

CITY OF ANCHORAGE

**ZONING
ORDINANCE**

ANCHORAGE ALASKA

APRIL 1958

CITY OF ANCHORAGE

Z O N I N G O R D I N A N C E

Chapter 23
Code of Ordinances
City of Anchorage

Anchorage, Alaska

April, 1958

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ZONING ORDINANCE
OF THE CITY OF ANCHORAGE

Section 23-1

TITLE OF ACT

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Anchorage."

Section 23-2

DEFINITIONS

For the purpose of this chapter certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number includes the plural.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel."

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

1. Accessory use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

2. Alley. A permanent service right-of-way providing a secondary means of access to abutting properties.

3. Alteration. Any change, addition or modification in construction or occupancy; or the moving from one location or position to another.

4. Apartment house. Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building and shall include flats and apartments.

5. Area, building. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings or constructions exclusive of steps.

6. Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

7. Building, accessory. A subordinate building, or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

8. Building, existing. A building legally erected prior to the adoption of this ordinance, or one for which a legal building permit has been issued.

9. Building, front line of. The line of that part of the building nearest the front line of the lot.

10. Building, height of. The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

11. Building, principal or main. A building in which is conducted the principal or main use of the lot on which said building is situated.

12. Coverage. That percentage of the total plot or lot area covered by the building area.

13. Dwelling. A building designed or used exclusively as the living quarters for one or more families.

14. Dwelling unit. A dwelling or portion thereof providing complete living facilities for one family and in which not more than two persons are lodged for hire with such family at any one time.

15. Dwelling, one-family. A detached building designed for or occupied exclusively by one family; constitutes one-dwelling unit.

16. Dwelling, two-family. A building designed for or occupied exclusively by two families living independently of each other with separate entrance, and kitchens and baths; constitutes two dwelling units; includes duplex.

17. Dwelling, multiple-family. A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats, and group houses.

18. Family. One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, club, fraternity, or hotel.

19. Garage. A building or portion thereof in which a motor vehicle containing gasoline distillate or other volatile, flammable liquid in its tank, is stored, repaired or kept.

20. Home occupation. A profession or use customarily conducted entirely within a dwelling by the permanent inhabitants thereof only, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.

21. Hotel. Any building, containing six or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

22. Line, street. The dividing line between the street and the lot.

23. Lot. A portion or parcel of land considered as a unit, vacant or devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

24. Lot, corner. A parcel of land at the junction of and fronting on two or more intersecting streets.

25. Lot, interior. A lot other than a corner lot.

26. Lot, depth of. A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

27. Lot, width of. The mean width measured at right angles to its depth.

28. Lot lines. The property lines bounding the lot.

29. Nonconforming use. A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

30. Nursery. A home or institution where two or more children are cared for for hire by the day, week, month or year.

31. Parking area, public. An open area other than street, alley or other right-of-way used for the temporary parking of automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

32. Rooming house. Any dwelling in which three or more persons either individually or as families are housed or lodged for hire with or without meals. A boarding house, lodging house, tourist home or a furnished room house shall be deemed a rooming house.

33. Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement or cellar is more than six feet above grade such basement or cellar shall be considered a story.

34. Story, half. A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

35. Street. The right-of-way of a public or private thoroughfare affording the principal means of access to abutting property.

36. Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

37. Tourist court. A group of attached or detached buildings containing individual sleeping or living units with attached garage or parking space conveniently located to each unit, all for the temporary use by automobile tourists or transients; includes auto courts, motels, or motor lodges.

38. Trailer court. Any area of land used to accommodate two or more trailers, trailer coaches, or vehicles used for human habitation or for carrying persons and property.

39. Yard, front. An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. In the case of a corner lot, the front yard shall be on the same side as the front yards of the adjacent interior lots.

40. Yard, rear. An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and that part of the building nearest to the rear line of the lot. The rear line of the lot shall mean that lot line which is opposite and most distant from the front lot line.

41. Yard, side. An open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

Section 23-3

USE DISTRICTS AND MAPS

A. Establishment of districts. The City of Anchorage is hereby divided into the following types of use districts:

U-1 Districts: Unclassified districts.

R-1 Districts: One-family residential districts.

R-2 Districts: Two-family residential districts.

R-3 Districts: Multiple-family residential districts.

B-1 Districts: Local Business districts.

B-2 Districts: Central Business districts.

B-3 Districts: General Business districts.

I-1 Districts: Light Industrial districts.

I-2 Districts: Heavy Industrial districts.

B. Map. Said districts are bounded and defined as shown on a map entitled "Zoning Map of the City of Anchorage," a certified copy of which is on file in the office of the city clerk and which, with all explanatory matter thereon, is hereby made a part of this chapter.

C. Interpretation of district boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of streets or alleys, street lines or alley right-of-way lines, such center lines, street lines or right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
3. In unsubdivided property the location of any district boundary, unless the same is indicated by dimensions shown on same map, shall be determined by the use of the scale appearing thereon.
4. Where a district boundary divides a lot which was in single ownership and of record at the time of enactment of this chapter, the use on and the district requirements applying to the least restricted portion of such lot shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty-five feet of said dividing district boundary. The use so extended shall be deemed to be conforming.

Section 23-4

APPLICATION OF REGULATIONS

Except as hereinafter provided:

- A. No building or land shall hereinafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulation herein specified for the district in which it is located. (For nonconforming uses see section 23-17.)
- B. No structure shall hereafter be erected or altered
 - 1. To exceed the height;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area; or
 - 4. To have narrower or smaller rear yard, front yard or side yard than is specified herein for the district in which such building is located.
- C. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or open space on one lot shall be considered as providing a yard or open space on any other lot.

Section 23-5

U-1 DISTRICTS: UNCLASSIFIED DISTRICTS

The following regulations shall apply in all U-1 districts:

- A. Uses permitted:
 - 1. One and two-family dwellings.
 - 2. General gardening.
 - 3. Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceeding one square foot in area. (See section 23-15, A-4.)
 - 4. Customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory use or building shall be located on the same lot with the principal building. (See section 23-15,E.)

5. Required parking space. (See section 23-14,A.)
 6. The city planning commission may, after proper notice and public hearing, as provided in section 23-20, D, permit additional uses in U-1 districts where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive city plan and the zoning ordinances.
- B. Building height limit:
- Two and one-half stories, but not exceeding thirty-five feet; provided that this limit shall not apply to uses listed as permitted under above subsection 23-5, A-4.
- C. Minimum lot area per dwelling unit:
- Each dwelling shall be located on a lot providing not less than fifteen thousand square feet per dwelling unit, and which lot shall be not less than one hundred feet in width.
- D. Percentage of lot coverage:
- All buildings including accessory buildings shall not cover more than twenty per cent of the area of the lot.
- E. Yard required:
- Each lot shall have front, side, and rear yards not less than the depths or widths following:
1. Front yard depth -- twenty feet.
 2. Side yard width -- ten feet.
 3. Rear yard depth -- twenty-five feet.

Section 23-6

RESIDENTIAL-1 USE DISTRICTS; ONE-FAMILY RESIDENTIAL

The following regulations shall apply in all R-1 Districts:

- A. Uses permitted:
1. One-family dwelling.

2. Public parks and playgrounds, including public buildings accessory thereto, and other municipal recreational uses.
 3. The raising of vegetables, produce and fruit crops, but not including any sales rooms or other buildings used primarily in the sales thereof.
 4. Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceeding one square foot in area. (See section 23-15, A-4.)
 5. Customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory use or building shall be located on the same lot with the principal building. The parking of trucks, buses, tractors, graders or other heavy equipment shall not be considered an accessory use. The parking of pick-up or panel trucks may be considered an accessory use. (See section 23-15, E.)
 6. Transitional uses shall be permitted as follows:
 - a. Two-family dwelling with the same area requirements as in an R-2 District when a lot in the R-1 District abuts upon a lot in an R-3 , B-1, B-2, B-3, I-1 or I-2 District. .
 7. Required parking space. (See section 23-14, A.)
- B. Building height limit:
Two and one-half stories, but not exceeding thirty-five feet.
- C. Required lot area:
Each dwelling shall be located on a lot not less than six thousand square feet in area and not less than fifty feet in width. Not more than one principal building shall be permitted on a lot.
- D. Percentage of lot coverage:
All buildings including accessory buildings shall not cover more than thirty per cent of the area of the lot.
- E. Yard required:
Each lot shall have front, side, and rear yards not less than the depths or widths following:

1. Front yard depth -- twenty feet.
2. Side yard width -- five feet, provided that the width shall not be less than ten feet on the street side of a corner lot.
3. Rear yard depth -- twenty-five feet.

Section 23-7

RESIDENTIAL-2 USE DISTRICTS; TWO-FAMILY RESIDENTIAL

The following regulations shall apply in all R-2 Districts:

A. Uses permitted:

1. All uses permitted in R-1 Districts.
2. Two-family dwellings.
3. Transitional uses shall be permitted as follows:
 - a. A four-family dwelling where the side of a lot in the R-2 District abuts upon a lot in an R-3 District, provided such dwelling is located on a lot not less than seven thousand square feet in area and a width not less than fifty feet.
 - b. Multiple-family dwelling with a minimum lot area of twelve hundred square feet per dwelling unit where the side of a lot in the R-2 District abuts upon a lot in a B-2, B-3, I-1 or I-2 District.
 - c. Public parking area where the side of a lot in the R-2 District abuts upon a lot in a B-2, B-3, I-1 or I-2 District and is developed in accordance with the requirements of section 23-14, C.
4. Churches; provided that no part of such church is within thirty feet of any adjacent residential lot.
5. Required parking space. (See section 23-14, A.)

B. Building height limit:

Two and one-half stories but not exceeding thirty-five feet.

C. Required lot area:

1. Each one-family dwelling shall be located on a lot not less than six thousand square feet in area and not less than fifty feet in width, six thousand square feet per dwelling unit.
2. Each two-family dwelling shall be located on a lot not less than seven thousand square feet in area and a width not less than fifty feet; thirty-five hundred square feet per dwelling unit.
3. Not more than one principal building shall be permitted on a lot.

D. Percentage of lot coverage:

All buildings including accessory buildings shall not cover more than forty per cent of the area of the lot.

E. Yards required:

Each lot shall have a front, side and rear yards not less than the depths or widths following:

1. Front yard depth -- twenty feet.
2. Side yard width -- five feet, provided that the width shall not be less than ten feet on the street side of a corner lot.
3. Rear yard depth -- twenty-five feet.

Section 23-8

RESIDENTIAL-3 USE DISTRICTS: MULTIPLE-FAMILY RESIDENTIAL

The following regulations shall apply in all R-3 Districts:

A. Uses permitted:

1. All uses permitted in R-1 and R-2 Districts.
2. Multiple-family dwellings.
3. Rooming houses.

4. Hotels in which only incidental business may be conducted for the convenience of the resident of the building, provided that there is no entrance to such place of business except from the inside of the buildings, and no sign, display, or show window is visible from the outside advertising such business.
5. The following uses, provided that no portion of the structure containing such use shall be less than fifteen feet from any adjacent residential lot:
 - a. Public or private nurseries.
 - b. Churches.
 - c. Public libraries and museums and nonprofit art galleries.
 - d. Private lodges and clubs, excepting those the chief activity of which is a service customarily carried on as a business.
 - e. Medical clinics and professional offices.
6. Hospitals, sanitariums, rest homes, philanthropic and charitable institutions and similar uses. No such use shall be established or permitted on a parcel of land less than forty thousand square feet, nor shall any part or portion of any building be permitted within fifty feet of any street or interior lot line.
7. Transitional uses shall be permitted as follows:
 - a. Public parking area where the side of a lot in the R-3 District abuts upon a lot in a B-2, B-3, I-1 or I-2 District and is developed as required in section 23-14, C.
8. Other uses similar to the above, as provided in section 23-15, A.
9. Required parking space. (See section 23-14, A.)
- B. Building height limit:

One hundred and forty feet. (See section 23-15, B-3.)
- C. Required lot area:
 1. Each one-family dwelling shall be located on a lot providing a minimum of six thousand square feet per dwelling unit.

- 2. Each two-family dwelling shall be located on a lot providing a minimum of thirty-five hundred square feet per dwelling unit.
- 3. Each multiple-family dwelling, exclusive of hotels where no cooking is done in any individual room, suite or apartment, shall be located on a lot providing the following minimum area per dwelling unit according to the number of stories in the dwelling:

<u>No. of Stories</u>	<u>Lot Area per Dwelling Unit</u>
1-2	1,000 square feet
3-4	700 square feet
5-10	600 square feet
11 and up	500 square feet

- 4. Each lot used for residential purposes shall contain not less than six thousand square feet in area and shall have a width of not less than fifty feet.

D. Yards required:

Yards of the following minimum depths and widths, unless another minimum is otherwise specified, shall be provided:

- 1. Front yard -- ten feet.
- 2. Side yards -- each one-fourth of the height of the building, but not less than five feet each.
- 3. Rear yard -- depth equal to one-half of the height of the building, but not less than ten feet deep.

E. Distance between buildings on same lot:

No principal building shall be closer to any other principal building than the average of the heights of said buildings.

Section 23-9

BUSINESS-1 USE DISTRICTS: LOCAL BUSINESS DISTRICTS

The following regulations shall apply in all B-1 Districts:

A. Uses permitted:

1. All uses permitted in R-1 and R-2 Districts.
2. All uses permitted in R-3 Districts whenever any B-1 District is located within or is on three or more sides contiguous to any R-3 District.
3. Retail stores and shops, limited to uses needed to serve a residential district, such as grocery store, meat shop, retail bakery, drugstore, hardware or appliance store, book or stationery store, dry goods or notions store, wearing apparel or shoe store, laundry or clothes cleaning agency for pick-up and delivery only, but not to include alcoholic beverage dispensaries and retail liquor stores.
4. Personal service shops, such as barber, shoe shine or repair shop, photographer, beauty parlor, custom dress-making, self-service laundry.
5. Professional and business offices, banks, post offices.
6. Restaurants, tea rooms, cafes, and other places serving food or beverages other than alcoholic beverages.
7. Taxicab stands for not more than four cabs may be allowed by the city planning commission.
8. Theaters, billiard or pool halls, bowling alleys, and similar commercial amusement and recreational enterprises may be allowed by the city planning commission by special permit upon due proof to the satisfaction of the commission that such enterprise is required for adequate service to the surrounding neighborhood, that the location thereof will not be unduly detrimental to adjacent and surrounding property owners, and that adequate parking spaces will be provided.
9. Automobile service stations at which no repairing is done may be allowed by the city planning commission by special permit after public hearing upon due proof to the satisfaction of the commission that the location thereof will not be unduly detrimental to adjacent and surrounding property owners. (See also section 23-15, A-2 and 23-15, A-3.)
10. Public parking areas, as specified in section 23-14, C.
11. Other uses similar to the above, as provided in section 23-15, A-6.

12. Accessory buildings and uses when located on the same lot. Such uses, excepting gasoline dispensing, shall be conducted wholly within an enclosed building. All products produced shall be sold at retail on the premises.
 13. Parking and loading space according to the requirements of sections 23-14, A and 23-14, B.
- B. Building height limits:
1. Two and one-half stories but not exceeding thirty-five feet whenever any B-1 District is located within or contiguous to an R-1 or R-2 District.
 2. One hundred and forty feet whenever any B-1 District is located within an R-3 District.
- C. Required lot area:
1. No building shall be located on a lot less than six thousand square feet in area and less than fifty feet in width.
 2. Lots used in whole or in part for dwelling purposes shall comply with lot area requirements in R-3 Districts.
- D. Yards required:
- Yards of the following minimum depths and width shall be required:
1. Front yard depth -- twenty feet.
 2. Side yards:
 - a. No side yard will be required on lots not used for residential purposes, provided that if the side line of any such lot adjoins a residential district, a side yard of not less than ten feet shall be required along such side line.
 - b. Side yards of lots used in whole or in part for residential purposes shall comply with the side yard requirements in R-3 Districts.
 3. Rear yards:
 - a. Whenever a B-1 District is located within or contiguous to an R-1 or R-2 District the depth shall be not less than twenty-five feet.

- b. Whenever a B-1 District is located within an R-3 District, the depth shall equal one-half of the height of the building but shall not be less than ten feet.

Section 23-10

BUSINESS-2 USE DISTRICTS: CENTRAL BUSINESS DISTRICT

The following regulations shall apply in all B-2 Districts:

A. Uses permitted:

1. All uses permitted in R-3 and B-1 Districts.
2. Stores and shops for the conduct of any retail or wholesale business except alcoholic beverage dispensaries and retail liquor stores.
3. Theaters, pool parlors, and other places of amusement, recreation, or assembly.
4. Newspaper and printing establishments.
5. Private educational institutions.
6. Cleaning and laundry establishments using non-explosive and non-inflammable cleaning fluids.
7. Funeral and mortuary establishments, not including crematories.
8. Public parking areas, as specified in section 23-14, C.
9. Accessory buildings when located on the same lot.
10. Uses customarily incident to any of the above uses when located on the same lot; provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar cause, provided that such uses be conducted wholly within a building completely enclosed.
11. Other uses similar to the above, as provided in section 23-15, A-6.
12. Parking and loading space -- according to the requirements of sections 23-14, A and 23-14, B.

B. Building height limit:

One hundred and forty feet.

C. Required lot area:

1. Lots used in whole or in part for dwelling purposes shall comply with lot area requirements in R-3 Districts, provided that such requirements shall not apply to hotels and rooming houses where no cooking facilities are provided in the individual rooms, suites, or apartments.
2. There shall be no minimum size for lots used for business purposes, provided that no lot shall be so divided as to prevent access to an alley, if such exists, from any part of the original lot.

D. Yards required:

1. Front yard:
 - a. The front line of all buildings shall be forty feet from the centerline of the street upon which the lot faces.
 - b. No front yard shall be required except to satisfy the above requirements.
2. Side yards shall not be required; provided that if a side yard is provided it shall not be less than five feet in depth.
3. Rear yards shall not be required.

Section 23-11

BUSINESS-3 USE DISTRICTS; GENERAL BUSINESS DISTRICT

The following regulations shall apply in all B-3 Districts:

A. Uses permitted:

1. All uses permitted in B-2 Districts.
2. Automobile service stations, repair shops and sales areas; provided that automotive repairing and storage of parts shall be conducted wholly within a building

and subject to the provisions of section 23-15, A-2 and 23-15, A-3.

3. Bowling alleys.
 4. Plumbing, upholstering, cabinet-making, painting shops and similar uses; provided such use, including storage of materials, is conducted wholly within a completely enclosed building.
 5. Manufacture, compounding, processing, packaging, or processing of such products as bakery goods, candy, cosmetics, dairy products, drugs and toiletries, food and beverage products, ceramic products, electric and neon signs, musical instruments, toys, novelties, electric and electronic appliances, radios; provided that such uses, including storage of materials, equipment and products be conducted wholly within a completely enclosed building.
 6. Blacksmith shops and machine shops not using drop-hammer, punch press or other such devices; provided that such uses, including storage of materials, be conducted wholly within a completely enclosed building.
 7. Stone, marble, and granite monument works.
 8. Uses customarily incident to any of the above uses when located on the same lot; provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar cause.
 9. Other uses similar to the above as provided in section 23-15, A-6.
 10. Parking and loading space -- according to the requirements of sections 23-14, A and 23-14, B.
- B. Building height limit:
One hundred and forty feet.
- C. Required lot area:
Same as B-2 District.
- D. Yards required:
Same as B-2 District.

Section 23-12

INDUSTRIAL-1 USE DISTRICTS; LIGHT INDUSTRY

The following regulations shall apply in all I-1 Districts:

A. Uses permitted:

1. All uses permitted in B-3 Districts, except any residential use.
2. Automobile or truck assembling, repairing and remodeling, provided such use is conducted entirely within a building completely enclosed on all sides.
3. Airplane assembling, repairing and remodeling, provided that any open yard area used for this purpose be completely enclosed with a fence of the type provided in paragraph 22 below.
4. Battery repair and manufacturing.
5. Blacksmith shops.
6. Boat building.
7. Building material sales and storage yard.
8. Cabinet shops or furniture manufacture.
9. Cleaning and dyeing plants.
10. Contractors plants and storage yards.
11. Draying, freighting or trucking yards or terminals.
12. Feed and fuel yards.
13. Garment manufacture.
14. Laundries.
15. Lumber yards.
16. Machine shops.
17. Mills, planing.
18. Storage space for transit and transportation equipment, except freight classification yards.

19. Tire rebuilding, recapping and retreading.
 20. Wholesale business, storage buildings and warehouses.
 21. Other uses similar to the above, provided that they are not objectionable to nearby property by reason of odor, dust, smoke, fumes, gas, noise, or vibration, or are not hazardous to the health and property of the surrounding area through danger of fire or explosion. (See section 23-15, A-6.)
 22. The following types of yards shall be entirely enclosed within a fence at least eight feet high: all open storage yards, general heavy repair yards and yards for heavy equipment repair and storage excluding orderly display of new or reconditioned heavy equipment for sale or lease. The fence may consist of chain link, wood, concrete block, brick or other material approved by the building official. All fences shall be maintained in a sound structural condition and proper appearance at all times, and shall be kept free of signs, posters, or any advertising matter.
 23. Parking and loading space -- according to the requirements of sections 23-14, A and 23-14, B.
- B. Uses prohibited:
- All residential uses, except dwelling for watchman or caretaker employed on the premises and members of his family.
- C. Building height limit:
- Seventy-five feet.
- D. Required lot area:
- No minimum requirement.
- E. Lot coverage:
- The entire lot may be covered, except as necessary to meet parking, loading and yard requirements.
- F. Yards required:
1. Front yard depth -- ten feet.
 2. No side yards shall be required; except that any lot bordering on a residential district on the side shall

have a side yard of width not less than the minimum width required in said adjacent residential district.

3. Rear yard depth -- ten feet.

Section 23-13

INDUSTRIAL-2 USE DISTRICTS: HEAVY INDUSTRY

The following regulations shall apply in all I-2 Districts:

A. Uses permitted:

1. All uses not otherwise prohibited by law, except any residential use.
2. Parking and loading space -- according to the requirements of sections 23-14, A and 23-14, B.

B. Uses prohibited:

1. All residential uses, except dwelling for a watchman or caretaker employed on the premises and members of his family.
2. All uses that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions; provided, however, that any uses may be permitted if approved by the city planning commission and subject to the securing of a permit therefor and to such conditions, restrictions, and safeguards as may be deemed necessary by said commission for the purpose of protecting the health, safety, morals or the general welfare of the community.

C. Building height limit:

Seventy-five feet.

D. Required lot area:

No minimum requirement.

E. Lot coverage:

The entire lot may be covered, except as necessary to meet parking, loading, and yard requirements.

F. Yards required:

1. Front yard depth -- ten feet.
2. No side yards shall be required; except that any lot bordering on a residential district on the side shall have a side yard of width not less than the minimum width required in said adjacent residential district.
3. Rear yard depth -- ten feet.

Section 23-14

PARKING AND LOADING AREAS

A. Off-street parking:

1. The following parking spaces shall be provided and satisfactorily maintained, by the owner of the property, for each building which after the date this ordinance (chapter) becomes effective is erected, enlarged, or altered for use for any of the following purposes:
 - a. Dwellings and tourist courts -- at least one parking space for each dwelling unit in the building or buildings.
 - b. Rooming houses and resident clubs -- at least one parking space for every three guest rooms.
 - c. Hotels -- at least one parking space for every six guest rooms.
 - d. Auditoriums, churches, dance halls, exhibition halls, places of public assemblage, restaurants, skating rinks, taverns, theaters, and other commercial places if not located in a B-2 or B-3 District -- at least one parking space for each five seats based on maximum seating capacity or for each five occupants based on maximum capacity as calculated under the Uniform Building Code.
 - e. Hospitals, sanitariums, nursing homes, and welfare institutions -- at least one parking space for each five beds based on maximum capacity.
 - f. Food stores and shopping centers located in the B-1 zone -- at least one parking space for each two hundred square feet of building floor area.

- g. Other retail establishments, clinics, professional offices if not located in a B-2 or B-3 District -- at least one parking space for each two hundred and fifty square feet of building floor area.
 - h. Other offices and similar enterprises if not located in a B-2 or B-3 District -- at least one parking space for each three employees, based on maximum capacity as calculated under the Uniform Building Code.
 - i. Wholesale stores, warehouses, and storage buildings -- at least one parking space for each three employees, but not less than two parking spaces.
 - j. Industrial and manufacturing establishments in which there are more than five employees and officers -- at least one parking space for each four hundred square feet of gross floor area or for every three employees, whichever results in the larger number of parking spaces.
 - k. Motor vehicle maintenance and repair establishments -- at least four parking spaces for each service stall or facility; provided that all vehicles in the custody of the operator of the business for service, repair, storage, sale or other purposes shall be stored on the premises or on a separate vehicle parking lot and shall not be parked on a public right-of-way.
2. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as the above-mentioned use, which in the opinion of the building official shall be deemed most similar.
 3. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.
 4. For one-family and two-family dwellings, the parking spaces shall be not less than eight feet wide and twenty feet long, Parking spaces for other uses as required above shall have a gross area of not less than two hundred and fifty square feet per vehicle. An uncovered private parking area may occupy any yard required by this ordinance (chapter).

5. All parking space provided pursuant to this section shall be on the same lot with the main building it serves or on an adjoining lot, except that the board of examiners and appeals may permit the parking spaces to be on any lot within three hundred feet of the building, if it determines that it is impractical to provide parking on the same lot with the building. No parking area which existed at the time this ordinance (chapter) became effective (September 19, 1952) or which subsequently thereto is provided for the purpose of complying with the provisions of this ordinance (chapter), shall thereafter be relinquished or reduced in any manner below the requirements established in this section.

B. Loading areas:

Space for loading or unloading vehicles shall be provided in connection with every building or premises used or designed to be used for any institutional, commercial or industrial use, in such a way that no vehicle of any kind when using such loading space shall project into any public right-of-way. Such loading space shall not be less than twelve feet in width and twenty-five feet in length. Such space shall be provided with access to an alley, or if no alley adjoins the lot, with access to a street. Any required front or rear yard may be used for such purpose.

C. Public parking areas and automobile and trailer sales areas:

Public parking areas and automobile and trailer sales areas permitted herein shall be improved as follows:

1. Such area shall be paved with a gravel, crushed rock, asphalt or concrete surfacing, and shall have appropriate bumper guards.
2. Where such area adjoins the side of a lot in a residential district, the building official may require that it be separated from such lot by a fence or hedge. Provided, however, that such fence or hedge shall not extend into the front yard required on the lot on which it is located and shall be at least five feet and not more than six feet high.
3. Any lights provided to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises and streets.

D. Plan to be approved:

Detailed plans for all required parking and loading areas

shall accompany the building plans when the application for building permit is made. Detail plans for off-street parking shall include the following:

1. Area of the plot involved.
2. Layout and dimensions of each parking space.
3. Entrance and exit to the parking area and the direction of traffic.
4. Widths of all curb cuts, entrances, exits and driveways serving each parking space.

Section 23-15

SUPPLEMENTAL REGULATIONS

The provisions of this chapter shall be subject to exceptions, additions, or modifications as herein provided by the following supplementary regulations:

A. Uses:

1. Accessory uses -- garages. In residence districts the number of motor vehicles for which space may be provided as accessory to an authorized use shall not exceed the following:
 - a. In an R-1 or R-2 District, two vehicles; and for each six thousand square feet by which the lot area exceeds six thousand square feet, space for an additional vehicle may be provided.
 - b. In an R-3 District, two motor vehicles for a one-family or a two-family dwelling. For multiple-family residences, garage space may be provided for one vehicle for each dwelling unit for which such residence is arranged.
 - c. Space in a garage accessory to a multiple-family residence or a hotel shall be rented only to occupants of the premises. In conjunction therewith, one or more attendants may be employed. Such attendants may make minor adjustments to cars kept therein and may wash cars, change tires or perform similar services for tenants, provided that such work is done

entirely within the building and no machinery of any kind, other than an air pump, is employed.

2. Accessory uses -- motor vehicle repair shops. A motor vehicle repair shop shall not be permitted as an accessory use in a B-1 District. In a B-2 or B-3 District a motor vehicle repair shop shall not be permitted as an accessory use unless the plans for such accessory use shall have been submitted to the board of examiners and appeals and the approval of such board obtained. The board of examiners and appeals, in passing upon the request for such approval, may consider the type of machinery and equipment to be used and the methods of operation to be employed. The board of examiners and appeals shall not approve plans for such operations that in its judgment will produce excessive noise or endanger public safety.
3. Garages and filling stations. In a B-1, B-2, B-3, I-1 or I-2 District, plans for the erection or alteration of any garage for more than five motor vehicles and plans for any filling station, shall be approved by the board of examiners and appeals. Said board may require such changes therein in relation to yards, location of pumps and buildings and other facilities as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.
4. Signs*-- name plates, advertising signs, advertising structures. A permit shall be obtained from the building official prior to the installation of any type of signs, name plates, advertising signs, and advertising structures, excepting those of less than one square foot in area.

Signs are prohibited in R-1, R-2, R-3, B-1, I-1 and I-2 Districts except as permitted in the following regulations:

- a. In R-1, R-2 and R-3 Districts, one sign not exceeding one square foot giving the name of the occupant and a lawful home occupation shall be permitted.
- b. In R-1, R-2 and R-3 Districts, one sign not exceeding six square feet in area shall be permitted for the _____ purpose of advertising the sale or lease of a building

*Cross references. -- For additional provisions relating to advertising signs, see Chapter 3, Code of Ordinances of City of Anchorage. For provisions relating to permits for the erection of signs, see Section 14-52, Code of Ordinances of the City of Anchorage.

or premises. Such sign shall be mounted flat against the building or more than twenty feet from the front lot line.

- c. In R-1, R-2 and R-3 Districts, one sign not exceeding twenty square feet in area shall be permitted to identify multiple dwellings, hotels, clubs, lodges, hospitals, public and semi-public institutions and other uses similar to the above. Such sign shall be mounted flat against the building or more than twenty feet from the front lot line.
- d. In R-1, R-2 and R-3 Districts, churches, public and charitable institutions may maintain for their own use one announcement sign or bulletin board not exceeding twenty square feet in area. Such sign shall be located at least five feet back from the front lot line and on the same lot as the principal building.
- e. In R-1, R-2 and R-3 Districts, one sign not exceeding six square feet in area shall be permitted for non-conforming commercial uses. Such sign shall be mounted flat against the building or more than twenty feet from the front lot line.
- f. In R-1, R-2 and R-3 Districts, one sign not exceeding one hundred square feet in area shall be permitted to advertise a tract development or housing project of at least two acres in area. Such sign must be located at least twenty feet back from any street line and on the property being developed and shall not be maintained for more than one year, unless extension is granted by the board of examiners and appeals for a period not exceeding one year.
- g. In R-1, R-2 and R-3 Districts, one sign not exceeding fifty square feet in area may be permitted by the board of examiners and appeals to announce construction or major alteration of a multi-story or institutional building. Such sign must be located at least twenty feet back from any street line and on the lot being developed and shall not be maintained for more than one year, unless an extension is granted by the board of examiners and appeals for a period not exceeding one year.
- h. In R-1, R-2, R-3 and B-1 Districts, no sign of the flashing or animated variety shall be permitted.
- i. In B-1 Districts, one sign not exceeding twenty square feet in area shall be permitted on any one face of a

building, except that no more than three signs shall be permitted on any one building. In the event that more than one separate business enterprise is housed in the same building, additional signs not exceeding twenty square feet in area may be permitted by the board of examiners and appeals. Such signs shall be mounted flat against the building or more than twenty feet from any street line.

- j. In I-1 and I-2 Districts, signs not exceeding one hundred square feet in area shall be permitted. Such sign shall be three or more feet above the ground and shall be ten or more feet from any street line. If such signs are not attached to the wall of a building for their entire length, they must be lighted on both sides all night.
 - k. In B-1, B-2 and B-3 Districts, signs on the rear of any building shall be mounted flat against the building and attached firmly thereto. Such signs shall be at least ten feet above the street grade and in no case shall such signs project more than one foot over the rear property line into the alley.
5. Temporary uses. The board of examiners and appeals may permit the temporary use of a building or premises for a purpose that does not conform to the regulations prescribed by this chapter, provided that such structure or use is of a true temporary nature and is promotive of or incidental to the construction, establishment, or development of a use that conforms to the regulations for the district in which it is located. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve months period.
6. Other uses permitted by board of examiners and appeals. Wherever the phrase "other uses similar to the above" is mentioned, it shall be deemed to mean uses which, in the judgment of the board of examiners and appeals as evidenced by a written decision, are similar to and not more objectionable to the general welfare than the uses listed for the particular use district. Other uses so determined by the board of examiners and appeals shall be regarded as listed uses. In no instance, however, shall these regulations be so interpreted as to permit a use in a district when such use is first permitted in a subsequent and lower use district; i.e., a use specifically listed in a B-2 District shall not be permitted in the B-1 District.

B. Height:

1. Height variances. The height limitations of this chapter shall not apply to church spires, belfries, cupolas, pent-houses and domes, not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulk heads, monuments, flag poles, and similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and none shall exceed one hundred and fifty feet without special permit by the board of examiners and appeals.
2. Ornamental features. The provisions of this ordinance shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament, but without windows, extending above such height limit not more than five feet.
3. Variations -- airport approach zoning. Notwithstanding the provisions contained in this chapter no variance to the height limit shall be permitted in any district included in an airport approach zone, except to the extent that the maximum height limit specified in such airport hazard district exceeds the height limit specified in the use district.

C. Area:

1. Reduced lot area. No lot shall be so reduced in area that any required yard or other open space will be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on such lot shall thereafter not be used until such building is altered, reconstructed, or relocated so as to comply with the area and yard requirements applicable thereto.
2. Dwellings on small lots. Single-family dwellings may be erected in an allowable use district on a lot containing an area or width smaller than that required for a single-family dwelling, provided that such lot was legally subdivided and separately owned or under contract of sale at the time of the passage of this chapter or any such lot legally subdivided in the future with official approval. The maximum building area allowed on any such small lot shall be based on the percentage of lot coverage allowed for the use district in which the lot is located. A portion of the allowable lot coverage shall be reserved

for automobile garages, present and future. Single-family dwelling units shall reserve two hundred and forty square feet of the allowable lot coverage for such purpose.

D. Yards:

1. Terraces. A paved terrace shall not be considered in the determination of yard sizes or lot coverage, provided, however, that such terrace is unroofed and without walls, parapets or other form of enclosure. Such terrace, however, may have an open guard railing not over three feet high, and shall not project into any yard to a point closer than four feet from any lot line.
2. Porches. All porches shall be considered a part of the building in determination of lot coverage and yard requirements.
3. Projecting architectural features. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves and other architectural features; provided, however, that such features shall not project more than two feet into any required yard.
4. Bay windows. Bay windows, including their cornices and eaves, may project into any required yard not more than two feet; provided, however, that the sum of such projections on any wall does not exceed one-third the length of said wall.
5. Fire escapes. Open fire escapes may extend into any required yard not more than four feet six inches.
6. Front yard depth adjustment. In any residence district in blocks where lots comprising forty per cent or more of the frontage are developed with dwellings having front yards with a variation of not more than ten feet in depth, the average of such yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located mainly on the rear one-half of a lot and buildings on a lot containing more than one principal building shall not be counted.

E. Accessory buildings in residential districts:

1. No accessory building shall be erected in any required yard, except in that portion of the rear yard located not less than the width of the required side yard from the side lot lines.

2. Accessory buildings shall not exceed twelve feet in height.

F. Fences:

Fences may be constructed at the lot line, provided, however, that front-yard fences over three feet high in any residence district shall meet the front yard setback required in the use district in which the lot is located.

G. Visibility at intersections:

On a corner lot in any residence district, no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed, planted or maintained within thirty feet of the property corner at the intersection nor within the triangular area so formed on the corner of the lot.

H. Hazardous nonconforming uses:

The following types of yards, which are continued as nonconforming uses in districts where otherwise prohibited, shall be entirely enclosed within a fence at least eight feet high: all yards for open storage, general heavy repair, junk storage, salvage or wrecking purposes and yards for heavy equipment repair or storage excluding the orderly display of new or reconditioned heavy equipment for sale or lease. The fence may consist of chain link, concrete block, brick or other material approved by the building official. All fences shall be maintained in a sound structural condition and proper appearance at all times for the public safety, and shall be kept free of signs, posters or any advertising matter.

Section 23-16

ADDITIONAL USES PERMITTED

A. Uses permitted:

The city planning commission may, after proper notice and public hearing in the manner prescribed in section 23-20, D, permit the following exceptions in any district unless otherwise herein specified, where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive city plan and the zoning ordinance. In approving the uses referred to in this section, the city planning commission shall have the authority to impose such

conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the comprehensive city plan and zoning ordinance.

1. Airports.
2. Animal hospitals or boarding establishments and veterinary practices.
3. Cemeteries.
4. Concrete or cement products manufacture.
5. Crematories if located within a cemetery containing at least five acres.
6. Establishments or enterprises involving large assemblages of people or automobiles, including:
 - a. Amusement parks.
 - b. Circuses.
 - c. Fair grounds.
 - d. Open-air theaters.
 - e. Recreational centers.
 - f. Hospitals and sanitariums.
7. Gas manufacture and storage, provided that all manufacturing operations shall be subject to the approval of the building official.
8. Government enterprise (federal, territorial, state or local).
9. Greenhouses or tree nurseries.
10. Natural resources, development and extraction of, together with necessary buildings, apparatus or appurtenances incident thereto.
11. Off-street parking areas.
12. Private clubs.
13. Public libraries and museums and art galleries not operated for profit.

14. Public or private nurseries, public or non-profit elementary and high schools, and institutions for higher education.
15. Public utility or public service facilities.
16. Radio or television transmitters.
17. Tourist courts, auto courts, motor lodges or trailer courts.
18. Alcoholic beverage dispensaries, retail liquor stores and restaurants serving alcoholic beverages with meals in B-1, B-2, B-3, I-1 and I-2 Districts.
19. Group housing developments:

In the case of a dwelling group consisting of two or more buildings, the contemplated arrangement of which makes it impracticable to apply the requirements of this chapter to the individual building units in the group, a permit for the construction of such dwelling group may be issued only if the plans of such dwelling group comply with the following conditions:

- a. That the proposed dwelling group will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood, that it will result in intensity of land utilization no higher, and standard of open space at least as high, as permitted or specified in this chapter in the district in which the proposed dwelling group is to be located.
- b. That the tract of land on which the dwelling group is to be erected comprises at least seventy-five thousand square feet.
- c. That the buildings are to be used only for residential purposes and the customary accessory uses, such as garages, storage spaces, recreational and community activities.
- d. That the average lot area per dwelling unit on the site, exclusive of the area occupied by street, will not be less than the lot area required for each dwelling unit in the district in which the dwelling group is to be located.

- e. That there are provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population.
- f. That off-street parking is provided on the basis of one parking space for each dwelling unit within the development.
- g. That the development will not produce a volume of traffic in excess of the capacity for which the access streets are designed.
- h. That property adjacent to the proposed dwelling group will not be adversely affected.
- i. That such dwelling group not be located in an industrial district.
- j. That the proposed group housing development will be consistent with the intent and purpose of this chapter to promote public health, safety and general welfare.

Section 23-17

NONCONFORMING USES

The legal use of any building or land existing at the time of the enactment of this chapter (September 19, 1952) may be continued although such use does not conform with the provisions of this chapter, subject to the following regulations:

A. Extension:

A nonconforming use shall not be extended, but the extension of a use to any portion of a building which was legally arranged or designed for such nonconforming use at the time of the enactment of this chapter shall not be deemed the extension of such nonconforming use.

B. Changes:

If any nonconforming use of a building or land is changed to any other use, it shall be changed to a use conforming to the regulations for the use district in which such building or land is located and after such change it shall not be changed back to the original or any other nonconforming use. A nonconforming sign if removed from the premises shall not be replaced.

C. Alterations:

A building legally designed, arranged or devoted to a non-conforming use at the time of the enactment of this chapter (September 19, 1952) may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty per cent of the value of the building during any ten year period, unless the use of such building be changed to a conforming use. The ten year period shall begin with the issuance of the first permit for such alteration or repair at which time the value of the building shall be established. The value shall be the estimated cost to replace in kind, less depreciation, as specified in section 423 of the Uniform Building Code as amended in section 9-2 of the Code of Ordinances of the City of Anchorage. Total alterations in the succeeding ten year period shall not exceed fifty per cent of the value so established. A new ten year period shall begin at the end of the preceding period and the current value shall be established as of the beginning of each such period.

D. Restoration:

No building damaged by fire or any other causes to the extent of more than fifty per cent of the then current value of the building shall be repaired or rebuilt except in conformity with the provisions of this chapter. The current value shall be the estimated cost to replace in kind, less depreciation, as specified in section 423 of the Uniform Building Code as amended in section 9-2 of the Code of Ordinances of the City of Anchorage. When restoration is permitted, rebuilding shall be completed within one year if the rebuilt building is to continue to be used for a nonconforming use. In the event of restoration of a nonconforming building which has been altered in compliance with section 23-17, C above, the previously established ten year alteration period and valuation shall apply for the balance of the period regardless of the change in value incurred by the restoration.

E. Discontinuance:

When a nonconforming use has been discontinued, abandoned or non-used for a period exceeding ninety days, such nonconforming use shall not be resumed thereafter, and any future use shall be in conformity with the provisions of this chapter. In the case of nonconforming uses of an established seasonal nature, the ninety day discontinuance period shall commence with the beginning of each normal working season.

F. Cessation:

Automobile wrecking yards, salvage yards and junk yards: Notwithstanding any other provisions of this chapter, any automobile wrecking yard, salvage yard or junk yard in existence in any unclassified or residential district at the date of enactment of this chapter (September 19, 1952) shall at the expiration of one year from such date become a prohibited and unlawful use and shall be discontinued.

G. Construction approved prior to ordinance:

Nothing herein contained shall require any change in plans, construction, alteration, or designated use of a building for which a permit has been issued before the date of enactment of this chapter (September 19, 1952), and the construction of which shall have been actually begun and diligently prosecuted within three months of the date of issuance of said permit, and twenty-five per cent of which building shall have been completed within one year of the date of the permit, and which entire building shall be completed according to such plans as filed within two years from the date of said permit.

H. District changes:

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

Section 23-18

ADMINISTRATION

A. Enforcement:

This chapter shall be enforced by the building official of the city. No building permit or certificate of occupancy shall be issued by him except where the provisions of this chapter have been complied with.

B. Building permits:

No building, wall, fence or structure shall be erected, added to or altered until a permit therefor has been issued by the building official.

C. Certificate of occupancy:

No land shall be used, changed in use, or occupied until a certificate of occupancy shall have been issued by the building official. No building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the building official in accordance with the provisions of the Uniform Building Code.

D. Complaints of violations:

Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints shall be brought to the attention of the building official, who shall properly record such complaint and immediately investigate and report thereon.

E. Violations and penalties:

For any and every violation of the provisions of this chapter, the owner, agent or contractor of a building or premises where such violations have been committed or shall exist, and the owner, general agent or contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, contractor, or any other person who commits, takes part or assists in such violations or who maintains any building or premises in which any violations shall exist, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars or imprisoned in the city jail not to exceed thirty days or by both such fine and imprisonment. Each and every day that such violation continues shall be deemed a separate and distinct violation.

F. Interpretation, conflicts with other laws:

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 23-19

BOARD OF EXAMINERS AND APPEALS

A. Creation:

In order to assist the board of adjustment in the interpretation of this chapter and in carrying out duties prescribed in this chapter, there shall be and is hereby created a board of examiners and appeals, which shall consist of nine members appointed by the mayor and confirmed by the city council.

B. Proceedings:

Meetings of the board of examiners and appeals shall be held at the call of the chairman, or in his absence, by the acting chairman, and at such other times as the board of examiners and appeals may determine. Meetings shall be open to the public and records of proceedings shall be kept. The board may adopt rules for its proceedings.

Section 23-20

BOARD OF ADJUSTMENT

A. Organization:

1. The city council of the city shall constitute a board of adjustment, which is hereby created pursuant to Title 16, Chap. 1, Sec, 35, par. Twenty-Fourth ACLA 1949.
2. The chairman, or in his absence, the acting chairman, may administer oaths and compel attendance of witnesses by subpoena.
3. All meetings of the board shall be open to the public.

B. Powers of board:

1. Appeals. The board of adjustment shall hear and decide appeals taken from the board of examiners and appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the regulations established by this chapter.

2. Variances. The board of adjustment may upon appeal taken from the board of examiners and appeals in specific cases authorize such variance from the terms of this chapter, as will not be contrary to the public interest, where it is found that all four of the conditions set forth in section 23-20, C-2-b below exist.
 3. Exceptions. The board of adjustment may upon appeal taken from the city planning commission vary the applications of the regulations of this chapter by granting a permit, after due notice and public hearing, whenever it is provided in this chapter that the approval of the city planning commission is required.
 4. In exercising the above-mentioned powers, the board of adjustment may, in conformity with the provisions of this chapter and Title 16-1-35, 24th ACLA 1949, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- C. Procedure in applications for appeals and variances to the board of examiners and appeals:
1. Filing.
 - a. Applications for appeals and variances may be filed by any person aggrieved, or any taxpayer or any officer, department, board or bureau of the city. A variance may be sought whenever it is provided in this chapter that the approval of the board of examiners and appeals is required or whenever the relief prayed for is not specifically provided in this chapter.
 - b. Appeals from the action of the building official under this chapter may be taken by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the building official. Such appeal shall be taken within seven days of the date of such action, by filing with the board of examiners and appeals through the building official, a written notice of appeal specifying the grounds thereof. If appeal is not taken as specified herein, the right of appeal shall have been forfeited.
 - c. Request for interpretation of this chapter and application for variances and appeals must be filed with the building official on or before the first day of

the month to be given consideration by the board of examiners and appeals during that month.

- d. In order to defray the expenses connected with the consideration of applications for appeals and variances, the person filing such application shall pay to the city clerk a fee of ten dollars; provided, however, that if such application is filed by or in the name of a governmental agency, no such fee shall be required. One copy of the receipt for such fee shall be attached to the application and no such application shall be accepted, unless exempted by the above provision, without such receipt being attached. Regardless of the action taken on the application, the above required fee shall not be returned.

2. Procedure of the board.

- a. When an application has been filed, the building official shall forthwith transmit to the board of examiners and appeals all plans, specifications and papers pertaining to the application or action appealed from. The board shall decide the application within a reasonable time.
- b. The board of examiners and appeals may authorize such variance from the terms of this chapter, as will not be contrary to the public interest, where it is found that all four of the following conditions exist:
 - 1) That the strictest application of the provisions of this chapter would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of this chapter.
 - 2) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.
 - 3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such zone or neighborhood in which the property is located.
 - 4) That the granting of a variance will not be contrary to the objectives of the general plan.

- c. The board of examiners and appeals may submit any case to the city planning commission for the commission's recommendations or may request any such information from the city planning commission as it deems necessary to decide any case.

3. Appeals.

- a. Appeals from the action of the board of examiners and appeals on applications for appeals or variances under this chapter may be taken by any person or party aggrieved. Such appeal shall be taken within seven days of the date of such action by filing with the board of adjustment through the city manager a written notice of appeal specifying the grounds thereof.
- b. A report concerning each case appealed to the board of adjustment shall be rendered to the board of adjustment through the city manager by the board of examiners and appeals. Such report shall state the decision and recommendations of the board of examiners and appeals, together with the reasons for such decision and recommendations. All plans, specifications, and papers pertaining to the case shall accompany the report.

- D. Procedure in applications for exceptions to the city planning commission:

1. Filing.

- a. Applications for exceptions from the regulations of this chapter whenever the approval of the city planning commission is required may be filed by any taxpayer, property owner, or party affected. The application must fully state any and all reasons justifying the granting of the exception.
- b. Applications for exceptions must be filed with the city planning director on or before the first day of the month to be given consideration by the planning commission during that month.
- c. In order to defray the expenses connected with consideration of applications for exceptions, the person filing such application shall pay to the city clerk a fee of twenty-five dollars; provided, however, that if such application is filed by or in the name of a governmental agency, no such fee shall be required. One copy of the receipt for such fee shall be attached

to the application and no application shall be accepted, unless exempted by the above provision, without such receipt being attached. Regardless of the action taken on the application, the above required fee shall not be returned.

2. Procedure of the commission.

- a. The commission shall hold a public hearing on any application for an exception. Public notice of such hearing shall be given by publishing notice thereof in a daily newspaper of general circulation within the city at least five days but not more than ten days prior to the date of the hearing. The commission shall also mail notices to the applicant and to the owners of all property affected by the application at least five days prior to the date of the hearing.
- b. The commission shall decide the application for exception within a reasonable time.

3. Appeals.

- a. Appeals from the action of the city planning commission on applications for exceptions under this chapter may be taken by any person or party aggrieved. Such appeal shall be taken within seven days of the date of such action by filing with the board of adjustment through the city manager a written notice of appeal specifying the grounds thereof.
- b. A report concerning each case appealed to the board of adjustment shall be rendered to the board of adjustment through the city manager by the city planning commission. Such report shall state the decision and recommendations of the commission together with the reasons therefor. All plans, specifications and papers pertaining to the case shall accompany the report.

E. Procedure of the board of adjustment in appeals:

1. The board of adjustment shall fix a reasonable time for hearing on any appeal taken from the board of examiners and appeals or the city planning commission if a public hearing is required or desirable.
2. The board shall give public notice of such hearing either by publishing notice thereof in a daily newspaper of general circulation within the city at least five days but not more than ten days prior to the date of hearing,

or by posting notices thereof in a public and conspicuous place within the area affected by the appeal. The board shall also mail notices to the appellant, and may mail notices to the owners of all property affected by any appeal at least five days prior to the date of the hearing. For the purpose of such notice, the affected property shall be deemed to be at least that area bounded by lines one hundred feet from and parallel to the boundaries of the area covered by the appeal or application. Notices may be sent to cover a greater area if it is deemed that the appeal affects a greater area.

3. Upon the hearing, any party may appear in person or by agent or by attorney.
4. The board of adjustment shall decide appeals within a reasonable time and shall give due consideration to the findings and recommendations of the board of examiners and appeals and the city planning commission.

F. Appeal to district court:

An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city, to the district court, by filing with the city clerk and with the board of adjustment, within thirty days from the action appealed from, a notice of appeal, which notice shall specify the ground of such appeal. Failure to file said notice of appeal in the manner and time herein specified shall forfeit any right to appeal.

G. Stay of proceedings:

1. An appeal from the decision of any administrative officer under this chapter stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
2. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless certification similar to that

described in the previous paragraph is made by the chairman of the board of adjustment to the court clerk.

Section 23-21

DISTRICT CHANGES AND AMENDMENTS

A. Authority:

The city council may, after proper notice and public hearing before the city planning commission, amend, supplement, or change by ordinance the boundaries of districts established on the zoning map of the city, or any of the regulations set forth in this chapter. Any proposed amendment, supplement or change shall first be submitted to the city planning commission for the required public hearing for its recommendation and report.

B. Initiation of changes:

1. By city council or city planning commission. The city council or the city planning commission may initiate proposed changes, which changes may be made after notice has been given as specified below and after a hearing has been held before the city planning commission.
2. By petition.
 - a. Any person or persons desiring a change in zoning of property shall submit a petition for such change in zoning to the city planning commission.
 - b. Such petition shall be signed by the real property owners, as shown on the assessment rolls, of seventy-five per cent or more of the area proposed to be rezoned and shall set forth the reasons and justifications for the change in zoning.
 - c. The petition shall show, opposite each signature, the description of the property owned, the address of the property owner, and the date on which the property owner signed the petition. Persons purchasing property under contract shall be construed hereunder as the owners of such property.
 - d. In order to defray the expenses connected with the consideration of petitions for change of district,

the person presenting the petition shall pay to the city clerk the fee herein required. One copy of the receipt for such fee shall be attached to the petition and no petition shall be accepted without such receipt being attached to said petition. The fee shall be twenty-five dollars, plus an additional fee of ten dollars for each block in excess of one block included in the proposed change. Whether a petition for a change of district is granted or denied by the city planning commission, the petitioner or applicant shall not be entitled to the return of the fee paid.

- e. Petitions shall be filed with the city planning commission on or before January 15, April 15, July 15, or October 15, to be considered by the city planning commission and the city council during the respective three month period following any such date.

C. Public hearing before city planning commission:

A public hearing shall be held by the city planning commission before the adoption of any final report by the planning commission to the council proposing an amendment or change in the zoning ordinance or regulations, restrictions or a district boundary. The city planning commission shall set the time and place of hearing and cause notice of such hearing to be given at which the parties in interest and citizens shall have an opportunity to be heard.

1. Whether the city planning commission has recommended approval or disapproval of an amendment or change in zoning or regulation, restriction or district boundary, the recommendation of the city planning commission shall be acted upon by the city council.
2. At least fifteen days' notice of the time and place of such hearing shall be published at least once in a paper of general circulation in the City of Anchorage.
3. When the proposed amendment covers a change in the zoning district classification of any property, notice of such public hearing shall be mailed to real property owners, as shown on the assessment rolls of all properties lying within the area proposed to be changed and to real property owners, as shown on the assessment rolls, of all properties lying within a radius of three hundred feet, exclusive of streets, from any part of the area proposed to be changed. Such notice shall be mailed not less than five days and not more than fifteen days before the time of such public hearing. Failure to notify any property owners as above provided shall not invalidate any

ordinance passed hereunder, provided such failure was not intentional, it being the intention of this section to provide so far as may be for notice to persons substantially interested in the proposed change. If there be property within the petition area or the affected area in the same or less restrictive district than the proposed change, property in such district shall be disregarded for purposes of mailing the notice of hearing, unless such property falls in one of the areas described in subsection F of this section.

D. City planning commission report:

As soon as possible after the quarterly due date of petitions for change in zoning, the city planning commission shall submit to the city council a report on such petitions as may have been submitted, showing:

1. Findings as to the need and justification for a change.
2. Findings as to the effect such change would have on the property in question, and on adjacent properties, and the relation it bears to the zoning of the city as a whole.
3. Recommendations to the city council as to approval or disapproval of the change in zoning.

E. Council action:

Whenever the city planning commission has recommended approval or disapproval of a change in the zoning ordinance or regulations, restrictions or a district boundary, such recommendation shall be acted upon by the city council. The city council shall hold a public hearing thereon at which time parties in interest and citizens shall have an opportunity to be heard. The time and place of such hearing shall be determined by the city manager. Notice of public hearing before the council shall be given in the same manner as notice is given of the public hearing before the planning commission.

F. Protests:

In case of a protest against a change in zoning district classification signed by the owners of twenty per cent or more either of the area of the lots included in such proposed change, or by the owners of twenty per cent or more of the area of the lots immediately abutting either side of the territory included in such proposed change, or separated

therefrom only by an alley or street, such amendment shall not become effective except by the favorable vote of five members of the council.

G. Modification of amendments:

After the public hearing thereon the city planning commission may make, and the city planning commission may recommend, and the city council may make, modifications of any proposed amendment if it believes that such change in the amendment would be in the interest of the adjacent property owners and of the community as a whole.

H. Filing of amendments:

All ordinances changing zoning district classifications shall be numbered consecutively, in addition to the ordinance number of passage. All such changes of district shall be filed with and indexed in the office of the city clerk and shall be noted on the zoning map established in section 23-3 of this chapter.

I. Districting of annexed areas:

Any area annexed to the city after the effective date of this chapter shall immediately upon such annexation be automatically classified as an R-1 District until a zoning plan for said area has been adopted by the city council. The city planning commission shall within ninety days following any annexation recommend to the city council appropriate zoning for the annexed area.

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ZONING ORDINANCE
OF THE CITY OF ANCHORAGE

Section 23-1

TITLE OF ACT

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Anchorage."

Section 23-2

DEFINITIONS

For the purpose of this chapter certain terms or words used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense.

The singular number includes the plural.

The word "person" includes a corporation as well as an individual.

The word "lot" includes the word "plot" or "parcel."

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

1. Accessory use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
2. Alley. A permanent service right-of-way providing a secondary means of access to abutting properties.
3. Alteration. Any change, addition or modification in construction or occupancy; or the moving from one location or position to another.
4. Apartment house. Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building and shall include flats and apartments.
5. Area, building. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings or constructions exclusive of steps.
6. Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.
7. Building, accessory. A subordinate building, or portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.
8. Building, existing. A building legally erected prior to the adoption of this ordinance, or one for which a legal building permit has been issued.
9. Building, front line of. The line of that part of the building nearest the front line of the lot.
10. Building, height of. The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
11. Building, principal or main. A building in which is conducted the principal or main use of the lot on which said building is situated.
12. Coverage. That percentage of the total plot or lot area covered by the building area.
13. Dwelling. A building designed or used exclusively as the living quarters for one or more families.

14. Dwelling unit. A dwelling or portion thereof providing complete living facilities for one family and in which not more than two persons are lodged for hire with such family at any one time.

15. Dwelling, one-family. A detached building designed for or occupied exclusively by one family; constitutes one-dwelling unit.

16. Dwelling, two-family. A building designed for or occupied exclusively by two families living independently of each other with separate entrance, and kitchens and baths; constitutes two dwelling units; includes duplex.

17. Dwelling, multiple-family. A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats, and group houses.

18. Family. One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, club, fraternity, or hotel.

19. Garage. A building or portion thereof in which a motor vehicle containing gasoline distillate or other volatile, flammable liquid in its tank, is stored, repaired or kept.

20. Home occupation. A profession or use customarily conducted entirely within a dwelling by the permanent inhabitants thereof only, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.

21. Hotel. Any building, containing six or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

22. Line, street. The dividing line between the street and the lot.

23. Lot. A portion or parcel of land considered as a unit, vacant or devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

24. Lot, corner. A parcel of land at the junction of and fronting on two or more intersecting streets.

25. Lot, interior. A lot other than a corner lot.

26. Lot, depth of. A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

27. Lot, width of. The mean width measured at right angles to its depth.

28. Lot lines. The property lines bounding the lot.

29. Nonconforming use. A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

30. Nursery. A home or institution where two or more children are cared for for hire by the day, week, month or year.

31. Parking area, public. An open area other than street, alley or other right-of-way used for the temporary parking of automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

32. Rooming house. Any dwelling in which three or more persons either individually or as families are housed or lodged for hire with or without meals. A boarding house, lodging house, tourist home or a furnished room house shall be deemed a rooming house.

33. Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement or cellar is more than six feet above grade such basement or cellar shall be considered a story.

34. Story, half. A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

35. Street. The right-of-way of a public or private thoroughfare affording the principal means of access to abutting property.

36. Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

37. Tourist court. A group of attached or detached buildings containing individual sleeping or living units with attached garage or parking space conveniently located to each unit, all for the temporary use by automobile tourists or transients; includes auto courts, motels, or motor lodges.

38. Trailer court. Any area of land used to accommodate two or more trailers, trailer coaches, or vehicles used for human habitation or for carrying persons and property.

39. Yard, front. An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. In the case of a corner lot, the front yard shall be on the same side as the front yards of the adjacent interior lots.

40. Yard, rear. An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and that part of the building nearest to the rear line of the lot. The rear line of the lot shall mean that lot line which is opposite and most distant from the front lot line.

41. Yard, side. An open unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

Section 23-3

USE DISTRICTS AND MAPS

A. Establishment of districts. The City of Anchorage is hereby divided into the following types of use districts:

U-1 Districts: Unclassified districts.

R-1 Districts: One-family residential districts.

R-2 Districts: Two-family residential districts.

R-3 Districts: Multiple-family residential districts.

B-1 Districts: Local Business districts.

B-2 Districts: Central Business districts.

B-3 Districts: General Business districts.

I-1 Districts: Light Industrial districts.

I-2 Districts: Heavy Industrial districts.

- B. Map. Said districts are bounded and defined as shown on a map entitled "Zoning Map of the City of Anchorage," a certified copy of which is on file in the office of the city clerk and which, with all explanatory matter thereon, is hereby made a part of this chapter.
- C. Interpretation of district boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
1. Where district boundaries are indicated as approximately following the center lines of streets or alleys, street lines or alley right-of-way lines, such center lines, street lines or right-of-way lines shall be construed to be such boundaries.
 2. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
 3. In unsubdivided property the location of any district boundary, unless the same is indicated by dimensions shown on same map, shall be determined by the use of the scale appearing thereon.
 4. Where a district boundary divides a lot which was in single ownership and of record at the time of enactment of this chapter, the use on and the district requirements applying to the least restricted portion of such lot shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty-five feet of said dividing district boundary. The use so extended shall be deemed to be conforming.

Section 23-4

APPLICATION OF REGULATIONS

Except as hereinafter provided:

- A. No building or land shall hereinafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulation herein specified for the district in which it is located. (For nonconforming uses see section 23-17.)
- B. No structure shall hereafter be erected or altered
 - 1. To exceed the height;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area; or
 - 4. To have narrower or smaller rear yard, front yard or side yard than is specified herein for the district in which such building is located.
- C. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or open space on one lot shall be considered as providing a yard or open space on any other lot.

Section 23-5

U-1 DISTRICTS: UNCLASSIFIED DISTRICTS

The following regulations shall apply in all U-1 districts:

A. Uses permitted:

- 1. One and two-family dwellings.
- 2. General gardening.
- 3. Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceeding one square foot in area. (See section 23-15, A-4.)
- 4. Customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory use or building shall be located on the same lot with the principal building. (See section 23-15, E.)

5. Required parking space. (See section 23-14,A.)
6. The city planning commission may, after proper notice and public hearing, as provided in section 23-20, D, permit additional uses in U-1 districts where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive city plan and the zoning ordinances.

B. Building height limit:

Two and one-half stories, but not exceeding thirty-five feet; provided that this limit shall not apply to uses listed as permitted under above subsection 23-5, A-4.

C. Minimum lot area per dwelling unit:

Each dwelling shall be located on a lot providing not less than fifteen thousand square feet per dwelling unit, and which lot shall be not less than one hundred feet in width.

D. Percentage of lot coverage:

All buildings including accessory buildings shall not cover more than twenty per cent of the area of the lot.

E. Yard required:

Each lot shall have front, side, and rear yards not less than the depths or widths following:

1. Front yard depth -- twenty feet.
2. Side yard width -- ten feet.
3. Rear yard depth -- twenty-five feet.

Section 23-6

RESIDENTIAL-1 USE DISTRICTS; ONE-FAMILY RESIDENTIAL

The following regulations shall apply in all R-1 Districts:

A. Uses permitted:

1. One-family dwelling.

2. Public parks and playgrounds, including public buildings accessory thereto, and other municipal recreational uses.
 3. The raising of vegetables, produce and fruit crops, but not including any sales rooms or other buildings used primarily in the sales thereof.
 4. Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceeding one square foot in area. (See section 23-15, A-4.)
 5. Customary accessory uses and buildings, provided such uses are clearly incidental to the principal use and do not include any activity commonly conducted for gain. Any accessory use or building shall be located on the same lot with the principal building. The parking of trucks, buses, tractors, graders or other heavy equipment shall not be considered an accessory use. The parking of pick-up or panel trucks may be considered an accessory use. (See section 23-15, E.)
 6. Transitional uses shall be permitted as follows:
 - a. Two-family dwelling with the same area requirements as in an R-2 District when a lot in the R-1 District abuts upon a lot in an R-3 , B-1, B-2, B-3, I-1 or I-2 District. .
 7. Required parking space. (See section 23-14, A.)
- B. Building height limit:
Two and one-half stories, but not exceeding thirty-five feet.
- C. Required lot area:
Each dwelling shall be located on a lot not less than six thousand square feet in area and not less than fifty feet in width. Not more than one principal building shall be permitted on a lot.
- D. Percentage of lot coverage:
All buildings including accessory buildings shall not cover more than thirty per cent of the area of the lot.
- E. Yard required:
Each lot shall have front, side, and rear yards not less than the depths or widths following:

1. Front yard depth -- twenty feet.
2. Side yard width -- five feet, provided that the width shall not be less than ten feet on the street side of a corner lot.
3. Rear yard depth -- twenty-five feet.

Section 23-7

RESIDENTIAL-2 USE DISTRICTS; TWO-FAMILY RESIDENTIAL

The following regulations shall apply in all R-2 Districts:

A. Uses permitted:

1. All uses permitted in R-1 Districts.
2. Two-family dwellings.
3. Transitional uses shall be permitted as follows:
 - a. A four-family dwelling where the side of a lot in the R-2 District abuts upon a lot in an R-3 District, provided such dwelling is located on a lot not less than seven thousand square feet in area and a width not less than fifty feet.
 - b. Multiple-family dwelling with a minimum lot area of twelve hundred square feet per dwelling unit where the side of a lot in the R-2 District abuts upon a lot in a B-2, B-3, I-1 or I-2 District.
 - c. Public parking area where the side of a lot in the R-2 District abuts upon a lot in a B-2, B-3, I-1 or I-2 District and is developed in accordance with the requirements of section 23-14, C.
4. Churches; provided that no part of such church is within thirty feet of any adjacent residential lot.
5. Required parking space. (See section 23-14, A.)

B. Building height limit:

Two and one-half stories but not exceeding thirty-five feet.

C. Required lot area:

1. Each one-family dwelling shall be located on a lot not less than six thousand square feet in area and not less than fifty feet in width, six thousand square feet per dwelling unit.
2. Each two-family dwelling shall be located on a lot not less than seven thousand square feet in area and a width not less than fifty feet; thirty-five hundred square feet per dwelling unit.
3. Not more than one principal building shall be permitted on a lot.

D. Percentage of lot coverage:

All buildings including accessory buildings shall not cover more than forty per cent of the area of the lot.

E. Yards required:

Each lot shall have a front, side and rear yards not less than the depths or widths following:

1. Front yard depth -- twenty feet.
2. Side yard width -- five feet, provided that the width shall not be less than ten feet on the street side of a corner lot.
3. Rear yard depth -- twenty-five feet.

Section 23-8

RESIDENTIAL-3 USE DISTRICTS: MULTIPLE-FAMILY RESIDENTIAL

The following regulations shall apply in all R-3 Districts:

A. Uses permitted:

1. All uses permitted in R-1 and R-2 Districts.
2. Multiple-family dwellings.
3. Rooming houses.

4. Hotels in which only incidental business may be conducted for the convenience of the resident of the building, provided that there is no entrance to such place of business except from the inside of the buildings, and no sign, display, or show window is visible from the outside advertising such business.
5. The following uses, provided that no portion of the structure containing such use shall be less than fifteen feet from any adjacent residential lot:
 - a. Public or private nurseries.
 - b. Churches.
 - c. Public libraries and museums and nonprofit art galleries.
 - d. Private lodges and clubs, excepting those the chief activity of which is a service customarily carried on as a business.
 - e. Medical clinics and professional offices.
6. Hospitals, sanitariums, rest homes, philanthropic and charitable institutions and similar uses. No such use shall be established or permitted on a parcel of land less than forty thousand square feet, nor shall any part or portion of any building be permitted within fifty feet of any street or interior lot line.
7. Transitional uses shall be permitted as follows:
 - a. Public parking area where the side of a lot in the R-3 District abuts upon a lot in a B-2, B-3, I-1 or I-2 District and is developed as required in section 23-14, C.
8. Other uses similar to the above, as provided in section 23-15, A.
9. Required parking space. (See section 23-14, A.)
- B. Building height limit:

One hundred and forty feet. (See section 23-15, B-3.)
- C. Required lot area:
 1. Each one-family dwelling shall be located on a lot providing a minimum of six thousand square feet per dwelling unit.

- 2. Each two-family dwelling shall be located on a lot providing a minimum of thirty-five hundred square feet per dwelling unit.
- 3. Each multiple-family dwelling, exclusive of hotels where no cooking is done in any individual room, suite or apartment, shall be located on a lot providing the following minimum area per dwelling unit according to the number of stories in the dwelling:

<u>No. of Stories</u>	<u>Lot Area per Dwelling Unit</u>
1-2	1,000 square feet
3-4	700 square feet
5-10	600 square feet
11 and up	500 square feet

- 4. Each lot used for residential purposes shall contain not less than six thousand square feet in area and shall have a width of not less than fifty feet.

D. Yards required:

Yards of the following minimum depths and widths, unless another minimum is otherwise specified, shall be provided:

- 1. Front yard -- ten feet.
- 2. Side yards -- each one-fourth of the height of the building, but not less than five feet each.
- 3. Rear yard -- depth equal to one-half of the height of the building, but not less than ten feet deep.

E. Distance between buildings on same lot:

No principal building shall be closer to any other principal building than the average of the heights of said buildings.

Section 23-9

BUSINESS-1 USE DISTRICTS: LOCAL BUSINESS DISTRICTS

The following regulations shall apply in all B-1 Districts:

A. Uses permitted:

1. All uses permitted in R-1 and R-2 Districts.
2. All uses permitted in R-3 Districts whenever any B-1 District is located within or is on three or more sides contiguous to any R-3 District.
3. Retail stores and shops, limited to uses needed to serve a residential district, such as grocery store, meat shop, retail bakery, drugstore, hardware or appliance store, book or stationery store, dry goods or notions store, wearing apparel or shoe store, laundry or clothes cleaning agency for pick-up and delivery only, but not to include alcoholic beverage dispensaries and retail liquor stores.
4. Personal service shops, such as barber, shoe shine or repair shop, photographer, beauty parlor, custom dress-making, self-service laundry.
5. Professional and business offices, banks, post offices.
6. Restaurants, tea rooms, cafes, and other places serving food or beverages other than alcoholic beverages.
7. Taxicab stands for not more than four cabs may be allowed by the city planning commission.
8. Theaters, billiard or pool halls, bowling alleys, and similar commercial amusement and recreational enterprises may be allowed by the city planning commission by special permit upon due proof to the satisfaction of the commission that such enterprise is required for adequate service to the surrounding neighborhood, that the location thereof will not be unduly detrimental to adjacent and surrounding property owners, and that adequate parking spaces will be provided.
9. Automobile service stations at which no repairing is done may be allowed by the city planning commission by special permit after public hearing upon due proof to the satisfaction of the commission that the location thereof will not be unduly detrimental to adjacent and surrounding property owners. (See also section 23-15, A-2 and 23-15, A-3.)
10. Public parking areas, as specified in section 23-14, C.
11. Other uses similar to the above, as provided in section 23-15, A-6.

12. Accessory buildings and uses when located on the same lot. Such uses, excepting gasoline dispensing, shall be conducted wholly within an enclosed building. All products produced shall be sold at retail on the premises.
13. Parking and loading space according to the requirements of sections 23-14, A and 23-14, B.

B. Building height limits:

1. Two and one-half stories but not exceeding thirty-five feet whenever any B-1 District is located within or contiguous to an R-1 or R-2 District.
2. One hundred and forty feet whenever any B-1 District is located within an R-3 District.

C. Required lot area:

1. No building shall be located on a lot less than six thousand square feet in area and less than fifty feet in width.
2. Lots used in whole or in part for dwelling purposes shall comply with lot area requirements in R-3 Districts.

D. Yards required:

Yards of the following minimum depths and width shall be required:

1. Front yard depth -- twenty feet.
2. Side yards:
 - a. No side yard will be required on lots not used for residential purposes, provided that if the side line of any such lot adjoins a residential district, a side yard of not less than ten feet shall be required along such side line.
 - b. Side yards of lots used in whole or in part for residential purposes shall comply with the side yard requirements in R-3 Districts.
3. Rear yards:
 - a. Whenever a B-1 District is located within or contiguous to an R-1 or R-2 District the depth shall be not less than twenty-five feet.

- b. Whenever a B-1 District is located within an R-3 District, the depth shall equal one-half of the height of the building but shall not be less than ten feet.

Section 23-10

BUSINESS-2 USE DISTRICTS: CENTRAL BUSINESS DISTRICT

The following regulations shall apply in all B-2 Districts:

A. Uses permitted:

1. All uses permitted in R-3 and B-1 Districts.
2. Stores and shops for the conduct of any retail or whole-sale business except alcoholic beverage dispensaries and retail liquor stores.
3. Theaters, pool parlors, and other places of amusement, recreation, or assembly.
4. Newspaper and printing establishments.
5. Private educational institutions.
6. Cleaning and laundry establishments using non-explosive and non-inflammable cleaning fluids.
7. Funeral and mortuary establishments, not including crematories.
8. Public parking areas, as specified in section 23-14, C.
9. Accessory buildings when located on the same lot.
10. Uses customarily incident to any of the above uses when located on the same lot; provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar cause, provided that such uses be conducted wholly within a building completely enclosed.
11. Other uses similar to the above, as provided in section 23-15, A-6.
12. Parking and loading space -- according to the requirements of sections 23-14, A and 23-14, B.

B. Building height limit:

One hundred and forty feet.

C. Required lot area:

1. Lots used in whole or in part for dwelling purposes shall comply with lot area requirements in R-3 Districts, provided that such requirements shall not apply to hotels and rooming houses where no cooking facilities are provided in the individual rooms, suites, or apartments.
2. There shall be no minimum size for lots used for business purposes, provided that no lot shall be so divided as to prevent access to an alley, if such exists, from any part of the original lot.

D. Yards required:

1. Front yard:
 - a. The front line of all buildings shall be forty feet from the centerline of the street upon which the lot faces.
 - b. No front yard shall be required except to satisfy the above requirements.
2. Side yards shall not be required; provided that if a side yard is provided it shall not be less than five feet in depth.
3. Rear yards shall not be required.

Section 23-11

BUSINESS-3 USE DISTRICTS; GENERAL BUSINESS DISTRICT

The following regulations shall apply in all B-3 Districts:

A. Uses permitted:

1. All uses permitted in B-2 Districts.
2. Automobile service stations, repair shops and sales areas; provided that automotive repairing and storage of parts shall be conducted wholly within a building

and subject to the provisions of section 23-15, A-2 and 23-15, A-3.

3. Bowling alleys.
 4. Plumbing, upholstering, cabinet-making, painting shops and similar uses; provided such use, including storage of materials, is conducted wholly within a completely enclosed building.
 5. Manufacture, compounding, processing, packaging, or processing of such products as bakery goods, candy, cosmetics, dairy products, drugs and toiletries, food and beverage products, ceramic products, electric and neon signs, musical instruments, toys, novelties, electric and electronic appliances, radios; provided that such uses, including storage of materials, equipment and products be conducted wholly within a completely enclosed building.
 6. Blacksmith shops and machine shops not using drop-hammer, punch press or other such devices; provided that such uses, including storage of materials, be conducted wholly within a completely enclosed building.
 7. Stone, marble, and granite monument works.
 8. Uses customarily incident to any of the above uses when located on the same lot; provided that such uses, operations, or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar cause.
 9. Other uses similar to the above as provided in section 23-15, A-6.
 10. Parking and loading space -- according to the requirements of sections 23-14, A and 23-14, B.
- B. Building height limit:
One hundred and forty feet.
- C. Required lot area:
Same as B-2 District.
- D. Yards required:
Same as B-2 District.

Section 23-12

INDUSTRIAL-1 USE DISTRICTS; LIGHT INDUSTRY

The following regulations shall apply in all I-1 Districts:

A. Uses permitted:

1. All uses permitted in B-3 Districts, except any residential use.
2. Automobile or truck assembling, repairing and remodeling, provided such use is conducted entirely within a building completely enclosed on all sides.
3. Airplane assembling, repairing and remodeling, provided that any open yard area used for this purpose be completely enclosed with a fence of the type provided in paragraph 22 below.
4. Battery repair and manufacturing.
5. Blacksmith shops.
6. Boat building.
7. Building material sales and storage yard.
8. Cabinet shops or furniture manufacture.
9. Cleaning and dyeing plants.
10. Contractors plants and storage yards.
11. Draying, freighting or trucking yards or terminals.
12. Feed and fuel yards.
13. Garment manufacture.
14. Laundries.
15. Lumber yards.
16. Machine shops.
17. Mills, planing.
18. Storage space for transit and transportation equipment, except freight classification yards.

19. Tire rebuilding, recapping and retreading.
 20. Wholesale business, storage buildings and warehouses.
 21. Other uses similar to the above, provided that they are not objectionable to nearby property by reason of odor, dust, smoke, fumes, gas, noise, or vibration, or are not hazardous to the health and property of the surrounding area through danger of fire or explosion. (See section 23-15, A-6.)
 22. The following types of yards shall be entirely enclosed within a fence at least eight feet high: all open storage yards, general heavy repair yards and yards for heavy equipment repair and storage excluding orderly display of new or reconditioned heavy equipment for sale or lease. The fence may consist of chain link, wood, concrete block, brick or other material approved by the building official. All fences shall be maintained in a sound structural condition and proper appearance at all times, and shall be kept free of signs, posters, or any advertising matter.
 23. Parking and loading space -- according to the requirements of sections 23-14, A and 23-14, B.
- B. Uses prohibited:
- All residential uses, except dwelling for watchman or caretaker employed on the premises and members of his family.
- C. Building height limit:
- Seventy-five feet.
- D. Required lot area:
- No minimum requirement.
- E. Lot coverage:
- The entire lot may be covered, except as necessary to meet parking, loading and yard requirements.
- F. Yards required:
1. Front yard depth -- ten feet.
 2. No side yards shall be required; except that any lot bordering on a residential district on the side shall

have a side yard of width not less than the minimum width required in said adjacent residential district.

3. Rear yard depth -- ten feet.

Section 23-13

INDUSTRIAL-2 USE DISTRICTS: HEAVY INDUSTRY

The following regulations shall apply in all I-2 Districts:

A. Uses permitted:

1. All uses not otherwise prohibited by law, except any residential use.
2. Parking and loading space -- according to the requirements of sections 23-14, A and 23-14, B.

B. Uses prohibited:

1. All residential uses, except dwelling for a watchman or caretaker employed on the premises and members of his family.
2. All uses that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions; provided, however, that any uses may be permitted if approved by the city planning commission and subject to the securing of a permit therefor and to such conditions, restrictions, and safeguards as may be deemed necessary by said commission for the purpose of protecting the health, safety, morals or the general welfare of the community.

C. Building height limit:

Seventy-five feet.

D. Required lot area:

No minimum requirement.

E. Lot coverage:

The entire lot may be covered, except as necessary to meet parking, loading, and yard requirements.

F. Yards required:

1. Front yard depth -- ten feet.
2. No side yards shall be required; except that any lot bordering on a residential district on the side shall have a side yard of width not less than the minimum width required in said adjacent residential district.
3. Rear yard depth -- ten feet.

Section 23-14

PARKING AND LOADING AREAS

A. Off-street parking:

1. The following parking spaces shall be provided and satisfactorily maintained, by the owner of the property, for each building which after the date this ordinance (chapter) becomes effective is erected, enlarged, or altered for use for any of the following purposes:
 - a. Dwellings and tourist courts -- at least one parking space for each dwelling unit in the building or buildings.
 - b. Rooming houses and resident clubs -- at least one parking space for every three guest rooms.
 - c. Hotels -- at least one parking space for every six guest rooms.
 - d. Auditoriums, churches, dance halls, exhibition halls, places of public assemblage, restaurants, skating rinks, taverns, theaters, and other commercial places if not located in a B-2 or B-3 District -- at least one parking space for each five seats based on maximum seating capacity or for each five occupants based on maximum capacity as calculated under the Uniform Building Code.
 - e. Hospitals, sanitariums, nursing homes, and welfare institutions -- at least one parking space for each five beds based on maximum capacity.
 - f. Food stores and shopping centers located in the B-1 zone -- at least one parking space for each two hundred square feet of building floor area.

- g. Other retail establishments, clinics, professional offices if not located in a B-2 or B-3 District -- at least one parking space for each two hundred and fifty square feet of building floor area.
 - h. Other offices and similar enterprises if not located in a B-2 or B-3 District -- at least one parking space for each three employees, based on maximum capacity as calculated under the Uniform Building Code.
 - i. Wholesale stores, warehouses, and storage buildings -- at least one parking space for each three employees, but not less than two parking spaces.
 - j. Industrial and manufacturing establishments in which there are more than five employees and officers -- at least one parking space for each four hundred square feet of gross floor area or for every three employees, whichever results in the larger number of parking spaces.
 - k. Motor vehicle maintenance and repair establishments -- at least four parking spaces for each service stall or facility; provided that all vehicles in the custody of the operator of the business for service, repair, storage, sale or other purposes shall be stored on the premises or on a separate vehicle parking lot and shall not be parked on a public right-of-way.
2. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as the above-mentioned use, which in the opinion of the building official shall be deemed most similar.
 3. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.
 4. For one-family and two-family dwellings, the parking spaces shall be not less than eight feet wide and twenty feet long, Parking spaces for other uses as required above shall have a gross area of not less than two hundred and fifty square feet per vehicle. An uncovered private parking area may occupy any yard required by this ordinance (chapter).

5. All parking space provided pursuant to this section shall be on the same lot with the main building it serves or on an adjoining lot, except that the board of examiners and appeals may permit the parking spaces to be on any lot within three hundred feet of the building, if it determines that it is impractical to provide parking on the same lot with the building. No parking area which existed at the time this ordinance (chapter) became effective (September 19, 1952) or which subsequently thereto is provided for the purpose of complying with the provisions of this ordinance (chapter), shall thereafter be relinquished or reduced in any manner below the requirements established in this section.

B. Loading areas:

Space for loading or unloading vehicles shall be provided in connection with every building or premises used or designed to be used for any institutional, commercial or industrial use, in such a way that no vehicle of any kind when using such loading space shall project into any public right-of-way. Such loading space shall not be less than twelve feet in width and twenty-five feet in length. Such space shall be provided with access to an alley, or if no alley adjoins the lot, with access to a street. Any required front or rear yard may be used for such purpose.

C. Public parking areas and automobile and trailer sales areas:

Public parking areas and automobile and trailer sales areas permitted herein shall be improved as follows:

1. Such area shall be paved with a gravel, crushed rock, asphalt or concrete surfacing, and shall have appropriate bumper guards.
2. Where such area adjoins the side of a lot in a residential district, the building official may require that it be separated from such lot by a fence or hedge. Provided, however, that such fence or hedge shall not extend into the front yard required on the lot on which it is located and shall be at least five feet and not more than six feet high.
3. Any lights provided to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises and streets.

D. Plan to be approved:

Detailed plans for all required parking and loading areas

shall accompany the building plans when the application for building permit is made. Detail plans for off-street parking shall include the following:

1. Area of the plot involved.
2. Layout and dimensions of each parking space.
3. Entrance and exit to the parking area and the direction of traffic.
4. Widths of all curb cuts, entrances, exits and driveways serving each parking space.

Section 23-15

SUPPLEMENTAL REGULATIONS

The provisions of this chapter shall be subject to exceptions, additions, or modifications as herein provided by the following supplementary regulations:

A. Uses:

1. Accessory uses -- garages. In residence districts the number of motor vehicles for which space may be provided as accessory to an authorized use shall not exceed the following:
 - a. In an R-1 or R-2 District, two vehicles; and for each six thousand square feet by which the lot area exceeds six thousand square feet, space for an additional vehicle may be provided.
 - b. In an R-3 District, two motor vehicles for a one-family or a two-family dwelling. For multiple-family residences, garage space may be provided for one vehicle for each dwelling unit for which such residence is arranged.
 - c. Space in a garage accessory to a multiple-family residence or a hotel shall be rented only to occupants of the premises. In conjunction therewith, one or more attendants may be employed. Such attendants may make minor adjustments to cars kept therein and may wash cars, change tires or perform similar services for tenants, provided that such work is done

entirely within the building and no machinery of any kind, other than an air pump, is employed.

2. Accessory uses -- motor vehicle repair shops. A motor vehicle repair shop shall not be permitted as an accessory use in a B-1 District. In a B-2 or B-3 District a motor vehicle repair shop shall not be permitted as an accessory use unless the plans for such accessory use shall have been submitted to the board of examiners and appeals and the approval of such board obtained. The board of examiners and appeals, in passing upon the request for such approval, may consider the type of machinery and equipment to be used and the methods of operation to be employed. The board of examiners and appeals shall not approve plans for such operations that in its judgment will produce excessive noise or endanger public safety.
3. Garages and filling stations. In a B-1, B-2, B-3, I-1 or I-2 District, plans for the erection or alteration of any garage for more than five motor vehicles and plans for any filling station, shall be approved by the board of examiners and appeals. Said board may require such changes therein in relation to yards, location of pumps and buildings and other facilities as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.
4. Signs*-- name plates, advertising signs, advertising structures. A permit shall be obtained from the building official prior to the installation of any type of signs, name plates, advertising signs, and advertising structures, excepting those of less than one square foot in area.

Signs are prohibited in R-1, R-2, R-3, B-1, I-1 and I-2 Districts except as permitted in the following regulations:

- a. In R-1, R-2 and R-3 Districts, one sign not exceeding one square foot giving the name of the occupant and a lawful home occupation shall be permitted.
- b. In R-1, R-2 and R-3 Districts, one sign not exceeding six square feet in area shall be permitted for the _____ purpose of advertising the sale or lease of a building

*Cross references. -- For additional provisions relating to advertising signs, see Chapter 3, Code of Ordinances of City of Anchorage. For provisions relating to permits for the erection of signs, see Section 14-52, Code of Ordinances of the City of Anchorage.

or premises. Such sign shall be mounted flat against the building or more than twenty feet from the front lot line.

- c. In R-1, R-2 and R-3 Districts, one sign not exceeding twenty square feet in area shall be permitted to identify multiple dwellings, hotels, clubs, lodges, hospitals, public and semi-public institutions and other uses similar to the above. Such sign shall be mounted flat against the building or more than twenty feet from the front lot line.
- d. In R-1, R-2 and R-3 Districts, churches, public and charitable institutions may maintain for their own use one announcement sign or bulletin board not exceeding twenty square feet in area. Such sign shall be located at least five feet back from the front lot line and on the same lot as the principal building.
- e. In R-1, R-2 and R-3 Districts, one sign not exceeding six square feet in area shall be permitted for non-conforming commercial uses. Such sign shall be mounted flat against the building or more than twenty feet from the front lot line.
- f. In R-1, R-2 and R-3 Districts, one sign not exceeding one hundred square feet in area shall be permitted to advertise a tract development or housing project of at least two acres in area. Such sign must be located at least twenty feet back from any street line and on the property being developed and shall not be maintained for more than one year, unless extension is granted by the board of examiners and appeals for a period not exceeding one year.
- g. In R-1, R-2 and R-3 Districts, one sign not exceeding fifty square feet in area may be permitted by the board of examiners and appeals to announce construction or major alteration of a multi-story or institutional building. Such sign must be located at least twenty feet back from any street line and on the lot being developed and shall not be maintained for more than one year, unless an extension is granted by the board of examiners and appeals for a period not exceeding one year.
- h. In R-1, R-2, R-3 and B-1 Districts, no sign of the flashing or animated variety shall be permitted.
- i. In B-1 Districts, one sign not exceeding twenty square feet in area shall be permitted on any one face of a

building, except that no more than three signs shall be permitted on any one building. In the event that more than one separate business enterprise is housed in the same building, additional signs not exceeding twenty square feet in area may be permitted by the board of examiners and appeals. Such signs shall be mounted flat against the building or more than twenty feet from any street line.

- j. In I-1 and I-2 Districts, signs not exceeding one hundred square feet in area shall be permitted. Such sign shall be three or more feet above the ground and shall be ten or more feet from any street line. If such signs are not attached to the wall of a building for their entire length, they must be lighted on both sides all night.
 - k. In B-1, B-2 and B-3 Districts, signs on the rear of any building shall be mounted flat against the building and attached firmly thereto. Such signs shall be at least ten feet above the street grade and in no case shall such signs project more than one foot over the rear property line into the alley.
5. Temporary uses. The board of examiners and appeals may permit the temporary use of a building or premises for a purpose that does not conform to the regulations prescribed by this chapter, provided that such structure or use is of a true temporary nature and is promotive of or incidental to the construction, establishment, or development of a use that conforms to the regulations for the district in which it is located. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve months period.
 6. Other uses permitted by board of examiners and appeals. Wherever the phrase "other uses similar to the above" is mentioned, it shall be deemed to mean uses which, in the judgment of the board of examiners and appeals as evidenced by a written decision, are similar to and not more objectionable to the general welfare than the uses listed for the particular use district. Other uses so determined by the board of examiners and appeals shall be regarded as listed uses. In no instance, however, shall these regulations be so interpreted as to permit a use in a district when such use is first permitted in a subsequent and lower use district; i.e., a use specifically listed in a B-2 District shall not be permitted in the B-1 District.

B. Height:

1. Height variances. The height limitations of this chapter shall not apply to church spires, belfries, cupolas, pent-houses and domes, not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulk heads, monuments, flag poles, and similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and none shall exceed one hundred and fifty feet without special permit by the board of examiners and appeals.
2. Ornamental features. The provisions of this ordinance shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament, but without windows, extending above such height limit not more than five feet.
3. Variations -- airport approach zoning. Notwithstanding the provisions contained in this chapter no variance to the height limit shall be permitted in any district included in an airport approach zone, except to the extent that the maximum height limit specified in such airport hazard district exceeds the height limit specified in the use district.

C. Area:

1. Reduced lot area. No lot shall be so reduced in area that any required yard or other open space will be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on such lot shall thereafter not be used until such building is altered, reconstructed, or relocated so as to comply with the area and yard requirements applicable thereto.
2. Dwellings on small lots. Single-family dwellings may be erected in an allowable use district on a lot containing an area or width smaller than that required for a single-family dwelling, provided that such lot was legally subdivided and separately owned or under contract of sale at the time of the passage of this chapter or any such lot legally subdivided in the future with official approval. The maximum building area allowed on any such small lot shall be based on the percentage of lot coverage allowed for the use district in which the lot is located. A portion of the allowable lot coverage shall be reserved

for automobile garages, present and future. Single-family dwelling units shall reserve two hundred and forty square feet of the allowable lot coverage for such purpose.

D. Yards:

1. Terraces. A paved terrace shall not be considered in the determination of yard sizes or lot coverage, provided, however, that such terrace is unroofed and without walls, parapets or other form of enclosure. Such terrace, however, may have an open guard railing not over three feet high, and shall not project into any yard to a point closer than four feet from any lot line.
2. Porches. All porches shall be considered a part of the building in determination of lot coverage and yard requirements.
3. Projecting architectural features. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves and other architectural features; provided, however, that such features shall not project more than two feet into any required yard.
4. Bay windows. Bay windows, including their cornices and eaves, may project into any required yard not more than two feet; provided, however, that the sum of such projections on any wall does not exceed one-third the length of said wall.
5. Fire escapes. Open fire escapes may extend into any required yard not more than four feet six inches.
6. Front yard depth adjustment. In any residence district in blocks where lots comprising forty per cent or more of the frontage are developed with dwellings having front yards with a variation of not more than ten feet in depth, the average of such yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located mainly on the rear one-half of a lot and buildings on a lot containing more than one principal building shall not be counted.

E. Accessory buildings in residential districts:

1. No accessory building shall be erected in any required yard, except in that portion of the rear yard located not less than the width of the required side yard from the side lot lines.

2. Accessory buildings shall not exceed twelve feet in height.

F. Fences:

Fences may be constructed at the lot line, provided, however, that front-yard fences over three feet high in any residence district shall meet the front yard setback required in the use district in which the lot is located.

G. Visibility at intersections:

On a corner lot in any residence district, no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed, planted or maintained within thirty feet of the property corner at the intersection nor within the triangular area so formed on the corner of the lot.

H. Hazardous nonconforming uses:

The following types of yards, which are continued as nonconforming uses in districts where otherwise prohibited, shall be entirely enclosed within a fence at least eight feet high: all yards for open storage, general heavy repair, junk storage, salvage or wrecking purposes and yards for heavy equipment repair or storage excluding the orderly display of new or reconditioned heavy equipment for sale or lease. The fence may consist of chain link, concrete block, brick or other material approved by the building official. All fences shall be maintained in a sound structural condition and proper appearance at all times for the public safety, and shall be kept free of signs, posters or any advertising matter.

Section 23-16

ADDITIONAL USES PERMITTED

A. Uses permitted:

The city planning commission may, after proper notice and public hearing in the manner prescribed in section 23-20, D, permit the following exceptions in any district unless otherwise herein specified, where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the comprehensive city plan and the zoning ordinance. In approving the uses referred to in this section, the city planning commission shall have the authority to impose such

conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the comprehensive city plan and zoning ordinance.

1. Airports.
2. Animal hospitals or boarding establishments and veterinary practices.
3. Cemeteries.
4. Concrete or cement products manufacture.
5. Crematories if located within a cemetery containing at least five acres.
6. Establishments or enterprises involving large assemblages of people or automobiles, including:
 - a. Amusement parks.
 - b. Circuses.
 - c. Fair grounds.
 - d. Open-air theaters.
 - e. Recreational centers.
 - f. Hospitals and sanitariums.
7. Gas manufacture and storage, provided that all manufacturing operations shall be subject to the approval of the building official.
8. Government enterprise (federal, territorial, state or local).
9. Greenhouses or tree nurseries.
10. Natural resources, development and extraction of, together with necessary buildings, apparatus or appurtenances incident thereto.
11. Off-street parking areas.
12. Private clubs.
13. Public libraries and museums and art galleries not operated for profit.

14. Public or private nurseries, public or non-profit elementary and high schools, and institutions for higher education.
15. Public utility or public service facilities.
16. Radio or television transmitters.
17. Tourist courts, auto courts, motor lodges or trailer courts.
18. Alcoholic beverage dispensaries, retail liquor stores and restaurants serving alcoholic beverages with meals in B-1, B-2, B-3, I-1 and I-2 Districts.
19. Group housing developments:

In the case of a dwelling group consisting of two or more buildings, the contemplated arrangement of which makes it impracticable to apply the requirements of this chapter to the individual building units in the group, a permit for the construction of such dwelling group may be issued only if the plans of such dwelling group comply with the following conditions:

- a. That the proposed dwelling group will constitute a residential environment of sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood, that it will result in intensity of land utilization no higher, and standard of open space at least as high, as permitted or specified in this chapter in the district in which the proposed dwelling group is to be located.
- b. That the tract of land on which the dwelling group is to be erected comprises at least seventy-five thousand square feet.
- c. That the buildings are to be used only for residential purposes and the customary accessory uses, such as garages, storage spaces, recreational and community activities.
- d. That the average lot area per dwelling unit on the site, exclusive of the area occupied by street, will not be less than the lot area required for each dwelling unit in the district in which the dwelling group is to be located.

- e. That there are provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population.
- f. That off-street parking is provided on the basis of one parking space for each dwelling unit within the development.
- g. That the development will not produce a volume of traffic in excess of the capacity for which the access streets are designed.
- h. That property adjacent to the proposed dwelling group will not be adversely affected.
- i. That such dwelling group not be located in an industrial district.
- j. That the proposed group housing development will be consistent with the intent and purpose of this chapter to promote public health, safety and general welfare.

Section 23-17

NONCONFORMING USES

The legal use of any building or land existing at the time of the enactment of this chapter (September 19, 1952) may be continued although such use does not conform with the provisions of this chapter, subject to the following regulations:

A. Extension:

A nonconforming use shall not be extended, but the extension of a use to any portion of a building which was legally arranged or designed for such nonconforming use at the time of the enactment of this chapter shall not be deemed the extension of such nonconforming use.

B. Changes:

If any nonconforming use of a building or land is changed to any other use, it shall be changed to a use conforming to the regulations for the use district in which such building or land is located and after such change it shall not be changed back to the original or any other nonconforming use. A nonconforming sign if removed from the premises shall not be replaced.

C. Alterations:

A building legally designed, arranged or devoted to a non-conforming use at the time of the enactment of this chapter (September 19, 1952) may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty per cent of the value of the building during any ten year period, unless the use of such building be changed to a conforming use. The ten year period shall begin with the issuance of the first permit for such alteration or repair at which time the value of the building shall be established. The value shall be the estimated cost to replace in kind, less depreciation, as specified in section 423 of the Uniform Building Code as amended in section 9-2 of the Code of Ordinances of the City of Anchorage. Total alterations in the succeeding ten year period shall not exceed fifty per cent of the value so established. A new ten year period shall begin at the end of the preceding period and the current value shall be established as of the beginning of each such period.

D. Restoration:

No building damaged by fire or any other causes to the extent of more than fifty per cent of the then current value of the building shall be repaired or rebuilt except in conformity with the provisions of this chapter. The current value shall be the estimated cost to replace in kind, less depreciation, as specified in section 423 of the Uniform Building Code as amended in section 9-2 of the Code of Ordinances of the City of Anchorage. When restoration is permitted, rebuilding shall be completed within one year if the rebuilt building is to continue to be used for a nonconforming use. In the event of restoration of a nonconforming building which has been altered in compliance with section 23-17, C above, the previously established ten year alteration period and valuation shall apply for the balance of the period regardless of the change in value incurred by the restoration.

E. Discontinuance:

When a nonconforming use has been discontinued, abandoned or non-used for a period exceeding ninety days, such nonconforming use shall not be resumed thereafter, and any future use shall be in conformity with the provisions of this chapter. In the case of nonconforming uses of an established seasonal nature, the ninety day discontinuance period shall commence with the beginning of each normal working season.

F. Cessation:

Automobile wrecking yards, salvage yards and junk yards: Notwithstanding any other provisions of this chapter, any automobile wrecking yard, salvage yard or junk yard in existence in any unclassified or residential district at the date of enactment of this chapter (September 19, 1952) shall at the expiration of one year from such date become a prohibited and unlawful use and shall be discontinued.

G. Construction approved prior to ordinance:

Nothing herein contained shall require any change in plans, construction, alteration, or designated use of a building for which a permit has been issued before the date of enactment of this chapter (September 19, 1952), and the construction of which shall have been actually begun and diligently prosecuted within three months of the date of issuance of said permit, and twenty-five per cent of which building shall have been completed within one year of the date of the permit, and which entire building shall be completed according to such plans as filed within two years from the date of said permit.

H. District changes:

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

Section 23-18

ADMINISTRATION

A. Enforcement:

This chapter shall be enforced by the building official of the city. No building permit or certificate of occupancy shall be issued by him except where the provisions of this chapter have been complied with.

B. Building permits:

No building, wall, fence or structure shall be erected, added to or altered until a permit therefor has been issued by the building official.

C. Certificate of occupancy:

No land shall be used, changed in use, or occupied until a certificate of occupancy shall have been issued by the building official. No building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the building official in accordance with the provisions of the Uniform Building Code.

D. Complaints of violations:

Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints shall be brought to the attention of the building official, who shall properly record such complaint and immediately investigate and report thereon.

E. Violations and penalties:

For any and every violation of the provisions of this chapter, the owner, agent or contractor of a building or premises where such violations have been committed or shall exist, and the owner, general agent or contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, contractor, or any other person who commits, takes part or assists in such violations or who maintains any building or premises in which any violations shall exist, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars or imprisoned in the city jail not to exceed thirty days or by both such fine and imprisonment. Each and every day that such violation continues shall be deemed a separate and distinct violation.

F. Interpretation, conflicts with other laws:

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 23-19

BOARD OF EXAMINERS AND APPEALS

A. Creation:

In order to assist the board of adjustment in the interpretation of this chapter and in carrying out duties prescribed in this chapter, there shall be and is hereby created a board of examiners and appeals, which shall consist of nine members appointed by the mayor and confirmed by the city council.

B. Proceedings:

Meetings of the board of examiners and appeals shall be held at the call of the chairman, or in his absence, by the acting chairman, and at such other times as the board of examiners and appeals may determine. Meetings shall be open to the public and records of proceedings shall be kept. The board may adopt rules for its proceedings.

Section 23-20

BOARD OF ADJUSTMENT

A. Organization:

1. The city council of the city shall constitute a board of adjustment, which is hereby created pursuant to Title 16, Chap. 1, Sec, 35, par. Twenty-Fourth ACLA 1949.
2. The chairman, or in his absence, the acting chairman, may administer oaths and compel attendance of witnesses by subpoena.
3. All meetings of the board shall be open to the public.

B. Powers of board:

1. Appeals. The board of adjustment shall hear and decide appeals taken from the board of examiners and appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the regulations established by this chapter.

2. Variances. The board of adjustment may upon appeal taken from the board of examiners and appeals in specific cases authorize such variance from the terms of this chapter, as will not be contrary to the public interest, where it is found that all four of the conditions set forth in section 23-20, C-2-b below exist.
 3. Exceptions. The board of adjustment may upon appeal taken from the city planning commission vary the applications of the regulations of this chapter by granting a permit, after due notice and public hearing, whenever it is provided in this chapter that the approval of the city planning commission is required.
 4. In exercising the above-mentioned powers, the board of adjustment may, in conformity with the provisions of this chapter and Title 16-1-35, 24th ACLA 1949, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- C. Procedure in applications for appeals and variances to the board of examiners and appeals:
1. Filing.
 - a. Applications for appeals and variances may be filed by any person aggrieved, or any taxpayer or any officer, department, board or bureau of the city. A variance may be sought whenever it is provided in this chapter that the approval of the board of examiners and appeals is required or whenever the relief prayed for is not specifically provided in this chapter.
 - b. Appeals from the action of the building official under this chapter may be taken by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the building official. Such appeal shall be taken within seven days of the date of such action, by filing with the board of examiners and appeals through the building official, a written notice of appeal specifying the grounds thereof. If appeal is not taken as specified herein, the right of appeal shall have been forfeited.
 - c. Request for interpretation of this chapter and application for variances and appeals must be filed with the building official on or before the first day of

the month to be given consideration by the board of examiners and appeals during that month.

- d. In order to defray the expenses connected with the consideration of applications for appeals and variances, the person filing such application shall pay to the city clerk a fee of ten dollars; provided, however, that if such application is filed by or in the name of a governmental agency, no such fee shall be required. One copy of the receipt for such fee shall be attached to the application and no such application shall be accepted, unless exempted by the above provision, without such receipt being attached. Regardless of the action taken on the application, the above required fee shall not be returned.

2. Procedure of the board.

- a. When an application has been filed, the building official shall forthwith transmit to the board of examiners and appeals all plans, specifications and papers pertaining to the application or action appealed from. The board shall decide the application within a reasonable time.
- b. The board of examiners and appeals may authorize such variance from the terms of this chapter, as will not be contrary to the public interest, where it is found that all four of the following conditions exist:
 - 1) That the strictest application of the provisions of this chapter would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of this chapter.
 - 2) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.
 - 3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such zone or neighborhood in which the property is located.
 - 4) That the granting of a variance will not be contrary to the objectives of the general plan.

- c. The board of examiners and appeals may submit any case to the city planning commission for the commission's recommendations or may request any such information from the city planning commission as it deems necessary to decide any case.

3. Appeals.

- a. Appeals from the action of the board of examiners and appeals on applications for appeals or variances under this chapter may be taken by any person or party aggrieved. Such appeal shall be taken within seven days of the date of such action by filing with the board of adjustment through the city manager a written notice of appeal specifying the grounds thereof.
- b. A report concerning each case appealed to the board of adjustment shall be rendered to the board of adjustment through the city manager by the board of examiners and appeals. Such report shall state the decision and recommendations of the board of examiners and appeals, together with the reasons for such decision and recommendations. All plans, specifications, and papers pertaining to the case shall accompany the report.

D. Procedure in applications for exceptions to the city planning commission:

1. Filing.

- a. Applications for exceptions from the regulations of this chapter whenever the approval of the city planning commission is required may be filed by any taxpayer, property owner, or party affected. The application must fully state any and all reasons justifying the granting of the exception.
- b. Applications for exceptions must be filed with the city planning director on or before the first day of the month to be given consideration by the planning commission during that month.
- c. In order to defray the expenses connected with consideration of applications for exceptions, the person filing such application shall pay to the city clerk a fee of twenty-five dollars; provided, however, that if such application is filed by or in the name of a governmental agency, no such fee shall be required. One copy of the receipt for such fee shall be attached

to the application and no application shall be accepted, unless exempted by the above provision, without such receipt being attached. Regardless of the action taken on the application, the above required fee shall not be returned.

2. Procedure of the commission.

- a. The commission shall hold a public hearing on any application for an exception. Public notice of such hearing shall be given by publishing notice thereof in a daily newspaper of general circulation within the city at least five days but not more than ten days prior to the date of the hearing. The commission shall also mail notices to the applicant and to the owners of all property affected by the application at least five days prior to the date of the hearing.
- b. The commission shall decide the application for exception within a reasonable time.

3. Appeals.

- a. Appeals from the action of the city planning commission on applications for exceptions under this chapter may be taken by any person or party aggrieved. Such appeal shall be taken within seven days of the date of such action by filing with the board of adjustment through the city manager a written notice of appeal specifying the grounds thereof.
- b. A report concerning each case appealed to the board of adjustment shall be rendered to the board of adjustment through the city manager by the city planning commission. Such report shall state the decision and recommendations of the commission together with the reasons therefor. All plans, specifications and papers pertaining to the case shall accompany the report.

E. Procedure of the board of adjustment in appeals:

1. The board of adjustment shall fix a reasonable time for hearing on any appeal taken from the board of examiners and appeals or the city planning commission if a public hearing is required or desirable.
2. The board shall give public notice of such hearing either by publishing notice thereof in a daily newspaper of general circulation within the city at least five days but not more than ten days prior to the date of hearing,

or by posting notices thereof in a public and conspicuous place within the area affected by the appeal. The board shall also mail notices to the appellant, and may mail notices to the owners of all property affected by any appeal at least five days prior to the date of the hearing. For the purpose of such notice, the affected property shall be deemed to be at least that area bounded by lines one hundred feet from and parallel to the boundaries of the area covered by the appeal or application. Notices may be sent to cover a greater area if it is deemed that the appeal affects a greater area.

3. Upon the hearing, any party may appear in person or by agent or by attorney.
4. The board of adjustment shall decide appeals within a reasonable time and shall give due consideration to the findings and recommendations of the board of examiners and appeals and the city planning commission.

F. Appeal to district court:

An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by any person or persons, jointly or severally aggrieved, or any taxpayer or any officer, department, board or bureau of the city, to the district court, by filing with the city clerk and with the board of adjustment, within thirty days from the action appealed from, a notice of appeal, which notice shall specify the ground of such appeal. Failure to file said notice of appeal in the manner and time herein specified shall forfeit any right to appeal.

G. Stay of proceedings:

1. An appeal from the decision of any administrative officer under this chapter stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
2. An appeal to the district court from the board of adjustment stays all proceedings in furtherance of the action appealed from, unless certification similar to that

described in the previous paragraph is made by the chairman of the board of adjustment to the court clerk.

Section 23-21

DISTRICT CHANGES AND AMENDMENTS

A. Authority:

The city council may, after proper notice and public hearing before the city planning commission, amend, supplement, or change by ordinance the boundaries of districts established on the zoning map of the city, or any of the regulations set forth in this chapter. Any proposed amendment, supplement or change shall first be submitted to the city planning commission for the required public hearing for its recommendation and report.

B. Initiation of changes:

1. By city council or city planning commission. The city council or the city planning commission may initiate proposed changes, which changes may be made after notice has been given as specified below and after a hearing has been held before the city planning commission.
2. By petition.
 - a. Any person or persons desiring a change in zoning of property shall submit a petition for such change in zoning to the city planning commission.
 - b. Such petition shall be signed by the real property owners, as shown on the assessment rolls, of seventy-five per cent or more of the area proposed to be rezoned and shall set forth the reasons and justifications for the change in zoning.
 - c. The petition shall show, opposite each signature, the description of the property owned, the address of the property owner, and the date on which the property owner signed the petition. Persons purchasing property under contract shall be construed hereunder as the owners of such property.
 - d. In order to defray the expenses connected with the consideration of petitions for change of district,

the person presenting the petition shall pay to the city clerk the fee herein required. One copy of the receipt for such fee shall be attached to the petition and no petition shall be accepted without such receipt being attached to said petition. The fee shall be twenty-five dollars, plus an additional fee of ten dollars for each block in excess of one block included in the proposed change. Whether a petition for a change of district is granted or denied by the city planning commission, the petitioner or applicant shall not be entitled to the return of the fee paid.

- e. Petitions shall be filed with the city planning commission on or before January 15, April 15, July 15, or October 15, to be considered by the city planning commission and the city council during the respective three month period following any such date.

C. Public hearing before city planning commission:

A public hearing shall be held by the city planning commission before the adoption of any final report by the planning commission to the council proposing an amendment or change in the zoning ordinance or regulations, restrictions or a district boundary. The city planning commission shall set the time and place of hearing and cause notice of such hearing to be given at which the parties in interest and citizens shall have an opportunity to be heard.

1. Whether the city planning commission has recommended approval or disapproval of an amendment or change in zoning or regulation, restriction or district boundary, the recommendation of the city planning commission shall be acted upon by the city council.
2. At least fifteen days' notice of the time and place of such hearing shall be published at least once in a paper of general circulation in the City of Anchorage.
3. When the proposed amendment covers a change in the zoning district classification of any property, notice of such public hearing shall be mailed to real property owners, as shown on the assessment rolls of all properties lying within the area proposed to be changed and to real property owners, as shown on the assessment rolls, of all properties lying within a radius of three hundred feet, exclusive of streets, from any part of the area proposed to be changed. Such notice shall be mailed not less than five days and not more than fifteen days before the time of such public hearing. Failure to notify any property owners as above provided shall not invalidate any

ordinance passed hereunder, provided such failure was not intentional, it being the intention of this section to provide so far as may be for notice to persons substantially interested in the proposed change. If there be property within the petition area or the affected area in the same or less restrictive district than the proposed change, property in such district shall be disregarded for purposes of mailing the notice of hearing, unless such property falls in one of the areas described in subsection F of this section.

D. City planning commission report:

As soon as possible after the quarterly due date of petitions for change in zoning, the city planning commission shall submit to the city council a report on such petitions as may have been submitted, showing:

1. Findings as to the need and justification for a change.
2. Findings as to the effect such change would have on the property in question, and on adjacent properties, and the relation it bears to the zoning of the city as a whole.
3. Recommendations to the city council as to approval or disapproval of the change in zoning.

E. Council action:

Whenever the city planning commission has recommended approval or disapproval of a change in the zoning ordinance or regulations, restrictions or a district boundary, such recommendation shall be acted upon by the city council. The city council shall hold a public hearing thereon at which time parties in interest and citizens shall have an opportunity to be heard. The time and place of such hearing shall be determined by the city manager. Notice of public hearing before the council shall be given in the same manner as notice is given of the public hearing before the planning commission.

F. Protests:

In case of a protest against a change in zoning district classification signed by the owners of twenty per cent or more either of the area of the lots included in such proposed change, or by the owners of twenty per cent or more of the area of the lots immediately abutting either side of the territory included in such proposed change, or separated

therefrom only by an alley or street, such amendment shall not become effective except by the favorable vote of five members of the council.

G. Modification of amendments:

After the public hearing thereon the city planning commission may make, and the city planning commission may recommend, and the city council may make, modifications of any proposed amendment if it believes that such change in the amendment would be in the interest of the adjacent property owners and of the community as a whole.

H. Filing of amendments:

All ordinances changing zoning district classifications shall be numbered consecutively, in addition to the ordinance number of passage. All such changes of district shall be filed with and indexed in the office of the city clerk and shall be noted on the zoning map established in section 23-3 of this chapter.

I. Districting of annexed areas:

Any area annexed to the city after the effective date of this chapter shall immediately upon such annexation be automatically classified as an R-1 District until a zoning plan for said area has been adopted by the city council. The city planning commission shall within ninety days following any annexation recommend to the city council appropriate zoning for the annexed area.

