	10	20	More than one principal structure may be allowed on any lot or tract; no portion of any structure may be closer than 10 feet to any portion of any other structure.	
All other uses	6,000	50	40	20	10	20		
R-4: Multifamily Residential District 2								



**TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS**

*(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)*

Use	Minimum lot dimensions <sup>1</sup>		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	10	N/A on common lot line; otherwise 5	10	More than one principal structure may be allowed on any lot or tract; no portion of any structure may be closer than 10 feet to any portion of any other structure.	35
Dwelling, multi-family	6,000	50	50		5 plus one foot for each five feet in height exceeding 35 feet	10		45 <sup>3</sup>
All other uses	6,000	50	50			10		45
R-4A: Multifamily Residential Mixed-Use District								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	Min: 10 ft. Max: 20 ft. A minimum of 50% of the front building elevation shall be within the maximum front setback (see 21.06.030A.5.)	N/A on common lot line; otherwise 5	15' if adjacent to a residential district (except R-4 or R-4A); otherwise 10'	More than one principal structure may be allowed on any lot or tract; no portion of any structure may be closer than 10 feet to any portion of any other structure.	35
Dwelling, mixed-use	6,000	50	65		10' if adjacent to a residential district (except for R-4 or R-4A); otherwise 5'			45 <sup>4</sup>
Dwelling, multi-family	6,000	50	65					
All other uses	6,000	50	65					

**TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS**

*(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)*

Use	Minimum lot dimensions <sup>1</sup>		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-5: Low-Density Residential District								
Dwelling, single-family, or one mobile home	7,000	50	30	20	5	10	1	Principal: 30  Accessory garages/carports: 25  Other accessory: 12
Dwelling, two-family	13,000	100	30	20	5	10	1	
All other uses	7,000	50	30	20	5	10	N/A	
R-6: Low-Density Residential District (1 acre)								
Dwelling, single-family	43,560	150	30	50	25	50	1	Principal: 35  Accessory garages/carports: 30  Other accessory: 25
Dwelling, two-family	87,120	200	30	50	25	50	1	
All other uses	43,560	150	30	50	25	50	N/A	
R-7: Single-Family Residential District (20K)								
Dwelling, single-family	20,000	120	30	25	10	20	1	Principal: 35  Accessory garages/carports: 30  Other accessory: 25
Dwelling, two-family	40,000	120	30	25	10	20	1	
All other uses	20,000	120	30	25	10	20	N/A	
R-8: Low-Density Residential District (4 acres)								

**TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS***(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)*

Use	Minimum lot dimensions <sup>1</sup>		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
Dwelling, single-family	174,240	300	5	25	15	25	1	Principal: 35  Accessory garages/carports: 30  Other accessory: 25
Dwelling, two-family	261,360	300	5	25	15	25	1	
All other uses	174,240	300	5	25	15	25	N/A	
R-9: Low-Density Residential District (2 acres)								
Dwelling, single-family	87,120	180	5	25	15	25	1	Principal: 35  Accessory garages/carports: 30  Other accessory: 25
Dwelling, two-family	130,680	180	5	25	15	25	1	
All other uses	87,120	180	5	25	15	25	N/A	

**TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS***(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)*

Use	Minimum lot dimensions <sup>1</sup>		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract <sup>2</sup>	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-10: Low-Density Residential Alpine/Slope District								
All uses	(See section 21.04.020P.2.)		10	25 feet; 50 feet if average slope exceeds 30 percent	10	1	Principal: 30  Accessory garages/carports: 25  Other accessory: 18	
<sup>1</sup> For other lot dimensional standards, see section 21.08.030K. <sup>2</sup> For those residential uses where only one principal structure is allowed on a lot, no additional nonresidential principal structures are allowed. <sup>3</sup> See subsection 21.04.020I.2.d. for information regarding possible height increases. <sup>4</sup> See subsection 21.04.020J.2.d. for information regarding possible height increases.								

**B. Table of Dimensional Standards: Commercial and Industrial Districts**

TABLE 21:06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS (Additional Standards May Apply. See district specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)							
Use	Minimum lot dimensions <sup>5</sup>			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
B-1A: Local and Neighborhood Business							
All uses	6,000	50	50	10	10 if adjacent to a residential district; otherwise 0 or at least 5	15 if abutting a residential district; otherwise 10	30
B-3: General Business <sup>36</sup>							
All uses	6,000	50	Unrestricted	10	15 if adjacent to a residential district; otherwise 0 or at least 10	15 if adjacent to a residential district; otherwise 0 or at least 5	45
DT-1, DT-2, and DT-3: Downtown Districts (to be determined through Downtown Plan process)							
RO: Residential Office District <sup>36</sup>							
All uses	6,000	50	50	10	10 if adjacent to a residential district; otherwise 5	15 if adjacent to a residential district; otherwise 10	45, not to exceed three stories of nonresidential use
MC: Marine Commercial District							
All uses	6,000	50	N/A	10	0 or at least 5	0 or at least 5	90 feet above mean sea level
I-1: Light Industrial District							
All uses	6,000	50	N/A	10	20 if adjacent to a residential district; otherwise 0 or at least 5		50 <sup>6</sup>
I-2: Heavy Industrial District							

<sup>36</sup> See Amendment #36.

**TABLE 21.06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS**  
*(Additional Standards May Apply. See district specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)*

Use	Minimum lot dimensions <sup>5</sup>			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
All uses	6,000	50	N/A	10	40 if adjacent to a residential district; otherwise 0 or at least 5		none
MI: Marine Industrial							
All uses	6,000	50	N/A	10	0 or at least 5		Within 50 feet of a residential district, no portion of any structure shall exceed the height limit of that district; otherwise none

<sup>5</sup> For other lot dimensional standards, see section 21.08.030K.

<sup>6</sup> Non-building industrial structures and industrial appurtenances are exempt from the maximum allowed height.

C. Table of Dimensional Standards: Mixed-Use Districts

TABLE 21:06-3: TABLE OF DIMENSIONAL STANDARDS - MIXED-USE DISTRICTS (Additional Standards May Apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)							
Uses	Minimum lot dimensions <sup>7</sup>		Setbacks			Max height (ft)	Max floor area ratio (FAR) <sup>8</sup>
	Area (sq ft)	Width (ft)	Front	Side	Rear		
NMU: Neighborhood Mixed-Use District <sup>37</sup>							
Dwelling, townhouse	2,000	20 (30 on corner lots)	Min: 10 ft. Max: 20 ft.	N/A on common lot line; otherwise 5	15 adjacent to a residential district (except R-4 or R-4A); otherwise 10	35	N/A
All other uses	6,000	50	Min: 0 ft. Max: 20 ft. A minimum of 30% of the street-facing building elevation shall be within the maximum front setback. <sup>9</sup>	15 adjacent to a residential district; otherwise 0 or at least 5	15 adjacent to a residential district; otherwise 0 or at least 5	45	0.5
CMU: Community Mixed-Use District							
Dwelling, townhouse	2,000	20 (30 on corner lots)	Min: 10 ft. Max: 20 ft.	N/A on common lot line; otherwise 5	15 adjacent to a residential district (except R-4 or R-4A); otherwise 10	35	N/A
All other uses	6,000	50	Min: 0 ft. Max: 20 ft. A minimum of 50% of the street-facing building elevation shall be within the maximum front setback. <sup>9</sup>	15 adjacent to a residential district; otherwise 0 or at least 5	15 adjacent to a residential district; otherwise 0 or at least 5	60	1
RMU: Regional Mixed-Use District							
Dwelling, townhouse	2,000	20 (30 on corner lots)	Min: 10 ft. Max: 20 ft.	N/A on common lot line; otherwise 5	15 adjacent to a residential district (except R-4 or R-4A); otherwise 10	35	N/A
All other uses	6,000	50	Min: 0 ft. Max: 20 ft. A minimum of 30% of the street-facing building elevation shall be within the maximum front setback. <sup>9</sup>	20 adjacent to a residential district; otherwise 0 or at least 5	20 adjacent to a residential district; otherwise 0 or at least 5	60	1
MT-1: Midtown District Core							
MT-2: Midtown District General							

<sup>37</sup> See Amendment #37.

<sup>7</sup> For other lot dimensional standards, see section 21.08.030K.

<sup>8</sup> See FAR incentives for mixed-use districts at 21.04.050G.2.[030O.2.]

<sup>9</sup> See subsection 21.06.030A.5., *Maximum Setbacks*.



1 D. Table of Dimensional Standards: Other Districts

TABLE 21:06-4: TABLE OF DIMENSIONAL STANDARDS - OTHER DISTRICTS (Additional Standards May Apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05. See section 21.04.070 for AM district standards.)							
Uses	Minimum lot dimensions <sup>10</sup>		Max lot coverage (%)	Minimum setback requirements (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
AF: Antenna Farm District							
All	87,120	120	50	50	25	25	Unlimited, except that structures shall not interfere with FAA regulations on airport approaches
DR: Development Reserve District							
All	5 acres	100	20	Front, side, and rear setbacks shall be 25 feet when the abutting district is PR, PLI, or residential; otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			35
PR and PLI: Parks and Recreation, and Public Lands and Institutions Districts							
All	6,000	50	45	Front, side, and rear setbacks shall be 25 feet when the abutting district is DR, PR, PLI or residential; otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			No maximum, except that the height transition provisions of subsection 21.06.030D.8[7]. shall apply <sup>38</sup>
TA: Turnagain Arm District							
Residential (with sewers)	10,400	70	30	20	5	10	35, unless a conditional use permit is obtained for greater height
Residential (without sewers) (Bird Creek, Indian Valley, Portage inholdings)	108,150	100	20	25	15	25	
Residential (without sewers) (Rainbow Valley inholdings)	216,300	100	20	25	15	25	
Commercial (with sewers)	8,400	50	70	10	10 if adjacent to a residential district, otherwise 5	15 if adjacent to a residential district, otherwise 10	
Commercial (without sewers)	50,000	100	25	25	15	25	
Industrial (with sewers)	8,400	50	100	10	If abutting to a residential use, the setback shall be equal to that required by the residential use; otherwise None		
Industrial (without sewers)	50,000	100	25	25	15	25	
Institutional (with sewers)	8,400	50	30	25	10	15	
Institutional (without sewers)	50,000	100	25	25	15	25	
W: Watershed District							
All	N/A	N/A	5	N/A	N/A	N/A	50

<sup>10</sup> For other lot dimensional standards, see section 21.08.030K.

<sup>10</sup> For other lot dimensional standards, see section 21.08.030K.

<sup>38</sup> See Amendment #38.

**21.06.030 MEASUREMENTS AND EXCEPTIONS**

**A. Lot Area, Width, and Depth**

1. Minimum lot area shall be provided as indicated in section 21.06.020, unless otherwise stated in this title.
2. Lot width and depth shall be measured as shown in the lot width and lot depth illustrations at the end of the chapter.

**B. Lot Coverage**

**1. Lot Coverage Requirement Generally**

No building, structure, or lot shall be developed, used, or occupied unless it meets the lot coverage requirements set forth in this chapter or in chapter 21.04, for the zoning district in which it is located.

**2. Structures Not Considered in Measuring Lot Coverage**

Unless otherwise provided in this title, all structures shall be considered in determining lot coverage except for the following:

- a. Structures less than 30 inches above the finished grade level (such as paved terraces or ground-level decks);
- b. Windowsills, bay windows, fireplace chases, belt courses, cornices, eaves, and similar incidental architectural features;
- c. Accessibility ramps;
- d. Fences, trellises, poles, posts, ornaments, lawn furniture, and similar and customary yard accessories; and
- e. Covered stairways and walkways as described in subsection C.2.j. below.

**C. Setbacks**

**1. Required Setbacks<sup>39</sup>**

- a. Setbacks shall be located as shown in the illustrations at the end of the chapter.
- b. A building, structure, or lot shall not be developed, used, or occupied unless it meets the setback requirements set forth in section 21.06.020 for the zoning district in which it is located, except as otherwise established in this title for particular uses, or unless a variance or minor modification has been granted.
- c. Setbacks shall be unoccupied and unobstructed by any structure, except as provided in subsection C.2. below, and except that fences, walls, trellises, poles, posts, ornaments, furniture, and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.
- d. A setback required by this title shall not be included as part of a setback required by this title for another building or structure or lot.
- e. The entire "pole" portion of a flag lot shall be considered a front setback.

**2. Projections into Required Setbacks**

The following structures or features may project into required front, side, or rear setbacks as specified in this subsection:

<sup>39</sup> See Amendment #39.

a. ***Paved Terraces***

Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this title.

b. ***Unroofed Landings, Decks, and Stairs***

Except as provided in subsection 2.c. below, unroofed landings, decks, and stairs may project into required front and rear setbacks only, provided that no portion other than a handrail shall extend higher than 30 inches above the finished grade level.

c. ***Roofs Over Porches and Other Exterior Approaches***

Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five feet into a front setback, provided that, where such roof projections encroach within the setback, the roof projections shall comprise no more than 50 percent of the total length of a building's front elevation. The covered porch or entrance area encroaching into the setback shall remain exterior to the building, and unenclosed or only partly enclosed, as by a handrail.

d. ***Incidental Architectural Features***

Windowsills, fireplace chases, belt courses, cornices, eaves, and similar incidental architectural features may project up to two feet into any required setback.

e. ***Bay Windows***

Bay windows, measuring no more than eight feet in width where the projection breaks the plane of the wall, may project up to two feet into any required setback, so long as there is a minimum of eight feet between the bay window and any opposing encroachment on an adjacent lot.

f. ***Private Garage or Carport***

A private garage or carport may project into a required side or rear setback abutting an alley.

g. ***Accessory Structures***

Accessory structures may encroach into a required setback a[A]s allowed in subsection 21.05.070B.3.b. Refuse collection receptacles and their enclosures that are less than 150 square feet may encroach in any side or rear setback.

h. ***Accessibility Ramps***

The director may allow the installation of accessibility ramps with handrails in any required setback if they meet the following criteria:

- i. The ramp is neither roofed nor enclosed;
- ii. There are no switchbacks over 30 inches in height; and
- iii. The width of the ramp does not exceed 48 inches.

i. ***Fire Exits***

For buildings existing on [effective date], open fire exits may project not more than four feet six inches into any required setback [YARD].

j. ***Covered Stairways and Walkways***

Stairways and walkways that are roofed but not fully enclosed, and are installed to provide public access between grade-separated areas, but are not intended to provide access to the entrance of any particular structure, may encroach into required setbacks.

### 3. Construction on Adjoining Lots

In determining minimum setback requirements, each lot shall be determined individually and minimum setback requirements may not be calculated on the basis of two or more combined lots. In all instances where a building may be constructed immediately adjacent to a lot line, the building may be constructed upon or over such lot line, provided that the portion of the building on each individual lot is otherwise permitted on each lot.

### 4. Corner Lots with Two or More Frontages and Double-Frontage Lots

a. In the case of corner lots with two or more frontages and double-frontage lots, the director shall determine the setback requirements (except as provided in 4.b. below), subject to the following limitations:

- i. At least one front setback shall be provided having the full depth required generally in the district.
- ii. No other front setback on such lot shall have less than half the depth required generally for front setbacks in the district.
- iii. For residential lots of less than one acre in area and for non-residential lots, setbacks shall be consistent with surrounding properties, with more weight given to abutting properties oriented in the same pattern.

b. For residential lots of one acre or greater in area, the property owner, with the concurrence of the traffic engineer, has discretion over which frontage shall be the primary front setback.

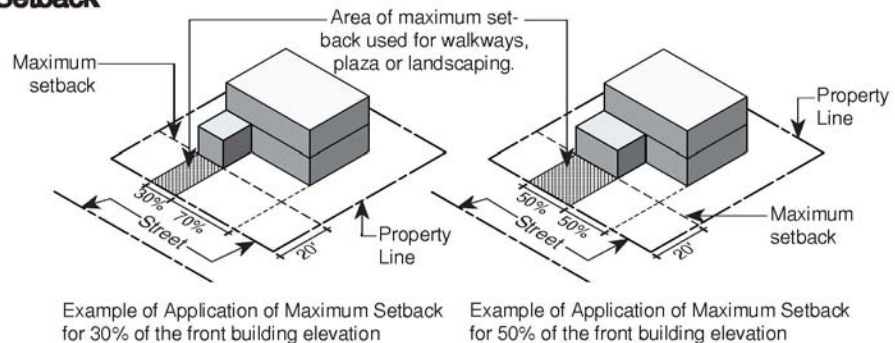
### 5. Maximum Setbacks

Maximum setbacks are intended to help create an environment that is inviting to pedestrians and transit users, and a more active streetscape. Maximum setbacks promote buildings closer to the sidewalk and a stronger interface between buildings and adjoining streets, improving connectivity and making walking more convenient. The requirements of this subsection provide for flexibility and creativity, and allow improvements to existing developments that do not meet the standard.

#### a. Measurement and Applicability

- i. The maximum setback applies to the ground-floor, street-facing elevation of the building, as depicted below.

#### Application of Maximum Setback

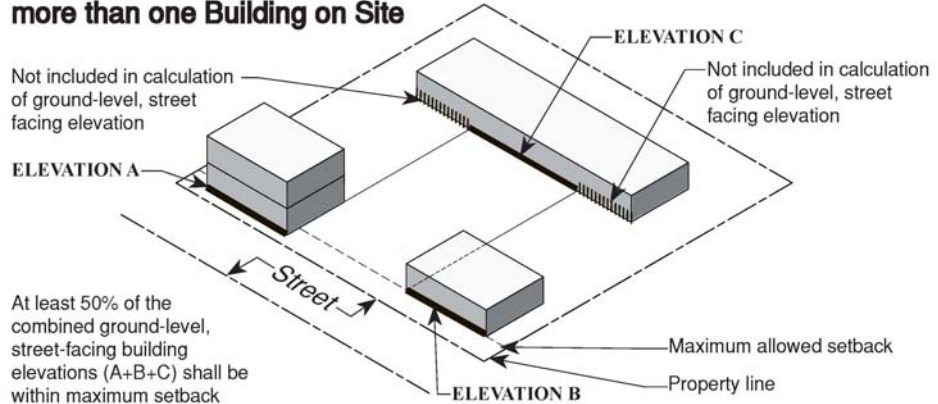


- ii. On lots with two or more street frontages, the maximum setback shall apply only on the primary front setback. When the site abuts a street designated in the comprehensive plan as a "main street", a "transit street", a "mixed-use street", or a derivation of these street typologies,

the location of the maximum setback may be changed to such street with the concurrence of the director.

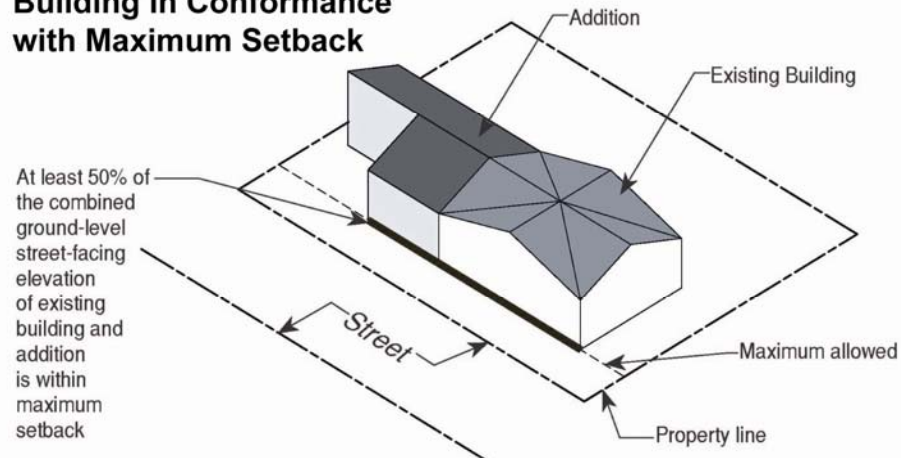
- iii. Where there is more than one building on the site, the maximum setback standard applies to the combined ground-floor, street-facing elevations of all the buildings, as depicted below.

#### Maximum Building Setback with more than one Building on Site

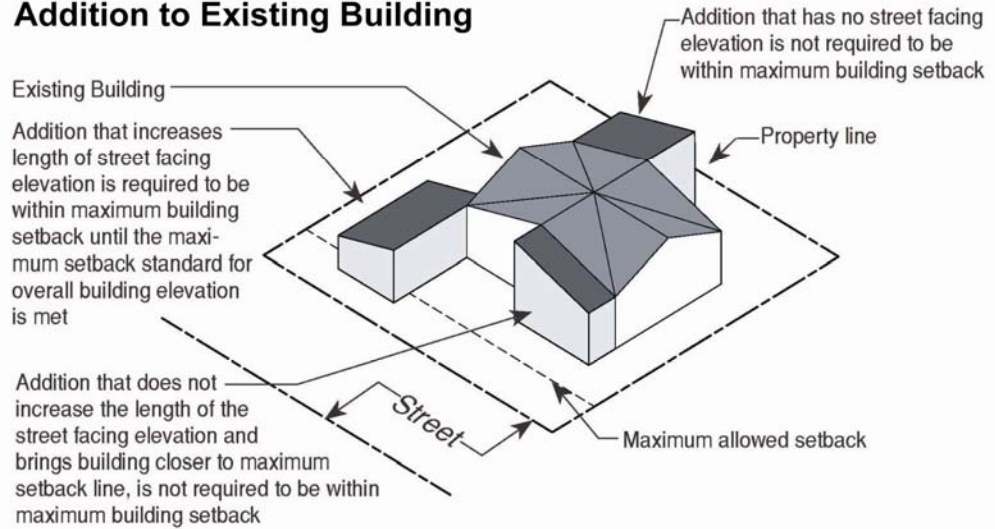


- iv. The maximum setbacks shall apply only to new buildings and any building addition that increases the length of the building elevation facing the applicable street, as depicted below.

#### Addition to Existing Building In Conformance with Maximum Setback



### Addition to Existing Building



v. For all multi-building sites except those which fall under the large commercial establishment regulations **in subsection 21.07.130A**, the order of construction shall ensure that this standard is met at all times.

vi. Where the required setback from a projected right-of-way is equal to or greater than the maximum setback, the maximum setback shall be measured from the projected right-of-way setback line.

**b. Use of Maximum Setback Area**

i. Motor vehicle parking and circulation is not permitted in between the street and the portion of the building that is used to comply with this subsection.

ii. The area between the street lot line and the portion of the building that is used to comply with this subsection shall be designed to be sidewalk or walkway, building entrance plaza, pedestrian plaza, open space, landscaping, and/or courtyard areas. Where landscaping is provided, the area shall meet the specifications for site enhancement landscaping. One pedestrian **feature** [AMENITY] as defined by this title is required for every 300 square feet of maximum setback area.

**c. Exceptions to Maximum Setback**

i. The maximum front setback may be exceeded by up to 20 additional feet (or more through administrative site plan review) if the additional area between the building and the property line is used to provide common open space that conforms to the standards of section 21.07.030, contains site enhancement landscaping, and/or contains pedestrian amenities as described in subsection 21.07.060F. The additional area shall not be developed for motor vehicle parking or driveways, loading or refuse collection, or ground-mounted utilities.

ii. For buildings where all the floor area is in residential use, the street-facing façade of a covered porch qualifies for meeting this standard. The porch shall have at least one entrance accessible from the street.

**d. Exemptions**

The following uses are exempt from the maximum setback requirement:



- i. Food and beverage kiosks;
- ii. Fueling stations; and
- iii. Vehicle service and repair, major or minor.

**6. Setback from Planned Utility Transmission Facilities**

- a. No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum area stated in the *Utility Corridor Plan* for planned electrical or telecommunication transmission facilities for which there is a projected easement or right-of-way, except as allowed under [PARAGRAPH] 6.b., below.
- b. The following uses and activities are permitted, with written acknowledgement of coordination with the affected utilities, within the setbacks described in [PARAGRAPH] 6.a., above:
  - i. Sidewalks, walkways, **pathways**, and trails;
  - ii. Bus shelters and bus turnouts;
  - iii. Kiosks and seating units;
  - iv. Utilities, utility easements and utility-related structures;
  - v. Landscaping required by section 21.07.080, *Landscaping, Screening, and Fences*, and consisting of ground cover, shrubs and understory trees whose maximum height does not exceed 30 feet;
  - vi. Surface parking required by section 21.07.090, *Off-Street Parking and Loading*;
  - vii. Temporary parking as described in section 21.05.080;
  - viii. Additional parking to that required by this title;
  - ix. Open space;
  - x. Fences and signs;
  - xi. Retaining walls;
  - xii. Remodeling of or addition to structures existing as of February 27, 1990, so long as it does not further intrude within the setback area after that date; and
  - xiii. Driveways and vehicular access points.
- c. Applicable setback requirements stated elsewhere in this title may include the area of setback for electrical transmission facilities.

**7. Setbacks from Projected Rights-of-Way**

**a. Minimum Setback**

Except as allowed under subsection 7.b. below, no new structural or land development activity requiring a building or land use permit shall be permitted within the minimum setback set forth in the table below from the existing or projected centerline of a street designated on the *Official Streets and Highways Plan* (OSHP), or within 30 feet from the centerline of a road reservation or public use easement not so designated on the OSHP.

TABLE 21.06-5: SETBACKS FROM PROJECTED RIGHTS-OF-WAY CENTERLINE		
Street Class <b>in [ON]</b> <i>Official Streets and Highways Plan</i>		Setback from Centerline (feet)
<b>IC</b>	Neighborhood Collector	30
<b>IIA</b>	Minor Arterial	
<b>IIIC</b>	Undivided Major Arterial	
<b>IB</b>	Neighborhood Collector	35
<b>I</b>	Residential Collector	40
<b>IA</b>	Industrial Commercial Collector	
<b>II</b>	Minor Arterial	
<b>III</b>	Divided Major Arterial	50
<b>IIIB</b>	Undivided Major Arterial	
<b>IIIA</b>	Divided Major Arterial	65
<b>IV</b>	Expressway	
<b>V</b>	Freeway	75

**b. Permitted Uses Within Setback**

The following uses and activities are permitted within the setbacks described in paragraph 7.a., above:

- i. Sidewalks, walkways, **pathways**, and trails;
- ii. Bus shelters and bus turnouts;
- iii. Kiosks, seating units, and skywalks;
- iv. Canopies, awnings, incidental architectural features, and public art;
- v. Utilities and utility easements;
- vi. Temporary parking, temporary fences and signs, or temporary retaining walls, as described in paragraph 7.d., below;
- vii. Additional parking to that required by this title;
- viii. Landscaping, but not required landscaping, except that required landscaping is permitted if an alternate site plan is submitted that shows how all the required site elements, including the required landscaping, would be accommodated on the lot if the projected setback is acquired for public right-of-way;
- ix. Approved grading activities;
- x. Remodeling of or addition to structures existing as of May 19, 1987, so long as such remodeling or addition does not further intrude within the setback area or increase the floor area of the structure within the setback area; and



xi. Driveways and vehicular access.

c. **Additional Setback Requirements**

Applicable setback requirements stated elsewhere in this chapter shall be in addition to those stated in this subsection 21.06.030C.7.

d. **Temporary Features**

As used in this subsection 21.06.030C.7.d., the term "temporary" or "temporarily" means that period of time between the issuance of a building or land use permit and the right of entry conveyed to the municipality or other government entity for a road project that affects the setback area required by this subsection 21.06.030C.7.d. Parking, fences and signs, and retaining walls required by this title may be provided temporarily within a setback area described in this subsection 21.06.030C.7.d. only if the director and the traffic engineer first find that:

i. The temporary features to be used on the lot conform to all other applicable requirements of this title;

ii. An alternate site plan has been submitted with an application for a building or land use permit for permanent required features on the lot, excluding all setback areas thereon, in conformance with all applicable requirements of this title; and

iii. An agreement between the owner of the lot and the municipality has been executed and recorded so as to give notice of the temporary requirements to be applied to the lot and of the date or event by which the temporary features shall be abandoned in favor of the permanent configuration stated in the alternate site plan.

8. **Sight Distance Triangles**

Sight distance triangles shall be unobstructed as required by the traffic engineer [TITLE 9].

D. **Height**

1. **Allowable Height**

The maximum allowable height for buildings and structures in each district shall be as provided in section 21.06.020, *Dimensional Standards Tables*, except where specifically modified by this subsection D. and/or other provisions of this title.

2. **Airport Height Overlay District**

Nothing in this section allows a building, structure, or appurtenance to exceed the height limitations of the airport height overlay district (21.04.080C.).

3. **Rules for Measuring Height**

a. Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface, as shown in the illustration at the end of the chapter, subject to D.4. and D.5. below. Exceptions for curved roof surfaces are illustrated at the end of the chapter.

b. Structures that are not buildings shall be measured as the vertical distance from grade plane to the highest point of the structure. Fences on top of retaining walls shall be measured from grade plane on the highest side of the retaining wall.

c. Where tables 21.06-1 and 21.06-2 measure maximum height in terms of stories, any story below grade plane shall be excluded from calculation of the number of stories for determining building height.

4. **Grade Plane**

The grade plane for determination of structure height shall be the average of existing or finished grade, whichever is lower, abutting the structure at exterior walls. Where the grade slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and the lot line, or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

5. **Establishment of Grade**

The grade plane shall be calculated using the more restrictive of either the existing grade or the finished grade.

a. ***Existing Grade***

In no case shall the existing grade be altered by grading, such as an artificial embankment or where the ground has been built up to increase the grade around the building, to obtain a higher structure than is otherwise permitted in the district.

b. ***Adjustments to Establishment of Grade***

In a case where existing grade or finished grade is, in the judgment of the director, inappropriate or unworkable for the purpose of measuring height, the director shall establish grade in such a way as to be consistent with this section. The proposed grade being requested by the applicant shall be, in the judgment of the director, reasonable and comparable with the grades of surrounding properties and streets; not detrimental to the general health, safety, and welfare; not result in the loss of any public views; consistent with the existing character of the neighborhood; and necessary for the preservation and enjoyment of substantial property rights of the applicant.

6. **Height Exceptions**

a. Free-standing flag poles shall conform to the height restrictions of the principal structure, rather than an accessory structure.

b. Window wells, light wells, cellar or basement access walkways serving a dwelling unit, and similar appurtenances installed below grade with an inside dimension of 120 square feet or less (including stairs) and that do not exceed in length 25 percent of the building elevation wall shall be excluded from calculation of grade plane for determining building height.

c. Except as specifically provided elsewhere in this title, the height limitations contained in this chapter do not apply to appurtenances on buildings, such as spires and similar religious appurtenances, belfries, cupolas, flagpoles, chimneys, antennas, rooftop mechanical equipment and its screening, stairwell towers, elevator penthouses, parapets, firewalls, open or transparent railings, solar reflectors, photovoltaic panels, skylights, or similar appurtenances; provided, however, the following:

i. The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;

ii. The appurtenances cumulatively cover no more than one-third of the roof area of the building, except that when it has been demonstrated to the director and the building official that building HVAC requirements necessitate a larger mechanical penthouse, the appurtenances may cumulatively cover up to one-half of the roof area;

iii. The appurtenance is not constructed for the purpose of providing additional floor area, usable space, or storage room for the building, except that a storage room of 60 square feet or less, combined with a

stairwell tower or elevator housing, and directly related to a rooftop use (such as tool storage for a rooftop garden), is allowed; and

iv. The appurtenance does not exceed the height limit of the district by more than 15 feet, with the following exceptions:

(A) The allowed height of antennas and other telecommunications infrastructure is addressed in subsection 21.05.040K.;

(B) Flagpoles and spires and similar religious appurtenances may exceed up to 30 feet in residential districts and up to 50 feet in nonresidential districts;

(C) Elevator penthouses may exceed up to 25 feet;

(D) Parapets, firewalls, and skylights may exceed up to four feet.

**7. Height Adjustments**

Commercial buildings sometimes feature a greater ceiling height on the first floor to enhance the building's aesthetic appeal and openness of ground-floor retail spaces. Building height shall be allowed to be increased by up to five feet above the height limit for the district, provided that the increase is only to allow a greater first story height for ground level commercial use, and the increase in height does not result in a greater number of stories than would otherwise be constructed.

**8. Height Transitions for Neighborhood Compatibility**

**a. Purpose**

The objective of the height transition standard is to help ensure compatibility between higher intensity development and adjacent lower density residential districts, in terms of building bulk and scale, a degree of sunlight access and ambient daylighting, and the potential for privacy and visual buffering. The standard is not designed to reduce the gross floor area development potential of a subject lot; instead, it is intended to encourage thoughtful positioning of building massing and height on the subject lot with respect to adjacent neighborhoods.

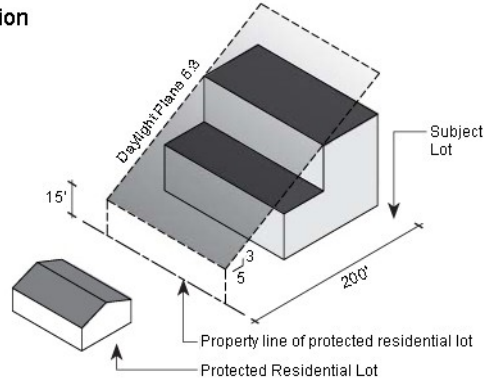
**b. Applicability**

This standard shall apply to structures located in any non-residential district (except for the DT districts), the R-4 district, or the R-4A district, **that is [AND]** within 200 feet of any lot zoned R-1, R-1A, R-2A, R-2D, R-2M, R-2F, R-3, R-5, R-6, R-7, R-8, R-9, or R-10.

**c. Standard**

Structures on the subject lot shall not penetrate a daylight plane that rises inward over the subject lot at an angle of five feet of run for every three feet of rise, and starting from a height of 15 feet above existing grade at the nearest lot line of the residential (protected) lot.

### Height Transition



d. **Exceptions**

- i. Height exceptions in subsection D.5. above that have a width of 20 feet or less facing the residential lot are not subject to the height transitions standard.
- ii. The director may exempt any portion of a proposed development which, being already completely blocked from the protected property by existing permanent structures or topography, will have no additional impact.
- iii. The director may exempt a proposed development if, because of topography or lot dimensions or configuration, the height transitions provisions would unduly restrict permissible development, and reasonable use cannot otherwise be made of the site of the proposed development.
- iv. Exceptions shall be the minimal action that would afford relief and shall cause the least interference possible with the intended protections for the residential lots.

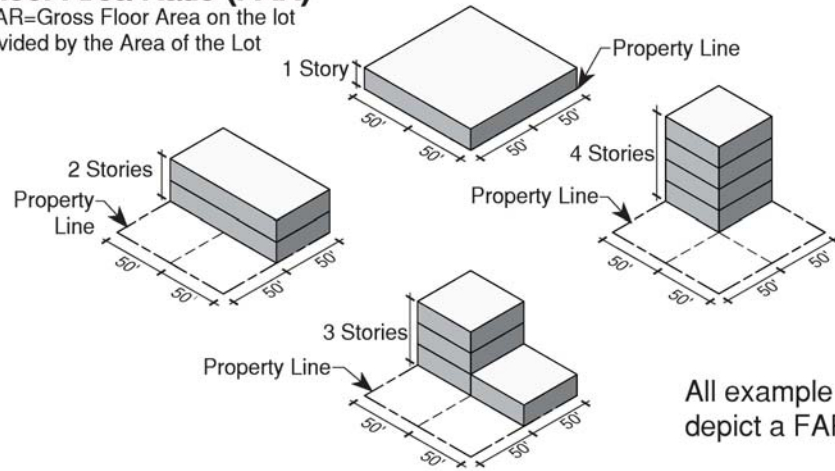
E. **Floor Area Ratio (FAR)**

1. **Purpose**

Floor area ratio (FAR) establishes the amount of use (the intensity) on a site. FAR provides a means to match the potential amount of uses with the intended functions and character of the area and the provision of public infrastructure and services. FARs also work with the height, setback, and lot coverage standards to ensure the overall bulk of development is compatible with the area. It is also the purpose of this title to provide floor area ratio bonuses to encourage development characteristics that advance community objectives, such as affordable housing, below grade parking, and open space.

## Floor Area Ratio (FAR)

FAR=Gross Floor Area on the lot  
 divided by the Area of the Lot



### 2. Areas Not Considered in Measuring Floor Area Ratio [(FAR)]

Unless otherwise provided in this title, all gross floor area shall be considered in determining FAR except for the following:

- a. Uninhabitable attics;
- b. Residential space in an attic under a roof slope of between 8:12 and 12:12, provided the residential space is limited to one story;
- c. Crawl spaces less than 5 feet from floor to ceiling;
- d. Floor area in stories below grade plane that is devoted to parking or loading;
- e. Detached accessory structures; and
- f. Private open space that meets the standards of 21.07.030.

### 3. Maximum Floor Area Ratios

#### a. **Mixed-Use Districts**

For the NMU, CMU, RMU, MT-1 and MT-2 zoning districts, table 21.06-3 establishes the maximum FAR for each district. Increases in allowable FAR are available through incentives provided in the mixed-use district standards at 21.04.050G.[030O.]

#### b. **Downtown and Other Districts**

Maximum FAR in the DT-1, DT-2, DT-3, R-4, R-4A, and other districts in which FARs may apply are established within the district-specific standards in chapter 21.04. Increases in allowable FAR are available through incentives also provided in the district-specific standards.

#### c. **FAR Bonus Review**

An administrative site plan review shall be conducted on all developments proposed for a floor area ratio bonus, unless exempted in writing by the director.

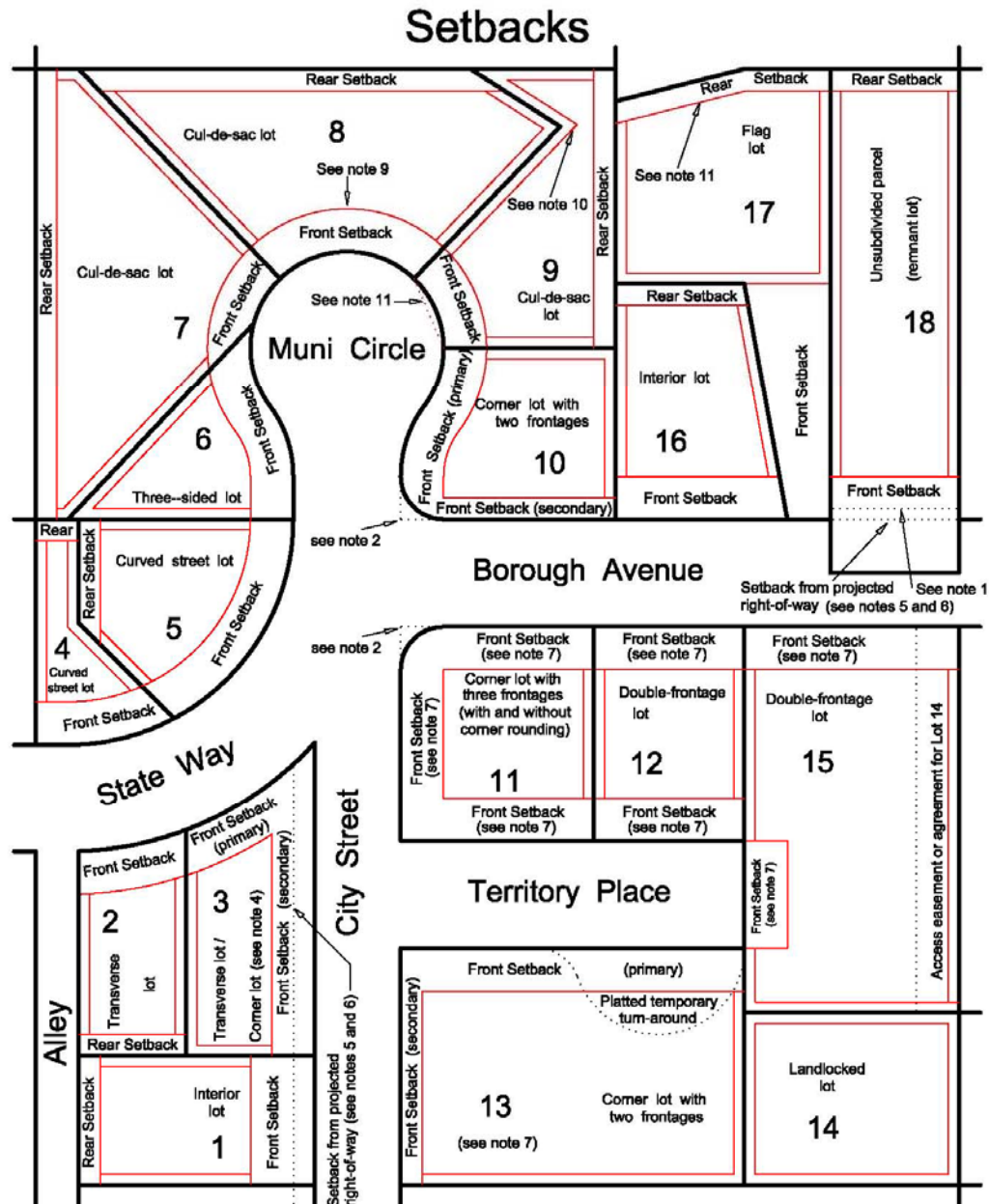
#### d. **FAR Bonus Agreement**

Where a special feature is to be provided in order to receive an FAR bonus, the owner shall enter into a written agreement with the municipality ensuring the continued provision of the special feature for as long as the development uses

1 the FAR bonus. The municipality shall record the agreement at the district  
2 recorder's office as a covenant running with the land, binding upon the owner  
3 and all successors and assigns, and enforceable by the municipality.  
4 Recordation of the agreement shall take place prior to the issuance of any  
5 entitlement for the development.

6

7



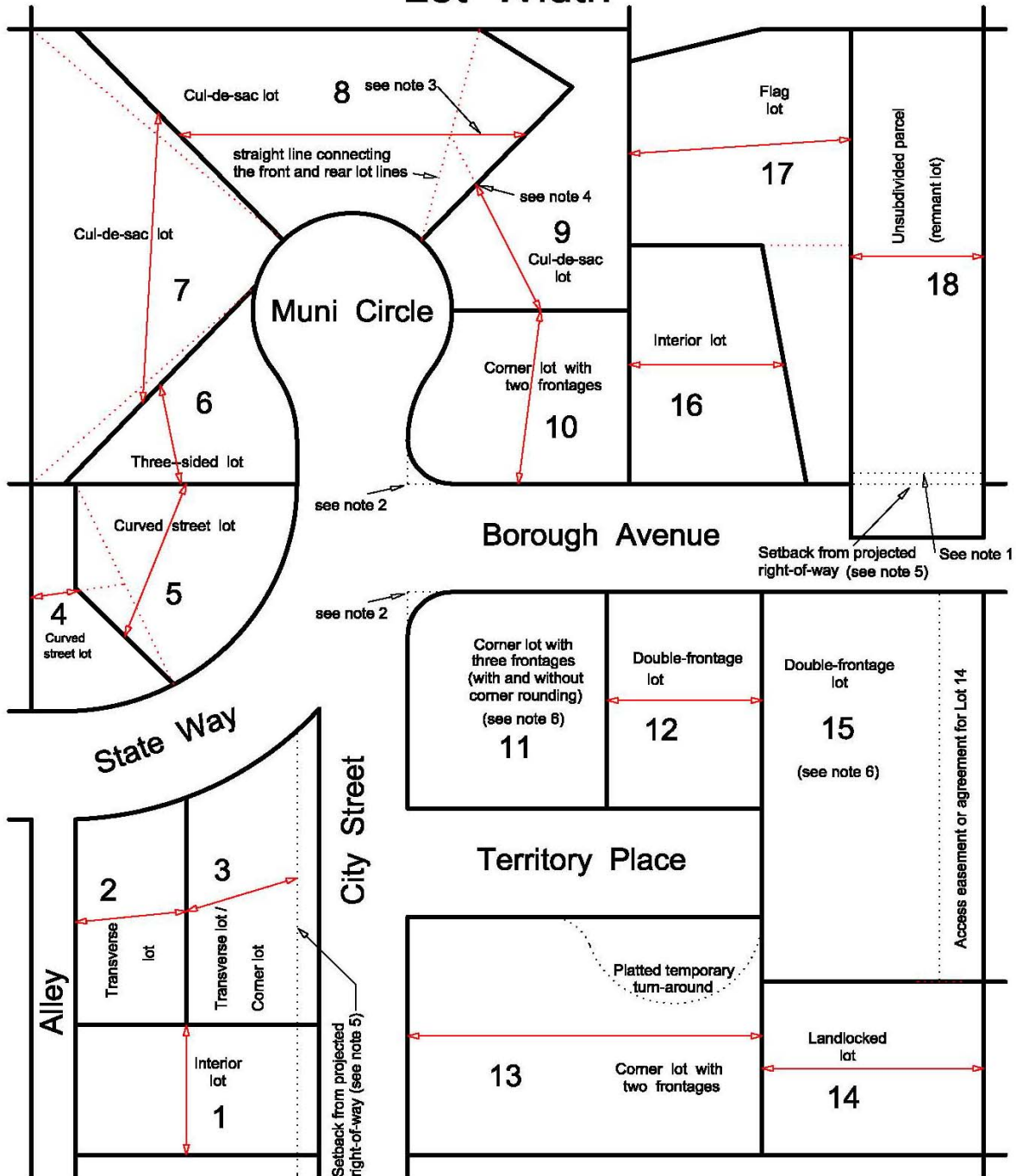
**Notes:**

All setbacks not called out in the illustration are side setbacks.

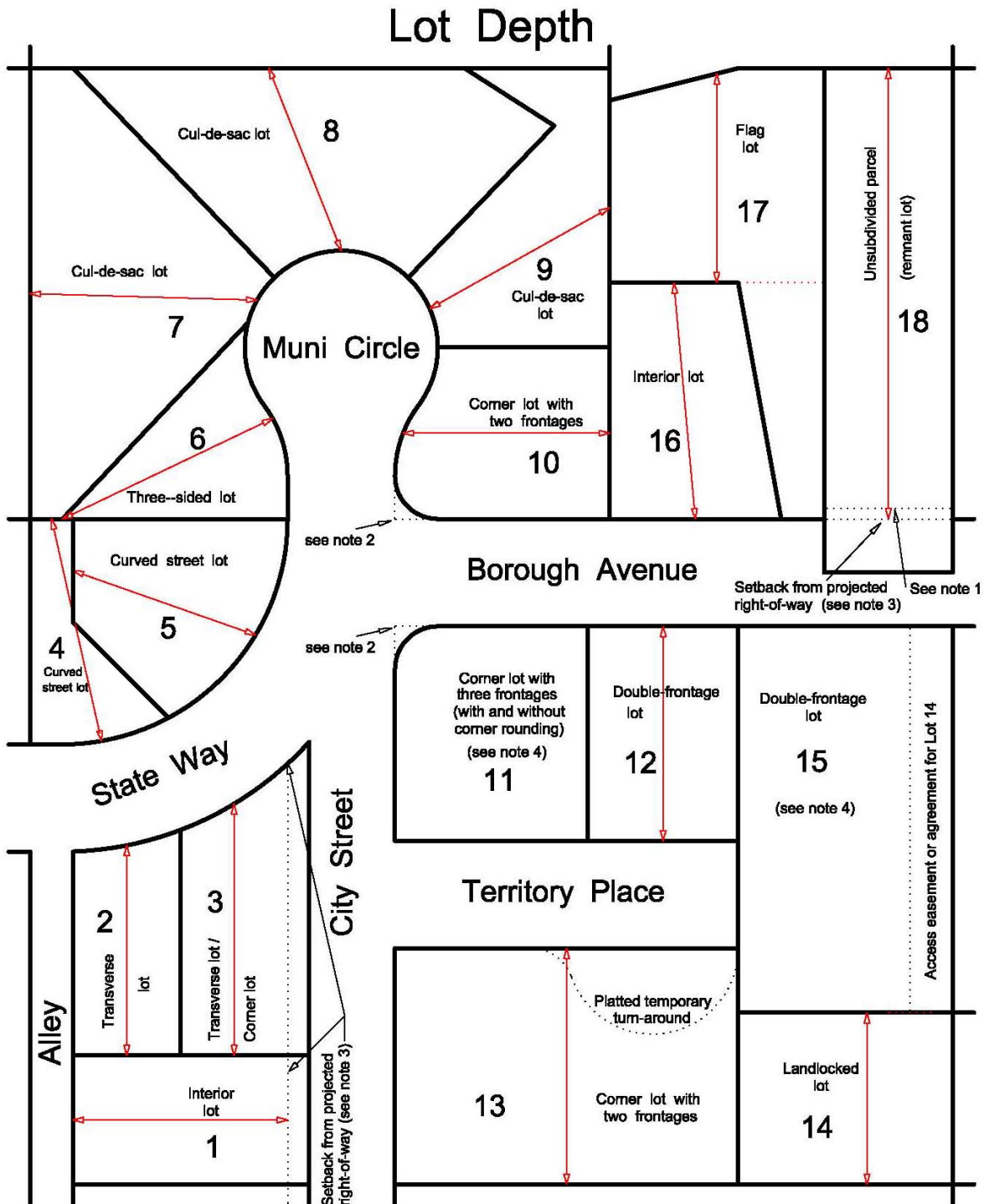
1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
4. On corner, double-frontage, and three-sided lots, there are no rear setbacks, but only front and side setbacks.
5. The area between the property line and the setback from projected right-of-way is subject to the same regulations as a front setback.
6. The front setback is measured from the setback from projected right-of-way. See subsection 21.06.030C.7.c.
7. Front setbacks shall be determined pursuant to subsection 21.06.030C.4. Until such determination, full-depth setbacks apply on all frontages.
9. The setback follows the curve of the lot line.
10. Side setbacks are extended to intersect.
11. The rear property line is the line (or lines intersecting at an interior angle of not less than 135 degrees) most parallel to the chord of the front property line.

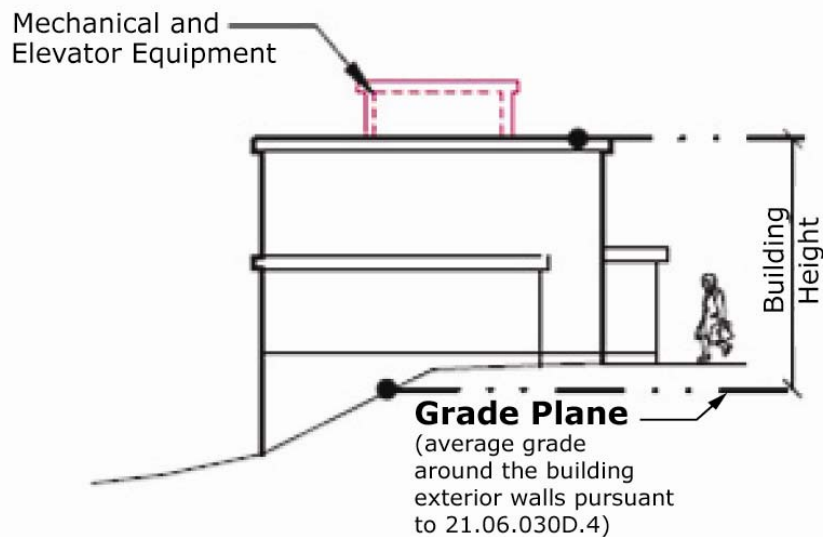
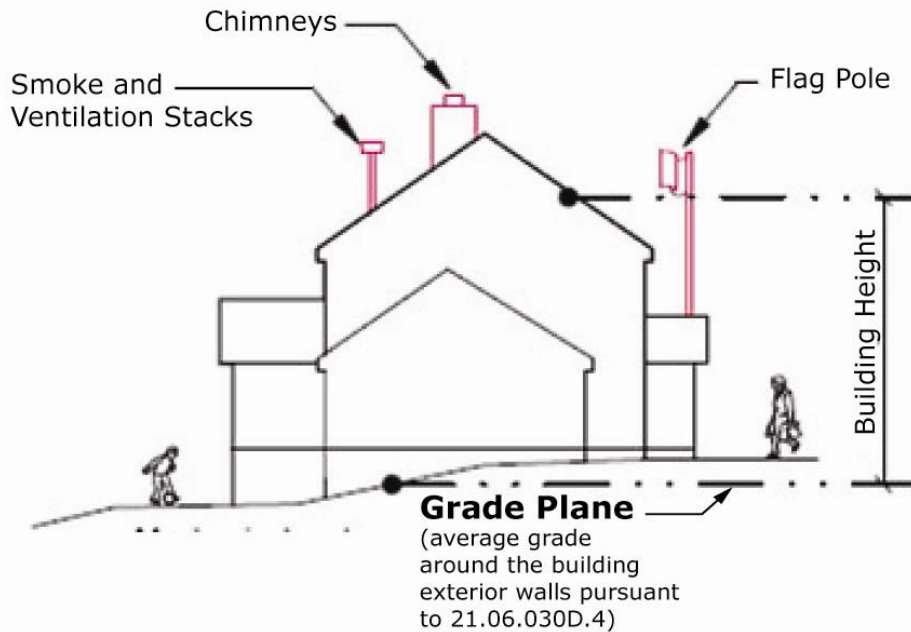


## Lot Width









## Grade Plane for Measurement of Building Height

